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of the current request on the ISFSI design, which, if there is a greater number of casks, may need to be increased in size to accommodate the new casks and the 34 decommissioning casks. Further, there may be more casks, and even more space, if the 34 decommissioning casks are a type that contains fewer assemblies than was anticipated when the number “34” was established as the casks needed for decommissioning. The SEIS should address the need for the decommissioning casks and whether an increase in cask numbers requires design change and NRC license amendment.

**4-18
cont.**

THE SEIS MUST ACKNOWLEDGE AND ADMIT THAT AN NRC LICENSE AMENDMENT OR USE OF GENERAL LICENSE

Both Xcel Energy and the SEIS dodge the question of NRC licensure. The SEIS on p. 10 notes that the current ISFSI license is cask specific, and that at the time of the ISFSI licensure, “the NRC had not yet implemented its general license process.” SEIS, p. 10-11. It appears that the NRC was not consulted regarding its view of this Xcel request and what it would require of Xcel to go forward as planned – i.e., the SEIS must establish and state the federal licensing requirements. It’s irresponsible for the Commission to go forward with any decision without this information clear.

4-19

The SEIS cites to “Xcel Energy Additional Information” but there’s no such document in the record. See Chapter 2 notes, fn. 16, 18, 22, 26-28, 33, 41. I’ve requested this info from Xcel and EERA, and received the following response:

Carol,

Good morning. Thanks for your note. The citations to “Xcel Energy Additional Information” reflect information that Xcel Energy provided to me in preparing the draft SEIS. This is noted in Section 1.6 of the SEIS.

As an example, I asked Xcel to provide me with an update on the status of their application for a transportation license for the TN-40 cask. They responded to me that they filed an application with the NRC on November 30, 2021. This information is reflected in Chapter 2 of the SEIS, endnote #16.

I hope this helps. Let me know if you have any questions. Best,

Ray

This “Xcel Energy Additional Information” referenced in this SEIS, essentially regarded as primary documentation and relied on for the SEIS, must be made part of the record and filed on eDockets as an addendum to the SEIS.

4-20

Regarding licensure and use of the NRC’s general license, Xcel states in its comment:

Xcel Energy must notify the NRC at least 90 days before its first storage of spent fuel under a general license. The Company must also register the use of each cask with the NRC no later than 30 days after the use of that cask. The documentation

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prepared by Xcel Energy in advance of using a certified cask must be made available for inspection by the NRC, but it is not required to be filed with the NRC.

Xcel's 3/3/2022 Comment.

If this is indeed how this process works under general licensing, the Commission should require Xcel file these documents with the Commission contemporaneously with NRC notification, filing, or when made available for inspection. The NRC rules for this process should be cited in the SEIS with a general description.

4-21

I did contact the NRC, and submitted a FOIA request for clarification. Apparently, the NRC found that "interesting" as they put together a video call with NRC FOIA staff and the Region 3 inspector: Steve Ellis FOIA, contractor; Margo Stevens, FOIA Team Leader; John McKirgan, Chief of Storage and Transportation Licensing Branch and Licensing Part 72; and Rhex Edwards, Inspector Region 3 Dry Casks. Why this team was necessary for a simple FOIA clarification isn't clear, but this request for a conference put up red flags for me. The conversation was more an attempt to discourage and limit the FOIA, and because I wasn't looking for much, I was able to winnow it down and get the information I needed (I think, I thought.). What I wanted was information about licensing and amendment in relation to Xcel's request, and that I got, as noted in an earlier comment:

John McKirgan, Part 72 Licensing, stated and I verified, that the Part 72 license is specifically linked to use of the TN-40 and TN-40HT casks, and that while multiple casks are licensed for use at Part 50 and Part 52 facilities, to use any cask other than TN-40 and TN-40HT at the Prairie Island Part 72 facility, an amendment via NRC is needed.

See Overland Comment, Sept.21, 2021. The specific procedure to be followed must be clear.

IT APPEARS THE QUESTION IS WHETHER USE OF A NRC APPROVED CASK UNDER A "GENERAL LICENSE" EXTENDS TO USE OF THAT CASK AT A PART 72 ISFSI. THE SEIS MUST ADDRESS THIS.

This statement above by McKirgan, who is Chief of Storage and Transportation Licensing Branch and Licensing Part 72, and likely knows his area well, is in direct contradiction to Xcel's statement that a license amendment would not be necessary, which is only true of the company intended to use a general license this time, and not continue with the Part 72 license. The SEIS states that "Xcel Energy proposes to proceed under the NRC's general license process..." Id. This means use of the general license, or some process to utilize a general license as Xcel has stated in its 3/3/2022 Comment. Is this workable for a Part 72 ISFSI? Clarify!!

4-22

If this is the case, Xcel should very clearly state this and should attach its application materials and/or a detailed explanation of procedure, together with NRC rules regarding this process, to its request and file them in eDockets for review. In any event, the SEIS should clarify this NRC licensure issue. Why is it so difficult to get this information in the record? Let's have the

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citations to the NRC regulations and incorporate the information passed on by Xcel in the record.

4-22
cont.

THE PRESUMPTION IS THAT IF THERE IS A DIFFERENT CASKS, SOME FACILITY WILL ACCEPT IT, BUT THIS IS AN UNSOUND PRESUMPTION.

There is no basis in this record or any other that an “interim” facility will accept the casks that Xcel plans to use, whatever they are. This is as bizarre a notion that nuclear waste storage in any location is “temporary.” Nuclear waste has historically stayed where it is put, and at Prairie Island, nuclear waste has now been stored “temporarily” for 27 years. Ex. B - Managing Aging Effects on Dry Cask Storage Systems.

THE SEIS’ TABLE 1 IS NOT CLEAR

The SEIS Table 1, “NRC-Certified casks and Canisters” does not state which are for storage, which are for transport, and which are both. This should be clarified, and for each cask licensed for transport, whether or not those casks have in fact been transported, and references showing transportation. See also SEIS, Section 6 Transportation of spent Nuclear Fuel, p. 45-50.

4-23

THE SEIS SHOULD STATE THAT NO TN-40 OR TN-40HT SEALS HAVE BEEN REPLACED

The SEIS should clearly state in Section 3.3, after the sentence about leak testing the cask seals, that TN-40 and TN-40HT seals have yet to be replaced. See Ex. C, Compilation of Current Literature on Seals, Closures & Leakage; Ex. D, ML20249A645, Overland Comments June 11, 1998.

4-24

THE SEIS SHOULD STATE THAT NO TN-40 OR TN-40HT HAS BEEN UNLOADED

No TN-40 has been unloaded. The record should include documentation of unloading process of various casks, including TN casks, and if there is none available, the record should so state. See Ex. E, TN-24P Unloading attempt; Ex. F, ML20138G875, TN-40 Cask Unloading Procedures.

4-25

THE SEIS SHOULD STATE THAT NO TN-40 OR TN-40HT CASKS HAVE BEEN TRANSPORTED

The SEIS should clearly state that no TN-40 or TN-40HT casks have been transported. This admission was made at the virtual meeting February 17, 2022, but there is no documentation in the record.

4-26

VERTICAL STORAGE CASKS REQUIRE HORIZONTAL POSITIONING FOR TRANSPORT

The SEIS refers to “vertical storage systems,” and should address the need to shift horizontal casks to vertical for transport, and some canisters for storage (Figure 9), and should cite the NRC studies, licensing, and characterization documents regarding embrittlement, corrosion, and

4-27

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crud in casks and impact on integrity of assemblies and casks when tipped over after various terms of storage. Ex. G, Preliminary Evaluation of Removing Used Nuclear Fuel from Shutdown Sites; Ex. H, ML100210335; see also Ex. A, Managing Aging Effects on Dry Cask Storage Systems.

**4-27
cont.**

SEIS SHOULD ADDRESS FAILED WELDS AND OTHER WELDING ISSUES

There have been multiple issues of failed cask welds, particularly in VSC-24 casks, and an instance of an explosion (“ignition event”) at Pt. Beach, circa 1998, where a cask was pulled out of pool, but cover not welded on, time passed, and when welders went to close it, hydrogen had built up and it exploded, bending the 9” cask cover and ejecting the basket shims out of the cask and onto the floor!! This is an NRC safety issue, but the SEIS should report experiences in Section 3.4. Ex. I, M210211 Spent Nuclear Fueling Storage – Urgent Problems and Solutions.

4-28

SEIS SHOULD ADDRESS BIRD NESTING AND OTHER DEBRIS IN CASK VENTS

Bird nests and other debris has been an issue, and though the SEIS states that there would be either routine visual inspection or by monitoring of the outlet air temperature, this may not be sufficient to assure venting. Although this is an NRC issue, the SEIS should report experience and issues with venting in Section 3.4.

4-29

THE SEIS MUST REPORT SPECIFICS REGARDING TAX REVENUES

The SEIS reports that “any impacts to tax revenues are anticipated to be minimal. However, no specifics are disclosed. If the cost of these casks are not known, how could this statement have any credibility?”

4-30

THE SEIS MUST ADDRESS ENVIRONMENTAL JUSTICE ISSUES

Minnesota’s environmental review must address environmental issues. The Prairie Island Indian Community is immediately adjacent to the nuclear plant, and Red Wing’s “East Side” next to the garbage burner has been designated as an “Environmental Justice Community.”

The SEIS states:

The 2009 Prairie Island EIS concluded that the only apparent means to mitigate environmental justice concerns for the PIIC would be to discontinue operations at the PINGP. The EIS noted that discontinuing operations would not eliminate environmental justice concerns related to the continued operation of the PINGP ISFSI. These concerns could only be addressed by removal of the spent fuel from the ISFSI.

4-31

SEIS, p. 39.

The SEIS essentially takes the position that a change won’t make it worse, “concerns would neither increase with the change, nor would they be allayed by a change.” Id., p. 40. There is no

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discussion of the impact of time, and there is no mitigation whatsoever.

4-31
cont.

THE PRESUMPTION OF INSTITUTIONAL CONTROL IS UNSUPPORTED

The presumption of institutional control in the SEIS, nuclear industry and by regulators is completely unsupported. The SEIS quotes the 2009 Prairie Island EIS, stating:

Institutional control assumes not only a solvent and effective entity (e.g., Xcel Energy) responsible for maintaining proper functioning of the ISFSI, but also solvent and effective socio-political institutions that provide a stable societal framework for the ISFSI. For there to be institutional control of the Prairie Island ISFSI, the city of Red Wing, Goodhue County, the State of Minnesota, and the United States of America all have to exist as functioning political entities. There are myriad demands on these entities. In this respect, the Prairie Island ISFSI is just one more demand on the list. However, the ISFSI is unique in that its demands will last much longer than typical socio-political demands and the consequences for failing to meet these demands are predictable and severe.

4-32

SEIS, p. 51. In the next sentence, the SEIS makes the assumption of “institutional control that facilitates monitoring and maintenance of the ISFSI...” Id. WHAT?!?!

To presume that Xcel Energy is solvent and effective is a logical leap when during my years in this racket, Xcel Energy was almost taken down by the actions of its NRG. This example shows how precarious the financial condition of our oft-deemed stodgy and stable utilities can be. The SEIS then ropes in “the city of Red Wing, Goodhue County, the State of Minnesota, and the United States of America” as stable existing entities, and the previous administration shows how precarious our democracy is, and we’re not restabilized yet. Any presumption that there will be a reliable and responsible form of institutional control for the thousands of years that nuclear waste is dangerous is beyond absurd.

Although I have more to say, as I write this, Russia has shelled a Ukrainian reactor, one of the six reactors at Zaporizhzhya – it’s on fire, and I just can’t bear to do anymore on this. Nuclear generation is not sustainable, to put it mildly.

Very truly yours,



Carol A. Overland
Attorney at Law

cc: eDockets Electronic Service List
City of Red Wing and Mayor: citycouncilmayor@ci.red-wing.mn.us

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The commenter's letter included nine exhibits (A through I). Though some of these exhibits are relatively short in length (e.g., 10-15 pages), others are several hundred pages in length. EERA staff believes that inclusion of these exhibits here would make the final SEIS difficult for readers to use – both in electronic form and in print. Thus, the exhibits are incorporated by reference in the following table (Table E-2). The table briefly describes each exhibit and provides an electronic link to the document in eDockets.

Table E-2. Exhibits Included with Comment Letter of Ms. Carol Overland

Exhibit	Description	eDockets Links
A	Exhibit A is an article that discusses an alternative methodology for determining the radiological dose to the population near the Three Mile Island nuclear plant.	20223-183648-03
B	Exhibit B is a report prepared by Argonne National Laboratory regarding issues associated with managing the potential impacts of aging on spent nuclear fuel casks and canisters.	20223-183648-04
C	Exhibit C is an overview prepared by Sandia National Laboratories of the features that affect the sealing capability of radioactive material packaging then certified by the NRC (1989).	20223-183648-05
D	Exhibit D is a letter from Ms. Carol Overland to the NRC in rulemaking docket PRM-72-4 regarding seals on TN-40 casks.	20223-183648-06
E	Exhibit E is a letter from the Idaho National Engineering Laboratory describing the operational experiences related to transferring spent fuel canisters from a metal cask to a concrete cask.	20223-183648-07
F	Exhibit F is a set of procedures for unloading TN-40 casks.	20223-183648-08
G	Exhibit G is a preliminary evaluation of an interim storage site for spent nuclear fuel from 13 shutdown reactors prepared for the DOE.	20223-183648-09 20223-183648-10
H	Exhibit H is a letter from Transnuclear to the NRC regarding additional information related to TN-40 cask transportation packaging.	20223-183649-01
I	Exhibit I is a presentation by Donna Gilmore, SanOnofreSafety.org , to the NRC regarding spent nuclear fuel problems and solutions.	20223-183649-02

ID Number 4 – Responses

4-1

Thank you for your comment. See response to comment 1-9.

4-2

All of the information noted as “Xcel Energy Additional Information” in endnotes and used to prepare this SEIS has been filed in eDockets, eDockets Number [20224-184613-01](#).

4-3

EERA staff disagrees that the SEIS is biased in its selection and use of sources. A variety of sources are cited for the SEIS analysis including regulations, reports, reviews, and risk assessments. Citations to the 2009 Prairie Island EIS are necessary to provide background for this SEIS and a point of comparison for potential human and environmental impacts.

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. The SEIS provides discussion and analysis of all types of NRC-certified casks and canisters so that the Commission has before it the information necessary to make decisions regarding Xcel Energy’s request.

To the extent the commenter wishes the Commission to conduct its review of Xcel Energy’s request in a step-wise fashion, such that the Commission approves a specific technology for the PINGP ISFSI, this is a matter for the Commission, not the SEIS.

4-5

EERA staff disagrees that alternatives are not discussed in the SEIS. The SEIS discusses all of the alternative storage technologies, casks and canisters, certified by the NRC. The SEIS does not discuss siting alternatives, as such alternatives are outside the scope of the SEIS (see Appendix A).

4-6

See response to comment 4-4. The commenter’s urging to not approve a “fill in the blank request” is directed to the Commission, not this SEIS.

4-7

The SEIS provides as much detail regarding costs for the project as is possible at this time. The SEIS includes costs for TN-40 casks, and it discusses Xcel Energy’s estimates for the costs of other spent fuel storage technology (see Section 3.6). Given Xcel Energy’s request, it is not possible for SEIS to provide further cost detail. The Commission may require

additional cost information from Xcel Energy prior to or as a condition of granting a CN amendment.

4-8

The text of the SEIS is not erroneous – Xcel Energy did propose, to the Commission and ultimately the Minnesota Legislature, that spent nuclear fuel from the PINGP be stored in TN-40 type casks. That Xcel Energy may have researched and selected, internally, a storage technology that they preferred is not relevant. The technology required the approval of the Commission. To obtain this approval, Xcel Energy was required to propose the technology it thought best suited at the time.

4-9

The Department of Commerce, Division of Energy Resources (DER) staff, has proposed the measures suggested by the commenter. DER staff has proposed to the Commission, as a condition of any CN amendment, that the results of Xcel Energy's request for proposals be filed with the Commission for its review. See analysis and comments by DER staff, May 28, 2021, eDockets Number [20215-174578-01](#).

4-10

The SEIS addresses potential human and environmental impacts, including impacts that are non-economic in nature. The SEIS will be used by the Commission in making a decision on Xcel Energy's request.

4-11

See response to comment 7-11. Links to radiological monitoring results have been included in endnotes for Chapter 5 of the SEIS.

4-12

See response to comment 1-7. Text in Chapter 4.3 has been modified to note that there are few persons living near the PINGP that could experience non-radiological impacts (the topic of Chapter 4 of the SEIS).

4-13

Text in Chapter 5.3 has been modified to discuss emergency planning zones. Also see the 2009 Prairie Island EIS, Chapter 1, Section 4.13.

4-14

Public health monitoring for Goodhue County related to potential radiological impacts is discussed in the 2009 Prairie Island EIS (see Chapter 1, Section 4.13). Per the SEIS scoping decision (Appendix A), no further discussion is necessary in the SEIS.

4-15

EERA staff believes the record for the Commission's decisions on Xcel Energy's request includes the final SEIS; all public comments on the SEIS, from scoping through adequacy; all

comments in response to the Commission’s initial request for comments (see eDockets [20215-174178-01](#)); and all comments on any future Commission comment period on Xcel Energy’s request. In addition, as the SEIS is a supplement to the 2009 Prairie Island EIS, the record includes the 2009 EIS as well as all comments provided in the development of that document.

4-16

See response to comment 4-11. Links to radiological monitoring results have been included in endnotes for Chapter 5 of the SEIS.

With respect to potential radiological impacts due to low doses of radiation, the SEIS and 2009 Prairie Island EIS explicitly adopt the National Academy of Sciences’ BEIR VII Report which assumes that there is no lower bound or threshold for impacts due to low levels of radiation (see 2009 Prairie Island EIS, Chapter 1, Section 4.13, discussing the BEIR VII linear, non-threshold approach). All levels of radiation have the potential for impacts.

Exhibit A provided by the commenter suggests an alternative means of calculating potential impacts to residents near the Three Mile Island nuclear plant. To EERA staff’s understanding, this alternative means has not been adopted by the larger scientific community and there is no methodology for employing it in the SEIS. Further, the exhibit is not focused on potential ISFSI accidents or radiological releases but rather on radiological impacts associated with specific materials released from the Three Mile Island reactor.

4-17

The SEIS describes the regulatory framework as it is understood by EERA staff. The language is, in part, qualified because, as explicitly noted in the SEIS, there are no regulatory rules that are directly on point with respect to the Commission’s considerations and possible actions. Further, the language is qualified because it represents possible actions by the Commission which cannot be known in advance.

4-18

The 2009 Prairie Island EIS discusses potential impacts associated with using the PINGP ISFSI to store spent nuclear fuel when the PINGP is decommissioned (see Chapter 2, Section 5.4). The 2009 EIS noted that a total of 98 TN-40 type casks would be necessary to store the spent fuel associated with PINGP operations through 2033/34 and decommissioning. The 2009 EIS focused on potential radiological impacts associated with these 98 casks. The 2009 EIS assumed, but did not explicitly discuss, that the PINGP ISFSI could require modifications to accommodate the 98 casks.

Xcel Energy indicates that the PINGP ISFSI currently has three concrete pads, each of which can hold 24 TN-40 type casks (see Xcel Energy Additional Information). Xcel Energy notes that the ISFSI would require modifications to hold all of the casks associated with decommissioning. These modifications could include additional concrete pads and a reconfiguration or increase in size of the current ISFSI. Thus, independent of whether casks

or canisters are used for decommissioning, the PINGP ISFSI would require modifications to accommodate the spent fuel associated with decommissioning.

Xcel Energy would need to obtain a CN from the Commission to store any spent fuel associated with decommissioning the PINGP in the PINGP ISFSI, i.e., any spent fuel beyond the 2,560 spent fuel assemblies approved by the Commission in 2009. Xcel Energy would also need to obtain all necessary approvals from the NRC to store the spent fuel associated with decommissioning and to make any modifications to the PINGP ISFSI to accommodate the spent fuel.

4-19

The SEIS notes that Xcel Energy intends to use the NRC’s general license process for any new spent fuel technology in the PINGP ISFSI (see Chapter 2.2). The commenter’s concern appears to be that this might not be the correct NRC process for Xcel Energy to use. Further, the commenter suggests that the Commission not proceed with any approvals without further information regarding the NRC’s licensure process. Text in Chapter 2.2 has been modified to note that the Commission could, as a condition on any CN amendment, require Xcel Energy to file with the Commission all documents provided for the NRC’s licensure process.

4-20

See response to comment 4-2.

4-21

See response to comment 4-19. The NRC rules for the general license process are noted in the endnotes for Chapter 2 of the SEIS.

4-22

See response to comment 4-19.

4-23

The title of Table 1 has been modified to note that the casks listed are certified for storage of spent nuclear fuel. Whether casks or canisters used in the PINGP ISFSI are certified by the NRC for transport is discussed in Chapters 2.1 and 3.2 of the SEIS. Whether a specific cask or canister has been transported (or not) is not relevant to any decision by the Commission regarding Xcel Energy’s request (see Minnesota Rule 4410.2300, Subpart H).

4-24

Whether seals have been replaced on TN-40 casks in the PINGP ISFSI is not relevant to any decision by the Commission regarding Xcel Energy’s request (see Minnesota Rule 4410.2300, Subpart H).

4-25

Whether a TN-40 cask has ever been unloaded is not relevant to any decision by the Commission regarding Xcel Energy's request (see Minnesota Rule 4410.2300, Subpart H). Further, as noted in Chapter 3.5 of the SEIS, Xcel Energy is not proposing any unloading, repackaging, or other handling of spent fuel from existing TN-40 and TN-40HT casks in the PINGP ISFSI.

4-26

Whether a TN-40 or TN-40HT cask has ever been transported is not relevant to any decision by the Commission regarding Xcel Energy's request (see Minnesota Rule 4410.2300, Subpart H).

With respect to the transportability of the TN-40HT cask, and in light of this comment, comment 1-2, and the requirements of Minnesota Statute 116C.776, text in Chapters 2.1 and 3.5 has been modified to note that the Commission could, as a condition on any CN amendment, require Xcel Energy to file with the Commission: (1) the results of its application to the NRC for a transportation license for the TN-40HT cask and (2) the transportation license for any cask or canister selected for use in the PINGP ISFSI through Xcel Energy's competitive bidding process.

4-27

The integrity of fuel assemblies in casks and canisters during storage and transport is regulated solely by the NRC. To EERA staff's reading, the commenter's comment is directed at the possible failure of the NRC to regulate appropriately. Whether the NRC is regulating appropriately is outside the scope of this SEIS (see Appendix A). Further, fuel assembly integrity is not relevant to any decision by the Commission regarding Xcel Energy's request (see Minnesota Rule 4410.2300, Subpart H).

4-28

Any welding issues and any associated safety concerns with casks or canisters are regulated solely by the NRC. Whether the NRC is regulating appropriately is outside the scope of this SEIS (see Appendix A).

4-29

As the commenter notes, the monitoring and maintenance of canister vents is discussed in the SEIS (Chapter 3.4). Whether the NRC is properly regulating the monitoring and maintenance of canisters is outside the scope of this SEIS (see Appendix A).

4-30

The SEIS discusses potential impacts to tax revenues for the city of Red Wing (Chapter 4.3). As noted in the SEIS, tax revenues are based on the valuation of the PINGP as a whole including current and future TN-40 type casks in the PINGP ISFSI. Even with a rough estimate of potential, alternate technology costs (40 to 50 percent less than a TN-40 type cask; see Chapter 3.6), the impact to tax revenues will be incremental and is anticipated to

be minimal. This does not mean that no change in tax revenues will occur. It means that the best characterization that can be made at this time, not knowing the exact costs of alternate technology, is that impacts will be incremental and minimal.

4-31

Environmental justice is discussed in Chapter 5.5 of the SEIS. The analysis in Chapter 5.5 builds upon the discussion in the 2009 Prairie Island EIS. See response to comment 5-1.

4-32

The SEIS does not make any assumptions about institutional control and whether it will exist to facilitate monitoring and maintenance of the PINGP ISFSI. The text notes that *if* (assuming) institutional control exists, *then* radiological impacts are anticipated to be minimal. *If* institutional control does not exist, *then* radiological impacts will be adverse, predictable, and severe (Chapter 7 of the SEIS). Text in Chapter 7 has been modified to clarify this latter point.

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From: [Kristen Eide-Tollefson](#)
To: [Kirsch, Raymond \(COMM\)](#)
Cc: [Miltich, Louise \(COMM\)](#); [Blauvelt, Katherine \(COMM\)](#)
Subject: PINGP Study Group comments to the Prairie Island SEIS
Date: Thursday, March 3, 2022 5:27:54 AM
Attachments: [PINGP Study Group comments to the SEIS \(1\).pdf](#)

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Re: Supplement to the 2009 Prairie Island EIS
Request for Additional Dry Cask Storage
Docket No. E002/CN-08-510

Comments of the PINGP Study Group to the Draft SEIS for change of cask technology at the Prairie Island Nuclear Generating Plant ISFSI.

The PINGP Study Group is an offshoot of the PUC/DOC Advisory Task Force for the scoping of the EIS for the 2009 CON proceedings. The Task Force developed a scoping issues report, in addition to the agency record. This document, expressing views and concerns of surrounding community officials and citizens, became the basis for the formation of the PINGP Study Group. We appreciate the DOC's determination that a supplemental EIS was required, and the opportunity to comment on the draft SEIS. Our comments fully appreciate the challenges of the task at hand.

Note on EJ: The 6 line paragraph on Environmental Justice in the draft SEIS concludes: "[EJ] Concerns could only be addressed by closure of the PINGP and the removal of spent fuel from the PINGP ISFSI." The PIIC has built an extensive record in comments to state and federal proceedings*. While this statement in the SEIS, that stands as the sole substance of its EJ assessment, may be true in some sense, it fails to consult this record in any meaningful way, and the obligations of executive orders on EJ. The 2009 EIS did not address Environmental Justice concerns. Fellow agencies MPCA and MNDOT have developed policies and procedures that may support the RGU's effort to better address this section of the SEIS.

5-1

From first to last, study group members support the primary goal of removal of waste from Prairie Island. And the concerns and positions of the Prairie Island Indian Community. The question of whether adding a new cheaper thin-walled type of canister in concrete vaults to the dual purpose casks already on the IFSI pads at Prairie Island will save money and speed removal, or will simply add complexities, costs and risks to long term storage, monitoring, maintenance and transportation is a matter for the SEIS and PUC to carefully consider.

The Prairie Island Indian Community bears a multi-generational burden and unique exposure to the risks and uncertainties of both operations and waste storage and will be the first to suffer the "predictable and severe" consequences of failure of any of these safeguards.

The responsibility rests with PUC's authority as the state's economic regulator with accountability to the state's environmental priorities in 116D. The matters raised in these comments about continued PUC oversight, requirements for planning and funding for

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monitoring, maintenance to assure (rather than assume) the requirements of "institutional controls" and long term environmental protections, are raised as "mitigation measures not addressed or adequately addressed in the final EIS" (4410.3000 Subpart 5). We advocate that they be addressed in the SEIS and a CON proceeding.

The present commenter has received permission from PINGP Study Group members and counsel to represent the Study Group in this proceeding. Please include this cover letter with our attached comments to the record.

Respectfully submitted,

Kristen

Kristen Eide-Tollefson
for the PINGP Study Group
Florence Township, Goodhue County
651-345-5488

*e.g. 2012 PIIC comments to NRC during the relicensing process:

<https://www.nrc.gov/docs/ML1216/ML12164A504.pdf>

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Comments on the Draft SEIS PINGP Study Group

Comment summary: SEIS information sources are inappropriately restricted and need to be expanded to analyze a) alternative storage technology performance – thick and thin walled b) under scenarios in the new (post-confidence decision) NRC timeline. The fundamental flaw of the SEIS is in the conclusion of ‘minimal impact’ for a storage term up to 200 years, “assuming institutional control that facilitates monitoring and maintenance of the ISFSI”, when no such plan or provision exists. *And will not exist without continued exercise of PUC authority and oversight.*

5-2

5-3

Context: The casks at Prairie Island will almost certainly remain on site through decommissioning and most likely far beyond the current licensed periods of the casks and ISFSI. The performance of the storage technology, and whether there is an at site facility for cask repair and transfer (other than the pool) are consequential for waste management over time.

Thin walled casks are a relatively new technology, driven by cost savings and actively marketed, with thick walled cask costs rising, as Xcel has stated in their application (1.3 Project Need).

Criteria: The selection of the “best” technology must consider more than cost savings for corporate and public stakeholders. The proximity of over 1,000 tons of nuclear waste to the Prairie Island Indian Community requires more than “assuming institutional control”. Environmental Justice for the Prairie Island Community and the Mississippi ecosystem, requires assurance of planning, funding, monitoring and maintenance of the ISFSI and casks over the 200 year period posited in the S/EIS (see item D. below).

No such assurance or plan currently exists. The party responsible for implementing and funding long term management is Xcel. Parties responsible for institutional oversight and control are NRC, PUC and the local government and Prairie Island communities who will bear the human health, social, economic and environmental costs of failure (see SEIS Institutional Controls) <https://energynews.us/2020/11/10/prairie-island-tribe-prepares-to-chart-course-toward-zero-emissions/>

Obligation: All parties, including the department, commission and company, are subject to the purposes (116D.02) and priorities of Minnesota’s environmental statute 116D. Which directs the RGU and decision makers to prioritize protection of the environment over economic considerations: “Economic considerations alone shall not justify such conduct.” (116D.04 Subd 6*)

What needs to be clarified?

Location in DEIS:

1. Introduction: DOC determined that a supplemental EIS should be prepared under 4410.3000 subpart3, to address: “(2)...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”.

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Please clarify: What was the new information or circumstances that the DOC considered as having the potential for significant environmental impact? There is a disconnect between this assertion of the RGU and the complete lack of additional information in the SEIS, which depends nearly entirely on the framework of Xcel's requests and the 2009 EIS. There is virtually no reference to industry, engineering or even government studies comparing cask and canister technologies; or to the investments that must be made in order to ensure safe storage for as long as the high level nuclear wastes remain on site at Prairie Island.

5-4

1.6 Sources of Information

The primary sources of information for this SEIS are:

- Xcel Energy's request for a change in spent fuel storage technology.
- New and additional information from Xcel Energy regarding its request.
- The 2009 Prairie Island EIS, available at: <https://mn.gov/eera/web/project/315/>

5-5

An EIS is an analytical document. Where is the analysis of the alternatives under consideration? What are the potential short and long term effects of, not only the choice of thin or thick walled casks, but the request that PUC relinquish regulatory oversight of ISFSI technologies. The original EIS assumed the current cask technology. The present The SEIS does not provide either sufficient information about, or critical analysis of the alternative technologies under consideration – thick walled dual purpose, or thin walled canisters – to inform deliberation.

What needs to be added or edited such that the final SEIS is complete and accurate?

A. Alternative Storage technology analysis. The supplemental EIS to the 2009 CON/EIS should provide for a discussion and references to a) engineering studies on and b) information about the experience to date with thin walled cases, *other than, or in addition to that provided by Xcel and cask makers (TN/Holtec).*

5-6

Specifically the SEIS should review and incorporate the recent experience and documentation regarding thin wall canister technology from the San Onofre decommissioning (powerpoint). There are a number of claims in this document (e.g. "Thin-wall canisters do not meet NRC and Nuclear Waste Policy Act (NWPA) requirements for monitored retrievable spent nuclear fuel". The SEIS does note that there are a number of legal hurdles for private interim storage initiatives, at local, state and federal levels.

Spent Nuclear Fuel Dry Storage Urgent Problems and Solutions

<https://www.nrc.gov/docs/ML2103/ML21036A015.pdf>

(A San Orofeo FAQ sheet outlining the issues is attached at the end of these comments)

Add chart: The primary functions of the SEIS are 1) to evaluate potential environmental effects of switching to a thin-walled canister system; and 2) Xcel's proposal to remove cask technology change certification (CON) from PUC oversight authority, allowing for use of any cask certified by NRC. The 'need' is stated as cost savings.

In order to more fully inform an understanding of the implications of these requests, the SEIS needs to chart the potential benefits and short and long term risks factors – of thin walled canisters and thick walled casks – using the new NRC timeline for term of storage, out to the 200 years assumed in the EIS/SEIS.

5-7