



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

11/16/99
COMSECY-99-034

October 29, 1999

MEMORANDUM TO: Chairman Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

RELEASED TO THE PDR

12/17/99 date SKW initials

Disapproved.
See attached comment
E. Jeffrey J.
11/19/99

FROM: William D. Travers
Executive Director for Operations

William Travers

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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Commissioner McGaffigan's comments on COMSECY 99-34:

This elaborate process for handling requests for verbal information about outage schedules is not required by law and does not seem consonant with the ways in which we otherwise handle purely verbal information. For example, our inspectors do not give currency to licensees' draft documents or verbal commitments, and as far as I know we do not impose a FOIA-like process on requests for information we may have seen in INPO evaluations but do not retain in written form. The elaborate process may also look like a run-around to parties asking for such information, because instead of just telling them up front that we won't release the information and why, we plan to put ourselves and the parties through procedural hoops that almost always will merely put off a "no", or, because of the length of the process, create a de facto "no". An up-front policy of turning down requests for verbal information about outage schedules is preferable to a delayed, procedural, "no" in my view.

