

January 11, 2007

MEMORANDUM FOR: John F. Cordes, Director  
Office of Commission Appellate Adjudication  
FROM: Annette L. Vietti-Cook, Secretary /RA/  
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:25 P.M., THURSDAY, JANUARY 11, 2007,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO  
PUBLIC ATTENDANCE)<sup>1</sup>

**I. SECY-06-0227 - Entergy Nuclear Vermont Yankee, LLC, & Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station), LBP-06-20 (Sept. 22, 2006), Reconsid'n Denied (Oct. 30, 2006)**

The Commission approved a Memorandum and Order responding to requests by Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. for interlocutory review of the Atomic Safety and Licensing Board's Memorandum and Order, LBP-06-20, in the license renewal proceeding regarding Vermont Yankee Nuclear Power Station. The Memorandum and Order notes that the Commission has decided to take *sua sponte* review of Board's decision to admit the New England Coalition's Contention 1 for adjudication in LBP-06-20. The Memorandum and Order sets a schedule for filing of briefs. Commissioners Jaczko and Lyons provided a dissenting opinion and would have preferred to deny the petition. Commissioners Merrifield and McGaffigan provided a concurring opinion agreeing with the majority opinion to take review.

(Subsequently, on January 11, 2007, the Secretary signed the Memorandum and Order.)

**II. SECY-06-0238 - Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station) Intervenor Pilgrim Watch's Appeal of LBP-06-23 (Ruling on Standing and Contentions)**

The Commission approved a Memorandum and Order responding to an appeal by the Intervenor Pilgrim Watch of the Presiding Officer's decision in LBP-06-23. By its appeal, Pilgrim Watch seeks to have the Commission admit for hearing one of its rejected contentions, Pilgrim Watch Contention 4, which alleged that the Pilgrim Environmental Report is deficient because it fails to discuss mitigation alternatives for the spent fuel pool. The Memorandum and Order affirms the Presiding Officer's decision in LBP-06-23.

(Subsequently, on January 11, 2007, the Secretary signed the Memorandum and Order.)

cc: Chairman Klein  
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

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<sup>1</sup>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." Chairman Klein and Commissioners Merrifield, Jaczko, and Lyons were present in the Conference Room. Commissioner McGaffigan participated in the meeting via speakerphone.