

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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SERVICE DATE: October 10, 2008

DOCKET NO. E-002/GS-08-690

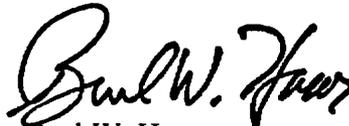
In the Matter of a Petition for an Advisory Task Force Concerning the Application for a LEPGP Site Permit for the Prairie Island Nuclear Generating Plant (PINGP) Extended Power Uprate (EPU) Project

The above entitled matter has been considered by the Commission and the following disposition made:

Authorized formation of an Advisory Task Force pursuant to Minn. Stat. § 216E.08 and Minn. Rules, Part 7849.5270. The structure, charge, and duration of the Advisory Task Force shall be as presented in the attached comments of the Minnesota Office of Energy Security, Energy Facility Permitting, with one exception: the composition of the Advisory Task Force shall be expanded to include a representative of the townships of Goodhue County.

The Commission agrees with and adopts the attached recommendations of the Office of Energy Security, modified as to the composition of the Advisory Task Force as set forth above.

BY ORDER OF THE COMMISSION



Burl W. Haar
Executive Secretary

(S E A L)

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION
ADVISORY TASK FORCE
SUGGESTED CHARGE & STRUCTURE
MINNESOTA OFFICE OF ENERGY SECURITY
ENERGY FACILITY PERMITTING STAFF
DOCKET No. E002/GS-08-690

Meeting Date: September 25, 2008.....Agenda Item #

Company: Xcel Energy

Docket No. PUC Docket Number: E002/CN-08-510
 PUC Docket Number: E002/GS-08-690
 PUC Docket Number: E002/CN-08-509

In the Matter of an Advisory Task Force relating to the Prairie
Island Nuclear Generating Plant (PINGP) Extended Power Uprate
(EPU) Project, LEPGP Site Permit Application

Issue(s): How shall the task force be structured (i.e., size and membership)
 and what charge it be given?

DOC Staff: William Cole Storm.....651-296-9535

The enclosed materials are work papers of the Department of Commerce, Office of Energy Security Energy (OES), Facility Permitting Staff (EFP). They are intended for use by the Public Utilities Commission and are based on information already in the record unless otherwise noted.

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INTRODUCTION and BACKGROUND

The OES EFP staff has developed a suggested structure and charge for an advisory task force to assist the Department in the scoping of the environmental review for the Prairie Island Nuclear Generating Plant (PINGP) Extended Power Uprate (EPU) Project and Request for Additional Dry Cask Storage.

The statutes and rules governing the review of Xcel Energy's Application for a Site Permit for the PINGP EPU Project (PUC Docket E002/GS-08-690) contain provisions for the establishment of an Advisory Task Force; these provisions can be found in Minn. Stat. 216E.08 and Minn. Rule 7849.5270, respectively.

The statutes and rules pertaining to environmental review for Xcel Energy's Applications for Certificates of Need (Docket E002/CN-08-509 and Docket E002/CN-08-510) do not contain provisions for the establishment of an advisory task force.

However, in the event that the DOC Commissioner combines the environmental review procedures for a certificate of need (i.e., environmental report requirements) with those for the LEPGP Site Permit (i.e., environmental impact statement requirements), the procedures of Minn. Rule 7849.5010 to 7849.6500 must be followed (Minn. Rule 7849.7100, subpart 3).

For dockets undergoing review in accordance with the Power Plant Siting Act (Minn. Rule 7849.5270 and Minn. Stat. 216E.08, subdivision 1), the Commission has the authority to appoint a citizen advisory task force, determine its charge and size, and appoint its members. If the commission decides not to appoint a citizen advisory task force and a person would like such a task force appointed, the person may request that the commission create a citizen advisory task force and appoint its members. Upon receipt of such a request, the commission shall place the matter on its agenda.

The ATF may be comprised of as many persons as may be designated by the Commission, but shall include at least one representative from each of the following: Regional development commissions, counties and municipal corporations and one town board member from each county in which a site is proposed to be located.

The Commission must specify in writing the charge to the ATF upon appointment. The charge shall include the identification of additional sites or particular impacts to be evaluated in the environmental impact statement.

The ATF expires upon completion of its charge, release of the Scoping Decision, or a date specified by the Commission, whichever occurs first. This termination language was

added to Minn. Stat. 216E.08 during the 2001 legislative session (Chapter 212, article 7, section 18, 19).

STRUCTURE

The advisory task force members will be solicited, per Minn. Stat. 216E.08, subdivision 1, from the following:

- A. Local units of government:
 - Goodhue County
 - The City of Red Wing

- B. Prairie Island Native American Community
 - Two Members

In addition, the Advisory Task Force will include four private citizens, who live, work or own property on or near the PINGP. Plus up to four additional members from nongovernmental organizations (Environmental Interest Groups, Chamber of Commerce, and other stakeholders). The Task Force will comprise no more than 12 members.

CHARGE

The Advisory Task Force members will assist the OES EFP staff in developing the scope of environmental review for the EIS being prepared for the three PINGP dockets currently before the Commission (PUC Dockets E002/GS-08-690, E002/CN-08-509 and E002/CN-08-510).

The OES EFP released a Draft Scoping Document on August 25, 2008; this document will service as the foundation of the ATF's work. Tasks relating to development of the scope of the environmental review will include:

1. Familiarize the membership of the ATF with the proposed projects by reviewing the Certificate of Need applications and the LEPGP Site Permit application;
2. Review the Draft Scoping Document produced by the OES EFP staff; and
3. Assist in determining specific impacts and issues of local concern that should be assessed in the EIS by adding detail to the Draft Scoping Document.

The Task Force will expire upon completing the above charge or upon designation by the Commissioner of the DOC of Scoping Decision.

The following issues will not be addressed in the scope of environmental review:

Prairie Island Plant Radiation and Safety. The EIS will summarize the environmental impacts of continued operation of the PINGP, but will not include a detailed study of these issues because the NRC will complete a detailed evaluation of environmental impacts, and mitigation options, of continued plant operations during its license renewal review. See Minn. Rule 4410.1700, subp. 6. Likewise, the EIS will summarize but not evaluate potential mitigation methods regarding radiation and safety issues of continued operation of the plant because the NRC has sole regulatory jurisdiction over those issues.

Storage Technology, Accidents, Terrorism. The EIS will summarize but not evaluate options for dry cask storage because the NRC has sole jurisdiction over whether and how spent fuel is stored on site at nuclear power plants, including ISFSI design and safety from threats such as accident and terrorism. Likewise, the EIS will not evaluate life-cycle safety of the ISFSI, ISFSI management, or the adequacy of security at the generating plant or the proposed ISFSI.

Nuclear Fuel Cycle. The EIS will not address the impacts of the nuclear fuel cycle because that issue will be addressed in the federal generic and supplemental EIS to be completed during the federal re-licensing review.

Off-Site Alternatives. The EIS will not evaluate the siting of new ISFSI sites outside the PINGP boundaries.

Economic Feasibility of Alternatives. The analysis of the economic feasibility will cover the same alternatives for which environmental impacts are evaluated, but will incorporate by reference the analysis of the Department of Commerce in the CON proceeding.

Transportation of Spent Fuel from PINGP. While certain matters regarding Yucca Mountain will be described in the EIS, the EIS will not include a discussion of any issues related to the transportation of spent nuclear fuel from Minnesota to Yucca Mountain.

Nuclear Regulatory Commission Standards. While the EIS will reference certain standards and rules promulgated by the NRC, the EIS will not address the adequacy of any federal standards that are applicable to the ISFSI or the generating plant. Nor will the EIS evaluate potential mitigation measures to reduce radiation exposure, accident risks or security requirements.