

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**      **S.F. No. 4**

(SENATE AUTHORS: KOCH, Benson, Brown, DeKruif and Howe)

DATE	D-PG	OFFICIAL STATUS
01/10/2011	33	Introduction and first reading Referred to Energy, Utilities and Telecommunications
01/18/2011	59	Author added Howe
01/31/2011	127a	Comm report: To pass as amended
	128	Second reading
02/02/2011	161	Special Order
	164	Third reading Passed
02/21/2011	266	Returned from House with amendment
	266	Senate not concur, conference committee of 3 requested
	278	Senate conferees Koch; Rosen; Scheid
02/28/2011	299	House conferees Peppin; Hoppe; Mahoney
	3600	Joint rule 3.02, conference committee discharged Laid on table
04/16/2012	5857	Taken from table New conferees appointed in Senate
	5872	Senate conferees Koch; Rosen; Rest See SF1197, Sec. 13

A bill for an act

relating to energy; regulating and monitoring decommissioning of nuclear power plants and disposal of used fuel; abolishing prohibition on issuing certificate of need for new nuclear power plant; amending Minnesota Statutes 2010, section 216B.243, subdivision 3b; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

**Section 1. [216B.1614] NUCLEAR POWER PLANT DECOMMISSIONING AND STORAGE OF USED NUCLEAR FUEL.**

**Subdivision 1. Decommissioning costs.** (a) The Public Utilities Commission shall, when considering approval of a plan for the accrual of funds for the decommissioning of nuclear facilities filed in accordance with a commission order, include an evaluation of the costs, if any, arising from storage of used nuclear fuel that may be incurred by the state of Minnesota, and any tribal community, county, city, or township where used nuclear fuel is located following the cessation of operations at a nuclear plant.

(b) To assist the commission in making the determination required in paragraph (a), the filing shall provide cost estimates, including ratepayer impacts, assuming used nuclear fuel will be stored in the state for 60 years, 100 years, and 200 years following the cessation of operation of the nuclear plant.

**Subd. 2. Rate.** A public utility filing a decommissioning plan in accordance with a commission order and this section may include, as part of a general rate case petition, the costs of decommissioning accrual incurred in complying with a commission order implementing this section.

**Subd. 3. Commission report.** The commission shall prepare a nuclear decommissioning report after each of the commission's periodic review of nuclear

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2.1 decommissioning costs. The report shall be submitted within 180 days of the date of  
2.2 the final order related to that review to the chairs and ranking minority members of the  
2.3 legislative committees with primary jurisdiction over energy policy and public safety.

2.4 That report shall, without limitation, include the following:

2.5 (1) an explanation of the commission's funding decisions regarding nuclear  
2.6 decommissioning;

2.7 (2) the progress of the United States Department of Energy to remove from  
2.8 Minnesota spent fuel produced by nuclear generating plants in Minnesota;

2.9 (3) an analysis of the financial and other obligations related to decommissioning and  
2.10 storage of used fuel of the utility holding title to spent nuclear fuel to the state and to host  
2.11 communities, including affected tribal communities; and

2.12 (4) any recommendations to the legislature on legislation or other actions that may  
2.13 be necessary for addressing long-term or indefinite storage costs.

2.14 Sec. 2. Minnesota Statutes 2010, section 216B.243, subdivision 3b, is amended to read:

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

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

2.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.