



In the Matter of the Application 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 in  
Goodhue County

**FINDINGS OF FACT, CONCLUSIONS,  
AND ORDER FINDING  
SUPPLEMENTAL ENVIRONMENTAL  
IMPACT STATEMENT ADEQUATE**

**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 adequacy of the final supplemental environmental impact statement (SEIS) 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, Minnesota.

**STATEMENT OF THE ISSUE**

Is the final SEIS prepared for Xcel Energy's proposed change in spent fuel storage technology at the Prairie Island nuclear generating plant adequate per Minnesota Rules part 4410.2800, Subp. 4?

Based on the proceedings described herein, the Commissioner of the Department of Commerce finds the following:

**FINDINGS OF FACT**

**Background and Proposed Project**

1. The Prairie Island nuclear generating plant (PINGP) is a 1,100 megawatt (MW), two-unit, electric generating plant in Red Wing, Minnesota. 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).
2. In 2008, to facilitate continued operation of the PINGP, Xcel Energy applied to the Minnesota Public Utilities Commission (Commission) for a certificate of need (CN) to expand storage within the Prairie Island ISFSI to accommodate a total of 2,560 spent fuel assemblies in 64 Transnuclear TN-40 type casks.
3. Department of Commerce, Energy Environmental Review and Analysis (EERA) staff prepared an environmental impact statement (EIS) that analyzed Xcel Energy's proposed ISFSI expansion (2009 Prairie Island EIS).<sup>1</sup> On December 18, 2009, the Commission issued a CN

---

<sup>1</sup> Final Environmental Impact Statement, Xcel Energy Prairie Island Nuclear Generating Plant, July 31, 2009, eDockets Numbers [20097-40233-02](#), [20097-40233-05](#), [20097-40233-08](#), [20097-40233-11](#), [20097-40233-14](#), [20097-](#)

authorizing Xcel Energy's proposed expansion of spent fuel storage in the Prairie Island ISFSI.<sup>2</sup>

4. On April 30, 2021, Xcel Energy requested that the Commission authorize a change in the spent fuel storage technology at Prairie Island.<sup>3</sup> Xcel Energy requested that it be authorized to use any spent fuel storage technology approved by the Nuclear Regulatory Commission (NRC), rather than being limited solely to TN-40 type casks.
5. Xcel Energy indicated that its proposed change in spent fuel storage technology would likely result in lower customer costs.<sup>4</sup> Further, Xcel Energy indicated that a change in technology could potentially facilitate earlier shipments of spent nuclear fuel from Prairie Island to offsite storage facilities.<sup>5</sup>
6. 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.<sup>6</sup>
7. After reviewing Xcel Energy's request, EERA staff concluded that the request represented 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.<sup>7</sup> EERA staff recommended that the Commission take no action on Xcel Energy's request until EERA staff could supplement the 2009 Prairie Island EIS in accordance with Minnesota Statutes section 116D.04 and Minnesota Rule 4410.3000.<sup>8</sup>
8. On October 1, 2021, the Commission concurred with EERA staff's recommendation.<sup>9</sup> The Commission determined that it would take no action on Xcel Energy's request until a supplement to the 2009 Prairie Island EIS could be prepared.<sup>10</sup>

---

[40233-17](#), [20097-40234-02](#), [20097-40234-05](#), [20097-40234-08](#), [20097-40235-02](#) [hereinafter 2009 Prairie Island EIS].

<sup>2</sup> Order Accepting Environmental Impact Statement, and Granting Certificates of Need and Site Permit with Conditions, December 18, 2009, eDockets Number [200912-45206-02](#).

<sup>3</sup> Request for Change in Spent-Fuel Storage Technology, Prairie Island Fuel Storage, April 30, 2021, eDockets Number [20214-173680-01](#) [hereinafter Xcel Energy Request].

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Notice of Comment Period, May 14, 2021, eDockets Number [20215-174178-01](#).

<sup>7</sup> Minnesota Rule 4410.3000.

<sup>8</sup> EERA Comments and Recommendations, May 27, 2021, eDockets Number [20215-174578-01](#).

<sup>9</sup> Commission Order, October 1, 2021, eDockets Number [202110-178440-01](#).

<sup>10</sup> Id.

## Supplemental Environmental Impact Statement

9. On September 14, 2021, EERA staff issued notice by email and mail of public scoping meetings for a supplemental environmental impact statement (SEIS).<sup>11</sup> Notice was also provided by newspaper publication and in the *EQB Monitor*.<sup>12</sup>
10. On October 5, 2021, EERA staff held a public scoping meeting in Red Wing, Minnesota. Approximately 15 persons attended this meeting; six persons provided public comments.<sup>13</sup> On October 6, 2021, EERA staff held a virtual public meeting. Approximately 10 persons attended this meeting; two persons provided public comments.<sup>14</sup>
11. During the comment period following the public meetings, EERA staff received five written public comments, including comments from the Prairie Island Indian Community (PIIC) and the city of Red Wing.<sup>15</sup>
12. On November 10, 2021, EERA staff held a meeting with PIIC members at the Prairie Island Community Center. Approximately 10 persons attended this meeting in person with a similar number joining on-line; five community members provided comments.<sup>16</sup>
13. Based on the scoping comments received, the Department issued the scoping decision for the SEIS on December 7, 2021.<sup>17</sup> Following issuance of the scoping decision, EERA staff issued notice of preparation of an SEIS.<sup>18</sup>
14. On February 1, 2022, EERA staff issued the draft SEIS.<sup>19</sup>

---

<sup>11</sup> Notice of Scoping Meetings for Supplemental Environmental Impact Statement, September 14, 2021, eDockets Number, [20219-177940-01](#).

<sup>12</sup> Notice of Scoping Meetings for Supplemental Environmental Impact Statement in *Red Wing Republican Eagle*, eDockets Number [202110-178494-01](#); Notice of Scoping Meetings for Supplemental Environmental Impact Statement in *EQB Monitor*, eDockets Number [202110-178493-01](#).

<sup>13</sup> Oral Public Meeting Comments on Scope of SEIS, eDockets Number [202110-179270-01](#).

<sup>14</sup> *Id.*

<sup>15</sup> Written Public Comments on Scope of SEIS, eDockets Number [202110-179270-02](#).

<sup>16</sup> PIIC Meeting Comments on Scope of SEIS, eDockets Number [202111-180174-01](#).

<sup>17</sup> SEIS Scoping Decision, December 7, 2021, eDockets Number [202112-180490-01](#).

<sup>18</sup> Notice of Preparation of a Supplemental Environmental Impact Statement, eDockets Numbers [202112-180495-01](#), [202112-180498-01](#).

<sup>19</sup> Draft Supplemental Environmental Impact Statement, February 1, 2022, eDockets Numbers [20222-182285-01](#).

15. On February 1, 2022, EERA staff issued notice by email and mail of the availability of the draft SEIS and of public meetings.<sup>20</sup> Notice was also provided by newspaper publication, press release, and in the *EQB Monitor*.<sup>21</sup>
16. On February 16, 2022, EERA staff held a public meeting regarding the draft SEIS in Red Wing, Minnesota. Approximately 10 persons attended this meeting; three persons provided public comments.<sup>22</sup> On February 17, 2022, EERA staff held a virtual public meeting. Approximately 15 persons attended this meeting; four persons provided public comments.<sup>23</sup>
17. On February 22, 2022, EERA staff held a virtual meeting with PIIC members. Approximately 10 members attended the meeting; three persons provided public comments.<sup>24</sup>
18. During the comment period following the public meetings and the meeting with PIIC members, EERA staff received seven written public comments regarding the draft SEIS.<sup>25</sup>
19. On April 26, 2022, EERA staff issued the final SEIS.<sup>26</sup> All comments on the draft SEIS and responses to these comments are included in the final SEIS.<sup>27</sup>
20. EERA staff issued notice of the final SEIS and a comment period on the adequacy of the final SEIS via email, press release, and notice in the *EQB Monitor*.<sup>28</sup>
21. During the comment period on the adequacy of the final SEIS, EERA staff received two public comments.<sup>29</sup> The comments did not address the adequacy of the final SEIS.<sup>30</sup>
22. Minnesota Rules part 4410.3000 requires that the determination of adequacy of a final supplement to an EIS must be made in accordance with Minnesota Rules part 4410.2800.

---

<sup>20</sup> Notice of Availability of Draft Supplemental Environmental Impact Statement and Public Meetings, eDockets Number [20222-182290-01](#), [20222-182690-02](#).

<sup>21</sup> Notice of Availability of Draft Supplemental Environmental Impact Statement and Public Meetings in *Red Wing Republican Eagle*, via Press Release, and in the *EQB Monitor*, eDockets Numbers [20222-182692-01](#), [20222-182691-01](#), [20222-182690-01](#).

<sup>22</sup> Oral Public Meeting Comments on Draft SEIS, eDockets Number [20223-183648-01](#),

<sup>23</sup> Id.

<sup>24</sup> Id.

<sup>25</sup> Written Comments on Draft SEIS, eDockets Numbers [20223-183648-02](#) (through -10), [20223-183649-01](#), [20223-183649-02](#).

<sup>26</sup> Final Supplemental Environmental Impact Statement, April 26, 2022, eDockets Numbers [20224-185119-01](#) (through -10), [20224-185120-01](#), [20224-185120-02](#), [20224-185120-03](#).

<sup>27</sup> Id.

<sup>28</sup> Notice of Availability of Final Supplemental Environmental Impact Statement via Email, Press Release, and in the *EQB Monitor*, eDockets Numbers [20225-185988-01](#), [20224-185187-01](#), [20224-185187-02](#).

<sup>29</sup> Public Comments on Adequacy of Final SEIS, eDockets Number [20225-185676-01](#).

<sup>30</sup> Id.

23. Minnesota Rules part 4410.2800, Subp. 4 provides that the final SEIS is adequate if it:

- a. Addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H;
- b. Provides responses to the substantive comments received during the draft SEIS review concerning issues raised in scoping; and
- c. Was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.

### **CONCLUSIONS**

1. Any of the foregoing findings that should more properly be designated as conclusions are hereby adopted as such.
2. The Commissioner of the Department of Commerce has the authority to determine the adequacy of the final SEIS for Xcel Energy's request for a change in spent fuel storage technology in the PINGP ISFSI.
3. The final SEIS adequately addresses the potentially significant environmental issues and alternatives identified in the scoping decision.
4. The final SEIS provides responses to the substantive comments received during the draft SEIS review concerning issues raised in scoping.
5. The Department of Commerce has prepared the final SEIS in compliance with the applicable procedures of the Minnesota Environmental Policy Act and Minnesota Rules parts 4410.0200 to 4410.6500.

Based on the findings of fact and conclusions contained herein and the entire record of this proceeding, the Department of Commerce hereby makes the following:

### **ORDER**

The Commissioner of the Department of Commerce hereby determines that the final SEIS for Xcel Energy's request for a change in spent fuel storage technology in the PINGP ISFSI is adequate per Minnesota Rules part 4410.2800, Subp. 4.

Signed this 26 day of May, 2022

STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE



---

Grace Arnold, Commissioner