

Group E

FOIA/PA NO: 2014-0217

**RECORDS BEING RELEASED IN THEIR ENTIRETY**



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

The documents included with this letter were processed in response to FOIA-2012-0150; the NRC's multiple responses are available to the public on the Japan FOIA webpage.

COMMISSIONER

January 5, 2012

The Honorable Fred Upton  
Chairman, Committee on Energy  
and Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Upton:

On December 15, 2011, you wrote to Chairman Jaczko regarding the Committee on Energy and Commerce's ongoing oversight of the Nuclear Regulatory Commission (NRC) and posing three requests for information. It is our understanding that Chairman Jaczko is sending a response on behalf of his office and the agency as a whole.

With regard to information request #1 related to the NRC's response to a letter sent by Congressman Markey on October 25, 2011 requesting voting records and related documents for all actions taken or considered by the Commission in response to the issues raised by the events at Fukushima, the documents provided by the Office of Commissioner Magwood in response to that request are enclosed. These documents are provided in the same condition in which they were provided to Congressman Markey. Because the documents provided consist primarily of internal discussions and drafts of the Office of Commissioner Magwood, almost all of the documents have been identified as "Not For Public Disclosure" and marked accordingly. In addition, some responsive documents were identified that contained Pre-Decisional Adjudicatory Material. These documents have been redacted or withheld, as appropriate, and are identified in the attached log, which was also provided to Congressman Markey. All documents responsive to request #1 are enclosed in box 1. The redacted documents and the accompanying log are segregated in a separate envelope in box 1.

With respect to request #2 for all documents relating the NRC's response to the press concerning the Commissioners' October 13, 2011, correspondence to and from the White House and/or the Congressional hearings on December 14 or 15, 2011, all responsive documents in the possession or control of the Office of Commissioner Magwood are enclosed in box 1. The documents responsive to request 2 are segregated from the documents responsive to request #1 in a separate envelope.

Request #3 seeks "an explanation why the Committee on Energy and Commerce Chairman and Ranking Member were not formally notified of the release of sensitive Commission voting records to a Member." The Commission's Internal Procedures note that the "Commission's general practice is to provide sensitive documents requested by Members of its Congressional oversight committees." The documents that are the subject of request #1 were provided to

E/1

The Honorable Fred Upton  
Page 2

Congressman Markey in an effort to be responsive to his request as an individual member of the Committee on Energy and Commerce.

We certify that: (1) a diligent search has been completed of all documents in the possession, custody, or control of the Office of Commissioner William D. Magwood, IV, which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee or identified in the enclosed log.

Sincerely,



William D. Magwood, IV



Margaret J. Bupp  
Legal Counsel

cc: The Honorable Henry Waxman  
Ranking Member

Note: Privilege log also included in response to Rep. Upton.

**Office of Commissioner Magwood Privilege Log for Redacted or Withheld Items (Responsive to Markey letter of 10/25/11)**

<b>Privilege Asserted</b>	<b>Type of Document</b>	<b>Subject Matter</b>	<b>Date</b>	<b>Author</b>	<b>Addressee</b>	<b>Relationship of author &amp; addressee</b>	<b>Redacted or Withheld</b>
Pre-Decisional Adjudicatory Material	E-mail	Oyster Creek lawsuit (3 <sup>rd</sup> Circuit)	3/21/11	Margaret Bupp	Commissioner Magwood; Commissioner Magwood Staff	Legal Counsel; Commissioner and Staff	Redacted; attachment publicly available
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	4/15/11	Margaret Bupp	Patrice Bubar	WDM Legal Counsel; WDM Chief of Staff	Redacted; attachment publicly available
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0043 (Status of Adjudicatory Issues)	4/26/11	Margaret Bupp	Darani Reddick	Commission Legal Counsels	Redacted
Pre-Decisional Adjudicatory Material	Draft SRM with Edits	SECY-11-0043 (Status of Adjudicatory Issues)	5/21/11	Margaret Bupp	None	WDM Legal Counsel	Withheld in its Entirety
Pre-Decisional Adjudicatory Material	E-mail	AP 1000 Comment Period; SECY-11-0082 (Emergency Petitions)	5/5/11	Margaret Bupp	Commissioner Magwood; Patrice Bubar	WDM Legal Counsel; Commissioner; WDM Chief of Staff	Redacted
Pre-Decisional Adjudicatory Material	Draft SRM (Version B) with Edits	SECY-11-0043 (Status of Adjudicatory Issues)	5/21/11	Margaret Bupp	None	WDM Legal Counsel	Withheld in its Entirety
Pre-Decisional Adjudicatory Material	E-mail	License Renewal Hearing Status	6/20/11	William Magwood	Margaret Bupp; cc: William	Commissioner; WDM Legal Counsel; WDM Staff	Redacted

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					Orders, Patrice Bubar, Elizabeth Lisann		
Pre-Decisional Adjudicatory Material	Memorandum	SECY-11-0082 (Emergency Petitions)	7/1/11	Margaret Bupp	William Magwood	WDM Legal Counsel; Commissioner	Withheld in its entirety
Pre-Decisional Adjudicatory Material	Draft Order with Edits	SECY-11-0082 (Emergency Petitions)	7/1/11	Margaret Bupp	None	WDM Legal Counsel	Withheld in its entirety
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	7/13/11	William Magwood	Margaret Bupp	Commissioner; WDM Legal Counsel	E-mail disclosed (not for public disclosure); Attachment withheld in its entirety (draft decision with WDM comments)
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	7/15/11	William Magwood	Patrice Bubar	Commissioner; WDM Chief of Staff	Redacted
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	7/18/11	Margaret Bupp	Patrice Bubar	WDM Legal Counsel; WDM Chief of Staff	Redacted
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	7/21/11	Patrice Bubar	Margaret Bupp; Rebecca Tadesse	WDM Chief of Staff; WDM Legal Counsel; WDM Technical Assistant	Redacted
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	7/21/11	Patrice Bubar	Margaret Bupp; Rebecca Tadesse	WDM Chief of Staff; WDM Legal Counsel; WDM Technical Assistant	Redacted
Pre-Decisional	E-mail	SECY-11-	7/21/11	Patricia	Patrice Bubar;	WDM Staff; WDM	Redacted

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Adjudicatory Material		0082 (Emergency Petitions)		Jimenez	Rebecca Tadesse	Chief of Staff	
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	7/21/11	Patricia Jimenez	Patrice Bubar	WDM Staff; WDM Chief of Staff	Redacted
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	7/22/11	Lisa Clark	Commission Legal Counsels	Chairman Legal Counsel; Commission Legal Counsels	Redacted
Pre-Decisional Adjudicatory Material	Draft Order with Edits	SECY-11-0082 (Emergency Petitions)	7/28/11	Margaret Bupp	None	WDM Legal Counsel	Withheld in its entirety
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions); Relicensing	8/16/11	Margaret Bupp	Patrice Bubar; William Orders	WDM Legal Counsel; WDM Staff	Redacted
Pre-Decisional Adjudicatory Material	E-mail	New Fukushima-Related Contentions filed in ongoing proceedings	8/17/11	William Magwood	Margaret Bupp; cc: Patrice Bubar	Commissioner; WDM Legal Counsel; WDM Chief of Staff	Redacted
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	8/19/11	Margaret Bupp	William Magwood; cc: Patrice Bubar	WDM Legal Counsel; Commissioner; WDM Chief of Staff	Redacted; Attachment withheld in its entirety
Pre-Decisional Adjudicatory Material	E-Mail	SECY-11-0082 (Emergency Petitions)	8/19/11	William Magwood	Margaret Bupp; cc: Patrice Bubar	Commissioner; WDM Legal Counsel; WDM Chief of Staff	Redacted
Pre-Decisional Adjudicatory Material	E-Mail	SECY-11-0082 (Emergency Petitions)	8/21/11	William Magwood	Patrice Bubar	Commissioner; WDM Chief of Staff	Redacted

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Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	8/25/11	Margaret Bupp	Patrice Bubar	WDM Legal Counsel; WDM Chief of Staff	Redacted; Attachment withheld in its entirety
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	9/1/11	Patrice Bubar	Margaret Bupp; William Magwood	WDM Chief of Staff; WDM Legal Counsel; Commissioner	Redacted
Pre-Decisional Adjudicatory Material	E-mail	SECY-11-0082 (Emergency Petitions)	9/7/11	William Magwood	Margaret Bupp; Patrice Bubar	Commissioner; WDM Legal Counsel; WDM Chief of Staff	Redacted