

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 interim storage of high-level radioactive waste and transuranic waste
5 and the Yucca Mountain Repository.

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 at the request of public member Brian Rude. 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 this section to also advocate on matters relating to the interim storage of high-level radioactive waste and transuranic waste and the Yucca Mountain Repository in Nevada.

The draft consists of the following provisions:

1. Current s. 196.497 (3) and (6), stats., directs the PSC to advocate on behalf of the state before federal agencies regarding the long-term disposal of radioactive waste and transuranic waste and to monitor federal activities related to the long-term disposal of high-level radioactive waste and transuranic waste. SECTIONS 1 and 3 of this draft expand those functions to include advocating and monitoring federal activities regarding the interim storage, as well as the long-term disposal of high-level radioactive waste and transuranic waste. SECTION 1 also 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, stats.

2. In addition to the general advocacy required under s. 196.497 (3), SECTION 2 of this draft requires the PSC to advocate before the U.S. nuclear regulatory commission in favor of any application by the U.S. department of energy for a license to operate the proposed nuclear waste repository at Yucca Mountain.

3. Current s. 196.497 (14) requires state agencies to cooperate with the PSC in fulfilling its duties under this section. SECTIONS 4 to 6 of the draft require also that the owners and operators of nuclear power plants cooperate with the PSC and, in particular, that they provide any data or other information required by the PSC in fulfilling those duties.

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 interim storage or long-term disposal of high-level radioactive waste and transuranic
6 waste.

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

8 196.497 (3) (b) The commission shall advocate in favor of any application before the
9 U.S. nuclear regulatory commission by the U.S. department of energy for a license to operate
10 the proposed Yucca Mountain Repository in Nevada for the long-term disposal of radioactive
11 waste and transuranic waste. The commission's advocacy under this paragraph may take the
12 form of participation under s. 196.02 (12), a request to the attorney general to intervene under
13 sub. (7), participation in the intervention or advocacy of other states or of an interstate
14 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.

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

