

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 50

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DATE	D-PG	OFFICIAL STATUS
01/18/2011	57	Introduction and first reading Referred to Energy, Utilities and Telecommunications

A bill for an act
relating to energy; allowing certificates of need for new nuclear power plants;
authorizing certain lawsuits; requiring a study; amending Minnesota Statutes
2010, section 216B.243, subdivision 3b.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 216B.243, subdivision 3b, is amended to
read:

Subd. 3b. **Nuclear power plant; new construction ~~prohibited~~; relicensing;
storage of spent fuel.** (a) The commission may ~~not~~ issue a certificate of need for the
construction of a new nuclear-powered electric generating plant.

(b) Any certificate of need for additional storage of spent nuclear fuel for a facility
seeking a license extension shall address the impacts of continued operations over the
period for which approval is sought.

(c) By January 1, 2012, the Office of Energy Security shall conduct a comprehensive
study to determine the likely future costs for storing and maintaining the spent nuclear fuel
from the Prairie Island Nuclear Generating Plant and the Monticello Nuclear Generating
Plant in Minnesota for the indefinite future. In preparing the report, the Office of Energy
Security shall:

(1) determine the likely costs to ratepayers, local and state taxpayers, and other
responsible entities should the spent fuel stay in Minnesota for 50 years, 100 years, 200
years, 500 years, and indefinitely;

(2) determine how long-term or indefinite spent fuel storage costs will be funded and
what entities are responsible for funding;

2.1 (3) determine the obligations of the state, the utility that holds title to the spent fuel,
2.2 and local governments and host communities under current law and recommend to the
2.3 legislature potential legislation or other actions that may be necessary for addressing
2.4 long-term or indefinite storage costs and safety;

2.5 (4) determine the likely impact of long-term or indefinite storage of spent nuclear
2.6 fuel on host communities should the spent fuel stay in Red Wing and Monticello for 50
2.7 years, 100 years, 200 years, 500 years, and indefinitely; and

2.8 (5) determine whether long-term or indefinite storage costs could become the
2.9 responsibility of the state and be funded through the general fund.

2.10 (d) Effective July 1, 2011, the Office of the Attorney General may file suit against
2.11 the United States Department of Energy for failing to meet its obligations to the state
2.12 under the 1982 Nuclear Waste Policy Act.

2.13 (e) Proceeds from any lawsuits filed by a utility that owns a nuclear power plant in
2.14 Minnesota against the United States Department of Energy for breach of contract under
2.15 the 1982 Nuclear Waste Policy Act shall be credited to the ratepayers of that utility.