

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye	Chair
Marshall Johnson	Commissioner
Ken Nickolai	Commissioner
Thomas Pugh	Commissioner
Phyllis A. Reha	Commissioner

In the Matter of the Application of Xcel Energy  
for a Certificate of Need for an Independent  
Spent Fuel Storage Installation at the  
Monticello Generating Plant

ISSUE DATE: February 1, 2005

DOCKET NO. E-002/CN-05-123

ORDER EXTENDING COMPLETENESS  
REVIEW PERIOD

**PROCEDURAL HISTORY**

On January 18, 2005, Northern States Power Company d/b/a Xcel Energy filed an application for a certificate of need to build a nuclear waste storage facility at its nuclear power plant in Monticello. The facility would store spent nuclear fuel until the federal Department of Energy transported it to a permanent or temporary national nuclear waste storage facility.

The application stated that the Monticello nuclear plant has enough space for spent fuel in its storage pool through 2010, when its federal operating license expires. The Company proposes to renew the license, however, and to continue operating the plant through 2030, creating a need for additional storage. The application stated that even if the license is not renewed, additional storage would be needed when the plant is decommissioned.

The proposed storage facility would be located on the grounds of the Monticello plant. It would store spent nuclear fuel in a dry state, sealed in twenty-ton steel canisters placed inside reinforced concrete vaults.

On January 27, 2005, after notice to interested persons, the Commission took up the issue of whether to extend the 15-day deadline set by Commission rule for determining the completeness of the application.

## FINDINGS AND CONCLUSIONS

The certificate of need rules for nuclear waste storage facilities require the Commission to determine within 15 days of filing whether or not a certificate of need application is substantially complete. Minn. Rules 7855.0200, subp. 7. The Commission has reviewed the application filed by Xcel Energy and finds that careful consideration of its completeness will require more than 15 days.

This case is complex and in many ways unique. To avoid delay and inefficiency as the case progresses, it is critical to begin with a substantially complete filing. The Commission has therefore solicited comments on completeness from interested persons. Receiving, analyzing, and acting on those comments will require more than 15 days from the date the application was filed.

Minn. Rules 7829.3200 authorizes the Commission to vary any of its rules upon making the following findings:

- (1) Enforcing the rule would impose an excessive burden upon the applicant or others affected by the rule;
- (2) Granting the variance would not adversely affect the public interest; and
- (3) Granting the variance would not conflict with any standards imposed by law.

The Commission will therefore vary the 15-day time line for determining the completeness of this application based on the following findings:

- (1) Enforcing the 15-day time line would impose an excessive burden upon the public, upon parties to the proceeding, and upon the Commission by jeopardizing the thoroughness of completeness review, which in turn could jeopardize the efficient and orderly processing of this application.
- (2) Varying the 15-day time line would not adversely affect the public interest and would in fact serve the public interest by protecting the Commission's decision-making process.
- (3) Varying the 15-day time line would not conflict with any other standards imposed by law.

The Commission will promptly review the comments of the parties and will determine whether or not the application is substantially complete as soon as practicable.

The Commission will so order.

## ORDER

1. The Commission varies Minn. Rules 7855.0200, subp. 7 to extend the time for determining whether the certificate of need application is substantially complete.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

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