

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

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In the Matter of  
POWERTECH, INC.  
(Dewey-Burdock In-Situ Uranium Recovery  
Facility)

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Docket No. 40-9075-MLA  
ASLBP No. 10-898-02-MLA-BD01

August 13, 2010

**INTERVENORS' RESPONSE TO MEMORANDUM AND ORDER REQUIRING  
ELECTION OF PETITIONERS HENDERSON AND FRANKEL TO PROCEED  
INDIVIDUALLY OR THROUGH CWA AND ARM RESPECTIVELY**

The Licensing Board, in its Memorandum and Order dated August 5, 2010 in this matter, directed Intervenors David Frankel and Susan Henderson “to elect whether they wish to proceed as individual parties to this proceeding or to have their interests represented by ARM and/or CWA.” *Ibid*, at 21. The Board instructed the Intervenors that such election must be made within ten (10) days of the issuance of the Memorandum and Order. *Ibid*.

In response thereto, David Frankel has instructed the below-signed Counsel to inform this Board and hereby elects to be represented by Align for Responsible Mining (ARM), rather than to proceed in his individual capacity.

Susan Henderson, on the other hand, has instructed the below-signed Counsel to inform the Board and hereby elects to continue in her individual capacity as an intervenor, rather than participate only as a represented member of Clean Water Alliance (CWA).

Dated this 13<sup>th</sup> day of August, 2010.

Respectfully submitted,

/s/ Bruce Ellison (Executed electronically)  
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Consolidated Petitioners, CWA, and ARM  
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