



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 the Monticello Nuclear Generating Plant Independent Spent Fuel Storage Installation in Wright County

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

DOCKET NO. E002/CN-21-668

The above matter has come before the Commissioner of the Department of Commerce (Department) for a decision on the adequacy of the final environmental impact statement (EIS) prepared for Xcel Energy's proposed additional storage of spent nuclear fuel at the Monticello nuclear generating plant (MNGP) in Wright County, Minnesota.

STATEMENT OF THE ISSUE

Is the final EIS prepared for Xcel Energy's proposed additional storage of spent nuclear fuel at the Monticello 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 MNGP is a 571 megawatt electric generating plant in the city of Monticello, Wright County, Minnesota. The plant has been in operation since 1971. Spent nuclear fuel from the plant is stored on-site in a spent fuel pool and an independent spent fuel storage installation (ISFSI).
2. The Minnesota Public Utilities Commission (Commission) has authorized storage of spent nuclear fuel in the MNGP ISFSI sufficient to allow operation of the MNGP through 2030.¹
3. In order to store additional spent fuel in the MNGP ISFSI, Xcel Energy must obtain a certificate of need (CN) from the Commission.² On September 1, 2021, Xcel Energy filed a CN application with the Commission requesting that the Commission approve additional

¹ Order Granting Certificate of Need for Interim Independent Spent Fuel Storage Installation, October 23, 2006, eDockets Number [3390312](#).

² Minnesota Statute 116C.83, Subd. 2.

storage of spent nuclear fuel in the MNGP ISFSI sufficient to extend the operating life of the MNGP by 10 years – from 2030 to 2040.³

4. Xcel Energy estimated that approximately 14 additional spent fuel canisters would be needed for operation of the MNGP through 2040.⁴ Xcel Energy noted that these canisters would be placed on a new concrete support pad withing the existing MNGP ISFSI.⁵
5. Xcel Energy indicated that it would conduct a competitive bidding process to select the canister technology and vendor for the project.⁶ Xcel Energy noted that the canister technology selected for the project would be licensed for storage and transport of spent nuclear fuel by the Nuclear Regulatory Commission.⁷
6. The Department is the responsible governmental unit for the environmental review of CN applications for spent nuclear fuel storage; the Department must prepare an EIS.⁸ Consistent with this responsibility, on October 5, 2021, Department Energy Environmental Review and Analysis (EERA) staff notified the Commission that it would prepare an EIS for Xcel Energy's CN application.⁹
7. As the responsible governmental unit, the Department has the authority to determine the adequacy of the EIS.¹⁰

Environmental Impact Statement

8. To begin the EIS preparation process, EERA staff issued a scoping environmental assessment worksheet and a draft scoping decision for the project.¹¹

³ Certificate of Need Application for Additional Dry Cask Storage at the Monticello Nuclear Generating Plant Independent Spent Fuel Storage Installation, Xcel Energy, September 1, 2021, eDockets Numbers [20219-177630-01](#) (through -10) [hereinafter CN Application].

⁴ CN Application, Executive Summary and Chapter 8.

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ EERA Comments on CN Application, October 5, 2021, eDockets Number [202110-178533-01](#).

¹⁰ Minnesota Rule 4410.2800, Subp. 1.

¹¹ Scoping Environmental Assessment Worksheet and Draft Scoping Decision, December 28, 2021, eDockets Numbers [202112-180998-01](#), [202112-180999-01](#).

9. On December 29, 2021, EERA staff issued notice by email and mail of public scoping meetings for an EIS.¹² Notice was also provided by press release, newspaper publication, and in the *EQB Monitor*.¹³
10. On January 25, 2022, EERA staff held a public scoping meeting in Monticello, Minnesota. Five persons attended this meeting; one person provided a public comment.¹⁴ On January 26, 2022, EERA staff held a virtual public meeting. Approximately six persons attended this meeting; two persons provided public comments.¹⁵
11. During the comment period following the public meetings, EERA staff received four written public comments, including comments from the Minnesota Department of Natural Resources and the city of Monticello.¹⁶
12. Based on the scoping comments received, the Department issued the scoping decision for the EIS on March 2, 2022.¹⁷ Following issuance of the scoping decision, EERA staff provided notice of preparation of an EIS by press release and the *EQB Monitor*.¹⁸
13. On October 4, 2022, EERA staff issued the draft EIS for the project.¹⁹ The draft EIS was prepared in accordance with the scoping decision and addressed the potentially significant issues raised during scoping.²⁰
14. On October 4, 2022, EERA staff issued notice by email and mail of the availability of the draft EIS and of public meetings.²¹ Notice was also provided by press release, newspaper publication, and in the *EQB Monitor*.²²

¹² Notice of Environmental Impact Statement Scoping Meetings and Availability of Scoping Environmental Assessment Worksheet, December 29, 2021, eDockets Numbers [202112-181034-01](#), [202112-181051-01](#).

¹³ Notice of Environmental Impact Statement Scoping Meetings and Availability of Scoping Environmental Worksheet – Press Release, January 12, 2022, eDockets Number [20221-181478-01](#); Publication in the *Monticello Times*, January 6, 2022, eDockets Number [20221-181516-01](#); Publication in the *EQB Monitor*, January 4, 2022, eDockets Number [20221-181477-01](#).

¹⁴ Oral Public Meeting Comments on Scope of EIS, eDockets Number [20222-182824-01](#).

¹⁵ *Id.*

¹⁶ Written Public Comments on Scope of EIS, eDockets Number [20222-182824-02](#).

¹⁷ EIS Scoping Decision, March 2, 2022, eDockets Number [20223-183375-01](#).

¹⁸ Notice of Preparation of an Environmental Impact Statement – Press Release, April 8, 2022, eDockets Number [20224-184603-01](#); Publication in *EQB Monitor*, March 29, 2022, eDockets Number [20223-184196-01](#).

¹⁹ Draft Environmental Impact Statement, Monticello Nuclear Plant Additional Spent Fuel Storage, October 4, 2022, eDockets Number [202210-189519-01](#).

²⁰ *Id.*

²¹ Notice of Availability of Draft Environmental Impact Statement and Public Information Meetings, eDockets Numbers [202210-189527-01](#), [202210-189613-02](#).

²² Notice of Availability of Draft Environmental Impact Statement and Public Information Meetings – Press Release, October 5, 2022, eDockets Number [202210-189613-03](#); Publication in the *Monticello Times*, October 6, 2022, eDockets Number [202210-189755-01](#); Publication in the *EQB Monitor*, October 4, 2022, eDockets Number [202210-189613-01](#).

15. On October 26, 2022, EERA staff held a public meeting regarding the draft EIS in Monticello, Minnesota. Seven persons attended this meeting; two persons provided public comments.²³ On October 27, 2022, EERA staff held a virtual public meeting. Approximately six persons attended this meeting; no public comments were made.²⁴
16. During the comment period following the public meetings, EERA staff received two written public comments regarding the draft EIS.²⁵
17. On January 10, 2023, EERA staff issued the final EIS.²⁶ All comments on the draft EIS and responses to these comments are included in the final EIS.²⁷
18. EERA staff issued notice of the final EIS and a comment period on the adequacy of the final EIS via email, press release, and notice in the *EQB Monitor*.²⁸
19. During the comment period on the adequacy of the final EIS, EERA staff received one public comment.²⁹ The comment supported finding the final EIS to be adequate.³⁰
20. Minnesota Rules part 4410.2800, Subp. 4 provides that the final EIS 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 EIS 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.

²³ Oral Public Meeting Comments on Draft EIS, eDockets Number [202211-190672-01](#).

²⁴ Id.

²⁵ Written Comments on Draft EIS, eDockets Number [202211-190672-02](#).

²⁶ Final Environmental Impact Statement, Monticello Nuclear Plant Additional Spent Fuel Storage, January 10, 2023, eDockets Number [20231-192014-01](#).

²⁷ Id.

²⁸ Notice of Availability of Final Environmental Impact Statement – via Email, January 10, 2023, eDockets Number [20231-192248-02](#); Press Release, January 12, 2023, eDockets Number [20231-192248-03](#); Publication in the *EQB Monitor*, January 10, 2023, eDockets Number [20231-192248-01](#).

²⁹ Public Comments on Adequacy of Final EIS, eDockets Number [20231-192633-01](#).

³⁰ Id.

2. The Commissioner of the Department of Commerce has the authority to determine the adequacy of the final EIS for Xcel Energy's CN application for additional spent nuclear fuel storage in the MNGP ISFSI.
3. The final EIS adequately addresses the potentially significant environmental issues and alternatives identified in the scoping decision.
4. The final EIS provides responses to the substantive comments received during the draft EIS review concerning issues raised in scoping.
5. The Department of Commerce has prepared the final EIS 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 EIS for Xcel Energy's CN application for additional spent nuclear fuel storage in the MNGP ISFSI is adequate per Minnesota Rules part 4410.2800, Subp. 4.

Signed this 6th day of February, 2023

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE



Michelle Gransee, Deputy Commissioner