

February 10, 2009 (2:40am)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of

Docket No. 40-8943

ASLBP No. 07-859-03-MLA-BD01

CROW BUTTE RESOURCES, INC.
(License Amendment for the North Trend
Expansion Project)

February 9, 2009

NOTICE OF APPEARANCE

COMES NOW, attorney Thomas J. Ballanco, pursuant to the Board's Order of January 29, 2009, and enters his appearance in this matter.

1. Identification: Thomas J. Ballanco
 945 Taraval Ave. # 186
 San Francisco, CA 94116
 (650) 296-9782
 HarmonicEngineering1@mac.com

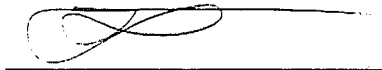
2. Client Identification: Oglala Delegation
 Black Hills Sioux Nation Treaty Council
 Chief Oliver Red Cloud, Chairman
 Pine Ridge, South Dakota 57770

3. Professional Affiliation:

I am licensed to practice law by the State of California, State Bar # 194345. I am also licensed to practice in the U.S. District Court for the Eastern District of California, the U.S. District Court for the Central District of California, the United States Court of Appeals for the 9th Circuit and the United States Court of Appeals for the 8th Circuit.

I am authorized by my client, the Oglala Delegation of the Black Hills Sioux Nation Treaty Council, to take all actions necessary, reasonable and appropriate in my representation in this matter.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Thomas J. Ballanco
Attorney for Petitioner

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

In the Matter of:

CROW BUTTE RESOURCES, INC.
(License Amendment for the North Trend
Expansion Project)

Docket No. 40-8943
ASLBP No. 07-859-03-MLA-BD01
January 30, 2009

AFFIDAVIT

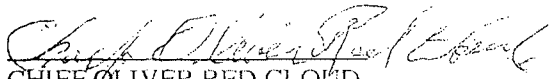
I am Chief Oliver Red Cloud, chairman of the Oglala Delegation of the Black Hills Sioux Nation Treaty Council. I reiterate, and hereby incorporate by reference, each and every point of my July 28, 2008 AFFIDAVIT filed in the Crow Butte Resources, Inc. ("CBR") licensing renewal proceeding.

The Oglala Delegation of the Black Hills Sioux Nation Treaty Council ("Oglala Delegation") shall participate in the CBR Expansion proceedings as well and respectfully thanks the board for this opportunity and invitation in its January 27, 2009 Order.

I shall be the designated representative of the Oglala Delegation and Thomas J. Ballanco shall be our counsel for these proceedings.

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.

Executed on January 30, 2008, at Pine Ridge, South Dakota


CHIEF OLIVER RED CLOUD
Chairman, Oglala Delegation
Black Hills Sioux Nation Treaty Council

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

In the Matter of

Docket No. 40-8943
ASLBP No. 07-859-03-MLA-BD01

CROW BUTTE RESOURCES, INC.
(License Amendment for North Trend
Expansion Project)

February 9, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies of **THOMAS J. BALLANCO'S NOTICE OF APPEARANCE ON BEHALF OF THE OGLALA DELEGATION'S** in the above captioned proceeding has been served on the following persons by electronic mail on this 9th day of February, 2009:

Judge Ann Marshall Young, Chair
Atomic Safety and Licensing Board
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U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
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Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Johanna.Thibault@nrc.gov

Judge Fred W. Oliver
10433 Owen Brown Road
Columbia, MD 21044
E-Mail: FWOliver@verizon.net

Office of the Secretary
Attn: Docketing and Service
U.S. Nuclear Regulatory Commission
Washington, DC 20555
E-mail: Hearing.Docket@nrc.gov

Judge Richard F. Cole
Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
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Mrs. Johanna Thibault
Board Law Clerk

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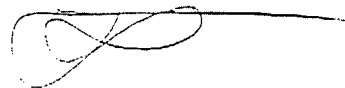
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Respectfully Submitted,



Thomas J. Ballanc

Attorney for Petitioner

Hearing Docket

From: Harmonic Engineering [harmonicengineering1@mac.com]
Sent: Tuesday, February 10, 2009 2:40 AM
To: David Cory Frankel
Cc: MDMSJN@alltel.net; belli4law@aol.com; jakefro@aol.com; slmbttsag@bbc.net; LAKOTA1@gwtc.net; TCOOK@indianayouth.org; Ashley Prange; Ann Young; Hearing Docket; Johanna Thibault; Karen Valloch; Richard Cole; Secy; SherVerne Cloyd; buffalobruce@panhandle.net; fwoliver@verizon.net; OCAAMAIL Resource; steve_collings@cameco.com; TrSmith@winston.com; Catherine Marco; Molly Barkman; Marc A. Ross (marcr@rocktheearth.org); Harold S. Shepherd (waterlaw@uci.net); Elizabeth M. Lorina (elorina@gnzlawfirm.com); Mario Gonzalez; Shane Robinson; Brett Klukan; Shahram Ghasemian
Subject: Re: Crow Butte (North Trend Expansion) - Notice of Appearance
Attachments: TJBNoticeAppExpansion.pdf; CORaff1.pdf; ExpCOS.pdf; ATT00001.txt

Greetings,

Attached please find my Notice of Appearance on behalf of the Oglala Delegation of the Black Hills Sioux Nation Treaty Council in the North Trend Expansion case, along with an affidavit authorizing the same and the Certificate of Service.

Thank you,

Tom Ballanco, Attorney
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Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov
(148.184.200.145) with Microsoft SMTP Server id 8.1.291.1; Tue, 10 Feb 2009
02:39:54 -0500

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asmtput020.mac.com (Sun Java(tm) System Messaging Server 6.3-7.03 (built Aug 7
2008; 32bit)) with ESMTA id <0KEU00AQUAMA2P60@asmtput020.mac.com>; Mon, 09 Feb
2009 23:39:51 -0800 (PST)

CC: MDMSJN@alltel.net, belli4law@aol.com, jakefro@aol.com, slmbttsag@bbc.net,
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From: Harmonic Engineering <harmonicengineering1@mac.com>

To: David Cory Frankel <davidcoryfrankel@gmail.com>

In-Reply-To: <C55BE164.29D2D%davidcoryfrankel@gmail.com>

Subject: Re: Crow Butte (North Trend Expansion) - Notice of Appearance

Date: Mon, 9 Feb 2009 23:39:46 -0800

References: <C55BE164.29D2D%davidcoryfrankel@gmail.com>

X-Mailer: Apple Mail (2.930.3)

Return-Path: harmonicengineering1@mac.com