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August 3, 2004

Hon. Richard Cushing Donovan, Clerk of Court
United States Court of Appeals for the First Circuit
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210
ATT: LINDA

RE: *Citizens Awareness Network, Inc. v. United States Nuclear Regulatory Commission*
No. 04-1145

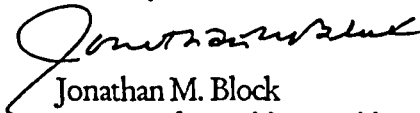
Dear Mr. Donovan:

For filing with the Court, enclosed here please find an original and three (3) copies of petitioner Citizens Awareness Network's "Motion for Leave to Include Addendum In Reply Brief".

Please use the provided copy of this letter to stamp in acknowledging receipt of the above contents and send it back to me in enclosed pre-addressed, stamped envelope.

Thank you for your assistance.

Sincerely,



Jonathan M. Block
Attorney for Petitioner Citizens Awareness Network
Court of Appeals Bar Number 30343

Enc./ As listed herein above
cc: Service List

Before the
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

CITIZENS AWARENESS NETWORK, INC.,
Petitioner,

v.

No. 04-1145

U.S. NUCLEAR REGULATORY COMMISSION
and the UNITED STATES OF AMERICA,
Respondents

CITIZENS AWARENESS NETWORK'S
MOTION FOR LEAVE TO INCLUDE ADDENDUM IN REPLY BRIEF

On July 29, 2004, Petitioner Citizens Awareness Network [CAN] filed its Reply Brief in the above captioned matter. CAN included in the Reply Brief an addendum containing two items. CAN hereby moves for permission to include this short addendum, setting forth facts and law in support of this request as follows.

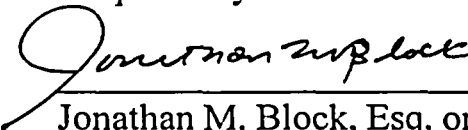
CAN included a short, six page addendum containing copies of documents referenced in the Reply Brief. Reply Brief at B-1 to B-6. The Federal Rules of Appellate Procedure do not address inclusion of an addendum to a party's Reply Brief. *See* FRAP 28(c) (stating only that the reply brief "must contain a table of contents, with page references, and a table of authorities ... with references to the pages of the reply brief where they are cited"). The first document in CAN's Reply Brief addendum is available on the NRC's website and was furnished solely for the

court's convenience. The second document, which is the final portion of a document included in the addendum to CAN's principal brief, was unavailable at the time CAN filed its principal brief.

CAN asked respondents and petitioners for their positions on this motion. The Department of Justice does not object to the filing of CAN's Reply Brief addendum. Respondent Nuclear Regulatory does not object to filing the addendum, but does not concede that the documents therein are part of the administrative record. Respondent NEI and Petitioners National Whistleblower Center and Committee for Safety at Plant Zion did not respond prior to the filing of this motion. Petitioners Public Citizen Critical Mass Energy and Environmental Program and Nuclear Information and Resource Service do not object to the filing of CAN's Reply Brief addendum.

Wherefore, CAN respectfully moves the Court for leave to permit the filing of CAN's Reply Brief addendum.

Respectfully submitted:



Jonathan M. Block, Esq. on 8/3/2004
First Circuit Bar Number 30343
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cc: Service List

Before the
**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

CITIZENS AWARENESS NETWORK, INC)
 Petitioner)

and)

No. 04-1145

NATIONAL WHISTLEBLOWER CENTER and)
CTIZENS CONCERNED ABOUT PLANT ZION)
 Petitioner's intervenors)

PUBLIC CITIZEN CRITICAL MASS ENERGY)
AND ENVIRONMENT PROGRAM, and)
NUCLEAR INFORMATION AND RESOURCE)
SERVICE, Petitioners,)
 v.)

No. 04-1359

UNITED STATES AND UNITED STATES)
NUCLEAR REGULATORY COMMISSION)
 Respondents)

and)

CERTIFICATE
OF
SERVICE

NUCLEAR ENERGY INSTITUTE,)
 Respondents' Intervenor)

I, Jonathan M. Block, Attorney for Citizens Awareness Network, Inc., hereby certify that on August 3, 2004, I served on the parties listed below by way of postage pre-paid First Class United States Mail copies of Citizens Awareness Network's "Motion for Leave to Include Addendum in Reply Brief".

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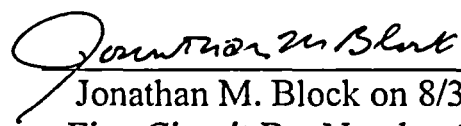
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