

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

In the Matter of)
POWERTECH, INC.) Docket No. 40-9075-MLA

(In Situ Leach Facility, Dewey-Burdock, SD)

PETITIONER DECLARATION

I, David Frankel, hereby make the following declaration:

1. I make this affidavit as Legal Director and on behalf of Aligning for Responsible Mining in connection with a Petition to 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 in Custer County and Fall River County, South Dakota (the "Mine"). My physical address is 1705 S Maple, Chadron, NE 69337. The mailing address is POB 3014, Pine Ridge, SD 57770.

2. I have authorized attorneys Bruce Ellison, David Frankel and other attorneys working with the Clean Water Alliance and Aligning for Responsible Mining to represent Aligning for Responsible Mining in this matter and to file contentions on its behalf. I am fully familiar with the facts stated herein, 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 hereof.

3. Members of Aligning for Responsible Mining use water which comes from the Madison Aquifer and use water from the Inyan Kara for personal, household, domestic purposes, drinking, and bathing, gardening and irrigation.

This Declaration 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.

March 8, 2010



David Frankel, Legal Director