

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 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 101 Walnut Street, Buffalo Gap, SD 57722. The mailing address for me is POB 143, Buffalo Gap, SD 57722. I am a member of Aligning for Responsible Mining.

2. I have authorized attorneys Bruce Ellison, 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, drinking, and bathing which comes from the Madison Aquifer via Fall River Water District and I use water from a well in the Inyan Kara for gardening and irrigation at my residence.

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