

1983 Assembly Bill 826

Date of enactment: May 2, 1984

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1983 Wisconsin Act 401

AN ACT to amend 196.491 (2) (i) (intro.) and (3) (d) (intro.); and to create 196.493 of the statutes, relating to limiting new construction of nuclear power plants.

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

SECTION 1. Legislative findings and purpose. The legislature finds that:

(1) Until there is a facility available for the permanent disposal of radioactive waste from nuclear power plants, the present lack of a long-term waste disposal option increases the risk that the insufficiency of interim storage space for spent fuel could lead to power plant shutdowns.

(2) Large cost overruns in nuclear power plant construction projects in other states have adversely affected ratepayers.

(3) The public service commission, by order, has found that present uncertainties in the nuclear fuel cycle regarding waste storage and disposal, uranium availability, reprocessing and decommissioning costs make it contrary to the public interest for Wisconsin utilities to commit themselves presently to any future nuclear expansion.

(4) The public service commission, by order, has required electric utilities to identify maximum cost-effective conservation and renewable energy potential in their service areas and to submit specific proposals for achieving the potential.

(5) The public service commission, by order, has recognized that wind, water and other alternative sources of energy are potentially valuable as a supplement to conventional electric generation in this state and that it is in the public interest for utilities to become more involved in the development and implementation of such sources.

SECTION 2. 196.491 (2) (i) (intro.) and (3) (d) (intro.) of the statutes are amended to read:

196.491 (2) (i) (intro.) A Except as provided under s. 196.493, a plan shall be approved if, upon the record of the hearing and the written comments submitted under pars. (c) and (e), the commission determines that the plan:

(3) (d) (intro.) The Except as provided under s. 196.493, the application for a certificate of public convenience and necessity shall be approved if the commission determines that:

SECTION 3. 196.493 of the statutes is created to read:

196.493 Construction of nuclear power plants limited. (1) **DEFINITION.** In this section, “nuclear power plant” means a nuclear-fired large electric generating facility as defined under s. 196.491 (1) (g) or a nuclear-fired bulk electric generating facility as defined under s. 196.491 (1) (a).

(2) **LIMITS ON CERTIFICATION.** The commission may not certify under s. 196.49 (3) (b) or 196.491 (3) any nuclear power plant and may not approve under s. 196.491 (2) any plan which includes a nuclear power plant unless the commission finds that:

(a) A federally licensed facility, or a facility outside of the United States which the commission determines will satisfy the public welfare requirements of the people of this state, with adequate capacity to dispose of high-level nuclear waste from all nuclear power plants operating in this state will be available, as necessary, for disposal of the waste; and

(b) The proposed nuclear power plant, in comparison with feasible alternatives, is economically advantageous to ratepayers, based upon:

1. The existence of a reliable and adequate nuclear fuel supply;
 2. The costs for construction, operation and decommissioning of nuclear power plants and for nuclear waste disposal; and
 3. Any other factor having an impact on the economics of nuclear power plants, as determined by the commission.
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