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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

COMSECY-99-034

October 29, 1999

I disapprove. See attached comments.

MEMORANDUM TO: Chairman Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

[Signature]
11/23/99
RELEASED TO THE PDR
12/7/99 *DKW*
date initials

FROM: William D. Travers *[Signature]*
Executive Director for Operations

SUBJECT: RELEASE OF INFORMATION ABOUT PLANT OUTAGE SCHEDULES

The purpose of this memorandum is to notify the Commission about a planned change in staff practice associated with the release of information about outage (planned and unplanned) schedules for commercial nuclear power plants. Information related to outage schedules (i.e., expected plant restart dates) is routinely provided verbally by power reactor licensees to support NRC regional offices in their planning of inspection activities, to help NRR schedule completion of licensing actions, and as a matter of course during communications between licensees and the staff. Increasingly, the public, the media, and other parties, such as financial institutions, request information about plant outage durations, and the NRC staff then questions whether they should release the available information.

A similar issue arose in early 1998 regarding the information included in the daily plant status reports placed on the NRC web site. The daily status report no longer includes information on plant restart schedules because some licensees expressed concerns that the release of plant outage schedules compromised their competitive positions and issues were raised regarding the accuracy of the information. The possible treatment of plant restart schedules as confidential business information results from the increasingly competitive environment of the electric generation sector and the possible influence of plant outage schedules on matters such as company bond ratings and electricity trading prices. Our handling of the information may become more contentious as the electric utility industry continues to change because of economic deregulation. Recognizing the need for additional guidance in this area, OPA requested support from NRR and OGC. The interim guidance issued as a result of the OPA inquiry, a memorandum dated May 6, 1999, was made available to the public.

As a routine matter, the NRC does not require licensees to provide information about outage schedules in a way that is publicly available because such information is not directly related to our mission to protect public health and safety. The staff draws a distinction between the information about schedules and the information about actual plant configurations, repair activities, and other matters that would be important to the NRC during an outage or before the restart of a particular power plant.

Based on informal inquiries from licensees, the staff has discussed the possible treatment of outage schedules as proprietary information because of the possible financial implications that such information may have on affected licensees. The staff has generally concluded that

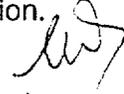
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PDR COMM ISS CORRES

COMMISSIONER DIAZ'S COMMENTS ON COMSECY-99-034

I believe that the staff has properly endeavored to bring greater clarity to the manner in which it handles requests from the public for information about outage schedules when the only source of information is verbal communication with licensees or NRC staff. The Commission needs to recognize and, where appropriate, balance the needs of the public for information in addressing concerns regarding public health and safety as well as licensees' rights in protection of proprietary information. After carefully reviewing the draft guidance before the Commission, however, I disapprove its issuance since I do not believe it is as simple, understandable and straightforward as it should be for functionally handling verbal information.

A handwritten signature in black ink, appearing to be 'LD', located at the end of the text block.