

**§ 197.35**

**40 CFR Ch. I (7-1-08 Edition)**

ADDITIONAL PROVISIONS

**§ 197.35 What other projections must DOE make?**

To complement the results of § 197.20, DOE must calculate the peak dose of the reasonably maximally exposed individual that would occur after 10,000 years following disposal but within the period of geologic stability. No regulatory standard applies to the results of this analysis; however, DOE must include the results and their bases in the environmental impact statement for Yucca Mountain as an indicator of long-term disposal system performance.

**§ 197.36 Are there limits on what DOE must consider in the performance assessments?**

Yes. The DOE's performance assessments shall not include consideration of very unlikely features, events, or processes, i.e., those that are estimated to have less than one chance in 10,000 of occurring within 10,000 years of disposal. The NRC shall exclude unlikely features, events, and processes, or sequences of events and processes from

the assessments for the human intrusion and ground water protection standards. The specific probability of the unlikely features, events, and processes is to be specified by NRC. In addition, unless otherwise specified in NRC regulations, DOE's performance assessments need not evaluate, the impacts resulting from any features, events, and processes or sequences of events and processes with a higher chance of occurrence if the results of the performance assessments would not be changed significantly.

**§ 197.37 Can EPA amend this rule?**

Yes. We can amend this rule by conducting another notice-and-comment rulemaking. Such a rulemaking must include a public comment period. Also, we may hold one or more public hearings, if we receive a written request to do so.

**§ 197.38 Are the Individual Protection and Ground Water Protection Standards Severable?**

Yes. The individual protection and ground water protection standards are severable.