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NRC CLARIFIES TREATMENT OF INFORMATION ON NUCLEAR POWER PLANT OUTAGES AND RESTART SCHEDULES

The Nuclear Regulatory Commission has clarified its guidance regarding withholding immediate release of nuclear power plant outage information or restart schedules in written documents or in answer to queries.

NRC regulations do not require licensees to provide outage information to the agency because it is not related to safety and release of this information could result in adverse economic impact in a deregulated market. Historically, licensees have provided such information informally as a courtesy to facilitate NRC's planning of inspections and monitoring of plant restart activities. But many now consider this proprietary information because its disclosure can significantly affect the price the licensee has to pay for replacement power in a deregulated market.

In light of the impact of deregulation, NRC reviewed its policy regarding release of outage information. The agency concluded that outage information, if provided in writing with a request that it be considered confidential business information, or proprietary, would likely be withheld from public disclosure under the terms of Commission regulations (Part 2.790 of Title 10 of the Code of Federal Regulations) and the U.S. Trade Secrets Act.

Accordingly, unless NRC knows that specific outage information is in the public domain, (either through docketed correspondence or public announcements by a licensee), or a licensee has stated that specific outage information may be released, the NRC staff will follow guidance in NRC's Management Directive 3.1, (Freedom of Information Act requests), when requests for plant outage information are received. This guidance prohibits NRC staff from releasing information that may be confidential or proprietary without first providing a licensee an opportunity to formally request it be withheld.

When a request for plant outage information is received, NRC will inform the requestor that such information cannot be released immediately, unless the appropriate licensee does not object. If a licensee objects to the release of outage information, the NRC will notify it that the agency plans to release the information within 15 days, unless the licensee submits a written

request that the information be withheld. The 15-day period is designed to provide licensees with sufficient time to determine whether release of outage information might have harmful competitive impact. If NRC receives a formal request that the outage information be withheld, the requestor will be informed. The licensee request will be evaluated by the NRC staff, which will notify the requestor of its decision.

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