

Oral Comments

Oral comments on the draft SEIS are included here. Oral comments were solicited by EERA staff through two public meetings and a meeting with the Prairie Island Indian Community:

- February 16, 2022 – public meeting in Red Wing, Minnesota
- February 17, 2022 – virtual public meeting
- February 22, 2022 – virtual meeting with Prairie Island Indian Community

Comments are indicated on the meeting transcripts. To aid the reader and to focus on the draft SEIS comments, transcripts have been edited to remove EERA staff's presentation at each meeting. Complete transcripts are available in eDockets: [20223-183648-01](#)

EERA responses to each comment and sub-comment are provided at the end of each meeting transcript. Responses are labeled with the same nomenclature as the sub-comments (e.g., 9-2) and correspond one-to-one with the marked sub-comments.

February 16, 2022

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PUBLIC INFORMATION MEETING
FEBRUARY 16, 2022 - 08-510
BEFORE THE MINNESOTA DEPARTMENT OF COMMERCE

In the Matter of the Petition of Northern States Power
Company D/B/A Xcel Energy for a Certificate of Need for
Additional Dry Cask Storage at Prairie Island Nuclear
Generating Plant

MPUC DOCKET NO. E002/CN-08-510

City Hall Annex
419 Bush Street
Red Wing, MN 55066

Met, pursuant to Notice, at 6:00 p.m. in
the evening on February 16, 2022.

COURT REPORTER: Bridget E. Kelly

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February 16, 2022

14

1 clarified in the document? What needs to be added
2 or edited such that the final SEIS is complete and
3 accurate, all right? You told us what you wanted to
4 -- wanted us to look at in October. We've looked at
5 it. I think we've done it well. If we've messed
6 something up, if we've goofed it up, if we've
7 mischaracterized it, if it's not in there at all or
8 there's something more or you just think we need to
9 do better at, all fair game. Please let us know
10 what it is that we need to do to this document to
11 make it final, accurate, and complete.

12 So that's the last slide that I have and
13 the end of my presentation. I'm going to open it up
14 here for questions or comments. If you have a
15 question or comment, I can certainly bring the mike
16 to you so that the court reporter can hear you.
17 Does anybody have a question or comment?

18 Yes, sir.

19 MR. ALAN MULLER: Ray, I noticed here
20 that -- okay, can you -- can you hear me? Okay,
21 you're identified at the preparer of this. I see
22 that someone named Andrew Levi is identified in the
23 document as the author, but it seems that there's an
24 adequacy determination to be made. Who's gonna make
25 that? Are you gonna do it? It seems like kind of a

8-1

8-2

February 16, 2022

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1 circular thing procedurally.

2 COURT REPORTER: I need the name, please.

3 MR. RAY KIRSCH: Yeah, can you state and
4 spell your name, please?

5 MR. ALAN MULLER: Alan Muller, A-L-A-N,
6 M-U-L-L-E-R, and I reside in Red Wing.

7 MR. RAY KIRSCH: So to your question,
8 it's the commissioner of the Department of Commerce
9 who has to make that decision, right, and that is --
10 that's standard on Minnesota environmental rules.
11 The agency that conducts the environmental review
12 and is responsible for the environmental review has
13 to make a determination that the -- that the
14 document they prepare is adequate. So if it's DNR
15 for money or if it's a local jurisdiction for, you
16 know, aggregate money or something like that or it's
17 MnDOT, they make a decision on the document, an
18 adequacy decision on the document, 'cause they're
19 the responsible governmental unit on there.

20 Could you come up? Thank you.

21 MS. CAROL OVERLAND: Carol Overland,
22 C-A-R-O-L, Overland, O-V-E-R-L-A-N-D, and I reside
23 in Red Wing.

24 First, I'm looking at the procedural
25 stuff for this first round. And on page 8 when

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February 16, 2022

16

1 you're talking about there really isn't any guidance
2 for how to amend an existing certificate of need for
3 spent nuclear fuel -- so what that means is that we
4 need a rulemaking. We need some rules. You know
5 how that goes with the PUC.

6 And then it goes on to talk about
7 Minnesota Rule 7849.0400, which requires for a
8 change to a certificate of need, a comment period
9 and then a decision on the proposed change. Rule
10 also requires the Commission to order a hearing if
11 it determines the proposed change to the certificate
12 of need, if known, could reasonably have resulted in
13 a different certificate of need decision. And, you
14 know -- and I note that you called the initial
15 certificate, the initial EIS here, that that was
16 2009. And, you know, this facility didn't have an
17 EIS way back in ninety-four and -five, that I know
18 of. Because if you're calling it the initial, 2009
19 it was already there, so then I think that's
20 something that needs to be looked at.

21 Anyway, in your presentation you were
22 referring to the anticipated facilities as Texas and
23 New Mexico, and we know that neither of those plants
24 accept TN-40 casks. So because they don't and again
25 Xcel continues to refuse to disclose what their plan

9-1

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February 16, 2022

17

1 is and we know that the TN-40 casks -- those, they
2 had decided on that in like 1989, years before they
3 loaded the first one. Xcel's great at planning. We
4 know they are. So they need to disclose this so
5 that we can know what we're talking about and if --
6 because if they propose a cask, if they want a cask
7 but yet it's not one of the ones that are accepted
8 for future interim storage, what's the point of all
9 this? There is no point, and so they have to
10 disclose that. You know, and if they don't disclose
11 it, where's their need case? I don't see it. How
12 can they need something that they don't even know
13 what it is and we don't know if it can even be used
14 for what supposedly it's to be used for? So that's
15 just absurd.

16 Anyway, I'll stop there for now. Oh, I
17 want to get a couple things in the record. Hold on.

18 What I've got -- you mention it in the
19 EIS, but I just want a copy of 116C.776. That's a
20 copy of the statute, and then I am attaching certain
21 pages of the testimony from the rate case about
22 nuclear. It's the testimony -- direct testimony of
23 Peter A. Gardner, and particularly noting there's
24 capital expenditures. And I am wondering what the
25 impact will be. Socioeconomic is not mentioned in

9-2

9-3

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February 16, 2022

18

1 this EIS, and if there's capital expenditures that
2 may increase the revenue to local governments under
3 utility personal property tax, that socioeconomic
4 impact should be looked at.

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cont.

5 And also, we've been told repeatedly that
6 there does not need to be an amendment to the
7 license at the Nuclear Regulatory Commission. We've
8 also been told that there would be a -- possibly a
9 licensing under a general license. But that would
10 require an application. As well, an amendment would
11 require an application. We're told that they don't
12 need to amend the license. We're told in this
13 testimony that there does need to be amendments, and
14 there's also talk here of general permitting. So we
15 need to clarify that, you know, what's needed here,
16 because I don't think Xcel is being honest with us
17 about whether they need an amendment or a new
18 general permit at the Nuclear Regulatory Commission.

9-4

19 And in a chat with NRC personnel -- and
20 I'll write more details in my written testimony.
21 But in my chat with them when I was trying to get
22 information request documents back, FOIA request, I
23 was told that, yes, indeed they do need to do an
24 amendment. So let's have a little honesty here. So
25 I'm going to -- that's their testimony. That would

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February 16, 2022

19

1 be, what, Exhibit 2?

2 MR. RAY KIRSCH: Exhibit 2.

3 MS. CAROL OVERLAND: Okay. And that's it
4 for now. Thank you.

5 MR. RAY KIRSCH: Thank you for all of
6 those great comments. It did bring a couple
7 thoughts to mind. I tried to keep track of them in
8 my head. We do talk in the supplemental EIS about
9 property taxes, 'cause the City of Red Wing brought
10 that up in their comment letter. And the upshot is
11 we don't think there's going to be much of a change
12 in any property tax revenue based on this change in
13 cask or canister.

14 You're right, the point about the cask
15 and the -- and the canisters that these interim
16 storage facilities are going to accept is difficult
17 to parse out. One, it's not sure if the facilities
18 are going to come into operation. They may get a
19 license, but they may not be able to accept fuel
20 'cause of other challenges.

21 And that doesn't mean that at some point
22 in the future even if they start accepting
23 canisters, that they won't accept something like a
24 TN-40 cask. It's just that if they decide to do
25 that, they would probably have to go back to the NRC

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February 16, 2022

20

1 and get an amendment of their license and go through
2 that process. So if you have -- if you're Xcel and
3 you have a TN-40 cask, you might say, gee, we just
4 got bumped to the end of the line, right? You're
5 going to have to go through all this work just to
6 get our casks in the door, and meanwhile other
7 canisters may be -- may be coming into those
8 facilities. So that's just hypothetically speaking,
9 right? So it's very hard to know how that's going
10 to play out.

11 And the one other thing that you brought
12 up, I think we mentioned this in there, that there
13 -- that the Commission doesn't have a specific rule
14 on amending a CN for nuclear fuel. But the
15 Commission has other models they can look at and
16 could amend based on any of those models. We also
17 point out that the Commission can put conditions on
18 a certificate of need, so I don't think it's a
19 stretch to think about a reporting condition or
20 multiple conditions.

21 If you're concerned about the licensing,
22 it's certainly, I think, something that Xcel could
23 report back on, right? The Department of Commerce,
24 Energy Regulation and Planning unit has already said
25 we -- if you're going to put it out and bid, we

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February 16, 2022

21

1 wanted to make sure that we see, you know, how the
2 bidding process worked and a number of other ideas
3 that they've already suggested to the Commission
4 that are in the record. But certainly ideas can
5 come out of the EIS process where you say,
6 Commission, we'd like, you know, the permit -- we'd
7 like the permittee -- we'd like Xcel to report back.
8 And the Commission may do that, right, and they may
9 add that to their -- as a condition of amending the
10 certificate of need. That's just my thinking about
11 it. But I think it makes sense.

12 Anybody else have a question or comment?

13 Yes, sir. Could you state and spell your
14 name, please?

15 MR. BILL GEHN: My name is Bill Gehn.
16 Last name is spelled G-E-H-N.

17 I'd like to mention that, first of all, I
18 have no comments on the draft SEIS. I support the
19 proposed change in used fuel storage containers as
20 described in the docket we have in front of us,
21 Number CN-08-510. I'm pleased that the proposed new
22 canister technology will facilitate transport of
23 used fuel to on off-site location, hopefully working
24 towards fuel reprocessing and reuse in a nuclear
25 power plant. I'm confident that the oversight by

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February 16, 2022

22

1 the NRC and the care and skill of the Prairie Island
2 Nuclear-Generating Plant staff will continue to
3 protect the health and safety of the public and
4 plant workers.

5 And finally, my last comment is the
6 lowest dose canister is what I would hope to be
7 chosen, which is the vertical overpack design. I
8 want to disclose that I spent 12 years working at
9 Prairie Island Nuclear Plant, and I've retired. And
10 I have nothing but respect for the high standards
11 and quality of work that goes on out there, and I'm
12 pretty impressed with the NRC's attention to detail,
13 having worked with them on inspections. Thank you.

14 MR. RAY KIRSCH: Great. Thank you for
15 your comments. Did you have another comment, or did
16 anybody else have a comment?

17 MR. ALAN MULLER: Yeah, I do. Okay, am I
18 speaking clearly into this thing?

19 You know, I came up in a jurisdiction
20 that didn't have a state-level environmental review
21 program, and Minnesota is fortunate, in my opinion,
22 to have one that provides an opportunity to take a
23 closer and broader look at some things than would
24 occur in an ordinary permitting process. So I think
25 that the Department of Commerce has made a correct

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February 16, 2022

23

1 decision here to go through this process. It's
2 helpful. And thank you for that.

3 If I am understanding correctly the
4 implications of Xcel's request, which it's possible
5 that I do not, the company would have the
6 flexibility, which it does not now have, to use any
7 system of storage and transport that was approved by
8 the Nuclear Regulatory Commission. That would --
9 that implies that in the future changes such as the
10 ones that are proposed here would not go through
11 state environmental review proceedings, and we
12 wouldn't be having these meetings. Am I correct
13 there? I think I am, but maybe you can explain
14 that.

15 MR. RAY KIRSCH: No, at least as I
16 understand your question. So Xcel's request is tied
17 to the 2009 certificate of need from the Commission,
18 which says you get enough fuel to operate through
19 this state. We think it's this many fuel
20 assemblies. We thought we were storing them in
21 these separate casks. We've gotten three-fourths of
22 the way through that list, and Xcel said, you know
23 what, for the tail end of this, for the reasons
24 they've stated, we'd like the flexibility to do that
25 last bit by bit and see what we can come up with.

10-1

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February 16, 2022

24

1 But if they were to go any further, like
2 if they wanted operate Prairie Island longer or
3 store more fuel assemblies, they would have to get a
4 new certificate of need from the Public Utilities
5 Commission, and they would have to go through
6 environmental review. We would be doing an
7 environmental impact statement for that additional
8 fuel. So there would be environmental review and a
9 completely new decision that the Commission would
10 have to make allowing more storage of fuel.

11 MR. ALAN MULLER: Well, the Commission
12 approved a particular -- a particular technology and
13 a particular vendor of casks, right? Now, on its
14 face the application wants to give Xcel the ability
15 to select any technology or any vendor that's
16 approved by the NRC. Now, opinions might vary on
17 the extent to which the NRC is an example of
18 regulatory capture and the need to retain as much
19 influence as possible at the state level. But
20 that's my view, that we ought not to give the
21 company additional flexibility if it could eliminate
22 future influence, and that fundamentally is the
23 issue.

24 Now, I haven't seen all the layers of
25 documents that are involved in this going back, but

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February 16, 2022

25

1 I don't see anything in here that indicates to me
2 that the radiation dosage to the community would be
3 changed and how it would be changed. There's a big
4 difference between saying we'll comply with your
5 regulations and to know what the delta is as far as
6 possible effects on human health and other
7 characteristics of the community. So it seems to
8 me, and this is kind of a preliminary judgment on my
9 part, that we ought to have more quantitative
10 information about the radiological impacts of
11 possible changes here and not just be told that
12 they'll be minimal or minor or whatever. You know,
13 we have -- change that allow the number of casks has
14 more than doubled, and each of those contributes an
15 increment of radiation dose to the community. We
16 have twice as many casks. We're not gonna have the
17 same dosage from them.

18 So I can see that a lot of work has gone
19 into this document. There's a lot of background
20 material here. But from my point of view, we're
21 just not there yet as far as understanding the
22 implications in a quantitative sort of way. So if
23 you were to ask me now, does this document merit a
24 positive adequacy or a sufficiency determination, I
25 would say, no, that there's more work needed. And

10-2

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February 16, 2022

26

1 that's -- thank you for listening.

2 MR. RAY KIRSCH: Thank you. Thank you
3 for your comments. Anybody else?

4 I see Ms. Overland has a comment. Why
5 don't you come up.

6 MS. CAROL OVERLAND: Carol Overland
7 again. Regarding adequacy of the EIS, as I recall
8 it's the PUC that makes that determination. And I
9 seem to recall back in the CapX time, and maybe it
10 was even before that, where the commissioner had
11 made a determination of that, but then there was an
12 issue with it because there's nothing in the rules
13 about how to challenge that, how to appeal that
14 determination. And typically, in my experience it's
15 been that they will bring up the EIS, and the
16 Commission will determine whether it's adequate or
17 not. Then they grant a site permit. Then they
18 grant a certificate of need, and they just ram them
19 all right through. Oh, certificate of need first,
20 then the -- then the site permit. So, yeah, I
21 believe it's the Commission. Am I confused? 'Cause
22 you had said it was the commissioner.

23 MR. RAY KIRSCH: So it is not the
24 Commission in this instance. It is the commissioner
25 of the Department of Commerce. It is, I was going

11-1

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February 16, 2022

27

1 to say, odd or strange, but it is just the way it
2 is. Yeah. Yeah, so I -- I will -- I think that's
3 correct, but I -- I will check.

4 The reason why is because of the
5 Minnesota Legislature. So typically, you're
6 correct. The Department of Commerce works as
7 technical staff to the Commission, and we prepare
8 environmental assessments and environmental impact
9 statements. And the Commission, when they make --
10 before they make a decision on a CN or a permit, has
11 to find that document adequate. Like, you've
12 adequately looked at the environmental review. The
13 Minnesota Legislature though has said -- and I can't
14 give you the site, but it's in the document -- for
15 independent spent fuel storage installation, the
16 Department of Commerce shall be the responsible
17 governmental unit and shall prepare an environmental
18 impact statement. It's still the Commission that
19 makes the decision, but it says, doggone it,
20 Commerce it's gonna be. I don't know how that
21 happened or how the legislation got proposed or
22 finalized, but it does say that.

23 And so since we're the RGU, we have to
24 make the decision on adequacy. And then the whole
25 record goes over to the Commission, and they make a

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February 16, 2022

28

1 decision on a certificate of need. It only happens
2 in nuclear instances. It happened in 2009. It will
3 happen if we have an EIS in Monticello coming up,
4 and it will happen here, so. I have to look at the
5 document to find the cite for you. But it's in 116
6 something or other.

7 Anybody else have a question or a comment
8 tonight? Anybody who hasn't spoken yet? Just to be
9 sure. One more comment? It's Bill?

10 MR. BILL GEHN: It's Bill again. I'd
11 like to mention in response to Alan's comment about
12 looking for hard numbers or specifics on radiation
13 dose. On page 35 it talks about the radiation dose
14 to the nearest residents would remain in the range
15 of 0.4 to 2.2 milligrams per year, which is within
16 the NRC standards and indistinguishable from
17 background radiation. I found that that metric
18 satisfies my curiosity about residential dosage.

19 And in addition, it talks about average
20 cumulative worker exposure during fuel loading, on
21 page 37, with the current TN-40 cask at 343
22 milligrams and then the horizontal overpack and
23 vertical overpack at 608 and 220 milligrams
24 respectively, so. I like that level of detail in
25 the report, and as I mentioned before, I would hope

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February 16, 2022

29

1 that the vertical overpack with the lower dosage to
2 workers, I would hope that one would be chosen,
3 which is actually less dose to workers than the
4 current TN-40 cask. So thank you for the
5 opportunity.

6 MR. RAY KIRSCH: Thank you very much for
7 your comments. Thank you. Anybody else have a
8 question or a comment here tonight? Anybody who
9 hasn't spoken? Anybody in the back over here? No?
10 Ms. Overland, do you have a comment or a question?

11 MS. CAROL OVERLAND: I was looking for
12 that part in the statute. But anyway, what I found
13 was about the transmitting of public concerns. Was
14 that addressed about how the board shall transmit
15 public concerns expressed at public information
16 meetings to the Department of Energy? Was that
17 clarified?

18 MR. RAY KIRSCH: I don't know. I'd have
19 to look at that.

20 MS. CAROL OVERLAND: That's something
21 that needs to be addressed.

22 MR. RAY KIRSCH: Okay.

23 MS. CAROL OVERLAND: We brought it up in
24 the scoping meetings, and it needs to be addressed.

25 MR. RAY KIRSCH: Okay. Thank you for

12-1

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February 16, 2022

30

1 your comment. Anybody else have a comment or a
2 question?

3 I'm just going to scroll back up to how
4 to comment. So we're commenting now. But if you
5 think of something between now and March 3rd, you
6 have an opportunity to get it in the record, right,
7 to get it to me and where we'll address it. Just to
8 be clear, every comment that we receive on the draft
9 EIS will appear in a final EIS. Every single
10 comment that we get we'll put in here, and then we
11 write a response to it. If we need to add more to
12 the document, we do. If we don't think we do, we
13 say that as well. So everybody has a say, and it's
14 very transparent. You can see your comment. So you
15 can mail it. You can fax it. You can e-mail a
16 comment. You can also comment online. But the key
17 is it has to be here by -- to me by March the 3rd.

18 So any other questions or comments
19 tonight from the group?

20 All right, I'm not seeing any, so I'm
21 going to thank you all for your time and your
22 attention and your energy tonight. Thanks for
23 coming out on an evening here where it's quite cold
24 out. And we are adjourned. Thank you very much for
25 your time.

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February 16, 2022 – Responses

8-1

Ray Kirsch, EERA staffer and environmental review manager for the SEIS is the author of the SEIS. The EERA staffer noted by the commenter, Mr. Andrew Levi, may appear in the metadata for the document, but he is not an author of the SEIS.

8-2

Comment addressed at public meeting. The Commissioner of the Department of Commerce determines the adequacy of the final SEIS. See Minnesota Statute 116C.83, Subd. 6.

9-1

The SEIS supplements the 2009 Prairie Island EIS. It does not supplement or address any prior EISs prepared for the PINGP or PINGP ISFSI. An EIS was prepared by the Environmental Quality Board (EQB) in 1991 and used by the EQB and the Minnesota Legislature in approving the initial construction of the PINGP ISFSI. See Minnesota Statute 116C.77.

9-2

See response to comment 4-4. Xcel Energy's request is that it be given permission, by the Commission, to conduct a competitive bidding process for spent fuel storage technology to be used in the PINGP ISFSI. By the nature of this request, it is not possible to know which technology will be selected by Xcel Energy. Thus, it is not possible for the SEIS to identify the cask or canister technology that will be selected and used in the PINGP ISFSI.

9-3

Potential impacts to tax revenues for the city of Red Wing are discussed in Chapter 4.3 of the SEIS. A document submitted to EERA staff by the commenter during the public meeting (Exhibit 2 to comment 9) notes capital expenditures that Xcel Energy is planning to make for the PINGP and PINGP ISFSI through 2025. It is unclear what impact, if any, these expenditures will have on tax revenues for the city of Red Wing.

Note: exhibits submitted during the February 16, 2022, public meeting by the commenter are available in eDockets: [20223-183648-01](#).

9-4

See response to comment 4-19.

10-1

Comment answered at public meeting. If additional spent fuel – additional fuel assemblies, beyond those anticipated by the Commission's 2009 CN decision – needed to be stored in the PINGP ISFSI, Xcel Energy would have to request a CN for this additional storage and environmental review would need to be conducted to inform the Commission's decision-making.