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For Judge Hoyt

TO THE ATOMIC SAFETY AND LICENSING BOARD  
NUCLEAR REGULATORY COMMISSION

Judge Hoyt, Judge Cole, and Judge Harbour:

"For which of you, intending to build a tower, sitteth not down first and counteth the cost, whether he have sufficient to finish it."

.....Luke XIV: 28  
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If you look up the word "adequate" in Webster's Unabridged Dictionary, you will find this Bible passage. There is a tendency, in this day of cheaply used superlatives, to demote "adequate", but the dictionary does not support it, but instead supplies "fully sufficient" as a definition and "competent", "suitable", "full", "satisfactory" and "ample" as synonyms.

Unfortunately, the great issues--a citizen's rights not to be evacuated and not to have his property sacrificed to Mammon--have not been addressed. No one ever said it better than did Richard M. Ketchum, of "Blair and Ketchum's Country Journal" in July, 1979: "Why should intelligent people tolerate an energy system that requires an evacuation plan?"

Since millions of people, like it or not, are caught up in the nuclear system, no legal proceeding that even pretends to justice can, in evaluating evacuation plans, ignore the most serious and thorough attention to the controlling word: "adequate". No "pass-fail", "barely enough", "on balance", or "number-counting" concept will suffice. Every aspect of time and place must be thoroughly and honestly considered, whether the mileage be 1, or 10, or 50, or the time 1 day, or 30, or 10,000, as in the case of a serious particulate dispersal. If "probabilistic risk" is a fair standard against failure of a nuclear plant, it is a fair standard against success of an evacuation plan. And such a plan is a dread cost.

You are in a position of grave responsibility - and shining opportunity. No rules require you to compound error. No rules prohibit you from introducing statesmanship to a presently sordid area of the law.

Tragically, for thirty years, American proponents of nuclear power, in their headlong drive to realize upon economics they presumed superior - now dramatically disproven by experience - have been faithless to a basic principle upon which all engineering integrity rests. They have disposed of unresolved problems with a steamroller. Driving on, they have equipped that steamroller with wheels and operated it at high speed, on a twisting, narrow gauge legal track. And there, in the words of an Oklahoma journalist of years ago, they have violated all the principles of good railroading by placing the "empties" at the head of their train of thought.

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In your determination of the existence or absence of an adequate evacuation plan, no sound principles require you to join these nuclear activators in this cataclysmic "force fit." No sound principles require you to accept as your standard of the orbit of danger an unproven last minute truncation of an already artificially limited ten mile circle. No sound principles require you to bludgeon the people of the Schuylkill and Delaware Valleys with this final contemptuous blow.

In determining adequacy, you have available an age-enduring guide, in eleven words, which are commended to your memory, from a great scientist. Among his many achievements was expertise in the detection and control of poisons. When he died in 1878, France accorded him the first public funeral ever bestowed by it on a man of science. Claude Bernard said: "True science teaches us to doubt, and in ignorance to refrain."

History will regard as unimportant whether you win one for a governmental administration. History will regard as supremely important whether you win one for Claude Bernard - and for all who love truth.

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