

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, Theodor P. Ebert, hereby make the following declaration:

1. I make this affidavit 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 538 Albany Ave, Hot Springs, SD South Dakota 57747. The mailing address for me is Same. I am a member of Aligning for Responsible Mining.

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 me in this matter and to file contentions on my 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. I use water for personal, household, domestic purposes, [including gardening, irrigation, bathing, drinking]. To my knowledge, my water comes from the Ogallala aquifer.

4. At present I have lived in the County of Fall River and the Town of Hot Springs for the last 9 years. I can attest that the water in Edgemont has worsened in just the time I have been here (In both cloudiness and Oder). It

5. February 28th 2010; I drove the stretch of road between Edgmont and Dewey SD there was no evidence that cattle had been grazing on the land west of the tracks for some time. I say this because of the claim that the water is save. It appears the land owners themselves are not so sure of that.

6. I live her and my thoughts are to the future. My great grand children have a right to clean water and a cleaner enviroment. Uranium is just too deadly to mess with. I can understand as a Country we must defend ourselves. The uranium being mined is not for our country and we have no regulation that could holdup to stop Power Tech from selling it to whom ever they choose.

7. As a member of Fall River County and The human race I'm not convinced that this or any other mining technique is safe. That in less it is in direct use for National Defence it should be strictly prohibited.

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 5, 2010


[name]