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Minneapolis, Minnesota 55401

**VIA ELECTRONIC FILING,  
E-MAIL & U.S. MAIL**

August 21, 2009

Bill Storm  
Minnesota Department of Commerce  
85 7<sup>th</sup> Place, Suite 500  
St. Paul, MN 55101-2198

RE: COMMENTS ON FINAL ENVIRONMENTAL IMPACT STATEMENT

CERTIFICATES OF NEED FOR THE PRAIRIE ISLAND NUCLEAR  
GENERATING PLANT FOR EXTENDED POWER UPRATE, ADDITIONAL  
DRY CASK STORAGE AND SITE PERMIT APPLICATIONS

DOCKET NOS. E002/CN-08-509, E002/CN-08-510 AND E002/GS-08-  
690

Dear Mr. Storm:

Northern States Power Company, a Minnesota corporation (“Xcel Energy” or the “Company”) would like to commend the OES staff for developing a comprehensive analysis of the environmental impact of the proposed projects in the Final Environmental Impact Statement (“FEIS”). We appreciate the significant effort the OES undertook to review and thoughtfully respond to the public and agency comments submitted to the Draft EIS. The FEIS will provide valuable information to the public and be of great assistance to the decision-makers.

Xcel Energy’s comments are limited to two areas: Radiological Health Effects and Emergency Response.

*Radiological Health Effects*

We would like to clarify the governing regulations regarding the Radiological Health Effects as they relate to nuclear power plants in Minnesota due to Minnesota’s Status as an Agreement State with the Nuclear Regulatory Commission (“NRC”). On this issue, we would like to point out that:

- 1) Per the Agreement between the State of Minnesota and the NRC, Minnesota's radiation protection standards do not apply to Prairie Island;
- 2) Any estimated risk of cancer incidence expressed in the FEIS greater than 1 in 100,000 should not to be interpreted as non-compliance with either Minnesota or NRC regulations.

The NRC regulates radiation doses from nuclear power plants and spent fuel storage facilities via 10 CFR Part 20; 10 CFR Part 50; and 10 CFR Part 72. Effective March 31, 2006, the State of Minnesota and the NRC agreed that the state has the authority to regulate certain radioactive materials. However, the agreement does not include radioactive materials associated with nuclear power production. As discussed in the Summary of the FEIS, radiation dose from nuclear power plants remains regulated by the NRC, not the state. Therefore, the radiation protection standards outlined in Minnesota Rules Chapter 4731 do not apply to operations at the Prairie Island Plant and ISFSI. Minn. R. 4731.0200, subp. 1(b) recognizes the limitation:

“Nothing in this chapter applies to a person to the extent that the person is subject to rules of the NRC or to sources in the possession of federal agencies.”

As discussed in the FEIS (Ch. 1, page 78), the Minnesota Department of Health uses an additional lifetime cancer risk of 1 in 100,000 to set carcinogen exposure guidelines for chemicals in groundwater and air (see Minn. R. 4717.7820 and Minn. R. 4717.8050). These exposure guidelines, however, do not apply to Minnesota licensed operations for radioactive materials, or the NRC licensed operations at Prairie Island or Monticello.

Additionally, the FEIS (Ch. 1, page 78) states that, “Though ALARA is the controlling state policy [for state licensed activities], for comparison purposes, estimated risks of cancer incidence will be expressed in this format (i.e., X in 100,000).” This statement needs to be viewed in connection with Minn. R. 4731.2090, Radiation Dose Limits for the Public, Subpart 1, paragraph A, which sets the dose limit for Minnesota licensed operations for radioactive materials at 0.1 rem (100 millirem or mrem). So while ALARA is the policy of the state for state licensed facilities (ALARA is also the policy of the NRC), the numeric dose limit of the state is 100 mrem.

Even if Prairie Island were subject to Minnesota regulations regarding dose limits, the amount of radiation the public would receive from the proposed projects at Prairie Island is still less than 1% of the allowable state limit of 100 mrem.

While it may be useful to readers to express estimated risks in a common format, it should also be recognized that nuclear power production is subject to NRC regulations, and any calculation contained in the FEIS greater than 1 in 100,000 should not to be interpreted as non-compliance with the governing regulations.

### *Emergency Response*

The section titled “Incidents and Off-normal Operations” (Chapter 2, pages 34 and 35) was added since the DEIS that concludes with the statement, “If emergency response measures are not effective into the future, e.g. government entities with emergency responsibilities cannot adequately respond, the risk of radiological impacts from potential PINGP incidents increases and could be significant.” We believe this statement is incomplete in that it does not recognize the regulatory structure in place that ensures an effective emergency response at the Prairie Island Plant; nor does it recognize that multiple emergency service providers are available to respond to an incident.

First, radiation and safety issues are within the sole jurisdiction of the NRC. The OES acknowledged that in its November 14, 2008 Scoping Decision and appropriately identified radiation and safety as matters not within the scope of the EIS (page 5, Section III, “MATTERS NOT WITHIN THE SCOPE OF THE EIS”):

“...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.”

Second, the NRC (10 CFR 50) requires the licensee of a nuclear power plant and the licensee of a dry spent fuel storage facility (“ISFSI”) to have an emergency response plan in place (NUREG 0654<sup>1</sup>), and the plant currently has such an emergency response plan that covers the plant and the ISFSI. The Federal Emergency Management Agency (“FEMA”) and the Minnesota

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<sup>1</sup> NUREG 0654 strongly encourages mutual aid agreements.

Homeland Security and Emergency Management (“HSEM”) also have Radiological Emergency Preparedness Programs in place to ensure that the health and safety of the public is protected in the event of a radiological incident at the Monticello or Prairie Island nuclear generating plants.

Governmental entities and other participants with roles in responding emergency situations at Prairie Island sign Letters of Agreement (“LOA”) with Xcel Energy every two years, indicating that they have reviewed the Emergency Management Plan and can perform their requested duties. A copy of the City of Red Wing’s most recent confirmation letter dated March 24, 2008 is attached. Also attached is a copy of the Red Wing Fire Department’s September 10, 2008 LOA. We have received verbal confirmation from the City’s Emergency Manager as recently as August 8, 2009 that nothing has changed to affect their ability to fulfill their commitment to their March 24, 2008 letter. Important to note is the Fire Department’s LOA also indicates that to the extent the City needs additional support, mutual aid agreements are in place “...to assist them in response to *any* PINGP contingency situation.” (emphasis added).

Therefore, the statement in the FEIS that indicates there would be an ineffective emergency response if governmental agencies cannot adequately respond is incomplete. As written, it does not place the risk of an ineffective emergency response into the regulatory context. Also, the FEIS does not mention that the impacts of an agency, or even multiple agencies, of not being able to respond to a particular incident are mitigated by including mutual aid agreements in the Emergency Response Plan.

We appreciate the opportunity to provide these clarifying comments. Please feel free to contact me at (612) 330-5641 with questions regarding any of the above-noted comments. Copies of these Comments have been served on all parties on the attached service list.

SINCERELY,

/s/

Brian R. Zelenak  
MANAGER, REGULATORY ADMINISTRATION

Attachments

cc: Service List



TO: Amy Hass, Emergency Planning Senior Coordinator  
FROM: Roger Hand, City of Red Wing Emergency Management Director  
DATE: March 24, 2008  
SUBJECT: City of Red Wing Emergency Plan Responsibilities

Dear Ms. Hass:

The City of Red Wing Office of emergency Management and City staff have reviewed the N.M.C. Prairie Island Nuclear Plant Emergency Plan and understand our responsibilities pursuant to NUREG 0654.

The following responsibilities are outlined in the City of Red Wing/Goodhue County Emergency Plan:

- The foremost aspect of local law enforcement jurisdiction is that the Red Wing Police Department has primary authority in the area of the Prairie Island Nuclear Generating Plant (PINGP) and shall be the normal single point-of-contact for outside response. The RWPD has the ability to request additional response resources from neighboring agencies (i.e. the primary source of additional resources will be the Goodhue County Sheriff's Office with the ability to request assistance from other neighboring agencies as necessary) to assist them in response to any PINGP contingency situation.
- In the event that the PINGP has declared a General Emergency, the Goodhue County Sheriff's Office shall assume operational control over all emergency operations.
- Law enforcement and traffic control will be provided by the Red Wing Police Department, Goodhue County Sheriff's Office, and the Minnesota State Patrol.
- The Red Wing Department of Public Works and the Goodhue County Engineering Department will provide supplemental support to law enforcement.

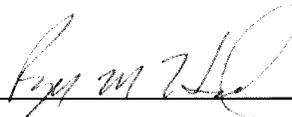
- Fire and rescue services will be provided by and under the control of the Red Wing Fire Department.
- All other agencies, areas and levels of responsibilities are outlined in the emergency plan.

Authorities and responsibilities for development and maintenance of plans are derived from Public Law 920, 81<sup>st</sup> Congress as amended; the Minnesota State Civil Defense Act; City of Red Wing Ordinance number 461, dated October 7, 1980; and section VI of the Minnesota Nuclear Power Plant emergency Plan.

The City of Red Wing and the Nuclear Management Company have mutually adopted and agreed to use the Emergency Action Levels as specified in the Prairie Island Nuclear generating Plant Emergency Plan.

  
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Donna Dummer, Mayor

  
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Roger Hand,  
Emergency Management Director

EXHIBIT  
Red Wing  
311



9/10/2008

Northern States Power Company-Minnesota  
1717 Wakonade Drive East  
Welch, MN 55089  
Attn: Amy Hass

Letter of Agreement

The Red Wing Fire Department and Northern States Power Company-Minnesota reconfirm the ongoing understanding of the Department's services provided at the Prairie Island Nuclear Generating Plant located within the City of Red Wing's corporate limits. These services are in accordance with Northern States Power Company-Minnesota's emergency plan.

Ambulances from the Fire Department can transport radiological contaminated patients within the service's Minnesota and Wisconsin response areas to Fairview-Red Wing Medical Center. Also, the Department can transport such patients to Regions Hospital in Saint Paul or to other medical facilities as directed by a physician.

In addition, the Department can provide fire, rescue and other non-fire fighting services in the Prairie Island Nuclear Generating Plant's emergency planning zone. The Red Wing Fire Department has various firefighting apparatus including pumpers and an aerial platform. All apparatus can perform both fighting, rescue and less traditional tasks.

Non-fire fighting tasks may include spraying radioactive releases and pumping water into the plant for refilling and cooling purposes. In all cases, such operations can begin once the radiological and security threats are mitigated to insure the safety of both plant personnel and fire fighters.

City of Red Wing

By: *Dorcas Dunning* Date: 9/22/08  
Mayor

By: *Kay Kehlmann* Date: 9/23/08  
City Council Administrator

By: *Carol M Duff* Date: 9/22/08  
City Council President

Northern States Power Company-Minnesota

By: *John Callahan* Date: 10/2/08  
John Callahan, Emergency Planning Manager  
Prairie Island Nuclear Generating Plant

## CERTIFICATE OF SERVICE

I, Carole A. Wallace, hereby certify that I have this day served copies of the foregoing document on the attached list of persons.

xx by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota

xx electronic filing

**DOCKET Nos. E002/CN-08-509; E002/CN-08-510 AND E002/GS-08-690**

Dated this 21<sup>st</sup> day of August 2009

/s/

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Carole A. Wallace  
Administrative Assistant

Xcel Energy CON for Prairie Island Nuclear Plant  
Extended Power Uprate & Additional Dry Cask  
Storage  
OAH 7-2500-19797-2  
MPUC Dockets: E002/CN-08-509 & CN-08-510,  
E002/GS-08-690  
**4-24-2009 (ALJ)**

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