

March 3, 2006

MEMORANDUM FOR: John F. Cordes, Director
Office of Commission Appellate Adjudication

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 6:10 P.M.,
FRIDAY, MARCH 3, 2006, COMMISSIONERS' CONFERENCE
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-06-0046 - Entergy Nuclear Vermont Yankee and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station)

The Commission¹ approved a Memorandum and Order responding to a request by the New England Coalition (NEC) for an order directing the NRC staff to refrain from issuing an operating license amendment to Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (together, Entergy) which would allow an increase in the maximum power at Entergy's Vermont Yankee Nuclear Power Station until after completion of a pending adjudication before the Atomic Safety and Licensing Board. The Memorandum and Order denies the NEC request for a stay of the power uprate license amendment.

(Subsequently, on March 3, 2006, the Secretary signed the Memorandum and Order.)

¹ Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioners McGaffigan, Jaczko and Lyons were present in the Conference Room. Commissioner Merrifield participated in the meeting via speakerphone. Chairman Diaz was not present when this item was affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decision. Chairman Diaz however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR