

# INFORMATION REPORT

June 1, 2011

SECY-11-0072

For: The Commissioners

From: Mary C. Muessle  
Acting Assistant for Operations  
Office of the Executive Director for Operations

Subject: WEEKLY INFORMATION REPORT - WEEK ENDING MAY 20, 2011

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\*No input this week.

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Office of Nuclear Reactor Regulation (NRR)  
Items of Interest  
Week Ending May 20, 2011

Bulletin 11-01 "Mitigating Strategies" Issued

On May 11, 2011, Bulletin 11-01, "Mitigating Strategies," was issued in order to verify compliance with Interim Compensatory Measures Order EA-02-026, Section B.5.b, the subsequently imposed license conditions, and 10 CFR 50.54(hh)(2). Bulletin 11-01 requests that licensees confirm that the mitigating strategies developed and implemented to meet those requirements continue to be available and feasible. In addition, Bulletin 11-01 requests information licensees' mitigating strategies programs to determine if further regulatory action is needed.

Renewal Generic Environmental Impact Statement, Supplement 39, Final Report Issuance of the Prairie Island Nuclear Generating Plant, Units 1 and 2, License

On May 13, 2011, the staff issued Supplement 39 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Prairie Island Nuclear Generating Plant, Units 1 and 2, Final Report." This supplemental environmental impact statement (SEIS) includes the staff's analysis that considers and weighs the environmental effects of the proposed action, the environmental impacts of alternatives to the proposed action, and mitigation measures available for reducing or avoiding adverse impacts. It also includes the staff's recommendation regarding the proposed action that the adverse environmental impacts of license renewal for Prairie Island Nuclear Generating Plant are not great enough to deny the option of license renewal for energy-planning decision-makers. The final SEIS is publicly available in ADAMS using Accession No. ML11133A029.

Federal Register Notices Regarding Petitions for Rulemaking (PRM)

On May 16, 2011, three *Federal Register* notices were published to inform members of the public that three PRMs, PRM-26-3, PRM-26-5, and PRM-26-6, will be considered in the rulemaking process. These PRMs each pertained to the regulations found in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, Subpart I, "Managing Fatigue." The staff detailed its plan to bundle these PRMs into the planned "Quality Control/Quality Verification" (QC/QV) rulemaking in SECY-11-0003, "Status of Enforcement Discretion Request and Rulemaking Activities Related to 10 CFR Part 26, Subpart I, 'Managing Fatigue,'" dated January 4, 2011. The Commission directed the staff to consider these PRMs in the QC/QV rulemaking in SECY-11-0003/0028, dated March 24, 2011. Accordingly, the staff closed the dockets associated with these PRMs.

Public Conference Call Regarding National Fire Protection Association (NFPA) 805 License Amendment Requests

On May 18, 2011, the staff held a Category 2 conference call with Nuclear Energy Institute representatives, as a follow-up to the May 11, 2011, meeting to further discuss the staggering of NFPA 805 license amendment request submittals.

Office of Nuclear Material Safety and Safeguards (NMSS)  
Items of Interest  
Week Ending May 20, 2011

Publication of the Part 40 Proposed Rulemaking to Incorporate Integrated Safety Analysis Requirements

On May 17, 2011, the proposed Part 40 rulemaking (<http://www.gpo.gov/fdsys/pkg/FR-2011-05-17/pdf/2011-11927.pdf>) to incorporate integrated safety analysis was published in the *Federal Register*. The publication was accompanied by draft NUREG-1962 (<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1962/sr1962.pdf>), which provides guidance on implementing the proposed rule. The *Federal Register* Notice provides a 75-day opportunity to comment on both the proposed rule and the draft guidance.

Revision 3 of Eagle Rock Enrichment Facility License Application

On May 16, 2011, AREVA Enrichment Services (AES) submitted Revision 3 of the license application for the Eagle Rock Enrichment Facility. This revision incorporates AES's supplemental responses to Requests for Additional Information, as well as other correspondence.

NMSS/Federal and State Materials and Environmental Management Programs Meeting with Department of Defense (DoD)

On May 19, 2011, NMSS participated in a meeting with staff from the DoD to provide technical information about uranium recovery facilities. As a follow up action to an interagency meeting on the topic of International Atomic Energy Agency bulk sampling of ore and uranium ore concentrates, DoD requested a technical briefing on uranium recovery facilities. The purpose of the meeting was to provide technical details relevant to future security reviews conducted by DoD staff. This meeting was coordinated with the Office of Federal and State Materials and Environmental Management Programs and Mr. William VonTill was present as the technical expert on uranium recovery technologies and practices.

Orientation Meeting for Review Team of Sweden's Proposed High-Level Waste Repository

From May 17-19, 2011, staff attended a three-day orientation meeting, in Stockholm, Sweden. In response to a request from the Swedish Government, the Nuclear Energy Agency, which is part of the Organization for Economic Co-operation and Development's, has organized an international peer review team to examine the post-closure safety case for a spent nuclear fuel repository in Sweden. The safety case is part of a license application filed with Sweden's regulatory authorities on March 16, 2011. One staff member is on the review team, while one is a technical observer of the team. At the orientation meeting, staff from the Swedish nuclear authority, presented their plans for the license review, and staff from the Swedish applicant, gave a presentation on the license application, with a focus on the post-closure safety case. The peer review panel plans to complete its work and issue a final report in spring of 2012.

Office of Nuclear Regulatory Research (RES)  
Items of Interest  
Week Ending May 20, 2011

Division of Engineering (DE) Staff Discusses Digital Instrumentation and Controls (I&C)  
Research Activities with the Institute of Nuclear Energy Research

On May 20, 2011, RES/DE staff met researchers from the Institute of Nuclear Energy Research in Taiwan and the Taiwan Atomic Energy Council Representative in Washington, D.C., Science and Technology Division. The purpose of this meeting was to discuss the program for software development and testing research of Digital I&C systems under the existing arrangement for collaboration in nuclear and regulatory safety matters.

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Office of Administration (ADM)  
Items of Interest  
Week Ending May 20, 2011

Paleoliquefaction Studies in Moderate Seismicity Regions with a History of Large Events

On May 12, 2011, as a result of a competitive negotiated acquisition, a cost plus fixed fee contract (NRC-HQ-11-C-04-0041) was awarded to M. Tuttle and Associates in Georgetown, Maine, for Paleoliquefaction Studies in Moderate Seismicity Regions with a History of Large Events. The period of performance is from May 13, 2011, to May 12, 2015, with no option periods. The total value of the contract is \$723,654.

Requirements for Maintenance of Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC); Proposed Rule, 10 CFR Parts 2 and 52 (RIN 3150-AI77, NRC-2010-0012)

On May 13, 2011, the NRC published a proposed rule (76 FR 27925) in the *Federal Register* to amend its regulations related to the verification of nuclear power plant construction activities through ITAAC under a combined license. Specifically, the NRC is proposing new provisions that apply after a licensee has completed an ITAAC and submitted an ITAAC closure notification. The new provisions would require licensees to report new information materially altering the basis for determining that either inspections, tests, or analyses were performed as required, or that acceptance criteria are met, and to notify the NRC of completion of all ITAAC activities. In addition, the NRC is proposing editorial corrections to existing language in its regulations to correct and clarify ambiguous language and make it consistent with language in the Atomic Energy Act of 1954, as amended. The public comment period for this proposed rule closes on July 27, 2011.

Draft Regulatory Guide (DG); Guidance for ITAAC Closure (RIN 3150-AI77, NRC-2011-0102)

On May 13, 2011, the NRC issued for public comment (76 FR 27924) in the *Federal Register* DG-1250, "Guidance for ITAAC Closure under 10 CFR Part 52." The DG-1250 describes a method that the staff of the NRC considers acceptable for use in satisfying the requirements for documenting the completion of inspections, tests, analyses, and acceptance criteria. The public comment period for this DG ends on July 25, 2011.

Mr. Erik Erb and 91 Cosigners; Petition for Rulemaking; Consideration in the Rulemaking Process (PRM-26-6; NRC-2010-0310)

On May 16, 2011, the NRC published a petition for rulemaking (76 FR 28191) in the *Federal Register* to consider the issues raised by Erik Erb, the petitioner, and 91 cosigners, in the planned "Quality Control/Quality Verification" rulemaking (Docket ID: NRC-2009-0090). The petitioner requested that the NRC amend its regulations to decrease the minimum days off requirement for security officers working 12-hour shifts from an average of 3 days per week to 2.5 or 2 days per week.

Professional Reactor Operator Society; Petition for Rulemaking; Consideration in the Rulemaking Process (PRM-26-3, NRC-2009-0482)

On May 16, 2011, the NRC published a petition for rulemaking (76 FR 28192) in the *Federal Register* to consider the issues raised by Robert Meyer, on behalf of the Professional Reactor Operator Society, the petitioner, in the planned "Quality Control/Quality Verification" rulemaking (Docket ID: NRC-2009-0090). The petitioner asked the NRC to amend the regulations that govern fitness-for-duty programs. Specifically, the petitioner asked the NRC to change the term "unit outage" to "site outage" and that the definition of "site outage" read "up to one week prior to disconnecting the reactor unit from the grid and up to 75 percent turbine power following reconnection to the grid."

Nuclear Energy Institute; Petition for Rulemaking; Consideration in the Rulemaking Process (PRM-26-5, NRC-2010-0304)

On May 16, 2011, the NRC published a petition for rulemaking (76 FR 28192) in the *Federal Register* to consider the issues raised by Anthony R. Pietrangelo, on behalf of the Nuclear Energy Institute, the petitioner, in the planned, "Quality Control/Quality Verification" rulemaking (Docket ID: RC-2009-0090). The petitioner requested that the NRC amend its regulations regarding its fitness-for-duty programs to refine existing requirements based on experience gained since the regulations were last amended in 2008.

Amendments to Material Control and Accounting (MC&A) Regulations; Availability of Preliminary Proposed Rule Language, 10 CFR Parts 72, 74, and 150 (RIN 3150-A161, NRC-2009-0096)

On May 16, 2011, the NRC published for public comment (76 FR 28193) in the *Federal Register* preliminary proposed rule language concerning the proposed amendments to the MC&A regulations. These regulations apply to NRC licensees who are authorized to hold special nuclear material (SNM) and to certain licensees within the jurisdiction of the Agreement States that hold SNM and submit material status reports to the NRC. The goal of this rulemaking is to revise and consolidate the MC&A requirements. After the Commission has reviewed and approved the proposed rule, it will be formally published for comment. The public comment period closes on June 30, 2011.

Domestic Licensing of Source Material--Amendments/Integrated Safety Analysis (ISAs); Proposed Rule, 10 CFR Parts 40 and 150 (RIN 3150-A150, NRC-2009-0079)

On May 17, 2011, the NRC published for public comment a proposed rule (76 FR 28336) in the *Federal Register* and draft guidance concerning the NRC's requirements for source material licensees who possess significant quantities of uranium hexafluoride (UF<sub>6</sub>). The proposed amendments would require such licensees to conduct ISAs similar to the ISAs performed by 10 CFR Part 70 licensees. The proposed ISA requirements would not apply to facilities that are currently undergoing decommissioning under the current regulations.

The proposed rule would also set possession limits for UF6 for determining licensing authority (NRC or Agreement States); add defined terms; add an additional evaluation criterion for applicants who submit an evaluation in lieu of an emergency plan; and require the NRC to perform a back-fit analysis under specified circumstances. The public comment period closes on August 1, 2011.

#### Onsite Mail Support Services

On May 18, 2011, as a result of a non-competitive 8(a) solicitation, a hybrid-type (firm fixed and time and material pricing) contract (NRC-HQ-11-C-10-0035) was awarded to Aspen of D.C., Inc. of Washington, D.C., to provide the NRC Headquarters onsite mail support services and courier services. The period of performance is a base period of six months, from June 1, 2011, through November 30, 2011, with four 1-year option periods. The total estimated cost of the contract is \$2,514,335.40, inclusive of all options.

Office of Information Services (OIS)  
Items of Interest  
Week Ending May 20, 2011

National Archives and Records Administration (NARA) Electronic Records Archives (ERA) Meeting

On May 16, 2011, OIS staff met with staff from NARA and discussed the NRC's use of the ERA. ERA is NARA's new system that allows Federal agencies to perform critical records management transactions with NARA online for the first time. NRC records management staff will use ERA to draft records retention schedules, submit those schedules to NARA for approval, request the transfer of records to the National Archives for accessioning or pre-accessioning, and submit electronic records for storage in the ERA repository. It is expected that the NRC will begin using ERA by fall 2011.

NARA Guidance Meeting

On May 17, 2011, OIS staff met with the Account Manager from NARA. Discussions were held about funding and the current Interagency Agreement between NARA and the NRC, as well as services available to the NRC through NARA's Federal Records Centers (FRCs). Also discussed was the NRC's use of the Archives and Records Centers Information System (ARCIS), which is a web-based information technology system containing information about the records stored at the FRCs. ARCIS allows agencies to conduct all transactions online, saving time and reducing paperwork. The NRC currently has access to the ARCIS feature of requesting records back from the FRCs. It was requested that access to all of the features of ARCIS be available to NRC as soon as possible.

Department of Justice (DOJ) Training Sessions on Freedom of Information Act (FOIA) Exemption 2, and FOIA Fees

On May 17, 2011, OIS staff attended the DOJ Office of Information Policy (OIP), training on changes to the FOIA Exemption 2 (E2) and FOIA fees. The E2 training resulted from the Supreme Court's decision on *Milner v. Department of the Navy* that overturned longstanding interpretation and practice regarding E2. Originally, agencies had withheld information under E2 when it could have enabled circumvention of a law or agency regulation. The court ruling overturned this approach stating that the plain language of the exemption did not include this use of E2. OIP's Director reviewed the newly issued DOJ guidance on E2. The E2 training session was followed by the FOIA Fee Summit, which focused on the FOIA's fee and fee waiver provisions. The Summit addressed the issues that arise most frequently in connection with assessing fees under the FOIA and in determining whether a fee waiver is appropriate.

Technical Information Center Section Hosts Agency Document Access and Management System (ADAMS) User Group (AUG) Meeting

On May 18, 2011, OIS staff hosted the first of two AUG meetings scheduled for this year. Public Document Room (PDR) reference librarians, information technology specialists, and other OIS information management experts responded to questions on how content is provided in Web-based ADAMS (WBA), provided WBA users with advice on improving searching, and accepted other issues for further study.

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This AUG meeting also offered OIS the opportunity to inform attendees of a new WBA release planned for the Fall of 2011. Communicating with WBA users in semiannual AUG sessions, and on a daily basis through the PDR, offers OIS ongoing opportunities to improve WBA for use by the public and NRC stakeholders.

FOIA and Privacy Act (PA) Requests Received During the Period of May 13, 2011, through May 19, 2011:

Indian Point - Entergy's Study of the Natural Gas Lines	FOIA/PA-2011-0220
San Onofre Nuclear Generating Station and Diablo Canyon Nuclear Power Plant – All records related to Fire Suppression Systems, Fire Safety, and Fire Protection Regulations and Violations 2005-May 13, 2011	FOIA/PA-2011-0221
Lost/Stolen Radioactive material in California, Arizona, Nevada, Oregon 2005-May 13, 2011	FOIA/PA-2011-0222
Inspections conducted at Nation's Nuclear facilities since the Fukushima Daiichi accident March 11, 2011 - May 14, 2011	FOIA/PA-2011-0223
All records between NRC and named entities	FOIA/PA-2011-0224
2010 FOIA requests which a political appointee made inquiry, reviewed, and had a hand in the disposition of the request	FOIA/PA-2011-0225
2010 FOIA Log	FOIA/PA-2011-0226
Close out memos for specific Office of the Inspector General closed investigations	FOIA/PA-2011-0227
Office of Nuclear Reactor Regulation Office Instructions as listed and all enclosures, appendices and attachments; complete list of office instructions	FOIA/PA-2011-0228
Global Nuclear Fuels Independent Evaluation Report (NRC License SNM-1097)	FOIA/PA-2011-0229

Office of Human Resources (HR)  
 Items of Interest  
 Week Ending May 20, 2011

<b>Arrivals</b>		
Alston, Jordan	IT ASSISTANT (STEP)	OIS
Beck, Colin	STUDENT IT SPECIALIST (SUMMER)	ACRS
Bridges, Darian	STUDENT ENGINEER (SUMMER)	RES
Bridgman, Glenn	STUDENT LAW CLERK	OGC
Carrico, Erica	STUDENT ENGINEER (SUMMER)	NRR
Clark, Lloyd Sheldon	STUDENT LAW CLERK	OGC
Cylkowski, David	STUDENT LAW CLERK	OGC
Hanks, David	SR. INT'L SAFEGUARDS TECH ANALYST	NMSS
Hiser, Diana	STUDENT ENGINEER (COOP)	NRR
Hiser, Matthew	MATERIALS ENGINEER (NSPDP)	RES
Houseman, Esther	STUDENT LAW CLERK	OGC
Jackson, Blake	STUDENT ENGINEER (SUMMER)	R-II
Kadakiya, Savan	SUMMER HIRE - STUDENT ENGINEER	NRO
McCann, George	SENIOR HEALTH PHYSICIST	R-III
Parlor, Jenee	STUDENT SCIENTIST	RES
Sotomayor, Larry	DEPUTY ASSOCIATE DIRECTOR	ADM
Tyberghein, Gerald	STUDENT ENGINEER (SUMMER)	NRR
White, Rodney	CRIMINAL INVESTIGATOR	OI
Ziolkowski, Michael	REACTOR ENGINEER/RESIDENT INSPECTOR	R-III
<b>Retirements</b>		
None		
<b>Departures</b>		
Hott, Christopher	SENIOR ENFORCEMENT SPECIALIST	OE

Office of Public Affairs (OPA)  
Items of Interest  
Week Ending May 20, 2011

Received Significant Media Inquiries on the Following:

The NRC's Japan-related inspection reports for U.S. nuclear power plants.

A Special Inspection launched at Pilgrim nuclear power plant (Massachusetts) after two unplanned shutdowns.

Hardened vents at U.S. boiling-water reactors.

Other Public Affairs Items:

OPA did an interview with WRVO-FM (of Oswego, New York) regarding a petition asking the agency to shut down U.S. reactors similar in design to the Japanese units until our reviews are completed.

OPA did a recorded interview with WOBN-FM (of Ocean County, New Jersey) in advance of the upcoming Annual Assessment meeting for Oyster Creek nuclear power plant.

OPA provided a taped interview to California Public Radio regarding the role state agencies play in the overall licensing process for new nuclear power plants.

OPA participated in a recorded interview with Minnesota Public Radio whose focus was the issuance of the Environmental Impact Statement for Prairie Island nuclear power plant's (Minnesota) license renewal.

OPA did a recorded interview with WOBN-FM on the decision by the U.S. 3<sup>rd</sup> Circuit Court of Appeals (in Philadelphia) rejecting a several-group challenge of the NRC's approval of a license extension for Oyster Creek nuclear power plant (New Jersey).

OPA facilitated an interview with NRC staff with a reporter for a health magazine regarding research on low-dose radiation.

OPA did a recorded interview with WBUR radio (of Boston, Massachusetts) on the special inspection team at Pilgrim nuclear power plant (Massachusetts).

OPA supported an Annual Assessment meeting at Susquehanna nuclear power plant (Pennsylvania), and a decertification meeting for the Portsmouth Gaseous Diffusion Plant (Ohio).

<b>Press Releases Issued</b>	
<b>Headquarters:</b>	
11-082	NRC, U.S. Army Corps of Engineers Issue Final Environmental Impact Statement for New Reactors at Comanche Peak Site (5/16)
11-083	NRC Exits Monitoring Mode for Japanese Nuclear Emergency; Continues to Support U.S. Government Efforts (5/16)
11-084	NRC Issues Final Environmental Impact Statement for Prairie Island Nuclear Plant (5/17)
11-085	NRC Seeks Public Comment on Proposed Rule Requiring Detailed Safety Analyses for Uranium Conversion Facilities (5/17)
11-086	NRC Presenting at National Academy of Sciences Meeting May 23 in Atlanta, Georgia Regarding NRC-Sponsored Cancer Risk Study (5/17)
11-087	NRC Chairman Gregory B. Jaczko's Statement on AP1000 Review Issues (5/20)
11-088	NRC Issues Summary of Recent U.S. Nuclear Plant Inspections (5/20)
<b>Regions:</b>	
I-11-014	NRC to Hold Public Meeting on May 26 in Toms River, New Jersey, to Discuss Annual Assessment of Oyster Creek Nuclear Plant (5/16)
I-11-015	NRC to Hold Two Public Meetings on May 25 in Waterford, Connecticut, to Discuss Annual Assessment of Millstone Nuclear Power Plant (5/16)
I-11-016	NRC to Hold Public Meeting on June 2 in Cortlandt Manor, New York, to Discuss Annual Assessment of Indian Point Nuclear Plant (5/20)
II-11-035	NRC Schedules Public Meeting for May 25 to Discuss Performance of Brunswick Nuclear Power Plant (5/18)
II-11-036	NRC Schedules Public Meeting for May 26 to Discuss Performance of Summer Nuclear Power Plant (5/18)
II-11-037	NRC Schedules Public Meeting for May 31 to Discuss Performance of Browns Ferry Nuclear Power Plant (5/18)
IV-11-024	IV-11-024 NRC to Hold Regulatory Conference With Omaha Public Power District on Fort Calhoun Nuclear Power Plant on June 2 (5/19)

Office of the Secretary (SECY)  
Items of Interest  
Week Ending May 20, 2011

Document Released to Public	Date	Subject
<b>Decision Documents</b>		
1. <a href="#">SECY-11-0061</a>	04/29/11	A Request to Revise the Interim Enforcement Policy for Fire Protection Issues on 10 CFR 50.48(c) to Allow Licensees to Submit License Amendment Requests in a Staggered Approach (RIN 3150-AG48)
<b>Information Papers</b>		
1. <a href="#">SECY-11-0064</a>	05/15/11	Weekly Information Report – Week Ending April 29, 2011
2. <a href="#">SECY-11-0065</a>	05/18/11	Weekly Information Report – Week Ending May 6, 2011

Commission Correspondence

1. Letter to Senator Richard Blumenthal, dated May 13, 2011, responds to letter regarding the recent events in Japan and their implications for the continuing safety of nuclear power plants in the United States.
2. Letter to Senator Frank Lautenberg, dated May 13, 2011, responds to letter regarding nuclear power plants in New Jersey in light of recent events in Japan.
3. Letter to Senator Kirsten Gillibrand, dated May 13, 2011, responds to letter urging us to act expeditiously to complete our Generic Issue 199 project on seismic hazards.
4. Letter to Congressman Darrell Issa, dated May 12, 2011, responds to request for documents on Yucca Mountain.
5. Letter to Congressman Earl Blumenauer, dated May 12, 2011, responds to letter expressing concern regarding radiation contamination from recent events in Japan reaching the west coast of the United States.

Federal Register Notices Issued

1. Advisory Committee on Reactor Safeguards (ACRS), notice of the 584<sup>th</sup> meeting (06/08-06/10/2011).
2. Southern Nuclear Operating Company, Inc., Vogtle Electric Generating Plant, Unit 1 and 2, Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a

Hearing and Order Imposing Procedures for Document Access to Sensitive Unclassified Non-Safeguards Information (SUNSI), Docket Nos. 50-424 and 50-425.

3. Duke Energy Carolinas, LLC, Oconee Nuclear Station, Units 1, 2, and 3, Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing and order Imposing Procedures for Document Access to SUNSI, Docket Nos. 50-269, 50-270, and 50-287.