



1. Petitioner has a legally protected interest in this proceeding.

The hydrology, atmosphere, and soil of the earth which Petitioner seeks to protect by his intervention in the above-captioned proceeding are national natural resource treasures held in trust for the full benefit, use and enjoyment of all the people of the United States, subject only to wise use by the current holder of nominal title.

The rights which Petitioner seeks to protect by intervening in the above-captioned proceeding are additionally secured by the Ninth Amendment of the Constitution of the United States,

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

and under the due process and equal protection clauses of the Fifth and Fourteenth Amendments of the Constitution of the United States:

. . . nor shall any person . . . be deprived of life, liberty, or property, without due process of law; . . .

. . . no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Finally Petitioner's interest is set forth in the National Environmental Policy Act of 1969. There, Congress has declared a national policy to

Encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate

the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the nation; . . . (42 USC Section 4321)

This policy is based on recognition of "the profound impact of man's activity on the inter-relations of all components of the national environment" to protect these national natural resource treasures the Federal Government has been specifically directed to

1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
3. attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
4. preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
5. achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. (42 USC Section 4331 (B))

2. Petitioner has sufficiently alleged that the proposed operation of the Midland Plant may affect his legally protected interest.

Petitioner has amply set forth in his Petition to Intervene his contentions which substantiate the specific way in which his

legally protected interest may be affected by the operation of the proposed Midland Plant. The burden of proof in licensing proceedings such as the above-captioned proceeding is clearly on the applicant. (10 CFR 2 Appendix A III (c) (1)). To require that Petitioner set forth his contentions in detail beyond that already specified in his Petition to Intervene would effectively shift the burden of proof to Petitioner which is not contemplated under the Commission's regulations.

3. The interests sought to be represented by Petitioner is not adequately represented in the above-captioned proceeding.

Applicant avers that the interests and contentions of Petitioner Gadler are "receiving adequate representation and expression by existing parties" (Applicant's Answer p. 3). There is no basis in fact set forth in either Applicant's answer or the answer of the AEC Regulatory Staff for this assertion. Indeed, it appears to be based on the false hope that the additional issues relating to the environmental impact of the operation of the proposed Midland Plant which have been added to the above-captioned proceeding by the Supplementary Notice will in fact be addressed by those parties permitted to intervene prior to the issuance of the Supplementary Notice. To the contrary, it is highly unlikely that the additional issues relating to environmental matters will be adequately considered since Petitioner Gadler appears to have been the only person requesting leave to intervene pursuant to the Supplementary Notice.

WHEREFORE, for the above-stated reasons, Petitioner requests  
his Petition to Intervene be granted.

Respectfully submitted,

*Howard J. Vogel*

Howard J. Vogel  
Attorney for Petitioner  
814 Flour Exchange Building  
Minneapolis, Minnesota 55415

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Telephone: 333-3481