

February 13, 2006

Mr. J. A. Stall
Senior Vice President, Nuclear and
Chief Nuclear Officer
Florida Power and Light Company
P.O. Box 14000
Juno Beach, Florida 33408-0420

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF APPLICATION
REGARDING PROPOSED MERGER AND OPPORTUNITY FOR A HEARING -
ST. LUCIE UNITS 1 AND 2 (TAC NOS. MC9653 AND MC9654)

Dear Mr. Stall:

Enclosed is a copy of a "Notice of Consideration of Approval of Application Regarding Proposed Merger and Opportunity for a Hearing" related to the application dated January 20, 2006, filed by Florida Power and Light Company (FPL). Pursuant to Title 10, *Code of Federal Regulations*, Section 50.80, the application seeks approval of the proposed indirect transfer of the licenses as held by FPL for St. Lucie Nuclear Plant, Units 1 and 2, to the extent effected by the proposed merger of FPL Group, Inc. and Constellation Energy Group, Inc.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

Enclosure: *Federal Register* Notice

cc w/encl: See next page

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*No Legal Objection

NRR-106

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DATE	02/02/06	02/01/06	02/06/06	02/09/06

OFFICIAL RECORD COPY

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Florida Power and Light Company

cc:
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UNITED STATES NUCLEAR REGULATORY COMMISSION

FLORIDA POWER AND LIGHT COMPANY

ST. LUCIE NUCLEAR PLANT, UNITS 1 AND 2

DOCKET NOS. 50-335 AND 50-389

NOTICE OF CONSIDERATION OF APPROVAL OF APPLICATION REGARDING PROPOSED
MERGER AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under Title 10 of the *Code of Federal Regulations* (CFR), Section 50.80 approving the indirect transfer of the Renewed Facility Operating Licenses, which are numbered DPR-67 and NPF-16, for the St. Lucie Nuclear Plant, Units 1 and 2, to the extent currently held by Florida Power and Light Company (FPL), as owner and licensed operator of St. Lucie Unit 1 and co-owner and licensed operator of St. Lucie Unit 2.

According to an application for approval filed by FPL, FPL Group, Inc., the parent organization of FPL, will merge with a newly created subsidiary of Constellation Energy Group, Inc., and become a wholly owned subsidiary of Constellation Energy. FPL will continue to own and operate St. Lucie Unit 1, and continue to own its 85.1 percent ownership interest in and operate St. Lucie Unit 2, and hold the licenses to the extent now held. The other co-owners of St. Lucie Unit 2, Orlando Utilities Commission of the City of Orlando, Florida, and the Florida Municipal Power Agency, are not involved in the proposed transaction.

No physical changes to the St. Lucie facilities or operational changes are being proposed in the application.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give

its consent in writing. The Commission will approve the application for the indirect transfer of the licenses, if the Commission determines that the proposed merger will not affect the qualifications of the licensee to hold the licenses, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

Within 20 days from the date of publication of this notice, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C "Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309. Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c)(1), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.309(c)(1)(i)-(viii).

Requests for a hearing and petitions for leave to intervene should be served upon M. S. Ross, Managing Attorney, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408-0420 (telephone: 561-691-7126, fax: 561-694-6274, e mail: mitch_ross@fpl.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the

Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.302 and 2.305.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the FEDERAL REGISTER and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this FEDERAL REGISTER notice.

For further details with respect to this action, see the application dated January 20, 2006, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agency wide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland this 13th day of February 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Brendan T. Moroney, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation