

ERRATA and REVISED DECISION OPTIONS - 8-25-22 AGENDA Item #6 (CN-08-510) 8-24-22

Errata:

1) On Page 3, the second sentence of the third paragraph should read:

The TN-40 cask design is certified for transportation but the TN-40HT design is undergoing its certification review at the NRC.

2) On Page 15, the decision option referenced in the last sentence of the fourth full paragraph should be B.9, not B.11.

REVISED DECISION OPTIONS

A. Recertification of the Certificate of Need

1. Determine that Xcel's requested change requires recertification under Minnesota Statute 216B.243 and delay a decision pending further proceedings.
(Overland, PINGP-SG)
2. Determine that Xcel's requested change does not require recertification under Minnesota Statute 216B.243. *(Xcel, DER, EERA, Staff)*

B. Use of Alternative Cask Technology

1. Approve Xcel's request to use an NRC-approved spent nuclear fuel storage cask technology certified for dual-use as storage and transportation under Nuclear Regulatory Commission regulation 10 CFR § 72.212 (b). *(Xcel, DER, EERA, Staff)*
2. Do not approve Xcel's request. *(Overland, PINGP-SG)*
3. Accept the Department's May 26, 2022 *Findings and Order Determining Final SEIS to be Adequate* and *Findings and Order Determining ISFSI Design to be Protective of Groundwater*. *(Staff Recommendation)*

Competitive Bidding Process Recommendations from DER:

4. Require Xcel to provide the following:
 - a. a copy of the request for proposals
 - b. information regarding how the RFP was advertised

- c. a statement of the evaluation criteria used by the Company;
 - d. an overview of each proposal received in response to the RFP—at a minimum the overview should include:
 - i. a cost estimate; and
 - ii. a description of how the cask design, if selected, would facilitate transportation out of state to a permanent or interim storage facility as soon as feasible
 - e. the Company's evaluation of each proposal
 - f. the Company's ultimate determination regarding the RFP and resulting proposals.
 - g. items a-f must be filed within 60 days of the close of the RFP.
(DER, Xcel, EERA, Overland, PINGP-SG, PIIC, Staff, Staff Additional Recommendation Underlined in red)
5. Determine that the Commission will address issues regarding cost-recovery in a future proceeding—once the alternative cask technology selected is known.

SEIS Mitigation Measures from EERA:

- 6.5.** Require Xcel Energy to file the following:
- a. the results of its application to the Nuclear Regulatory Commission for a transportation license for the TN-40HT cask; and
 - b. the transportation license for any cask or canister selected for use at Prairie Island through Xcel Energy's competitive bidding process.
(EERA, Xcel, Overland, PINGP-SG, PIIC, Staff)
7. Require Xcel Energy to file those documents made available for or provided to the NRC for use of a cask or canister other than a TN-40HT cask at Prairie Island.
(EERA, Overland, PINGP-SG, PIIC)
- 7.a Require Xcel to file a summary of evaluations required to be performed under 10 CFR 72.212 prior to use of an approved cask and made available for or provided to the NRC for use of a cask or canister other than a TN-40HT cask at Prairie Island. The Company shall also make the full evaluations available to Department or Commission staff for review upon request. *(Xcel revision of Decision Option 74, Staff)*
8. Require the Commission to implement a planning process or framework for institutional control of spent nuclear at Prairie Island (or in Minnesota, generally) or adapt an existing planning process or framework that addresses institutional control to make it relatively more public-facing, transparent, and inclusive.

(Xcel – provided the process does not delay the approval of its request, EERA, Overland, PINGP-SG, PIIC))

9. Direct Xcel and EERA to facilitate further discussion with PIIC, PINGP-SG and other interested parties to develop a project plan identifying the objectives, scope, milestones, deliverables, and budget for an institutional control planning process. Direct the Executive Secretary to open a docket for institutional controls of nuclear generating plants in Minnesota. *(Staff Recommendation)*

Overland – Legalectric Recommendations

10. Require Xcel to do the following:
 - a. Require Xcel to seek Commission approval only after cask model selection *(Overland)*
 - b. Delay approval of the cask technology until Xcel has provided the following items and a subsequent comment period evaluating its compliance is completed:
 - i. a copy of the request for proposals;
 - ii. information regarding how the RFP was advertised
 - iii. a statement of the evaluation criteria used by the Company;
 - iv. an overview of each proposal received in response to the RFP—at a minimum the overview should include:
 1. a cost estimate; and
 2. a description of how the cask design, if selected, would facilitate transportation out of state to a permanent or interim storage facility as soon as feasible;
 - v. the Company's evaluation of each proposal;
 - vi. the Company's ultimate determination regarding the RFP and resulting proposals;
 - vii. items a-f must be filed within 60 days of the close of the RFP;
 - viii. the results of its application to the Nuclear Regulatory Commission for a transportation license for the TN-40HT cask and the transportation license for any cask or canister selected for use at Prairie Island through Xcel Energy's

- competitive bidding process; and
 - ix. those documents made available for or provided to the NRC for use of a cask or canister other than a TN-40HT cask at Prairie Island.
 - c. Require Xcel to file for cost recovery of the project once costs are known.
(Overland)
 - d. Require cost recovery findings including those for replacement of the ISFSI.
(Overland)
- 11. Refer the matter to the Office of Administrative Hearings for a contested case proceeding on Xcel's request. *(Overland)*

Prairie Island Indian Community Recommendations

- 12. Require Xcel to provide a general accounting of funding received from Minnesota taxpayers for the breach of the partial standard contract. *(PIIC, Overland)*
- 13. Require Xcel to provide information regarding the likelihood of the TN-40 casks being transported to a federal or private storage facility. *(PIIC, Xcel, Overland)*

Prairie Island Nuclear Generating Plant – Study Group Recommendations

- 14. Direct that Xcel applies past, present, and future settlement money from the DOE for funding the planning and implementation of the following measures:
 - Effective monitoring with public reporting and transparency
 - Institutional oversight at local, state, and federal levels;
 - Funding to promptly mitigate any unanticipated problems;
 - Funding for multiple (at least 3) 100-year facility and cask replacements
 - Installation of onsite transfer and other equipment to ensure, when the time comes, that casks are readied and acceptable *(PINGP-SG)*
- 15. Determine that the following costs should be fully recoverable:
 - a. The costs for funding a forum, community engagement and ongoing reports and information development related to that forum/workgroup for Institutional Oversight.
 - b. Costs for “Continued Storage” planning and integrating this information and analysis into existing dockets – Triennial Decommissioning and Integrated Resource Planning, in

addition to any other regulatory framework or process that the Commission may adopt.
(PINGP-SG)

Staff Recommendation: A.2, B.1, B.3, B.4(a-g, with a 60-day review), B.5, B.6, B.7(a), and B.9.