

December 12, 2005

Mr. J. A. Stall
Senior Vice President
Nuclear and Chief Officer
Florida Power and Light Company
Florida Power and Light Energy, LLC (FPLE)
FPL Energy Duane Arnold (FPLE Duane Arnold)
P. O. Box 14000
Juno Beach, FL 33408-0420

SUBJECT: FLORIDA POWER AND LIGHT ENERGY LLC (FPLE) AND ITS SUBSIDIARY
FPL ENERGY DUANE ARNOLD (FPLE DUANE ARNOLD) REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR DUANE
ARNOLD ENERGY CENTER (DAEC) (TAC NO. MC8026)

Dear Mr. Stall:

By letter to the Nuclear Regulatory Commission (NRC) dated November 1, 2005, Florida Power and Light Energy LLC (FPLE) and its subsidiary FPL Energy Duane Arnold (FPLE Duane Arnold) submitted an affidavit dated November 1, 2005, executed by you requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Proprietary Response to NRC Request for Additional Information Re: Application for
Order and Conforming Amendments for License Transfer (TAC No. MC8026)

A nonproprietary version of this document, "Redacted Response to NRC Questions 6a and 6b Re: Application for Order and Conforming Amendments for License Transfer (TAC No. MC8026)" dated November 28, 2005, has been placed in the NRC Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a) The information is and has been held in confidence by FPLE and its subsidiary, FPL Energy Duane Arnold.
- b) This information is of a type that is held in confidence by FPLE and FPL Duane Arnold, and there is a rational basis for doing so because the information contains sensitive financial information concerning projected revenues, operating expenses, and finances of FPL Energy Duane Arnold.
- c) This information is being transmitted to the NRC in confidence.

- d) This information is not available in public sources and could not be gathered readily from other publicly available information.
- e) Public disclosure of this information would create substantial harm to the competitive position of FPLE and FPL Energy Duane Arnold by disclosing their internal financial projections to other persons whose commercial interests may be adverse to FPLE and FPL Energy Duane Arnold.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-2928.

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

cc: See next page

- d) This information is not available in public sources and could not be gathered readily from other publicly available information.
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Sincerely,

/RA/

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

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OFFICE	NRR/LPL3-1/PM	NRR/LPL3-1/LA	NRR/LPL-3-1/BC
NAME	DSpaulding	THarris	LRaghavan (TKobetz for)
DATE	12/8/05	12/8/05	12/12/05

OFFICIAL RECORD COPY

Duane Arnold Energy Center

cc:

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November 2005