

2007 DRAFTING REQUEST

Bill

Received: 03/02/2007

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Legislative Council - JLC

By/Representing: John Stolzenberg

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - electric

Extra Copies:

Submit via email: YES

Requester's email: john.stolzenberg@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

PSC advocacy regarding centralized interim storage of high-level radioactive waste

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	mkunkel 03/02/2007	wjackson 03/05/2007	rschluet 03/05/2007	_____	mbarman 03/05/2007		
/1	mkunkel 03/05/2007	wjackson 03/05/2007	nmatzke 03/05/2007	_____	sbasford 03/06/2007	mbarman 05/14/2007	

FE Sent For:

NO

<END>

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/P1	mkunkel 03/02/2007	wjackson 03/05/2007	rschluet 03/05/2007	_____	mbarman 03/05/2007		

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3/5

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/?	mkunkel						
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/pl wly 3/5

[Handwritten signature]
3/5 7
RG

FE Sent For:

<END>

1 **AN ACT** *to renumber and amend* 196.497 (3) and 196.497 (14); *to amend* 196.497
2 (6) and 196.497 (14) (title); and *to create* 196.497 (3) (b) and 196.497 (14) (b) of the
3 statutes; **relating to:** requiring the public service commission to advocate on matters
4 related to the centralized interim storage of, and any license application for a federal
5 repository for, high-level radioactive waste and transuranic waste, and requiring
6 nuclear power plant owners and operators to provide information required by the
7 public service commission.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the joint legislative council's special committee on nuclear power. The draft amends s. 196.497, stats., which establishes a number of duties of the public service commission (PSC) with regard to the long-term disposal of high-level radioactive waste. Section 196.497 was initially enacted in response to investigations of northern Wisconsin as a potential site for a nuclear waste repository, but the wording of the statute is broader than that limited context.

The draft expands the duties of the PSC under s. 196.497 to also advocate on matters relating to the centralized interim storage of high-level radioactive waste and transuranic waste and any license application submitted to the nuclear regulatory commission for a license to operate a federal repository for the long-term disposal of these wastes. The draft specifies alternative forms of participation that the PSC's advocacy may take.

The draft clarifies that the radioactive wastes addressed in s. 196.497 (3) and limited to "high-level radioactive waste", making the applicability of this subsection consistent with the applicability of other provisions in s. 196.497.

Current s. 196.497 (14) requires state agencies to cooperate with the PSC in fulfilling its duties under s. 196.497. The draft requires owners and operators of nuclear power plants to assist the PSC and provide data or

other information required by the PSC in fulfilling its duties under this section.

1 **SECTION 1.** 196.497 (3) of the statutes is renumbered 196.497 (3) (a) and amended to
2 read:

3 196.497 (3) (a) The commission shall serve as an advocate on behalf of the citizens of
4 this state before the federal department of energy and other federal agencies on matters related
5 to the centralized interim storage or long-term disposal of high-level radioactive waste and
6 transuranic waste, including any license application submitted to the nuclear regulatory
7 commission for a license to operate a federal repository for the long-term disposal of
8 high-level radioactive waste and transuranic waste.

9 **SECTION 2.** 196.497 (3) (b) of the statutes is created to read:

10 196.497 (3) (b) The commission's advocacy under par. (a) may take the form of
11 participation under s. 196.02 (12), a request to the attorney general to intervene under sub. (7),
12 participation in the intervention or advocacy of other states or of an interstate organization,
13 or any other form of advocacy the commission determines is appropriate.

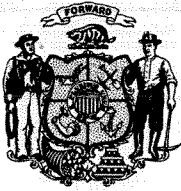
NOTE: Section 196.02 (12), stats., authorizes the PSC to confer with or participate in any proceedings before any regulatory agency of any other state or of the federal government.

14 **SECTION 3.** 196.497 (6) of the statutes is amended to read:

15 196.497 (6) **MONITOR FEDERAL ACTIVITY.** The commission shall monitor activity in
16 congress and the federal government related to the centralized interim storage or long-term
17 disposal of high-level radioactive waste and transuranic waste. The commission may advise
18 the congressional delegation from this state of action which is needed to protect the interests
19 of the state.

20 **SECTION 4.** 196.497 (14) (title) of the statutes is amended to read:

21 196.497 (14) (title) ~~STATE AGENCIES TO COOPERATE~~ COOPERATION.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2131/P1

MDK:f:...

WJ

O-note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

3M Tuesday
3/6
2pm

Gen

1 AN ACT ...; **relating to:** requiring the Public Service Commission to advocate on
 2 matters related to the centralized interim storage of, and any license
 3 application for a federal repository for high-level radioactive waste and
 4 transuranic waste, and requiring nuclear power plant owners and operators to
 5 provide information required by the Public Service Commission.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Nuclear Power. The bill amends s. 196.497, stats., which establishes a number of duties of the Public Service Commission (PSC) with regard to the long-term disposal of high-level radioactive waste. Section 196.497 was initially enacted in response to investigations of northern Wisconsin as a potential site for a nuclear waste repository, but the wording of the statute is broader than that limited context.

The draft expands the duties of the PSC under s. 196.497 to also advocate on matters relating to the centralized interim storage of high-level radioactive waste and

Props
bottom

bill

transuranic waste and any license application submitted to the Nuclear Regulatory Commission for a license to operate a federal repository for the long-term disposal of these wastes. The ~~draft~~ specifies alternative forms of participation that the PSC's advocacy may take.

The ~~draft~~ clarifies that the radioactive wastes addressed in s. 196.497 (3) are limited to "high-level radioactive waste", making the applicability of this subsection consistent with the applicability of other provisions in s. 196.497.

Current s. 196.497 (14) requires state agencies to cooperate with the PSC in fulfilling its duties under s. 196.497. The ~~draft~~ requires owners and operators of nuclear power plants to assist the PSC and provide data or other information required by the PSC in fulfilling its duties under this section.

Props
bottom Ø

SECTION 1. 196.497 (3) of the statutes is renumbered 196.497 (3) (a) and amended to read:

196.497 (3) (a) The commission shall serve as an advocate on behalf of the citizens of this state before the federal department of energy and other federal agencies on matters related to the centralized interim storage or long-term disposal of high-level radioactive waste and transuranic waste, including any license application submitted to the nuclear regulatory commission for a license to operate a federal repository for the long-term disposal of high-level radioactive waste and transuranic waste.

History: 1981 c. 62; 1985 a. 29; 1989 a. 31 ss. 107m, 713e; Stats. 1989 s. 36.50; 1991 a. 25; 1995 a. 27, ss. 1779 to 1799; Stats. 196.497; 1999 a. 196.

SECTION 2. 196.497 (3) (b) of the statutes is created to read:

196.497 (3) (b) The commission's advocacy under par. (a) may take the form of participation under s. 196.02 (12), a request to the attorney general to intervene under sub. (7), participation in the intervention or advocacy of other states or of an interstate organization, or any other form of advocacy the commission determines is appropriate.

NOTE: Section 196.02 (12), stats., authorizes the PSC to confer with or participate in any proceedings before any regulatory agency of any other state or of the federal government.

SECTION 3. 196.497 (6) of the statutes is amended to read:

16

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2131/P1dn
MDK:.....

Wlj

John Stolzenberg:

This bill corresponds to WLC:0060/2. If you do not have additional ^{CS} notes, let me know and I will convert the bill to a "1".

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2131/P1dn
MDK:wlj:rs

March 5, 2007

John Stolzenberg:

This bill corresponds to WLC:0060/2. If you do not have additional NOTES, let me know and I will convert the bill to a "/1."

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2131/P1

MDK:wlj:rs

Stoys

NOTE

TOMORROW
3-6
NOON

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to renumber* 196.497 (14); *to renumber and amend* 196.497 (3); *to*
 2 *amend* 196.497 (6); *to repeal and recreate* 196.497 (14) (title); and *to create*
 3 196.497 (3) (b), 196.497 (14) (a) (title) and 196.497 (14) (b) of the statutes;
 4 **relating to:** requiring the Public Service Commission to advocate on matters
 5 related to the centralized interim storage of, and any license application for, a
 6 federal repository for high-level radioactive waste and transuranic waste and
 7 requiring nuclear power plant owners and operators to provide information
 8 required by the Public Service Commission.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Nuclear Power. The bill amends s. 196.497, stats., which establishes a number of duties of the Public Service Commission (PSC) with

regard to the long-term disposal of high-level radioactive waste. Section 196.497 was initially enacted in response to investigations of northern Wisconsin as a potential site for a nuclear waste repository, but the wording of the statute is broader than that limited context.

The bill expands the duties of the PSC under s. 196.497 to also advocate on matters relating to the centralized interim storage of high-level radioactive waste and transuranic waste and any license application submitted to the Nuclear Regulatory Commission for a license to operate a federal repository for the long-term disposal of these wastes. The bill specifies alternative forms of participation that the PSC's advocacy may take.

The bill clarifies that the radioactive wastes addressed in s. 196.497 (3) are limited to "high-level radioactive waste," making the applicability of this subsection consistent with the applicability of other provisions in s. 196.497.

Current s. 196.497 (14) requires state agencies to cooperate with the PSC in fulfilling its duties under s. 196.497. The bill requires owners and operators of nuclear power plants to assist the PSC and provide data or other information required by the PSC in fulfilling its duties under this section.

1 **SECTION 1.** 196.497 (3) of the statutes is renumbered 196.497 (3) (a) and
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6 of high-level radioactive waste and transuranic waste, including any license
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8 a federal repository for the long-term disposal of high-level radioactive waste and
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11 196.497 (3) (b) The commission's advocacy under par. (a) may take the form of
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13 under sub. (7), participation in the intervention or advocacy of other states or of an
14 interstate organization, or any other form of advocacy the commission determines is
15 appropriate.

NOTE: Section 196.02 (12), stats., authorizes the PSC to confer with or participate in any proceedings before any regulatory agency of any other state or of the federal government.

1 **SECTION 3.** 196.497 (6) of the statutes is amended to read:

2 196.497 (6) **MONITOR FEDERAL ACTIVITY.** The commission shall monitor activity
3 in congress and the federal government related to the centralized interim storage or
4 long-term disposal of high-level radioactive waste and transuranic waste. The
5 commission may advise the congressional delegation from this state of action which
6 is needed to protect the interests of the state.

7 **SECTION 4.** 196.497 (14) (title) of the statutes is repealed and recreated to read:

8 196.497 (14) (title) **COOPERATION.**

9 **SECTION 5.** 196.497 (14) of the statutes is renumbered 196.497 (14) (a).

10 **SECTION 6.** 196.497 (14) (a) (title) of the statutes is created to read:

11 196.497 (14) (title) (a) *State agencies.*

12 **SECTION 7.** 196.497 (14) (b) of the statutes is created to read:

13 196.497 (14) (b) *Facility owners and operators.* The owner or operator of a
14 nuclear power plant shall assist the commission to the fullest extent possible and
15 shall provide any data or other information required by the commission in fulfilling
16 its duties under this section. In this paragraph, "nuclear power plant" means a
17 nuclear-powered electric generating facility, and includes a facility that is no longer
18 used to generate electricity.

19

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2131/1dn

MDK:/:....

Wlj

John Stolzenberg:

in substance

This version is identical to the previous version.

^

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2131/1dn
MDK:wj:wnw

March 5, 2007

John Stolzenberg:

This version is identical in substance to the previous version.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Barman, Mike

From: Kunkel, Mark
Sent: Monday, May 14, 2007 10:01 AM
To: Barman, Mike
Subject: FW: Study committee bills

Regarding that last email I forwarded to you, please see below.

From: Lovell, David
Sent: Monday, May 14, 2007 9:46 AM
To: Stolzenberg, John; Kunkel, Mark
Subject: RE: Study committee bills

... in the Assembly.

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

From: Stolzenberg, John
Sent: Monday, May 14, 2007 9:41 AM
To: Kunkel, Mark
Cc: Lovell, David
Subject: Study committee bills

Mark,

Last week the Joint Legislative Council voted to introduce the 3 bills developed by the Special Committee on Nuclear Power, LRB-2129/1, LRB-2130/1 and LRB-2131/1.

We have no changes in these versions, so please have them jacketed for introduction.

Thanks.

John

John Stolzenberg
Legislative Council
266-2988