WINFIELD A. HUPPUCH II
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September 26, 1973

Secretary of the Commission
U. S. Atomic Energy Commission
Washington, D. C. 20545

Attention Chief, Public Proceedings Staff

In re The Niagara Mohawk Power Corporation
Docket No. 50 - 410

Dear Sir:

There is filed herewith in the above proceeding original and twenty (20) conformed copies of statement of position of the undersigned, Winfield A. Huppuch II, who has been granted the right to make a limited appearance.

Very truly yours,

Winfield A. Huppuch II

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
NIAGARA MOHAWK POWER CORPORATION	)	Docket No. 50-410
	)	
(Nine Mile Point, Unit No. 2)	)	

Statement of Position
Winfield A. Huppuch II

The undersigned, Winfield A. Huppuch II, has been granted the right to make a limited appearance in this proceeding by order of the Atomic Safety and Licensing Board (the Board) dated January 26, 1973.

The undersigned, as of the date of this statement, resides in Salem, Washington County, New York, is an attorney at law duly licensed to practice in the State of New York, and, among other things, has served for three years as a member of the Atomic and Nuclear Power Committee of the New York State Conservation Council Inc., and for two years as the chairman of that committee and has also served as cochairman of a committee organized to oppose the construction of a fast breeder nuclear reactor proposed for location at Easton, Washington County, New York.

In urging the denial of all licenses sought for the construction and operation of the 1,100 megawatt nuclear

reactor proposed for construction at Nine Mile Point in Oswego County, New York, the undersigned makes the following statement of position:

It is incontrovertible that a nuclear reactor of the type and size proposed in this proceeding can experience a catastrophic accident. This possibility has been acknowledged repeatedly by the Atomic Energy Commission (the Commission).

It is also clear that such a catastrophic accident can result in death and injuries to a large number of people and extensive property damage and land contamination over a wide area. That the consequences of such a catastrophic accident may be extremely serious for the affected area has also been acknowledged repeatedly by the Commission.

While the Commission claims that the possibilites of such a catastrophic accident are extremely remote, no one knows or can know the real possibilities. Experience with reactors of the type and size proposed in this proceeding has been very limited to date. The highly regarded expert Dr. Ralph E. Lapp in an article dealing with the safety of nuclear reactors which appeared in the Januray 23, 1971, issue of The New Republic has stated that by the year 2000 "it would appear a certainty we will have a serious nuclear accident".

As a result of the possibility of a catastrophic accident, the Commission has adopted and followed to date its socalled urban siting policy. Under this policy the

Commission refuses to license large reactors such as the one proposed here for location in urban areas. The Commission thus acknowledges that a reactor such as the one proposed here is not yet safe enough to be sited in a city. If a reactor is not safe enough for location in a city then it is not safe enough to be sited in any other area where humans reside.

Furthermore, if licenses to construct and operate the reactor in question were to be granted, then the residents of the greater Nine Mile Point area would be exposed to the risks from three large reactors. Obviously the risks from three reactors will be greater than from only one or two.

It is grossly unfair and immoral to force the residents of the greater Nine Mile Point area to accept risks which are admittedly too great to force upon the residents of other areas, i.e. the cities.

This gross unfairness and immorality is compounded here by forcing the residents of the greater Nine Mile Point area to accept the risks, not from only one reactor, but from three.

Further, to force upon such residents risks which the Commission regards as too great for the cities would be to violate the constitutional rights of such residents to equal protection.

In urging the Board and/or the Commission to deny the licenses sought in this proceeding, undersigned summarizes his position as follows:

1) No large reactor should be sited anywhere in New York State (or elsewhere) unless and until it is safe enough to be sited in the heart of our largest cities; and

2) In any event, no more than one large reactor should be sited within any given area.

Respectfully submitted,

Winfield A. Huppuch II

Dated Sept., 25, 1973

Winfield A. Huppuch II
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