



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2015 Wisconsin Act 344**  
[2015 Assembly Bill 384]

**Approval of Construction of  
Nuclear Power Plants and the  
Wisconsin Energy Priorities Law**

2015 Wisconsin Act 344 makes changes to Wisconsin law regarding: (1) Public Service Commission (PSC) approval of construction of a nuclear power plant; and (2) the Wisconsin energy priorities law.

### PSC APPROVAL OF CONSTRUCTION OF A NUCLEAR POWER PLANT

Federal law prohibits the construction or operation of a commercial nuclear power plant anywhere in the United States, unless the U.S. Nuclear Regulatory Commission has approved and licensed the plant facility.

Federal law generally prohibits a state from regulating nuclear power plants. However, a state generally may regulate the construction of a nuclear power plant in the same manner that it regulates the construction of power plants that are not nuclear-fired, and a state may condition approval of the construction of a nuclear power plant on the existence of a federally approved facility that has capacity to dispose of all high-level nuclear waste originating from the power plant.

Wisconsin law prohibits a person from commencing construction of a large electric generating facility unless the person first receives authorization from PSC. Wisconsin law provides that PSC may authorize construction of a facility if PSC determines that the design and location of the facility is in the public interest

Prior law, repealed by the Act, prohibited PSC from authorizing the construction of a **nuclear-fired** large electric generating facility unless PSC **also** found that:

1. A federally licensed facility or a facility located outside of the United States that had capacity to dispose of high-level nuclear waste from all nuclear power plants operating in Wisconsin was available to dispose of the waste; and

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

2. The proposed nuclear power plant, in comparison with feasible alternatives, was economically advantageous to ratepayers based upon: (a) the existence of a reliable and adequate nuclear fuel supply; (b) the costs of construction, operation, decommissioning, and nuclear waste disposal; and (c) any other factor having an impact on the economics of nuclear power plants, as determined by PSC.

The Act repeals the requirements in the numbered list above.

### **WISCONSIN ENERGY PRIORITIES LAW**

Wisconsin law provides that, to the extent cost-effective and technically feasible, options for meeting energy demands must be considered in a specified order. Under prior law, nuclear energy was not included in the specified order, so it received a lower priority than all of the listed options.

Under the Act, options for meeting energy demands must be considered based on the following priorities, in the order listed:

- (a) Energy conservation and efficiency.
- (b) Noncombustible renewable energy resources.
- (c) Combustible renewable energy resources.
- (cm) Advanced nuclear energy using a reactor design or amended reactor design approved after December 31, 2010, by the U.S. Nuclear Regulatory Commission.**
- (d) Nonrenewable combustible energy resources, in the order listed:
  1. Natural gas.
  2. Oil or coal with a Sulphur content of less than 1%.
  3. All other carbon-based fuels.

[Emphasis added.]

*Effective date:* April 3, 2016

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