

Exelon Generation  
4300 Winfield Road  
Warrenville, IL 60555

www.exeloncorp.com

Nuclear

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April 10, 2002

Secretary  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attn: Rulemakings and Adjudications Staff

April 30, 2002 (1:11PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

DOCKET NUMBER  
PROPOSED RULE 63  
(67FR 03628)

Subject: Response to Request for Comments on Proposed Rule "Specification of a Probability for Unlikely Features, Events and Processes"

Reference: Volume 67, Federal Register, Page 3628 (67 FR 3628), dated January 25, 2002

Exelon Generation Company, LLC appreciates the opportunity to comment on the NRC's proposed rulemaking regarding 10 CFR 63, "Disposal of High-level Waste in a Geologic Repository at Yucca Mountain, Nevada." This letter provides our comments in response to the above Reference. The NRC is proposing to define the term "unlikely" in 10 CFR 63 as a range of numerical values for use in determining whether a feature, event, or process or sequence of events and processes should be excluded from certain required assessments. We find the NRC's proposed definition of the term "unlikely" in quantitative terms to be reasonable, and we support the proposed change to 10 CFR 63.

Although not zero, the human intrusion event is of extremely low probability during the first 10,000 years of repository operation (i.e., the compliance period). Likewise, although not zero, groundwater contamination during the compliance period will be of extremely low probability. Categorizing these events as "unlikely", with the risk of occurrence "less than one chance in 10 and at least one chance in 10,000 of occurring within 10,000 years" assures the risk-informed intent of 40 CFR 197, "Public Health and Environmental Radiation Protection Standards for Yucca Mountain, Nevada," is met. Considering the conservative nature of the individual protection standard, the ultimate impact on humans due to "unlikely" features, events and processes will be to introduce only very low, acceptable levels of risk to the general public. The proposed definition of "unlikely" will facilitate a reasonable and prudently conservative analysis of these aspects of repository performance.

If you have any questions or require additional information, please contact K. A. Ainger at (630) 657-2800.

Respectfully,

*K. A. Ainger for*

Keith R. Jury  
Director – Licensing  
Mid-west Regional Operating Group

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