significant dismantlement of the facility has been accomplished to date. In 2002, the reactor vessel was removed and packaged for transport and burial at a low-level radioactive waste disposal facility. The licensee is planning to transport the reactor vessel from SONGS–1 to the Chem-Nuclear low-level radioactive waste disposal facility at Barnwell County, South Carolina, by a combination of overland vehicle, ocean going vessel or barge, and rail transportation. The shipment is planned to begin sometime in the period between November 2003, and February 2004. The travel time is estimated to be as long as 90 days.

2.0 Request/Action

In a letter to the Commission dated March 7, 2003, the licensee requested a one-time exemption from certain requirements in 10 CFR part 20, appendix G, Section III.E. These requirements would require a licensee to investigate and file a report with the NRC if a shipment of radioactive waste is not acknowledged by the intended recipient within 20 days when making a shipment of low-level radioactive waste to a land disposal facility. The licensee has requested a one-time exemption from the 20-day investigation and reporting requirements for shipment of the SONGS Unit 1 reactor vessel since the transport time for the reactor vessel to the disposal site is currently expected to take as long as 90 days. If the regulation were to be applied to the shipment of the SONGS–1 reactor vessel, the licensee would be required to investigate, trace, and submit a report to the Commission on the shipment 20 days into the approximately 90-day journey to the Barnwell disposal site. The licensee believes the underlying purpose of the rule is to trace radioactive shipments which have not reached their destination as scheduled for unknown reasons. Application of this regulation for shipment of the SONGS–1 reactor vessel would not be meaningful for a shipment expected to take up to 90 days.

3.0 Discussion

Pursuant to 10 CFR 20.2301, the Commission may, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of regulations in 10 CFR part 20, appendix G, section III.E if it determines the exemption is authorized by law and would not result in undue hazards to life or property.

There are no provisions in the Atomic Energy Act (or in any other Federal statute) that impose a requirement to investigate and report on low-level radioactive waste shipments that have not been acknowledged by the recipient within 20 days of transfer. Therefore, the Commission concludes that there is no statutory prohibition on the issuance of the requested exemption and the Commission is authorized to grant the exemption by law.

The Commission acknowledges that investigation of the shipment status well before its expected completion would not be meaningful. The Commission also agrees with the licensee that the underlying purpose of the rule is to investigate a late shipment that may be lost, misdirected, or diverted. Because of the particular circumstances of this shipment and the massive size and weight of the reactor vessel, special planning, shipping arrangements, oversight, and monitoring will be needed throughout the entire journey from SONGS–1 to the disposal site. It is unlikely that the shipment could be lost, misdirected, or diverted without the knowledge of the carrier or the licensee. Furthermore, there is no need to specify any arbitrary time to complete the shipment. Because the nature of this shipment will necessitate considerable oversight well beyond that employed for most low-level radioactive waste shipments, the Commission finds that there is no hazard to life or property by not investigating, tracing, and reporting on the reactor vessel shipment 20 days into its potential 90-day journey. Therefore, the Commission concludes that the underlying purpose of 10 CFR part 20, appendix G, section III.E will be met.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.2301, the exemption requested by SCE in its March 7, 2003 letter is authorized by law and will not result in undue hazards to life or property. Therefore, the Commission hereby grants SCE a one-time exemption from the need to investigate, trace, and report on the shipment of the SONGS–1 reactor vessel when the reactor vessel is not received and acknowledged by the land disposal site at Barnwell, SC, within 20 days from the start of the shipment as required by 10 CFR part 20, appendix G, section III.E.

Pursuant to 10 CFR 51.31, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as documented in **Federal Register** notice 68 FR 20033.

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 15th day of May, 2003.

For the Nuclear Regulatory Commission.

John T. Greeves,

Director, Division of Waste Management, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 03–13214 Filed 5–27–03; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Licensing Support System Advisory Review Panel; Notice of Amendment of Charter

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of amendment of the Charter of the Licensing Support Network Advisory Review Panel (LSNARP).

SUMMARY: The Licensing Support System Advisory Review Panel was established by the U.S. Nuclear Regulatory Commission as a Federal Advisory Committee in 1989. Its purpose was to provide advice on the fundamental issues of design and development of an electronic information management system to be used to store and retrieve documents relating to the licensing of a geologic repository for the disposal of high-level radioactive waste, and on the operation and maintenance of the system. This electronic information management system was known as the Licensing Support System (LSS). In November 1998, the Commission approved amendments to 10 CFR part 2 that renamed the Licensing Support System Advisory Review Panel as the Licensing Support Network Advisory Review Panel.

Membership on the Panel continues to be drawn from those interests that will be affected by the use of the LSN, including the Department of Energy, the NRC, the State of Nevada, the National Congress of American Indians, affected units of local governments in Nevada, the Nevada Nuclear Waste Task Force, and a coalition of nuclear industry groups. Federal agencies with expertise and experience in electronic information management systems may also participate on the Panel.

The Nuclear Regulatory Commission has decided to amend the charter for the LSNARP to remove the designation of the LSN Administrator as the NRC member of the Panel. This will allow the Secretary of the Commission flexibility in naming the NRC representative. This action is being

taken in accordance with the Federal Advisory Committee Act after consultation with the Committee Management Secretariat, General Services Administration.

FOR FURTHER INFORMATION CONTACT: Andrew L. Bates, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555: Telephone 301–504–1963.

Dated: May 20, 2003.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 03–13213 Filed 5–27–03; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–369 and 50–370]

Duke Power Company; McGuire Nuclear Station, Unit Nos. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G, for Facility Operating License Nos. NPF–9 and NPF–17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Unit Nos. 1 and 2 (McGuire), nuclear power plant, located in Mecklenburg County, North Carolina. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action:

The proposed action would exempt the licensee from the requirements of 10 CFR part 50, appendix G, which would allow the use of American Society of Mechanical Engineers *Boiler and Pressure Vessel Code* (ASME Code) Code Case N–641 as the basis for revised reactor vessel pressure (RVP) and temperature (P/T) curves, and low temperature overpressure protection system setpoints in the McGuire, Unit Nos. 1 and 2 Technical Specifications.

The regulation at 10 CFR part 50, section 50.60(a), requires, in part, that except where an exemption is granted by the Commission, all light-water nuclear power reactors must meet the fracture toughness requirements for the reactor coolant pressure boundary set forth in appendix G to 10 CFR part 50. Appendix G to 10 CFR part 50 requires that P/T limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak-rate testing conditions. Specifically, 10 CFR part 50, Appendix G, states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G of 10 CFR part 50 specifies that the requirements for these limits are the ASME Code, Section XI, Appendix G, limits.

ASME Code Case N–641 permits the use of alternate reference fracture toughness for reactor vessel materials in determining the P/T curves and low temperature overpressure protection system setpoints for effective temperature and allowable pressure. The alternate reference fracture toughness involves the use of the ''K_{IC} fracture toughness curve'' instead of the ''K_{IA} fracture toughness curve,'' where K_{IC} and K_{IA} are ''Reference Stress Intensity Factors,'' as defined in ASME Code, Section XI, Appendices A and G, respectively. Since the K_{IC} fracture toughness curve shown in ASME Code, Section XI, Appendix A, Figure A–2200–1 (the K_{IC} fracture toughness curve), provides a higher fracture toughness value than the corresponding K_{IA} fracture toughness curve of ASME Code, Section XI, Appendix G, Figure G–2210–1 (the K_{IA} fracture toughness curve), using ASME Code Case N–641 to establish the P/T curves and low temperature overpressure protection system setpoints would be less conservative than the methodology currently endorsed by 10 CFR part 50, Appendix G. The provisions of ASME Code Case N–641 were incorporated into the Appendix G to Section XI of the ASME Code in the 1998 Edition through 2000 Addenda which is the Edition and Addenda of record in the 2003 edition of 10 CFR part 50. However, in this case, the McGuire licensing basis has only been updated to include the 1995 Edition through 1996 Addenda of the ASME Code. tHerefore, an exemption to apply ASME Code Case N–641 is required.

The poposed action is in accordance with the licensee's application dated December 12, 2002, as supplemented by letters dated March 27 and April 23, 2003.

The Need for the Proposed Action

The proposed exemption is needed to allow the licensee to implement ASME Code Case N–641 in order to revise the method used to determine the P/T curves and because the continued use of the method specified by Appendix G to 10 CFR part 50, to develop low temperature overpressure protection system setpoints unnecessarily restricts the P/T operating window.

The underlying purpose of Appendix G, is to protect the integrity of the reactor coolant pressure boundary (RCPB) in nuclear power plants. This is accomplished through regulations that, in part, specify fracture toughness requirements for ferritic materials of the RCPB. Pursuant to 10 CFR part 50, appendix G, it is required that P/T limits for the reactor coolant system (RCS) be at least as conservative as those obtained by applying the methodology of the ASME Code, Section XI, Appendix G. Current P/T limits produce operational constraints by limiting the P/T range available to the operator to heat up or cool down the plant. The operating window through which the operator heats up and cools down the RCS becomes more restrictive with continued reactor vessel service. Reducing this operating window could potentially have an adverse safety impact by increasing the possibility of inadvertent low temperature overpressure protection system actuation due to pressure surges associated with normal plant evolutions, such as reactor coolant pump start and swapping operating charging pumps with the RCS in a water-solid condition. P/T limits for an increased service period of operation of 34 effective full-power years for McGuire, Unit Nos. 1 and 2, based on ASME Code, Section XI, Appendix G requirements, would significantly restrict the ability to perform plant heatup and cooldown, and would create an unnecessary burden to plant operations, and challenge control of plant evolutions required with the Over Pressure Protection feature enabled. Continued operation of McGuire, Unit Nos. 1 and 2, with P/T curves developed to satisfy ASME Code, Section XI, Appendix G, requirements without the relief provided by ASME Code Case N–641 would unnecessarily restrict the P/T operating window, especially at low temperature conditions. Use of the K_{IC} curve in determining the lower bound fracture toughness of RPV steels is more technically correct than use of the K_{IA} curve, since the rate of loading during a heatup or cooldown is slow and is more representative of a static condition than a dynamic condition. The K_{IC} curve appropriately implements the use of static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of a reactor vessel. The staff has required use of the conservatism of the K_{IA} curve since 1974, when the curve was adopted by the ASME Code. This conservatism was initially necessary due to the limited knowledge of the fracture