



2009 ASSEMBLY BILL 309

June 8, 2009 – Introduced by Representatives BIES, BALLWEG, BERCEAU and SPANBAUER, cosponsored by Senator A. LASEE. Referred to Committee on Energy and Utilities.

1 **AN ACT to amend** 196.491 (3) (d) (intro.) and 196.493 (title); and **to create**
2 196.493 (3) of the statutes; **relating to:** dry cask storage of spent fuel from
3 nuclear power plants and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires a public utility that uses dry cask storage to store spent fuel from a nuclear power plant to make annual payments to the city, village, or town (municipality), and to the county, in which the spent fuel is stored. As defined under current law, a “nuclear power plant” is a nuclear-fired electric generating facility with a nominal operating capacity of 100 megawatts or more. Dry cask storage is a method of storage that the United States Nuclear Regulatory Commission allows a nuclear power plant to use after the plant reaches its capacity for on-site storage in water pools. The bill requires a public utility to pay a municipality \$250,000 for each year or portion of the year the public utility uses dry cask storage to store spent fuel in the municipality. Also, the public utility must pay a county \$150,000 for each year or portion of a year that the public utility uses dry cask storage to store spent fuel in the county.

In addition, a public utility must pay a municipality \$40,000 for each dry cask for each year or portion of a year that spent fuel is stored in a dry cask in the municipality. Finally, the bill requires the Public Service Commission to promulgate rules implementing the bill’s requirements and adjusting the payment amounts described above every five years to account for inflation.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 196.491 (3) (d) (intro.) of the statutes is amended to read:

2 196.491 (3) (d) (intro.) Except as provided under par. (e) and s. 196.493 (2), the
3 commission shall approve an application filed under par. (a) 1. for a certificate of
4 public convenience and necessity only if the commission determines all of the
5 following:

6 **SECTION 2.** 196.493 (title) of the statutes is amended to read:

7 **196.493** (title) ~~Construction of nuclear~~ **Nuclear power plants limited.**

8 **SECTION 3.** 196.493 (3) of the statutes is created to read:

9 196.493 (3) SPENT FUEL STORAGE. (a) A public utility that stores spent fuel from
10 a nuclear power plant and uses dry cask storage for the spent fuel shall do all of the
11 following:

12 1. Pay to the municipality in which the spent fuel is stored \$250,000, or the
13 amount specified in rules promulgated under par. (b), for each year or portion of a
14 year that the spent fuel is stored and pay to the municipality \$40,000, or the amount
15 specified in rules promulgated under par. (b), for each dry cask for each year or
16 portion of a year that the fuel is stored in a dry cask in the municipality.

17 2. Pay to the county in which the spent fuel is stored \$150,000, or the amount
18 specified in rules promulgated under par. (b), for each year or portion of a year that
19 the spent fuel is stored in the county.

