

UNITED STATES NUCLEAR REGULATORY COMMISSION

FPL ENERGY DUANE ARNOLD, LLC

DUANE ARNOLD ENERGY CENTER

DOCKET NO. 50-331

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*, Section 50.80 approving the indirect transfer of Facility Operating License DPR-49 for the Duane Arnold Energy Center, to the extent currently held by FPL Energy Duane Arnold LLC, as a co-owner and licensed operator of Duane Arnold Energy Center.

According to an application for approval filed by FPL Energy Duane Arnold LLC, FPL Group, Inc., the parent organization of FPL Energy Duane Arnold LLC, will merge with a newly created subsidiary of Constellation Energy Group, Inc. and become a wholly owned subsidiary of Constellation Energy. FPL Energy Duane Arnold LLC will continue to own its 70 percent ownership interest in and operate the Duane Arnold Energy Center, and hold the license, to the same extent now held. The other co-owners of the facility, Central Iowa Power Cooperative and Corn Belt Power Cooperative, are not involved in the proposed transaction.

No physical changes to the Duane Arnold Energy Center facility 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 license, if the Commission determines that the proposed merger will not affect the qualifications of the licensee to hold the license, 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](mailto: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](mailto: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](mailto:pdr@nrc.gov).

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

FOR THE NUCLEAR REGULATORY COMMISSION

***/RA/***

Deirdre W. Spaulding, Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

February 13, 2006

Mr. Gary Van Middlesworth  
Vice President  
Duane Arnold Energy Center  
3277 DAEC Rd.  
Palo, IA 52324-9785

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF APPLICATION  
REGARDING PROPOSED MERGER AND OPPORTUNITY FOR A HEARING -  
DUANE ARNOLD ENERGY CENTER (TAC NO. MC9651)

Dear Mr. Van Middlesworth:

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 FPL Energy Duane Arnold. Pursuant to Title 10, *Code of Federal Regulations*, Section 50.80, the application seeks approval of the proposed indirect transfer of the license as held by FPL Energy Duane Arnold for Duane Arnold Energy Center 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/*

Deirdre W. Spaulding, Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-331

Enclosure: *Federal Register* Notice

cc w/encl: See next page

February 13, 2006

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Vice President  
Duane Arnold Energy Center  
3277 DAEC Rd.  
Palo, IA 52324-9785

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\*No Legal Objection

NRR-106

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**OFFICIAL RECORD COPY**

Duane Arnold Energy Center

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