

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL

In the Matter of )  
POWERTECH, INC. ) Docket No. \_\_\_\_\_  
(In Situ Leach Facility, Dewey-Burdock, SD ) License SUA-\_\_\_\_\_

STATE OF SOUTH DAKOTA )  
 ) SS:  
COUNTY OF FALL RIVER )

AFFIDAVIT OF LILIAS JARDING  
EXECUTIVE DIRECTOR, CLEAN WATER ALLIANCE

I, Lilias Jarding, Ph.D, hereby state as follows:

1. I make this affidavit as Executive Director and on behalf of the Clean Water Alliance (CWA) in connection with a Petition to intervene in the Application of Powertech, USA, d/b/a Powertech (a Canadian corporation), a/k/a The Dewey-Burdock Project concerning *in situ leach* uranium mine near Edgemont, South Dakota (the "Mine"). The mailing address for me as CWA Executive Director is P.O. Box 591, Rapid City, SD 57709.
2. I have authorized attorneys Bruce Ellison, David Frankel, and other attorneys working with the Clean Water Alliance to represent the CWA in this matter. I am fully familiar with the facts stated in this affidavit, and where opinions are expressed, I am competent to state such opinions based on my training, knowledge, experience and expertise. If sworn as a witness, I am competent to testify to the contents of this affidavit.
3. The Clean Water Alliance is a local Black Hills citizen's organization founded to educate ourselves and our community, and to protect our air, water, and soil resources, from the potential negative impacts of in-situ leach uranium mining in and surrounding the Black Hills. Our members live across the region, including near the proposed mining site, in northern Nebraska, and in Rapid City, SD.
4. We recognize that protecting the natural resources which nourish and sustain our land and wildlife, our families, and our agricultural and tourist based economies from contamination, is the responsibility of our generation, and on behalf of our children and their children's children.

Without uncontaminated water, soil, and air, we cannot exist and thrive as a region.

5. Studies indicate there is potential natural inter-mixing of aquifers in the proposed mining areas due to old unplugged drill holes and the lack of confining layers. Hence, there is no way the mining companies can guarantee that the Inyan Kara, the Madison, and the other major aquifers will not become polluted and unusable to people and animals.

6. There are over 4,000 abandoned exploration holes, many of them improperly plugged, in the proposed mining area, as well as abandoned old uranium mines in the area. There is the potential for these older uranium mining and exploration projects, together with the fractured nature of the rock in the area, to result in intermixing and contamination of groundwater resources.

7. Radioactive contamination is essentially forever. We already know this from naturally existing leaching of radioactive materials into our water and increased contamination from uranium mining to this point. There is already too high a level of cancer and other related problems in the Black Hills region. The public health and safety would seem to balance against permitting any mining operation which potentially could make this situation worse by contaminating our water, land and air resources with carcinogenic and toxics.

8. The three major aquifers - the Madison, the Minnelusa, and the Inyan Kara Group - all support the area economy. If Powertech (USA) Inc.'s proposed in-situ leach mine were to contaminate the water supplies of our communities and rural areas, it would be catastrophic as there are no other water supplies upon which our area could rely. The southern Black Hills would also no longer be a desirable place for tourists to come and enjoy our area, and thereby promote and sustain local businesses.

9. Large acreage public land in the area leased by local ranch operations, would be similarly impacted by any contamination of surface and subsurface water supplies.

10. History has shown the in-situ leach uranium mining contaminates water supplies in mined aquifers and aquifers that are hydrologically connected to the mined area. Such uranium mining operations have a history of accidents and spills. It is not technologically feasible to clean up wells and aquifers once they are contaminated.

11. The Clean Water Alliance expects the United States government and its agencies, such as the Nuclear Regulatory Commission, to protect our air and our surface and ground water resources from potential negative impacts of in-situ leach mining operations which may potentially pollute them.

12. CWA is also concerned about the NRC authorizing an in-situ mining permit to this foreign corporation whose corporate headquarters and primary investor are outside the United States. Thus, ultimate decisions about the operation of the proposed mine and any compliance with federal and state laws and regulations will be made by foreign based persons outside the

jurisdiction of our federal and state regulatory agencies and courts, and therefore the laws designed to protect our water, air, and health.

13. Foreign corporations like Powertech understand that South Dakota's environmental enforcement capacity is limited and poorly financed, resulting in the State being less capable of realistically monitoring and controlling such a mining operation so as to prevent destruction of our water supplies and other environmental and cultural resources. Compared to the other state in which the company proposes to gain mining permits, Colorado, the laws in South Dakota are weak. Powertech is therefore applying to the NRC to permit this in-situ leach mine partly because think they can get by without strict enforcement of effective environmental laws.

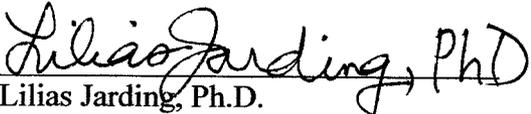
14. There are additional concerns from the standpoint of our local and national security interests. Once the yellowcake created from the foreign owned mine is shipped out of the country, we lose control over who ultimately gets the uranium mined here.

15. There are also security questions around the idea of permitting yellowcake production in a remote area where there are few law enforcement resources. The fact that the mining area straddles county boundaries and is on a state boundary also creates jurisdictional issues for law enforcement. The reality of this situation means that we will have only minimal protection from local theft of yellowcake for terrorist purposes.

16. The CWA therefore wishes to be a Petitioner and to be heard in any proceedings regarding Powertech's permit application to the NRC for a mining permit and anything having to do with the company's efforts to get a permanent exemption from the Safe Water Act.

This Affidavit is submitted in accordance with 10 C.F.R. Section 2.304(d) and 28 U.S.C. Section 1746. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 8th day of March, 2010.

  
Liliias Jarding, Ph.D.  
Executive Director, Clean Water Alliance