

**Before the Nuclear Regulatory Commission  
Docket No. 50-263  
License No. DPR-22**

**Application For Renewed Operation License  
Monticello Nuclear Generating Plant**

**Request for a Hearing  
and  
Petition for Leave to Intervene  
By the North American Water Office**

**July 9, 2005**

Pursuant to the provisions of 10 CFR part 2, the North American Water Office hereby requests a hearing in the above captioned matter and petitions for leave to intervene.

**Standing and Particular Interests of NAWO to Intervene in This Matter**

NAWO is a 501 (c) 3 organization chartered in 1982 to educate people about solutions to environmental problems caused by society's wastes, with a particular focus on electric utility wastes including the disproportionate adverse health and economic impact they have on Indigenous Peoples, People of Color, and those who live at subsistence levels. The NAWO program seeks to connect energy development with environmental protection, local economic development, and social justice.

The North American Water Office (NAWO) has standing to intervene before the Nuclear Regulatory Commission in this proceeding because it is a member of the community that consumes electricity generated by the Monticello Reactor. The NAWO history is a history of examining and educating about, in numerous venues, the socio-economic and environmental costs, benefits, and consequences surrounding the various options available for providing society with electric utility services. NAWO is geographically located in the region that will be adversely impacted if or when the Monticello Reactor experiences a significant event.

NAWO has a deep history of involvement with commercial nuclear operations from a public interest perspective dating back to the early 1980's when NAWO personnel were involved with the Prairie Island Project, which intervened in a state proceeding concerning the second re-racking of the irradiated fuel storage pool at Prairie Island. Beginning in 1988 and to the present, NAWO has been directly and intensely involved in a wide variety of issues surrounding dry cask storage at Prairie Island. Because of this involvement, NAWO personnel were invited and participated in several formal NRC

events related to the management of irradiated fuel. NAWO is a party to the Monticello dry cask storage proceeding presently before the Minnesota Public Utilities Commission. NAWO actively participated in the Monticello Public Information Session sponsored by the NRC on April 20, 2005 at the Monticello Community Center, and actively participated again during the NRC meeting to discuss the Environmental Scoping Process for the Monticello License Renewal Application at the Monticello Community Center on June 30, 2005.

The decision made in this proceeding has the possible effect, through error or malfeasance or component failure, of transforming the broader community in which NAWO personnel live and work into an abandoned sacrifice zone. This decision has the possible effect of creating chaos in the electric utility industry that services the community in which NAWO personnel live and work, should the decision reinforce the regions dependence on nuclear power, and a nuclear event somewhere on the planet causes the nuclear option to be no longer viable politically. This decision has the possible effect of causing on-going, unexamined and undocumented public health deterioration in our community due to untracked routine radiation releases. This decision also, presumably, has the possible effect of sparing the broader community in which NAWO personnel live and work from the risks and liabilities attached to continued nuclear operations at Monticello, thereby opening the door to the environmental and community-based economic development benefits that modern, renewable energy and energy efficiency technologies would provide.

## **Contentions of the North American Water Office**

### **Contention 1: The No Action Alternative and Alternative Options for Providing Electric Utility Services Are Not Adequately Addressed**

The Re-License Application and this decision-making process suffers grievously from the overwhelming prejudice, that without 20 more years of reactor operations at Monticello, we will all either starve without jobs while we freeze in the dark, or else the cost of keeping the lights on will be prohibitive. This prejudice is the result of decades of electric utility system planning and design that presumes that the only way to provide acceptable service is by hooking remote central-station generators up to distant loads with high-voltage powerlines.

Beginning already and certainly through the re-license period, this obsolete paradigm will rapidly give way to Community-Based Energy Development (C-BED) in which locally owned distributed and dispersed renewable energy projects provide ever increasing amounts of energy and capacity. In this region, the new paradigm will be dominated by wind/bio-fuel combustion hybrid facilities that will out-perform Monticello economically, significantly diminish or eliminate waste management and public health and safety issues attached to commercial reactor operations, and provide dramatically enhanced local economic development value to the regional economy.

In Minnesota, C-BED is a statutory provision that establishes a framework within which all electric utilities serving loads in Minnesota will negotiate Power Purchase Agreements with qualifying owners. The C-BED Initiative has substantive support from State Government, and creates the opportunity for enough community-based energy development to come on-line in the region served by Monticello in a time-frame that will enable C-BED projects to cost-effectively, safely and reliably replace the energy and capacity Monticello wants to provide during the re-license period. Without NAWO to provide expert testimony regarding these issues, this proceeding will stumble blindly and obliviously toward a massive resource management blunder, simply because the decision-making process is not intelligent enough, or is too perverted, to critically examine its own entrenched, outdated prejudices.

### **Contention 2: No Safe Dose of Radiation; Radiation Monitoring Is Not Sufficient**

According to the most recent BEIR Report, released by the Associated Press and others on June 29, 2005, the so-called “linear, no threshold” model is the appropriate approach to radiation risk assessment. It is now firmly established that there is no threshold of exposure below which ionizing radiation can be demonstrated to be harmless.

Ionizing radiation is routinely released from the Monticello reactors. These releases are reported to the NRC. Radiation monitoring at Monticello, however, is not sufficient to establish where reported radiation releases go. The monitoring provides information about where released radiation is not, but provides no useful information about where it is. As a result, there is no knowledge regarding how reported radiation releases disperse, whether there are “hot spot” concentrations, or biological receptors, including humans, abiding in such hot spots. Without such knowledge, and in light of the recent BEIR conclusions, there is no factual basis for concluding that continued nuclear operations at Monticello will not produce unacceptable public health and safety consequences.

NAWO will produce an expert witness who will testify about why radiation monitoring at Monticello is not adequate to ensure the protection of public health and safety, and who will specify the scientific shortcomings regarding the rationale behind existing monitoring programs. This witness will provide a monitoring protocol designed to identify where radiation goes after it is routinely released from the Monticello Nuclear Generating Station, thereby producing, if deployed, a factual basis for a change, upon which to judge public health and safety consequences of routine reactor operations.

### **Contention 3: Security Is Not Sufficient**

One must presume that if an event has occurred, it is possible. The Design Basis Threats that Monticello must defend against fail to account for this basic fact, as is generically documented, in part, in the June 20, 2005 issue of “Time.” This failure has a site-specific component in that Monticello is on the Headwaters of the Mississippi River,

and just several miles upstream from water intakes upon which the entire City of Minneapolis is virtually 100% dependent.

Drawing from the experience of 9/11, a “force on force” defense must be designed to repel an attack from land and/or water by 20 well-armed and well informed intruders, with inside help from at least one individual. Anything less is tantamount to denying the reality of what we have already experienced, yet the “design basis threat” presumes a dramatically less potent attack.

A “Stand-Off Attack” scenario is one in which the attacker(s) use rockets or missiles to breach critical barriers and release radiation. Such an attack could be effectively mounted by a single person, standing miles away, firing a shoulder mounted anti-tank ground warfare rocket with a DU warhead capable of penetrating 3 feet of tank armor. These systems are readily available, variations of them are on the TV News almost every day, and attackers can select the best model by reading the latest issue of “JANE’S WEAPON SYSTEMS,” available at most local libraries. Defense against a “stand off” attack requires a robust superstructure over the generating station and waste storage facilities so that incoming ordnance detonates against the superstructure rather than the intended target. Anything less places the NRC, Xcel Energy, Nuclear Management Inc., and all those who enable and accommodate “Graffiti Man” security (a security charade, primarily for show, that may keep the Graffiti Man out some of the time) in the role of accomplice to the placement of a World Class Dirty Bomb, lacking only a detonator, in the heart of the nation. Yet, there appears to be no design basis defense against a stand-off attack.

NAWO contends that security at Monticello is primarily a public relations affair. NAWO will provide testimony about the inability of the security system described by the Application to adequately defend the Monticello Nuclear Generating Station both from a reasonably postulated “force on force” attack, and from a very plausible “stand off” attack utilizing modern anti-tank ground warfare systems with depleted Uranium warheads. More responsible security programs will be presented, which are essential if the objective is to prevent situations in which most likely scenarios involve “reaction to occurrence.”

#### **Contention 4: Reactor Aging Problems Will Escape Detection Until Too Late**

The Davis-Besse corrosion episode and numerous additional incidents publicly reported by the NRC demonstrate that as reactor components age, it is important to inspect the right components within the right time-frame. The Application for Re-licensing does not contain adequate assurance that all components needing to be inspected and maintained actually will be subject to inspection and maintenance in a timely manner.

NAWO will provide testimony regarding diverse inspection methods that look at the right components with the right techniques at the right times. This may include, for example, “out-of-scope” pipe replacement, with testing to failure of replaced piping in

multiple failure modes, so that reactor operators can know better ahead of time where weak spots need to be reinforced or replaced.

**Contention 5: Drinking Water for Minneapolis and St. Paul Is Not Adequately Safeguarded, and Remediation Plans in the Event of Contamination Do Not Exist**

It appears that the Application for Re-licensing the Monticello Nuclear Generating Station contains no mention of the potential for events at Monticello to contaminate the sole source of drinking water for Minneapolis and a significant source of drinking water for St. Paul. The reality, of course, is that any one of any number of events, including a variety of reactor component failures, operator errors, and sabotage, is capable of contaminating this source of drinking water, the Mississippi River, to the point where it is not potable for a long period of time.

NAWO will present testimony regarding the potential for such events during the re-license period, the consequences should such an event occur, and the need to put a remediation plan in place as a condition for re-licensing. Without a full and complete record regarding the threat posed by continued reactor operations at Monticello to the drinking water for the Metropolitan Twin Cities area, which NAWO will enable this proceeding to produce, this proceeding is farce and folly, a nuclear-religiosity devoid of ability to rationally contemplate real-world costs or benefits.

**Contention 6: Inadequate Accounting of Reactor Operating Parameters in an Era of Global Warming**

The Application presumes that Mississippi River flow rates and temperatures will not be significant factors affecting reactor operations through the re-license period. This presumption is an article of faith. Atmospheric physics and chemistry is in volatile flux, and there is scientific consensus (W's advisors notwithstanding) that anthropogenic wastes are altering climatic conditions. These alterations have already adversely impacted nuclear operations in Europe, and there is no reason to believe that such impacts will not affect nuclear operations during the next 25 years in Central North America. NAWO will present testimony about historical low flow occurrences on the Upper Mississippi River, about how climate change may diminish the ability of the River to accommodate Monticello nuclear operations more during the re-license period than was the case in the past, and how this diminished ability of the River may reduce the ability of Monticello nuclear operations to be conducted without significant adverse economic, public health, safety and environmental consequences.

**Contention 7: Severe Accident Mitigation Analysis Is Not Adequate**

The severe accident mitigation analysis in the Application is unacceptably lacking in depth and thoroughness. In the event of an event, it appears that events will essentially run their course amidst chaos throughout the affected regions. Lack of discussion

regarding drinking water impacts on the Twin Cities is indicative of the Application's shallow preparedness for severe accident scenarios.

There is no reason to believe that public notification in the event of an event will occur in a timely fashion, or who will determine that such notification is warranted and actually make the call, or what criteria they will use to determine if public notice is warranted. History on Prairie Island suggests that workers will just split as fast as they can. If public notification does occur in a timely fashion, there is no reason to believe that the resulting evacuation will not direct the ensuing stream of humanity into a radioactive plume, rather than away from it. What will happen to evacuees over the course of time is totally unexamined.

NAWO will present testimony that highlights the failures and shortcomings of severe accident mitigation. Without a thorough examination of these shortcomings, this proceeding remains froth churned by nuclear-religiosity.

## **Conclusion**

NAWO has standing to request a hearing and petition for intervention in this matter.

Each of the contentions presented above by the North American Water Office raises serious issues that are unresolved, and in some instances, totally unaddressed by the Application. Each of these contentions, if substantively examined, has at a minimum, the potential to cause unbiased decision-makers to reject Monticello re-licensing because of unacceptable adverse public health, safety, environmental, and/or economic impacts. Interestingly enough, however, NAWO was informed at the June 30, 2005 meeting by Chip Cameron, NRC meeting facilitator, that the NRC "saw no show stoppers" relative to Monticello re-licensing. Considering what has and has not actually been examined to date by the Applicant and the NRC, such a statement is not surprising. Yet Mr. Cameron also went out of his way to tell NAWO that the insight and analysis provided by NAWO at the Scoping Meeting was valuable, informative, and constructive.

With the exception of the first Contention above, regarding alternatives, NAWO would like nothing more than to be proven wrong, point by point, during this proceeding. Unfortunately, however, NAWO is not making this stuff up. The issues raised by this request and petition deserve to be heard and decided on their merit. If they are not, many will conclude that the reason they are rejected is that nuclear zealots simply have the power to quash dissent, regardless of its substance. In that event, we will do our best to confirm such a conclusion. Be assured, we are talking about local, state, and county decision-makers, not just no-nukes hippies.

We pray, however, that your very detailed NRC re-licensing process is not just an elaborate ruse, and that we are not simply on some fool's errand. We hope against hope that Mr. Cameron spoke to us truly about the contribution NAWO made on June 30, that the NRC will agree to hear testimony regarding the above contentions, and that it will

base its decision regarding re-licensing Monticello on a record developed as these contentious issues are adjudicated. Re-licensing without a record refuting these NAWO contentions would be a hollow sham, and those of us who accept such ideological perversions, should you make them manifest, will most certainly deserve what we are likely, this day and age, to get.

Thank you for your consideration.

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