

hours. The total hour burden to complete the EEOP certification is 1750. The total annual burden hours is 3000.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: November 20, 2002.

Brenda E. Dyer,

*Department Deputy Clearance Officer,
Department of Justice.*

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NATIONAL SCIENCE FOUNDATION

Committee Management; Renewal

The NSF management officials having responsibility for the Business and Operations Advisory Committee (#9556) have determined that renewing this group for another year is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

For more information contact Susanne Bolton at (703) 292-7488.

Dated: November 21, 2002.

Susanne Bolton,

Committee Management Officer.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-335 AND 50-389]

Florida Power and Light Company, et al. St. Lucie, Units 1 and 2; Exemption

1.0 Background

The Florida Power and Light Company, *et al.* (FPL, the applicant) is the holder of Facility Operating License Nos. DPR-67 and No. NPF-16, which authorize operation of St. Lucie, Units 1 and 2, respectively. The licenses provide, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of two pressurized water reactors located in St. Lucie County, Florida.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), part 54 addresses the various requirements for renewal of operating licenses for nuclear power plants. Section 54.21(b) of 10 CFR specifies:

Each year following submittal of the license renewal application and at least 3 months before scheduled completion of the NRC review, an amendment to the renewal application must be submitted that identifies any change to the CLB [current licensing basis] of the facility that materially affects the contents of the license renewal application, including the FSAR [final safety analysis report] supplement.

In accordance with 10 CFR 54.15, which references 10 CFR 50.12, the NRC staff, upon its own initiative, developed an exemption to 10 CFR 54.21(b) for St. Lucie, Units 1 and 2. At the time that 10 CFR part 54 was issued, the staff expected that its review of a license renewal application (LRA) could take three or more years. The NRC staff completed its reviews of recent LRAs in less than 20 months. The exemption would allow FPL to submit one LRA amendment during the staff's review of the application, instead of two amendments.

The NRC staff anticipates completing its review of the St. Lucie, Units 1 and 2, LRA and issuing a safety evaluation report (SER) by July 3, 2003. This exemption would permit FPL to forgo submitting an annual LRA amendment provided it submits a single LRA amendment for St. Lucie, Units 1 and 2, at least three months before this scheduled completion date.

3.0 Discussion

Pursuant to 10 CFR 54.15, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 54, in accordance with the provisions of 10 CFR 50.12, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

The requirements for exemption are discussed below:

The Commission's basis for requiring applicants to submit amendments to LRAs is contained in section 54.21(b) and is discussed in the 1991 Statements of Consideration for part 54 (56 FR 64954). The Commission established the requirement to ensure that the effects of changes to the renewal applicant's CLB is evaluated during the review of its renewal application. The exemption is consistent with the Commission's intent

for the NRC staff, during its review of the application, to evaluate changes to the CLB of the facility that materially affects the contents of the LRA, including the FSAR supplement.

The exemption seeks only schedular relief regarding the timing and number of amendment submittals, and not substantive relief from the requirements of parts 50, 51, or 54. FPL must still submit an LRA amendment for St. Lucie, Units 1 and 2, as required by 10 CFR part 54. Therefore, the NRC staff finds that granting this schedular exemption will not represent an undue risk to public health and safety and is consistent with the common defense and security.

3.1 Special Circumstances Supporting Issuance of the Exemption

An exemption will not be granted unless special circumstances are present as defined in 10 CFR 50.12(a)(2). Specifically, section 50.12(a)(2)(ii) states that a special circumstance exists when "Application of the regulation in the particular circumstances * * * is not necessary to achieve the underlying purpose of the rule * * *." In initially promulgating section 54.21(b) in 1991, the Commission stated that the purpose of submitting LRA amendments is "To ensure that the effect of changes to a license renewal applicant's existing licensing basis is evaluated during the review of a renewal application, renewal applicants will be required to update the renewal application (including the integrated plant assessment) annually;" (56 FR 64954). The Commission indicated that the changes to the CLB that could affect the results of the license renewal processes, such as, scoping, screening, and aging management reviews should be evaluated during the NRC review of the LRA. As set forth below, the applicant's submittal of a single LRA amendment would allow the NRC staff to review and document the licensing changes in its safety evaluation report (SER) for St. Lucie, Units 1 and 2. Accordingly, under the exemption, the NRC staff will have the opportunity to review the recent changes to the CLB that could affect the results of license renewal processes.

The applicant submitted its LRA for St. Lucie, Units 1 and 2, to the NRC on November 29, 2001. The NRC staff is scheduled to complete its review and the SER by July 3, 2003. In accordance with the requirements of 10 CFR 54.21(b), an applicant must submit a yearly LRA amendment by November 29, 2002, and a second amendment before April 3, 2003, which is three months before the NRC staff is