

(b) (6)

February 26, 2015

Ms. Stephanie A. Blaney
Acting FOIA Officer
U.S. Nuclear Regulatory Commission
Mail Stop T5-F09
Washington, DC 20555-0001

FOIAPA REQUEST
Case No.: 2015-0165
Date Rec'd: 2/27/15
Specialist: _____
Revised Case: _____

Subject: Freedom of Information Act Request

Dear Ms. Blaney:

The following information is requested pursuant to the Freedom of Information Act (FOIA), Title 5 of the U.S. Code, Section 552 (5 U.S.C. 552).

First Item: "Go Back and Look" Budget Request Document Referred to By NRC Counsel During Oral Argument on May 2, 2012

Volume 26 of NUREG-1100¹ indicates that the U.S. Nuclear Regulatory Commission (NRC) requested \$10 million for Fiscal Year 2011 to conduct "an orderly closure" of the Yucca Mountain licensing proceeding.² However, in oral argument before the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit Court) on May 2, 2012, counsel for NRC indicated that more money had been requested—see on p. 39 of the attached transcript, which states: "[Y]ou could go back and look. The Commission asked for more money." Please provide a copy of the document at which the Court was invited to "go back and look"; *i.e.*, the document that evidences—contrary to NUREG-1100, Volume 26—that the NRC requested sufficient funding for Fiscal Year 2011 to continue to meet its responsibilities under the Nuclear Waste Policy Act of 1982, as amended (NWPA).

Second Item: Advice Document(s) Referred to By NRC Counsel During Oral Argument on May 2, 2012

The attached transcript also makes reference to "advice" the NRC received to the effect that the agency "would only get \$10 million" for the Yucca Mountain licensing proceeding "and that was for close out" (see on p. 39 of the attached transcript). Please

¹ *Congressional Budget Justification for FY11*, dated February 2010; see here: <http://pbadupws.nrc.gov/docs/ML1004/ML100490733.pdf>.

² *Id.* at pp. 9-10 ("The FY 2011 budget request for High-Level Waste Repository is \$10.0 million ... Major activities the requested resources will support include the following: ... Work related to an orderly closure of the agency's Yucca Mountain licensing support activities [and no other activities].")

provide a copy of the document that transmitted that advice and any subsequent documents, whether generated by or received by the agency, that contain related discussions. In particular, please include documents that specifically discuss whether NRC's actions to follow the advice and "close out" the Yucca Mountain proceeding:

- (1) were the right things to do in terms of advancing public health and safety, and NRC's mission;
- (2) would impugn or negate NRC's credibility as an *independent* federal agency;
- (3) could be criticized as, or potentially adjudged to be, defying or even flouting the NWPA, especially in view of the D.C. Circuit Court's earlier ruling, on July 1, 2011, that it was NRC and not the U.S. Department of Energy (DOE) that then had the onus to act under the NWPA;³
- (4) would likely require the orchestration of a systematic campaign of noncompliance to accomplish; and/or
- (5) could reasonably be characterized as obstruction of a proceeding before the agency, redressable through 18 U.S.C. 1505, "Obstruction of Proceedings Before Departments, Agencies, and Committees."

Third Item: Document Referred to in NUREG-2157, Appendix D, Response to Comment No. D.2.53.3

On August 13, 2013, the D.C. Circuit Court ruled⁴ that the NRC, despite clear warnings by the Court in July 2011⁵ and August 2012,⁶ was "defying" and "flouting"⁷ the NWPA. The concurring opinion, by Senior Circuit Judge Randolph, noted that a "systematic campaign of noncompliance" was being "orchestrated" at NRC.

³ See *In re: Aiken County*, decided July 1, 2011, by the D.C. Circuit Court, at: [http://www.cadc.uscourts.gov/internet/opinions.nsf/872039F019B626D7852578C00053956D/\\$file/10-1050-1316111.pdf](http://www.cadc.uscourts.gov/internet/opinions.nsf/872039F019B626D7852578C00053956D/$file/10-1050-1316111.pdf) ("[T]he NWPA requires the Commission to review the application ... and therefore we must assume that the Commission will comply with its statutory mandate").

⁴ *In re: Aiken County*, decided August 13, 2013, by the D.C. Circuit Court; see at: [http://www.cadc.uscourts.gov/internet/opinions.nsf/BAE0CF34F762EBD985257BC6004DEB18/\\$file/11-1271-1451347.pdf](http://www.cadc.uscourts.gov/internet/opinions.nsf/BAE0CF34F762EBD985257BC6004DEB18/$file/11-1271-1451347.pdf).

⁵ See *id.*, p. 4. ("In 2011, a prior panel of this Court indicated that, if the Commission failed to act on the Department of Energy's license application within the deadlines specified by the Nuclear Waste Policy Act, mandamus likely would be appropriate.")

⁶ See *id.*, pp. 4-5. ("In 2012, ... a majority of the Court ... made clear that, given the current statutory language and the funds available to the Commission, the Commission was violating federal law by declining to further process the license application.")

⁷ The use of the word "flouting" by the Court is noteworthy because it reflects the Court's conclusion that there was an element of *contempt* in NRC's actions. See definitions for "flout" in Collins ("to show contempt (for)"), Merriam-Webster ("to treat with contemptuous disregard"), and Webster's ("[to] show scorn or contempt for").

NRC's adjudged actions to frustrate the NWPA are serious because they adversely impact energy security,⁸ national security,⁹ protecting the environment,¹⁰ facilitating continuation of research, medical, and humanitarian programs,¹¹ assisting anti-terrorism at home,¹² nuclear safety,¹³ the national fisc,¹⁴ and the reputation and credibility of the NRC as a competent¹⁵ and independent¹⁶ regulator. This seriousness led me to

⁸ See generally Sec. 8.2, "Energy Security," in *Recommendation by the Secretary of Energy Regarding the Suitability of the Yucca Mountain Site for a Repository Under the Nuclear Waste Policy Act of 1982*, dated February 2002 ("DOE Secretary's Recommendation") (available at: http://energy.gov/sites/prod/files/edg/media/Secretary_s_Recommendation_Report.pdf).

⁹ See generally Sec. 8.3, "National Security," in the DOE Secretary's Recommendation.

¹⁰ See generally Sec. 8.4, "Protecting the Environment," in the DOE Secretary's Recommendation.

¹¹ See generally Sec. 8.5, "Facilitating Continuation of Research, Medical, and Humanitarian Programs," in the DOE Secretary's Recommendation.

¹² See generally Sec. 8.6, "Assisting Anti-Terrorism at Home," in the DOE Secretary's Recommendation.

¹³ See, e.g., discussions in NRC's Information Notices 2012-20, *Potential Chloride-Induced Stress Corrosion Cracking of Austenitic Stainless Steel and Maintenance of Dry Cask Storage System Canisters*; 2013-07, *Premature Degradation of Spent Fuel Storage Cask Structures and Components from Environmental Moisture*; and 2014-09, *Spent Fuel Storage or Transportation System Misloading*. More recently, see *Audit of NRC's Oversight of Spent Fuel Pools* by the NRC's Office of the Inspector General, Report QIG-15-A-06, dated February 10, 2015, which describes utilities' actions to "rerack" their spent fuel pools to provide additional storage capacity; problems with degradation of neutron absorbing material used in the pools to maintain subcriticality in the denser configurations (a concern characterized by NRC staff, the report notes, as "probably the most important spent fuel pool safety issue"); and spent fuel pool "criticality analyses [that are] often ... inadequate or insufficient according to NRC." The safety concerns expressed in all of these documents have been caused or exacerbated by protracted frustration of NWPA implementation, including, now, the adjudged "defying" and "flouting" of the NWPA by the NRC.

¹⁴ Through September 30, 2014, the Treasury Department's Judgment Fund has paid out \$4.5 billion, comprising \$3.2 billion in settlements and \$1.3 billion in court-awarded damages, to nuclear utilities as a result of the federal government's breach of the NWPA-prescribed "standard contracts." These are actual, audited amounts in accordance with DOE's Fiscal Year 2014 audit report for the Nuclear Waste Fund, Report OAS-FS-15-03, dated November 2014, p. 19. Based on the time duration between February 1, 1998 (*i.e.*, the breach start date), and September 30, 2014 (the "as of" date indicated in the DOE audit report), the breach has been costing the Judgment Fund, on average, about \$22.5 million per month, or about \$739,000 each calendar day. NRC's share of the responsibility for this continuing disbursement began at least as early as February 2010, when NRC first widely documented (in NUREG-1100, Vol. 26) its actions that were later held to be "defying" and "flouting" the NWPA by the D.C. Circuit Court. Note that the Judgment Fund is taxpayer-supplied, unlike the utility-supplied Nuclear Waste Fund.

¹⁵ NRC's actions to frustrate NWPA implementation has nuclear safety consequences (see n. 13, *supra*) and therefore necessarily implicates the agency's competence.

¹⁶ NRC leadership has repeatedly stressed the importance of the agency's independence; see e.g., "Charting the Right Course in Difficult Times," Remarks of NRC Commissioner William C. Ostendorff, USNRC 26th Annual Regulatory Information Conference Commissioner Plenary, March 12, 2014, Bethesda, Maryland ("Rejecting improper outside influence, from any source, is *crucial to our safety mission*"; emphasis added); "Effective Regulation: The Cornerstone of Nuclear Power Development," prepared remarks of the NRC Chairman at the Nuclear Industry Congress Africa, February 25, 2014, Cape Town, South Africa ("My remarks today will focus on the essential role of an *independent*, effective nuclear regulator . . . every country with a nuclear power program must have an *independent*, effective regulator . . . To be truly *independent*, the regulatory body must be separate from . . . political and economic pressures . . . In the United States, the NRC is the *independent* nuclear safety and security regulator . . . A nuclear regulator must be *independent* . . . a regulator must have the ability to make truly

conclude that NRC should determine *why* it had been "defying" and "flouting" federal law—in the words of the Court—and implement appropriate corrective actions to prevent recurrence (CAPRs). Establishment of appropriate CAPRs, based on a thoughtful, penetrating cause analysis, seemed sensible, appropriate, and warranted to me. It would address the gravity of the Court's ruling and comport perfectly with sound management principles,¹⁷ the traits of a positive safety culture,¹⁸ and NRC's own regulations.¹⁹ The benefit to NRC's reputation would perhaps be the most important outcome, as it would signal NRC's rediscovered attitude of nuclear safety leadership and its renewed commitment to own, understand, and overcome identified errors. And it would help fulfill Judge Randolph's expressed hope that the Court's ruling would "ensure that the Commission's next chapter begins with adherence to the law."²⁰

I compiled these thoughts and registered them as a comment on the NRC's waste confidence rulemaking.²¹ This was apt I supposed since with that rulemaking the NRC needed to reestablish not only "reasonable confidence that the wastes can and will in due course be disposed of safely,"²² but also reasonable confidence that the NRC will

independent safety decisions, with the confidence that those decisions won't be overturned for political reasons"; emphasis added); "Investing in Safety: The Importance of Effective Regulation," prepared remarks of the NRC Chairman Platts Nuclear Energy Conference, February 5, 2014, Washington, DC ("[C]onfidence in the quality and *independence* of the regulator is essential . . . An effective, *independent* regulator is essential . . . *independence* is a critical consideration . . . in having *independent* decision-making authority, a regulator must have confidence that its decisions won't be overturned for political reasons"; emphasis added); Prepared Remarks of NRC Chairman Allison M. Macfarlane, American Nuclear Society Winter Meeting, November 11, 2013, Washington, DC ("The NRC has continued to hone its *independent* regulatory model . . . To be effective, a regulator must be *independent* of any political, economic, or other policy interest whose outside influence could coerce the regulatory body to make decisions that aren't in safety's best interest [N.B.] . . . we're certainly practicing the kind of competent, *independent* regulation that we advocate"; emphasis added).

¹⁷ For example, the "study" step in the famous Deming "Plan-Do-Study-Act" (PDSA) Cycle is intended to provide for management review ("study") of the results of implementation activities so that corrections can be made as warranted. Such *corrective actions* would be crafted with the intent that they prevent the recurrence of bad outcomes and thereby promote continuous improvement. Here, the D.C. Circuit Court's ruling that the agency had been "defying" and "flouting" federal law clearly lends itself to a "study" phase—to understand (1) why the defying and flouting occurred in the first place, (2) why they eluded internal and external assessment and audit activities for so long, (3) why the D.C. Circuit Court's prior warnings, in July 2011 and August 2012, went unheeded, (4) what internal cultural factors may have played a role, (5) what other federal laws may be similarly affected, and (6) what corrective actions to prevent recurrence (CAPRs) are appropriate.

¹⁸ See NRC's *Final Safety Culture Policy Statement*, 76 FR 34773, dated June 14, 2011, at pp. 34777-34778 (available at: <http://www.gpo.gov/fdsys/pkg/FR-2011-06-14/pdf/2011-14656.pdf>).

¹⁹ Contained in Title 10 of the U.S. Code of Federal Regulations, Part 50, Appendix B (Criterion XVI, "Corrective Action"), and Sections 26.41(f), 26.167(f)(1), 37.33(b), 37.55(b), 50.36(c)(1)(i)(A), 50.36(c)(1)(i)(B), 50.36(c)(1)(ii)(A), 50.36(c)(1)(ii)(B), 50.36(c)(2)(i), 50.69(d)(2)(ii), 63.142(q), 71.133, 72.172, 73.38(a)(2)(iv), 73.56(n)(6), 76.87(d)(1)(ii), 76.87(d)(2)(ii), and 76.87(d)(3)(i).

²⁰ See here:

[http://www.cadc.uscourts.gov/internet/opinions.nsf/BAE0CF34F762EBD985257BC6004DEB18/\\$file/11-1271-1451347.pdf](http://www.cadc.uscourts.gov/internet/opinions.nsf/BAE0CF34F762EBD985257BC6004DEB18/$file/11-1271-1451347.pdf) (search for "adherence to the law").

²¹ See at: <http://pbadupws.nrc.gov/docs/ML1336/ML13360A288.pdf>.

²² 42 Fed.Reg. 34,391, 34,393 (1977).

not continue to frustrate federal law enacted to ensure such safe disposal. Without the latter, the former is clearly not achievable.

The response to my comment was: "The NRC has a robust management structure that strives to ensure compliance with all relevant statutes and regulations. In those rare circumstances where the NRC's actions are overturned by a Federal court, the NRC takes timely and appropriate action to comply with the court's directives, as the NRC has done with this [generic environmental impact statement]." (See NUREG-2157, Volume 2,²³ Appendix D, Response to Comment No. D.2.53.3.)

Various indicators now suggest that NRC's "timely and appropriate action" has not been effective, as follows:

- NRC deemed NWPA implementation to be merely an "alternative strategy."²⁴
- In successive annual budget submittals made since the August 13, 2013, ruling by the D.C. Circuit Court, the NRC continues to request zero funding for NWPA implementation.²⁵
- The agency's explanations for closing out and requesting no additional money for the Yucca Mountain proceeding range from disingenuous,²⁶ to furtive,²⁷ to inexplicable.²⁸

²³ NUREG-2157, *Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel*, Volume 2, dated September 2014, available at: <http://pbadupws.nrc.gov/docs/ML1419/ML14196A107.pdf>.

²⁴ See *Project Plan, Yucca Mountain Review Activities*, dated December 11, 2013 (attachment to *Monthly Status Report to Congress, Activities Related to the Yucca Mountain Licensing Action, Report for December 2013*, which was transmitted under cover letter from Chairman Allison M. Macfarlane dated January 24, 2014; see [here](#)) ("The primary organization within NRC that supports the completion of the [Yucca Mountain Safety Evaluation Report] is the Office of Nuclear Material Safety and Safeguards (NMSS), Division of Spent Fuel *Alternative Strategies*"; emphasis added).

²⁵ NUREG-1100, Volume 30, *U.S. NRC FY 2015 Congressional Budget Justification*, March 2014 (available at: <http://pbadupws.nrc.gov/docs/ML1406/ML14064A167.pdf>), and NUREG-1100, Volume 31, *U.S. NRC FY 2016 Congressional Budget Justification*, February 2015 (available at: <http://pbadupws.nrc.gov/docs/ML1503/ML15030A093.pdf>).

²⁶ See, e.g., recent NRC news releases dated October 16, 2014 (No. 14-069), and January 29, 2015 (No. 15-005), which both state that "the agency closed out its application review" only "[a]fter DOE moved to withdraw the application and Congress stopped appropriating funds for the NRC's review." This is disingenuous and misleading on two counts. First, it omits the important fact that DOE's motion to withdraw the application was not lawful, as determined both by the assigned Atomic Safety and Licensing Board (ASLB) (ASLB Order [LBP-10-11](#)) and—after an extraordinarily lengthy consideration—by the Commission itself (Commission Order [CLB-11-07](#)). Second, it attempts to fix blame with the Congress even though Congress has supplied the NRC with 100 percent of the funding that the agency has requested for the Yucca Mountain licensing proceeding, as documented in NUREG-1100, Volumes 26 through 31. A more forthcoming, less disingenuous phrasing might therefore be as follows: "The agency closed out its review of DOE's application after it (1) concluded that DOE's motion to withdraw the application was not lawful, (2) stopped requesting sufficient funds to continue the review, (3) ignored

- The D.C. Circuit Court's adverse ruling was omitted as an item for evaluation under the agency's established Lessons-Learned Program (LLP).²⁹
- The agency's *Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel*, NUREG-2157,³⁰ itself made necessary as a result of the woefully protracted frustration of the NWPAs, casts Yucca Mountain as an historical relic,³¹ implies that the Yucca Mountain ASLB dismissed the proceeding

repeated judicial warnings about the lawfulness of its actions, and (4) defied and flouted federal law, as determined by the second highest court in the United States—a ruling that NRC did not contest.

²⁷ See, e.g., *Radwaste Monitor*, Volume 8, No. 6, dated February 6, 2015, "Senate E&W Approps Chair to Push For Yucca, Interim Storage," under the subheading "NRC Won't Say Why No Yucca Funding Was Requested."

²⁸ NRC has twice (at least) responded to Congressional inquiries by declaring that the agency would not request additional funds needed fully to comply with the NWPAs because "[n]othing in the D.C. Circuit Court of Appeals' mandamus order requires the Commission to do so." See Response to Question 6 in Enclosure to letter from Chairman Allison M. Macfarlane to Representative Ed Whitfield, Chairman, Subcommittee on Energy and Power, Committee on Energy and Commerce, U.S. House of Representatives, dated December 9, 2013 (see [here](#)); and Response to Shimkus Question 3 ("Has the NRC contacted the Office of Management and Budget regarding the need to fund the Yucca Mountain license review? If not, why not?") in Attachment 1 of NRC Office of Congressional Affairs letter to Representative John Shimkus, Chairman, Subcommittee on Environment and the Economy, Committee on Energy and Commerce, U.S. House of Representatives, dated February 26, 2014 (not posted on NRC's website). This is a confounding explanation because it cannot be reconciled with the other budget requests NRC makes for which it requires no accompanying court order; suggests there may be other statutorily mandated work that goes unfunded for want of a court order; further suggests that NRC maintains and administers some sort of criteria for determining which statutorily mandated work requires a court order before the agency will request funding; etc.

²⁹ See SECY-14-0101, *Annual Report on the Lessons-Learned Program*, dated September 26, 2014, at: <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2014/2014-0101scy.pdf> (search for "court," "order," "ruling," "opinion," "holding," "decision," "mandamus," "writ," "yucca," "NWPAs," "flout," "flouted," "flouting," "defy," "defied," "defying," "systematic," "campaign," or "noncompliance"—each results in no instances).

³⁰ NUREG-2157, *Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel*, Volume 1, dated September 2014, available at: <http://pbadupws.nrc.gov/docs/ML1419/ML14196A105.pdf>.

³¹ *Id.*, p. 11-21 ("Yucca Mountain, Nevada, was the DOE's proposed location for a geologic repository for spent fuel and HLW"). In fact, Yucca Mountain is the DOE's proposed location for a geologic repository for spent nuclear fuel and high-level radioactive waste. Casting the definition in the past tense is misleading and inconsistent with the NWPAs; Public Law 107-200 ("there hereby is approved the site at Yucca Mountain, Nevada, for a repository"); ASLB Order LBP-10-11 ("the NWPAs . . . mandates progress toward a merits decision by the Nuclear Regulatory Commission on the [Yucca Mountain] construction permit"); Commission Order CLI-11-07 (which sustained LBP-10-11); and both of the D.C. Circuit Court's *In re: Aiken County* rulings, dated July 1, 2011 ("[a]lthough Petitioners point to evidence that the Commission has suspended the Licensing Board's review, we note that the NWPAs requires the Commission to review the application . . . and therefore we must assume that the Commission will comply with its statutory mandate"), and August 13, 2013 ("[o]ur . . . task is to ensure . . . that agencies comply with the law as it has been set by Congress[;] [h]ere, the Nuclear Regulatory Commission has continued to violate the law governing the Yucca Mountain licensing process").

because DOE withdrew the application,³² and falsely states that "[s]ite selection remains an ongoing process."³³

- An unexplained six-month delay was inserted between the Commission's May 19, 2014, rejection³⁴ of NRC Staff's recommendation³⁵ to complete a necessary Environmental Impact Statement (EIS) supplement for Yucca Mountain and the November 19, 2014, public appearance³⁶ of those documents on the agency's website. This delay at best opens the NRC to criticism that it was trying to "hide the ball" for 6 months concerning an activity that staff concluded could be completed, using available funding, in only 12 months.
- The decision on the fate of the EIS supplement has been delayed further—the decision was to come in the "fall of 2014,"³⁷ was deferred until "December 2014,"³⁸ and is now simply "being considered."³⁹
- As recently as September of last year, the (former) NRC Chairman declared that "there is no applicant" for the Yucca Mountain licensing proceeding.⁴⁰ This pronouncement is contrary to the plain language of the NWPAs, ASLB Order LBP-10-11, Commission Order CLI-11-07, and the D.C. Circuit Court's rulings of July 1, 2011, and August 13, 2013.

Based on the above significant indicators, I believe it is appropriate now to review the "timely and appropriate action" that NUREG-2157 says was taken in response to the D.C. Circuit Court's ruling of August 13, 2013. Please provide the documentation of those actions, including the following:

³² *Id.* ("After DOE requested to withdraw the application for the Yucca Mountain site in 2010 and the NRC's Atomic Safety and Licensing Board dismissed the proceeding ..."). In fact, the ASLB *denied* the DOE's motion to withdraw the application, and the Commission, after over a year of thoughtful deliberation, sustained the ASLB Order.

³³ *Id.* Site selection ended with Public Law 107-200 ("there hereby is approved the site at Yucca Mountain, Nevada, for a repository"); see at: <http://www.gpo.gov/fdsys/pkg/PLAW-107publ200/pdf/PLAW-107publ200.pdf>.

³⁴ Memorandum from Vietti-Cook to Satorius, dated May 19, 2014; available here: <http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2014/2014-0013comsrm.pdf>.

³⁵ COMSECY-14-0013, dated April 9, 2014; available here: <http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2014/2014-0013comscopy.pdf>.

³⁶ See here: <http://www.nrc.gov/reading-rm/doc-collections/commission/recent/2014/> (second of three entries for 11/19/14).

³⁷ See here: <http://www.nrc.gov/reading-rm/doc-collections/congress-docs/correspondence/2014/upton-11-25-2014.pdf> (search for "fall of 2014" [first instance]).

³⁸ See here: <http://www.nrc.gov/reading-rm/doc-collections/congress-docs/correspondence/2014/upton-12-16-2014.pdf> (search for "December 2014" [first instance]).

³⁹ See here: <http://pbadupws.nrc.gov/docs/ML1436/ML14364A235.pdf> (search for "being considered").

⁴⁰ See *Yucca Mountain: 'Nothing for Us to Do' on Repository Project – NRC Chief*, Greenwire, E&E Publishing, LLC, September 12, 2014. ("To work through any of these contentions, you need an applicant. That's how our licensing process works," Macfarlane said at an IHS Energy Daily round table in Washington, D.C. ... "In this case, there is no applicant.")

Ms. Stephanie A. Blaney
February 26, 2015
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- Documentation of the scope, methodology, findings, and conclusions of any cause analysis that was performed in response to the D.C. Circuit Court's August 13, 2013, ruling. If no cause analysis was performed, then please provide documentation of the rationale for that decision.
- Documentation of the CAPRs that were formulated and implemented to address the cause(s) identified by the cause analysis.
- Documentation of (1) the results of any subsequent review(s) of the effectiveness of the CAPRs, (2) any determinations, based on those results, that additional CAPRs were warranted, and (3), if applicable, the substance of the additional CAPRs.
- If no cause analysis was performed and no CAPRs were implemented, then please provide documentation of any bases to conclude—in view of the significant indicators listed above—that a "systematic campaign of noncompliance" does not continue to be "orchestrated" at the NRC, or could not otherwise recommence undetected in the future, whether related to the NWPA or to any other lawful mandate of the agency.

Please provide the requested documents in Portable Document Format (PDF) to the email address provided below, or via U.S. mail to the postal address provided above.

Thank you for your attention to this request.

Sincerely,



Jeffrey M. Skov

(b) (6)

Attachment

Freedom of Information Act (FOIA) Request No. FOIA/PA 2015-0165
Letter Dated February 26, 2015
Supplement to Correct/Restore Uniform Resource Locators (URLs)

The version of the subject FOIA request that is posted on NRC's website has URLs that do not connect, as identified in the following table. The last column of the table provides useable URLs for use by the reader.

Page No.	Foot note No.	Linked Text	Connects? (Yes/No)	URL
1	--	5 U.S.C. 552	No	http://www.gpo.gov/fdsys/pkg/USCODE-2013-title5/pdf/USCODE-2013-title5-partI-chap5-subchapII-sec552.pdf
1	1	[URL; corrupted]	No	http://pbadupws.nrc.gov/docs/ML1004/ML100490733.pdf
2	--	18 U.S.C. 1505	No	http://www.gpo.gov/fdsys/pkg/USCODE-2013-title18/pdf/USCODE-2013-title18-partI-chap73-sec1505.pdf
2	3	[URL]	Yes	http://www.cadc.uscourts.gov/internet/opinions.nsf/872039F019B626D7852578C00053956D/\$file/10-1050-1316111.pdf
2	4	[URL; corrupted]	No	http://www.cadc.uscourts.gov/internet/opinions.nsf/BAE0CF34F762EBD985257BC6004DEB18/\$file/11-1271-1451347.pdf
2	7	Collins	No	http://www.collinsdictionary.com/dictionary/english/flout
2	7	Merriam-Webster	No	http://www.merriam-webster.com/dictionary/flout
2	7	Webster's	No	http://www.yourdictionary.com/flout
3	8	[URL; corrupted]	No	http://energy.gov/sites/prod/files/edg/media/Secretary_s_Recommendation_Report.pdf
3	13	2012-20	No	http://pbadupws.nrc.gov/docs/ML1231/ML12319A440.pdf
3	13	2013-07	No	http://pbadupws.nrc.gov/docs/ML1232/ML12320A697.pdf
3	13	2014-09	No	http://pbadupws.nrc.gov/docs/ML1412/ML14121A469.pdf
3	13	OIG-15-A-06	No	http://pbadupws.nrc.gov/docs/ML1504/ML15041A567.pdf?source=govdelivery&utm_medium=email&utm_source=govdelivery
3	14	OAS-FS-15-03	No	http://energy.gov/sites/prod/files/2014/12/f19/OAS-FS-15-03.pdf
3	14	NUREG-1100, Vol. 26	No	http://pbadupws.nrc.gov/docs/ML1004/ML100490733.pdf
3	16	Charting the Right Course in Difficult Times	No	http://pbadupws.nrc.gov/docs/ML1407/ML14072A119.pdf

Page No.	Foot note No.	Linked Text	Connects? (Yes/No)	URL
3	16	Effective Regulation: The Cornerstone of Nuclear Power Development	No	http://www.nrc.gov/reading-rm/doc-collections/commission/speeches/2014/s-14-002.pdf
4	16	Investing in Safety: The Importance of Effective Regulation	No	http://www.nrc.gov/reading-rm/doc-collections/commission/speeches/2014/s-14-001.pdf
4	16	Prepared Remarks of NRC Chairman Allison M. Macfarlane	No	http://pbadupws.nrc.gov/docs/ML1331/ML13318B020.pdf
4	18	[URL]	Yes	http://www.gpo.gov/fdsys/pkg/FR-2011-06-14/pdf/2011-14656.pdf
4	20	[URL; corrupted]	No	http://www.cadc.uscourts.gov/internet/opinions.nsf/BAE0CF34F762EBD985257BC6004DEB18/\$file/11-1271-1451347.pdf
4	21	[URL; corrupted]	No	http://pbadupws.nrc.gov/docs/ML1336/ML13360A288.pdf
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5	26	No. 15-005	No	http://www.nrc.gov/reading-rm/doc-collections/news/2015/15-005.pdf
5	26	LBP-10-11	No	http://pbadupws.nrc.gov/docs/ML1018/ML101800299.pdf
5	26	CLB-11-07	No	http://www.nrc.gov/reading-rm/doc-collections/commission/orders/2011/2011-07cli.pdf
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Page No.	Foot note No.	Linked Text	Connects? (Yes/No)	URL
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7	39	[URL; corrupted]	No	http://pbadupws.nrc.gov/docs/ML1436/ML14364A235.pdf