

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Gerald Whitburn, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to the fee charged the owner of a nuclear power plant to finance monitoring of the environment in the vicinity of the plant for radiation emissions were duly approved and adopted by this Department on June 13, 1991.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 13th day of June, 1991.



SEAL:

Gerald Whitburn, Secretary
Department of Health and Social Services

RECEIVED

JUN 13 1991
3:20 pm
Revisor of Statutes
Bureau

8-1-91

JUN 13 1991

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
ADOPTING RULESRevisor of Statutes
Bureau

To create HSS 158, relating to the fee charged the owner of a nuclear power plant to finance monitoring of the environment in the vicinity of the plant for radiation emissions.

Analysis Prepared by the Department of Health and Social Services

Section 140.61, Stats., requires the Department to take environmental samples in every area of the state within 20 miles of a nuclear power plant to test for radiation emissions and to charge the owner of each nuclear power plant in the state an annual fee to finance this radiation monitoring activity. The annual fee is set by statute at \$30,000 for each in-state plant, with authority given to the Department to change the fee through rulemaking. The Department has determined that it has become necessary to increase the fee, and that is the purpose of this rulemaking order.

There are five nuclear power plants in Wisconsin or within 20 miles of the state. The Department currently operates four environmental radioactivity monitoring programs. These are a joint program for the Point Beach and Kewaunee reactor facilities, which are 5 miles apart, and programs for the LaCrosse Boiling Water Reactor and the Zion, Illinois, and Prairie Island, Minnesota, facilities. The programs involve the collection and analysis of environmental samples such as surface air, precipitation, surface water, fish, soil, vegetation, milk, shoreline sediment and potable water to ensure conformance to standards contained in ss. 140.50 to 140.61, Stats., 10 CFR Pts. 20 and 50, and 40 CFR Pt. 61. The collection of the samples is done by local public health agencies under contract with the Department. The analysis of the samples is done by the State Laboratory of Hygiene under a contract with the Department.

As provided in s. 140.61, Stats., the fee for radiation monitoring is payable only by the owners of nuclear power plants that are operating in the state, and therefore, only by owners of the Point Beach and Kewaunee facilities. However, the owners of the other three facilities have been making voluntary contributions toward underwriting the costs of the radiation monitoring program, and these are expected to increase in proportion to the increase in the fee.

The fee revenue and voluntary contributions finance the salary of one full-time equivalent employe, the collection of samples, including equipment costs in connection with sample collection, and the actual costs of State Laboratory of Hygiene sample analysis services and reports.

Due mainly to increasing costs of analysis incurred by the State Laboratory of Hygiene, these rules increase the fee by nearly 59%, from \$30,000 a year, which was the fee established under s. 140.61, Stats., starting with the 1983-84 fiscal year, to \$47,500 beginning with the 1991-92 fiscal year, and give the Department authority to annually adjust the fee to take account of inflation.

The Department's authority to adopt these rules is found in s. 140.61, Stats. The rules interpret s. 140.61, Stats.

SECTION 1. HSS 158 is created to read:

Chapter HSS 158

FEE FOR MONITORING RADIATION EMISSIONS
IN THE VICINITY OF NUCLEAR POWER PLANTS

HSS 158.01 Authority and purpose
HSS 158.02 Applicability

HSS 158.03 Definitions
HSS 158.04 Fee

HSS 158.01 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of s. 140.61, Stats., to increase the fee set under s. 140.61, Stats., which the department charges the owners of nuclear power plants that are operating in the state to pay for the costs that the department and local public health agencies incur in taking and having analyzed environmental samples under the radiation monitoring program established under s. 140.61, Stats.

HSS 158.02 APPLICABILITY. This chapter applies to the owners of nuclear power plants that operate in Wisconsin.

HSS 158.03 DEFINITIONS. In this chapter:

(1) "Department" means the Wisconsin department of health and social services.

(2) "Radiation monitoring" means the determination of the amount of radioactive materials present in the environment by laboratory analysis of samples of fish, food, milk, air, water, vegetation and soil taken from the area around a nuclear power plant.

(3) "State fiscal year" means the 12-month period beginning July 1.

HSS 158.04 FEE. Beginning with the state fiscal year 1991-92, the annual fee charged to the owner of a nuclear power plant that is operating in the state shall be \$47,500, payable within 30 days after receipt of a statement. The fee may be increased each year at the annual rate of inflation as determined by movement in the consumer price index for all urban consumers (CPI-U), published each month in the CPI Detailed Report by the U.S. department of labor's bureau of labor statistics.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and
Social Services

Dated: June 13, 1991

By: 

Gerald Whitburn
Secretary

RECEIVED

SEAL:

JUN 13 1991

Revisor of Statutes
Bureau