

RESOLUTION # 5972

RESOLUTION REGARDING THE APPLICATIONS FOR THE PRAIRIE ISLAND NUCLEAR GENERATING PLANT(PINGP) BEFORE THE MINNESOTA PUBLIC UTILITIES AND THE NUCLEAR REGULATORY COMMISSIONS AND PERMANENCY OF THE HIGH-LEVEL NUCLEAR WASTE AT THE PINGP

WHEREAS, Northern States Power (NSP) received licenses from the Nuclear Regulatory Commission (NRC) for two nuclear reactor units at the PINGP located in Red Wing, Minnesota and began operations in 1973 and 1974 respectively; and

WHEREAS, the current licenses for the operation of the PINGP reactors are for 40 years and expire in 2013 and 2014; and

WHEREAS, operation of the nuclear generating plants produce high-level radioactive waste (spent nuclear fuel) which must be stored in isolation from biological systems; and

WHEREAS, PINGP is currently licensed by the NRC to store high-level radioactive waste in up to 48 dry cask units at an Independent Spent Fuel Storage Installation (ISFSI); and the ISFSI and dry cask units are designed and licensed for temporary storage for up to 40 years; and

WHEREAS, on April 15, 2008, Northern States Power d/b/a Xcel Energy filed an application to the NRC to re- license the nuclear reactors at the PINGP to extend operations for an additional 20 years, through 2033 and 2034; and

WHEREAS, on May 16, 2008, Northern States Power d/b/a Xcel Energy applied to the Minnesota Public Utilities Commission (MPUC) for a certificate of need for PINGP for an extended power uprate, MPUC docket number E002/CN-08-509, seeking to increase the approved generation capacity of PINGP Units 1 and 2 by 164 MW (82 MW each) ; and

WHEREAS, on May 16, 2008, Northern States Power d/b/a Xcel Energy applied to the MPUC for a certificate of need for PINGP for additional dry cask storage, MPUC docket number E002/CN-08-510, seeking to increase the number of State authorized dry casks on the site by 35 dry cask units from the currently State authorized 29 dry cask units to 64 dry cask units to support license extension; and

WHEREAS, the application for a certificate of need filed with the MPUC for PINGP seeking additional dry cask storage, MPUC docket number E002/CN-08-510, cites that upon decommissioning the PINGP that “It will take a total of 98 casks to store all the spent fuel that has been generated at Prairie Island”; and

WHEREAS, on August 1, 2008, concurrent with previous two dockets, Northern States Power d/b/a Xcel Energy applied to the MPUC for a certificate of need for PINGP for a site permit for the extended power uprate, MPUC docket number E002/GS-08-690; and

WHEREAS, the three (3) dockets submitted to the MPUC have been assigned to the Office of Administrative Hearings (OAH), and as the Administrative Law Judge (ALJ) issued the First Prehearing Order on October 3, 2008 in this proceeding providing the tentative procedural schedule

which includes an April 15, 2009 deadline for petitions to intervene in the OAH proceedings and other significant dates; and

WHEREAS, being granted intervenor status by the ALJ makes the person or municipal corporation a party to the OAH proceedings enabling the presentation of direct evidence and testimony, the cross-examining of witnesses, the filing of briefs, and participation as a party in every manner, subject to regulation by the ALJ; and

WHEREAS, the Federal Government is responsible to development of a repository for the high-level radioactive waste from civilian nuclear generating plants, and ratepayers have invested \$31 billion into the Nuclear Waste Fund (NWF) for development of the Yucca Mountain Repository, intended to be a safe and secure national storage facility; and

WHEREAS, the Yucca Mountain Repository is not now, nor may it in the foreseeable future, be prepared to accept the high-level radioactive waste from nuclear generating plants as recent developments in Congress suggest that the Yucca Mountain Repository, now eleven (11) years overdue, may be abandoned altogether for lack of political will, societal support, and adequate funding; and

WHEREAS, there is no other plan in existence for disposal or long-term storage of high-level nuclear waste, and there is no plan in existence for disposal or long-term storage of high-level nuclear waste from re-licensed or new nuclear generating plants; and no reasonable estimate for when such plans, or repositories, or other disposal methods might be developed or what it might cost; and

WHEREAS, the Nuclear Waste Policy Act states that the utility owning civilian nuclear generating plants are responsible for interim long-term storage of high-level nuclear waste, as memorialized in Congressional findings for the Nuclear Waste Policy Act: Title 42—The Public Health and Welfare, Chapter 108—Nuclear Waste Policy, Subchapter 1—Disposal and Storage of High-Level Radioactive Waste, Spent Fuel, and Low-Level Radioactive Waste, Part A—Repositories for Disposal of High-Level Radioactive Waste and Spent Nuclear Fuel, from Sec. 10131, (4):

“...Radioactive waste creates potential risks and requires safe and environmentally acceptable methods of disposal, and that federal efforts to devise a permanent solution to the problems of civilian radioactive waste have not been adequate, and that while the Federal Government has the responsibility to provide for the permanent disposal of high-level radioactive waste and such spent nuclear fuel as may be disposed of in order to protect the public health and safety and the environment, the costs of such disposal should be the responsibility of the generators and owners of such waste and spent fuel, and the generator and owners of high-level radioactive waste and spent nuclear fuel have the primary responsibility to provide for and the responsibility to pay the costs of, the interim storage of such waste and spent fuel until such waste and spent fuel is accepted by the Secretary of Energy in accordance with the provisions of this Act [42 U.S.C. 10101 et seq.]”; and

WHEREAS, Xcel Energy has claimed, as a basis for the authorization of interim storage of high-level nuclear waste at Monticello and PINGP, that Xcel Energy is not responsible for the high-level nuclear waste stored at the reactor sites; and that decommissioning funds do not provide funding for the storage of the same high-level nuclear waste stored at these facilities; and

WHEREAS, the No-Action alternative for the Yucca Mountain environmental review and other related industry documents recommend facility replacement at least every one hundred years to prevent release of radioactive elements into the biosphere; recommend a second facility site to provide for this ongoing replacement; and recommend enclosed, subgrade concrete ventilated bunkers with a containment shed to minimize degradation of containment materials; and no such investments or precautions are known as being considered by Xcel Energy; and

WHEREAS, the NRC is proposing revisions to the Waste Confidence Rule (Docket ID NRC-2008-0404) and the Waste Confidence Decision (Docket ID NRC-2008-0482) to indefinitely extend the onsite storage of high-level nuclear waste; and

WHEREAS, in 1992, the Administrative Law Judge presiding over the Minnesota Public Utilities Commission (PUC) Certificate of Need hearing for the siting of the present casks at the PINGP concluded, *“In all likelihood, DOE will not take spent fuel away from Prairie Island in the predictable future,”*; and

WHEREAS, environmental, safety, health, and socio-economic and security issues related to indefinite (ad hoc permanent) at-reactor-site storage are significantly different than those for short-term interim storage which form the basis of Xcel Energy’s applications to the Minnesota PUC; and

WHEREAS, Xcel Energy, which operates the PINGP, has expressed unequivocally that the casks are to be stored only on an interim basis, and therefore has not addressed the long-term storage of high-level nuclear waste at PINGP including the planning or funding for the long-term management, monitoring or repair and replacement of the ISFSI and dry cask units; and

WHEREAS, PINGP is located within the city limits of the City of Red Wing and the City of Red Wing desires, and is responsible by statute, to protect the public health, safety, and security of its citizens, and the environment, now and for future generations; and

WHEREAS, the ethical implications of passing this problem on to future generations without a solution are unacceptable; and

WHEREAS, the cost of maintenance, monitoring, and ensuring perpetual care of high-level radioactive waste at the PINGP could unreasonably and disproportionately burden the City of Red Wing if the high-level radioactive waste remains stranded at the reactor site; and

WHEREAS, Red Wing adjoins the Mississippi River and lies downriver of the PINGP, and is uniquely at risk of being endangered by planned or unplanned discharges of radioactive material from the PINGP to the river; and any contamination would affect the economy and valuable ecology of the river corridor; and

WHEREAS, in accordance with the Minnesota Radioactive Waste Management Act (116C.71-116C.77) only the Minnesota Legislature may permit potentially permanent storage of high level nuclear waste in Minnesota; and

WHEREAS, no studies have been initiated to ensure groundwater contamination protection under the Minnesota Radioactive Waste Management Act for the current proceedings before the Minnesota PUC; and

WHEREAS, on October 2, 2008 the City Council adopted Resolution No. 5910 – *Supporting the Prairie Island Nuclear Generating Plant Extended Power Uprate & Additional Dry Cask Storage Certificate of Need*;

NOW, THEREFORE, BE IT RESOLVED that the City of Red Wing finds that high-level radioactive waste storage at the PINGP, whether in its spent fuel storage basin or at its Independent Spent Fuel Storage Installation (ISFSI), is likely to remain onsite indefinitely; and

BE IT FURTHER RESOLVED that the City of Red Wing finds that it has interests in the applications before the MPUC separate and distinct from other parties and finds it in the public interest to obtain intervenor status in the matters currently before the MPUC to ensure that the social, environmental, economic and other impacts of the matters before the MPUC on the City’s residents are appropriately considered and addressed; and

BE IT FURTHER RESOLVED that the Minnesota legislature is asked to enact legislation that would require implementation of a long-term storage strategy for the PINGP, including:

- Management and security of radioactive waste storage for as long as it remains on Prairie Island
- Continuous monitoring of the performance of the casks and facility
- Continuous monitoring of the environment including surface water and streams, groundwater, soil, and atmosphere
- Maintenance and periodic replacement of the casks
- Maintenance and complete replacement of the temporary radioactive waste storage facility within the first 100 years and periodically thereafter as recommended by the Department of Energy and industry standards
- Development of a report on options for near-term waste vitrification and international “benchmarking” of dry cask storage technologies
- Identification of any additional equipment or techniques for the safe and efficient routine and emergency handling of radioactive waste for the long-term and until such time as the federal government removes the waste from Prairie Island; and

BE IT FURTHER RESOLVED that the Minnesota legislature is asked to enact legislation to establish a radioactive waste escrow account, funded by the utility that owns the nuclear generating power plant; the intent of the account being to assure that continuous and adequate security is maintained and that necessary maintenance is performed to insure that the utility’s high-level radioactive waste can be stored in a safe and environmentally sound manner for no less than the life of the plant plus 350 years; and

BE IT FURTHER RESOLVED that the Minnesota legislature is asked to recognize the special liabilities, responsibilities and financial burdens for neighboring communities imposed by the PINGP and the long term storage of its high-level radioactive waste. Provisions must be made to ensure that local governments who are responsible for the health, welfare and safety of their communities are adequately funded for public safety and other necessary services for as long as high-level radioactive waste remains and/or contamination persists on the site; including:

- Fire protection
- Police protection

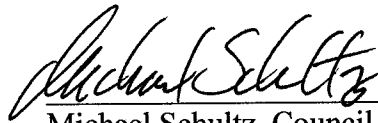
- Emergency medical response
- Emergency operations by organizations carrying out their responsibilities for the protection of life and property under a wide range of emergency conditions including sabotage, natural disaster, disruption of essential services, or any other major emergency; and

BE IT FURTHER RESOLVED that, in accordance with the Minnesota Radioactive Management Act, no waste from any other generating site be imported to Prairie Island for transport or storage; and

BE IT FURTHER RESOLVED that this Resolution supersedes Resolution No. 5910 – *Supporting the Prairie Island Nuclear Generating Plant Extended Power Uprate & Additional Dry Cask Storage Certificate of Need*; and

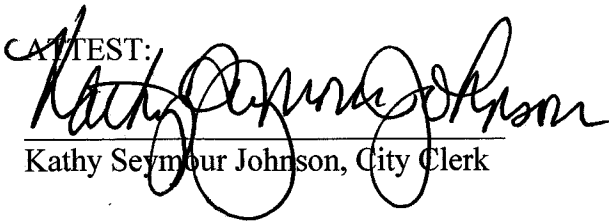
BE IT FURTHER RESOLVED that this resolution be sent to The Honorable Tim Pawlenty, The Honorable Margaret Anderson Kelliher, The Honorable Marty Seifert, The Honorable Tim Kelly, The Honorable Lawrence Pogemiller, The Honorable David Senjem, and The Honorable Steve Murphy.

Adopted by the Council this 23rd day of March 2009.



Michael Schultz, Council President

WITNESSETH:

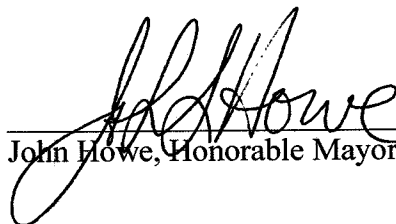


Kathy Seymour Johnson, City Clerk

(Seal)

Presented to the Mayor at ~~10:28~~ pm on this 23rd day of March 2009.

Approved this 23rd day of March 2009.



John Howe, Honorable Mayor