

CHAIRMAN Resource

From: Charles Langley <langley@publicwatchdogs.org>
Sent: Tuesday, January 29, 2019 8:05 PM
To: Cylkowski, David; CHAIRMAN Resource; CMRBARAN Resource; CMRBurns Resource; CMRCaputo Resource; CMRWright Resource
Cc: Morris, Scott; Mcdonald, Jeffrey; Nikolewski, Rob; tea roses; Eric Heinz; CNS Bianca Bruno
Subject: [External_Sender] Re: Request for Court Reporter Transcripts

David,

As a public servant and an NRC attorney, you should be ashamed by your efforts to withhold public documents from the public.

Here are the facts:

- 1) You are refusing to promptly provide a *public court reporter* transcript of a *public* NRC meeting.
- 2) You will not provide the transcript until the NRC proceedings on this case are closed.
- 3) We have been waiting since November 8th for that transcript and have not received it.

In other words, you will not release the transcript until it is completely worthless to the public even though it is at your fingertips.

This may be why the public is distrustful of the Nuclear Regulatory Commission.

Charles Langley, Executive Director
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On Tue, Jan 29, 2019 at 2:51 PM Cylkowski, David <David.Cylkowski@nrc.gov> wrote:

Mr. Langley,

Good afternoon. I'm the Regional Counsel for NRC Region IV, and Scott Morris asked that I get back to you on his behalf.

You asked about the transcription of the NRC's January 24, 2019 PEC with Southern California Edison regarding apparent violations at SONGS.

When the NRC has a court reporting service transcribe a PEC or other event (e.g., a hearing before the Atomic Safety and Licensing Board), the NRC staff routinely reviews the initial transcript for accuracy. Transcripts of such proceedings are only published after this review is complete.

Section 1.2.15.5 of the NRC's Enforcement Manual provides guidance on when and whether the NRC will transcribe a PEC. In accordance with that section, the NRC is required to transcribe only closed PECs (see section 1.2.15.5.A ("if a PEC or Regulatory Conference is closed to the public, it shall be transcribed")); section 1.2.15.5.C ("Transcribed conferences should normally be closed meetings between the NRC and the licensee"); section 1.2.15.5.B (describing other factors for the NRC to consider in deciding whether to transcribe a PEC)). In this case, the NRC did choose to transcribe the open PEC.

The section of the Manual that you cite, Section 1.2.15.5.D, provides separate guidance for closed PECs and open PECs regarding publication of transcripts. For closed PECs, transcripts are maintained as non-public and are not to be released (such as under FOIA) until any enforcement action associated with the PEC is issued. For open PECs, the statement in section 1.2.15.5.D.2 of the Manual that transcripts "may be made available to the Public as soon as they are available from the court reporter" clarifies that the NRC does not need to wait to publish the transcript until any enforcement action associated with the PEC has been issued.

Finally, let me clarify that the transcription service in this case is in support of captioning the video of the PEC in accordance with the Americans with Disabilities Act. My understanding is that once the NRC has completed its review and the transcript is finalized, both the transcript and captioned video will be made public.

I hope this is helpful.

Best,

David

David M. Cylkowski

Regional Counsel

U.S. NRC Region IV

817.200.1271

From: Morris, Scott
Sent: Monday, January 28, 2019 5:13 PM
To: 'Charles Langley' <langley@publicwatchdogs.org>
Cc: Dricks, Victor <Victor.Dricks@nrc.gov>
Subject: RE: Request for Court Reporter Transcripts

I'll have my regional counsel check into it first thing tomorrow. It's already after close of business here in Texas, but some of us work late!

From: Charles Langley [<mailto:langley@publicwatchdogs.org>]
Sent: Monday, January 28, 2019 5:05 PM
To: Morris, Scott <Scott.Morris@nrc.gov>
Cc: Dricks, Victor <Victor.Dricks@nrc.gov>
Subject: [External_Sender] Request for Court Reporter Transcripts

Scott,

Thank you for the kind reply.

Your response is the same response we received from Victor Dricks regarding the November 8th event which happened a quarter of a year ago.

However, we would like the legal transcripts that were taken by the court reporter.

NRC Enforcement Guide, Section 1.2.15.5 *Transcribing PECs and Regulatory Conferences* requires transcription of PECs.

Section 1.2.15.5 D. 2 states that transcripts for open conferences may be made available to the Public as soon as they are available from the court reporter.

Can you please provide the transcripts as required under Sec. 1.2.15.5 D? Court reporter transcripts are usually available within hours, if not minutes.

Thank you,

Charles Langley, Executive Director

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On Mon, Jan 28, 2019 at 2:34 PM Morris, Scott <Scott.Morris@nrc.gov> wrote:

Thanks for the notification Charles. My understanding as to why it takes so long for us to post our videos is the associated transcription service. We use a third party contractor to perform the transcription, then we have to review it for accuracy prior to posting. We posting the video and the transcription at the same time.

From: Charles Langley [mailto:langley@publicwatchdogs.org]
Sent: Monday, January 28, 2019 3:28 PM
To: Morris, Scott <Scott.Morris@nrc.gov>
Cc: Dricks, Victor <Victor.Dricks@nrc.gov>
Subject: [External_Sender] We have published the SONGS PEC Hearing

Dear Mr. Morris,

The NRC has been obdurate about making transcripts and recordings of its San Onofre hearings available to the public. In response, Public Watchdogs recorded the last Pre-decisional Enforcement Hearing as a public service.

You may watch Part One and Part Two of the PEC here.

Note: the sound quality on the first video is poor, but you should still be able to hear everything. We are still working out the bug.

We are doing this in response to Victor Dricks' glacially slow efforts to make these public videos and transcripts public.

Cordially,

Charles Langley, Executive Director

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