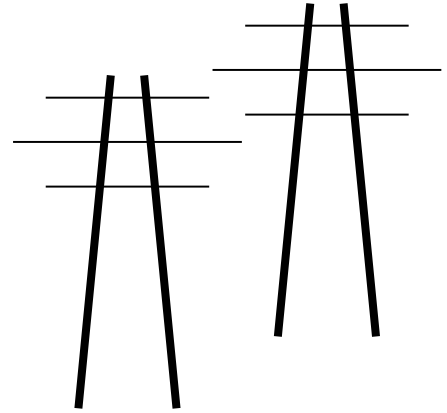


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October 19, 2021

Will Seuffert, Executive Secretary
Public Utilities Commission
121 – 7th Place East, Suite 350
St. Paul, MN 55101

RE: E002/CN-08-510 Supplemental EIS – Draft Scoping Decision

Dear Mr. Seuffert:

Last minute, of course, but I'm working on Initial Comments due tomorrow.

The Draft Scoping Decision for the Supplemental EIS was handed out at the meeting in Red Wing, but I didn't grab one because it would be in eDockets. Nope, it's not there. I've checked the EERA filings in the docket, nada... I found a link to it on page FOUR of the Notice in eDockets. The document is on the EERA project page, which is NOT the official docket¹. Please note, this is the docket label for that url:

In the Matter of the Route Permit Application for the Potato Lake 115 kV Transmission Line and Substation in Park Rapids, Minnesota - <https://mn.gov/eera/web/project-file/11942/>

If the DRAFT scoping decision isn't readily available to the public, how will people know how to structure their comments effectively, how will people know what to comment on? The meeting handout is also not filed in eDockets.

I'm attaching the DRAFT Scoping Decision to this missive and putting "DRAFT Scoping Decision" on this filing so that if someone else is searching, they can find it.

Very truly yours,

A handwritten signature in cursive script that reads "Carol A. Overland".

Carol A. Overland
Attorney at Law

¹ <https://mn.gov/eera/web/project-file/11942/>



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

**SUPPLEMENTAL ENVIRONMENTAL
IMPACT STATEMENT
DRAFT SCOPING DECISION**

DOCKET NO. E002/CN-08-510

The above matter has come before the Commissioner of the Department of Commerce (Department) for a decision on the scope of the supplemental environmental impact statement (SEIS) that will be prepared for Xcel Energy's proposed change in spent fuel storage technology at the Prairie Island nuclear generating plant in the city of Red Wing, Goodhue County.

Introduction and Background

The Prairie Island nuclear generating plant (PINGP) is a 1,100 megawatt (MW), two-unit, electric generating plant in Red Wing, Minn. Unit 1 has been in operation since 1973; Unit 2 since 1974. Spent nuclear fuel from the plant is stored on-site in an independent spent fuel storage installation (ISFSI).

On May 16, 2008, Xcel Energy applied to the Minnesota Public Utilities Commission (Commission) for a certificate of need (CN) to expand the Prairie Island ISFSI, by 35 casks, to accommodate a total of 64 spent fuel storage casks. Department of Commerce, Energy Environmental Review and Analysis (EERA) staff prepared an EIS that analyzed the proposed ISFSI expansion. On December 18, 2009, the Commission issued a CN authorizing Xcel Energy to expand the Prairie Island ISFSI by 35 casks. At that time, Xcel Energy proposed that these casks be Transnuclear TN-40HT casks.

On April 30, 2021, Xcel Energy requested that the Commission authorize a change in the spent fuel storage technology at Prairie Island.¹ Xcel Energy requested that it be authorized to use any spent fuel storage technology (cask) that has been approved by the Nuclear Regulatory Commission (NRC), rather than being limited solely to the TN-40HT cask. On May 14, 2021, the Commission issued a notice soliciting comments on Xcel Energy's proposed change in fuel storage technology and on the appropriate processes for considering Xcel Energy's request.²

After reviewing Xcel Energy's request, EERA staff concluded that the request represented substantial new information that affects the potential environmental effects at the Prairie Island ISFSI such that the 2009 Prairie Island EIS must be supplemented.³ EERA staff requested that the Commission take no action on Xcel Energy's request until EERA staff could supplement

¹ Request for Change in Spent-Fuel Storage Technology, Prairie Island Fuel Storage, April 30, 2021, eDockets Number [20214-173680-01](#) [hereinafter Xcel Energy Request].

² Notice of Comment Period, May 14, 2021, eDockets Number [20215-174178-01](#).

³ Minnesota Rule 4410.3000.

the 2009 Prairie Island EIS in accordance with Minnesota Statutes section 116D.04 and Minnesota Rule 4410.3000.⁴

Project Description

Xcel Energy proposes to use a different spent fuel storage technology in the Prairie Island ISFSI. Xcel Energy proposes to use an NRC-approved fuel storage cask for the ISFSI, rather than being limited to the TN-40HT casks approved by the Commission in 2009. Xcel Energy indicates that they would select from NRC-approved cask designs based on considerations including price and compatibility with future offsite storage facilities. Xcel Energy envisions that the cask designs would be similar to the welded, canister design used at the Monticello nuclear generating plant ISFSI.

Xcel Energy indicates that it is not seeking to store more spent fuel than was approved by the Commission in 2009. Xcel Energy notes that it still seeks to store the 2,560 spent-fuel assemblies anticipated by the Commission's 2009 certificate of need. Xcel Energy's request is that it not be limited to storing these assemblies in 64 TN-40HT casks, but rather storing them in any NRC-approved spent fuel storage casks.

Project Purpose

Xcel Energy indicates that its proposed change in spent fuel storage technology would likely result in lower customer costs. Further, Xcel Energy indicates that a change in technology could potentially facilitate relatively earlier shipments of spent nuclear fuel from Prairie Island to offsite storage facilities.

Regulatory Background

The construction or expansion of an ISFSI requires a CN from the Commission.⁵ An environmental impact statement (EIS) must be prepared by the Department, as the responsible governmental unit (RGU), prior to the Commission's decision on a CN.⁶

An EIS for a project must be supplemented if the RGU determines that any of the following situations exist:

- A. Whenever after a final EIS has been determined adequate, but before the project becomes exempt under part 4410.4600, subpart 2, item B or D, the RGU determines that either:
 - (1) substantial changes have been made in the proposed project that affect the potential significant adverse environmental effects of the project; or

⁴ EERA Comments and Recommendations, May 27, 2021, eDockets Number [20215-174578-01](#).

⁵ Minnesota Statutes section 116C.83, subd. 2.

⁶ Minnesota Statutes section 116C.83, subd. 6(b).

- (2) there is substantial new information or new circumstances that significantly affect the potential environmental effects from the proposed project that have not been considered in the final EIS or that significantly affect the availability of prudent and feasible alternatives with lesser environmental effects;
- B. Whenever an EIS has been prepared for an ongoing governmental action and the RGU determines that the conditions of item A, subitem (1) or (2), are met with respect to the action; or
- C. Whenever an EIS has been prepared for one or more phases of a phased action or one or more components of a connected action and a later phase or another component is proposed for approval or implementation that was not evaluated in the initial EIS.⁷

EERA staff has concluded that Xcel Energy's request represents substantial new information that significantly affects the potential environmental effects at the Prairie Island ISFSI such that the 2009 Prairie Island EIS must be supplemented.⁸

Scoping Process

Scoping is the first step in the development of the SEIS. The scoping process has two primary purposes: (1) to gather public input as to the impacts and mitigation measures to study in the SEIS and (2) to focus the SEIS on those impacts and mitigation measures that will aid in the Commission's decision on Xcel Energy's request for a change in spent fuel storage technology.

EERA staff gathered input on the scope of the SEIS through public meetings and an associated comment period.⁹ This scoping decision identifies the impacts and mitigation measures that will be analyzed in the SEIS.

Public Scoping Meetings

Public Comments

⁷ Minnesota Rule 4410.3000, subp. 3.

⁸ Minnesota Rule 4410.300, subp. 3.B.

⁹ Minnesota Rule 4410.3000, subp. 5.

Having reviewed the matter, consulted with Department staff, and in accordance with Minnesota Rule 4410.3000, I hereby make the following scoping decision:

MATTERS TO BE ADDRESSED

The issues outlined below will be analyzed in the SEIS for Xcel Energy's proposed change in spent fuel storage technology at the Prairie Island ISFSI. The analysis will be limited to impacts and mitigation measures related to Xcel Energy's proposed change that were not addressed in the Prairie Island 2009 EIS.

I. GENERAL DESCRIPTION OF THE PROJECT

- A. Project Description
- B. Project Purpose
- C. Project Costs

II. REGULATORY FRAMEWORK

- A. Federal Approvals
- B. State Approvals

III. ENGINEERING, DESIGN, AND CONSTRUCTION

- A. Cask and Canister Systems for Spent Fuel Storage
- B. Cask Handling
- C. Cask Monitoring
- D. Prairie Island ISFSI

IV. POTENTIAL IMPACTS AND MITIGATIVE MEASURES – NON-RADIOLOGICAL

The SEIS will include a discussion of human and environmental resources potentially impacted by the project. The SEIS will discuss potential non-radiological impacts related to the proposed change in spent fuel storage technology.

- A. Environmental Setting
- B. Human Environment
- C. Natural Environment

V. POTENTIAL IMPACTS AND MITIGATION MEASURES – RADIOLOGICAL

The SEIS will discuss potential radiological impacts related to the proposed change in spent fuel storage technology.

- A. Natural Background Radiation and Radiation Risks
- B. Potential Impacts to the Public
- C. Potential Impacts to Workers
- D. Environmental Justice

VI. DATA AND ANALYSIS

Data and analysis in the SEIS will be commensurate with the importance of potential impacts and the relevance of the information to consideration of the need for mitigation measures.¹⁰ EERA staff will consider the relationship between the cost of data and analyses and the relevance and importance of the information in determining the level of detail of information to be prepared for the SEIS.

If relevant information cannot be obtained within timelines prescribed by statute and rule, or if the costs of obtaining such information is excessive, or the means to obtain it is not known, EERA staff will include in the SEIS a statement that such information is incomplete or unavailable and the relevance of the information in evaluating potential impacts.¹¹

VII. ALTERNATIVE SITES TO BE EVALUATED

The SEIS will evaluate the storage of spent nuclear fuel at the PINGP ISFSI. No other sites will be evaluated in the SEIS.

VIII. STUDIES TO BE UNDERTAKEN

No studies will be undertaken in preparation of the SEIS.

ISSUES OUTSIDE THE SCOPE OF THE SEIS

The SEIS will not address the following topics:

- A. Impacts and mitigation measures that are addressed in the Prairie Island 2009 EIS.
- B. Operation of the PINGP.
- C. NRC regulation of casks for spent nuclear fuel and of ISFSI design and safety.
- D. The nuclear fuel cycle.
- E. Transportation of spent nuclear fuel from the PINGP ISFSI.
- A. NRC regulations and standards. The SEIS may reference certain standards promulgated by the NRC; however, the supplement will not address the adequacy of these standards.

SCHEDULE

A draft SEIS is anticipated to be completed and available in January 2022. A public meeting and comment period on the draft SEIS will follow. Timely and substantive comments on the draft SEIS will be responded to in a final SEIS.

¹⁰ Minnesota Rule 4410.2300.

¹¹ Minnesota Rule 4410.2500.

Signed this _____ day of _____, 2021

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

Katherine Blauvelt, Assistant Commissioner

DRAFT