

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N.W.
WASHINGTON, D.C. 20006

April 15, 1985

The Honorable Nunzio J. Palladino
Chairman
Nuclear Regulatory Commission
Room 1114
1717 H Street, N.W.
Washington, D.C. 20555

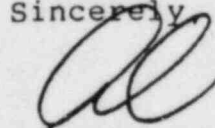
Dear Chairman Palladino: *Nunzio* —

As you know, CEQ has voted to amend the "worst case" regulation which governs part of the environmental impact statement process. On March 22, I discussed this at the Cabinet Council. I am enclosing a copy of the draft for your review and comment prior to the Council entering into a formal rulemaking. I would appreciate your response by April 26, 1985. I hope that you will offer comments both from the legal and program offices in your department as I believe the worst case issue is one which presents us with both legal and management difficulties.

CHAIRMAN-REG

16 APR 85 2 A copy of this letter is being sent to those in your department who are more familiar with the worst case issue to let them know I have sent this copy to you.* I hope you will feel free to contact me in the event you have any personal concerns.

Sincerely



A. ALAN HILL
Chairman

Enclosure

AAH/cdm

8505300149 850513
PDR COMMS NRCC
CORRESPONDENCE PDR

PROPOSED CEQ DRAFT REVISION OF 40 CFR 1502.22

§ 1502.22 Incomplete or unavailable information.

When an agency is evaluating significant adverse effects on the human environment in an environmental impact statement and there are gaps in relevant information or scientific uncertainty, the agency shall always make clear that such information is lacking or that uncertainty exists.

(a) If the information relevant to adverse impacts is essential to a reasoned choice among alternatives and is not known and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.

[~~(b) - If (1) the information relevant to adverse impacts is essential to a reasoned choice among alternatives and is not known and the overall costs of obtaining it are exorbitant or (2) the information relevant to adverse impacts is important to the decision and the means to obtain it are not known (e.g., the means for obtaining it are beyond the state of the art) the agency shall weigh the need for the action against the risk and severity of possible adverse impacts were the action to proceed in the face of uncertainty. - If the agency proceeds, it shall include a worst case analysis and an indication of the probability or improbability of its occurrence.]~~

(b) If information relevant to significant adverse impacts which is important to the decision cannot be produced because the overall costs are exorbitant or such information is not reasonably obtainable, the agency shall weigh the need for the action against the risk and severity of possible adverse impacts were the agency to proceed in the face of uncertainty. If the agency proceeds, it shall include an analysis of a reasonable range of adverse effects on the human environment and an indication of the probability or improbability of their occurrence, based upon credible scientific evidence.