

# **AFFIDAVIT**

**Of**

**Frank Lichnovsky**

This affidavit addresses Consolidated Intervenor's and the Oglala Sioux Tribe's review of the additional data Powertech (USA), Inc. (Powertech) made available for review pursuant to the September 8, 2014, order by the Atomic Safety and Licensing Board ("ASLB").

1. My name is Frank Lichnovsky and I am the Chief Geologist for Powertech. My place of employment is the Powertech office in Edgemont, South Dakota. I was present in the office during visits by various consultants to review the data Powertech recently made available pursuant to the ASLB's order, including the borehole logs in Powertech's possession prior to the acquisition of additional data from Energy Fuels and the additional data and maps acquired from Energy Fuels.

2. On September 8, 2014, the ASLB ordered that additional borehole data not submitted with Powertech's license application and that received from Energy Fuels and noticed in the press release dated July 16, 2014, be made available for review by the other parties in this proceeding, including the Consolidated Intervenor, the Oglala Sioux Tribe, and the NRC Staff.

3. During review of the data by various parties, I was seated in an adjacent office to observe the review and assist as needed. My observations are set forth below.

4. Dr. Hannan LaGarry, PhD, consultant for the Consolidated Intervenor, arrived by himself at Powertech's Edgemont office at approximately 1:00 p.m. on Friday, September 12, 2014. He put the DVD, provided by Powertech containing the electronic data obtained from Energy Fuels, in his computer and spent roughly two hours working on the computer. He then pulled from the Energy Fuels data a single box of data and reviewed and made notes on lithology logs (records of samples collected from drill cuttings), but to my knowledge he did not look at geophysical logs. He worked until approximately 5:00 p.m. Dr. LaGarry stated that he would call Mr. Frankel Friday night but that he should be able to finish mid-morning on Saturday.

5. Dr. LaGarry reported that he had car trouble on Saturday and arrived at 2:20 p.m. He continued to look at lithology logs from the same box of data and left the office around 5:00 p.m. On Sunday he came into the office around 9:30 a.m., worked on his computer until approximately 4:30 p.m., and left.

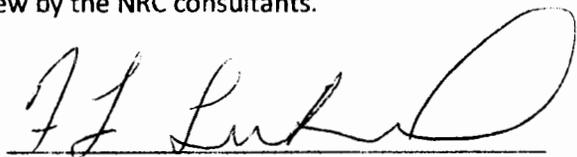
6. During the entire three-day period, Dr. LaGarry spent a few hours working on his computer. He reviewed only eight books of lithology logs (no geophysical logs) from one box of Energy Fuels data out of over 25 boxes of Energy Fuels data on hand. To the best of my knowledge, Dr. LaGarry did not look at any other paper information during his visit, including paper copies of geophysical logs or maps from Energy Fuels. He also did not review any of Powertech's files of previously existing logs. He also did not ask how to open the digitized files on the DVD. As of the date of this affidavit, there have been no

additional visits to Edgemont or requests to do so by Dr. LaGarry or any other witness from the Consolidated Intervenor or the Oglala Sioux Tribe during the specified 30-period day review period.

7. Three NRC technical consultants from Southwest Research Institute arrived on September 23, 2014, and spent the day (from 9:00 a.m. – 4:30 p.m.) pulling geophysical logs from the Energy Fuels data and hanging and reviewing cross sections across areas that they specifically wanted to evaluate further, including the area purported by Dr. Moran to contain a “major fracture system” and “sinkhole.” NRC Staff’s consultants reviewed the Energy Fuels data from most of the boxes and geophysical logs previously in Powertech’s possession that are contained in filing cabinets as well.

8. Out of a total of 27 ½ boxes of data acquired from Energy Fuels, a total of 18 boxes contained geophysical logs.

9. In addition to myself, Lisa Scheinost, Powertech’s Licensing and Environmental Compliance Engineer, was present during Dr. LaGarry’s review in Edgemont. John Mays, Powertech’s Chief Operating Officer, was also present in the Edgemont office during the review by the NRC consultants.



Frank Lichnovsky, Chief Geologist  
Powertech (USA), Inc.

State of South Dakota                    )  
  )ss.  
County of Fall River                    )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> of October 2014 by Frank Lichnovsky of Powertech (USA), Inc., a South Dakota corporation.

  
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Notary    My Commission Expires 11-18-2019

