Chapter DHS 158

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

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Note: Chapter HSS 158 was renumbered chapter HFS 158 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, September, 1999, No. 525. Chapter HFS 158 was renumbered chapter DHS 158 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637. **Chapter DHS 158 was repealed and recreated Register July 2019 No. 763.**

DHS 158.01 Authority and purpose. This chapter is promulgated under the authority of s. 254.41, Stats., for the purpose of implementing a radiation monitoring program to test for radiation emission in any area of the state within 20 miles of a nuclear power plant and for establishing an annual fee for monitoring.

History: Cr. Register, July, 1991, No. 427, eff. 8–1–91; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; **CR 18–083: r. and recr. Register July 2019 No. 763, eff. 8–1–19; correction made under s. 35.17, Stats., Register July 2019 No. 763**.

DHS 158.02 Applicability. This chapter applies to the owners of nuclear power plants that are located in Wisconsin.

History: Cr. Register, July, 1991, No. 427, eff. 8–1–91; **CR 18–083: r. and recr. Register July 2019 No. 763, eff. 8–1–19**.

DHS 158.03 Definitions. In this chapter:

(1) "Decommissioned facility" means a nuclear power facility that has been retired from service by following a Nuclear Regulatory Commission (NRC) approved process to reduce residual radioactivity so that the site can be safely released for other use.

Note: An independent spent fuel storage installation may still be located at or near a decommissioned facility.

(2) "Decommissioning nuclear power plant" means a facility licensed by the Nuclear Regulatory Commission that has ceased operation and is in the process of safely closing to retire it from service. Decommissioning begins after the nuclear fuel, coolant and radioactive waste are removed from the reactor.

(3) "Department" means the Wisconsin department of health services.

(4) "Nuclear power plant" means a facility licensed by the Nuclear Regulatory Commission that utilizes or utilized a nuclear power reactor to generate electricity, and includes an operating nuclear power plant and a decommissioning nuclear power plant, but excludes a decommissioned facility.

(5) "Operating nuclear power plant" means a facility licensed by the Nuclear Regulatory Commission that utilizes a nuclear power reactor to make electricity by the continuous splitting of atoms. An operating nuclear power plant may shut down temporarily for refueling or maintenance activities, which does not alter its operating status.

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

(7) "State fiscal year" means the 12–month period beginning July 1.

History: Cr. Register, July, 1991, No. 427, eff. 8–1–91; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register January 2009 No. 637; **CR 18–083: r. and recr. Register July 2019 No. 763, eff. 8–1–19; corrections in (1) made under s. 35.17, Stats., correction in numbering made under s. 13.92 (4) (b) 1., Stats., corrections in (2) and (5) made under s. 13.92 (4) (b) 12., Stats., Register July 2019 No. 763**.

DHS 158.04 Fee. (1) Beginning with the state fiscal year 2019–20, the annual fee charged for radiation monitoring to the owner of an operating or decommissioning nuclear power plant that is located in the state shall be as follows:

Category	Annual Fee
Operating	$128,000
Decommissioning	$70,000

(2) The annual fee under sub. (1) is 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.

History: Cr. Register, July, 1991, No. 427, eff. 8–1–91; CR 04–045: am. Register October 2004 No. 586, eff. 11–1–04; **CR 18–083: r. and recr. Register July 2019 No. 763, eff. 8–1–19; correction in numbering made under s. 13.92 (4) (b) 1., Stats., correction in (2) made under s. 13.92 (4) (b) 1., Stats., Register July 2019 No. 763**.