

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Nuclear Safety Preparedness Act is amended by changing Sections 4 and 5 and by adding Section 8.5 as follows:

(420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

Sec. 4. Nuclear accident plans; fees. Persons engaged within this State in the production of electricity utilizing nuclear energy, the operation of nuclear test and research reactors, the chemical conversion of uranium, or the transportation, storage or possession of spent nuclear fuel or high-level radioactive waste shall pay fees to cover the cost of establishing plans and programs to deal with the possibility of nuclear accidents. Except as provided below, the fees shall be used exclusively to fund those Agency and local government activities defined as necessary by the Director to implement and maintain the plans and programs authorized by this Act. Local governments incurring expenses attributable to implementation and maintenance of the plans and programs authorized by this Act may apply to the Agency for compensation for those expenses, and upon approval by the Director of applications submitted by local governments, the Agency shall

compensate local governments from fees collected under this Section. Compensation for local governments shall include \$250,000 in any year through fiscal year 1993, \$275,000 in fiscal year 1994 and fiscal year 1995, \$300,000 in fiscal year 1996, \$400,000 in fiscal year 1997, and \$450,000 in fiscal year 1998 and thereafter. Appropriations to the Department of Nuclear Safety (of which the Agency is the successor) for compensation to local governments from the Nuclear Safety Emergency Preparedness Fund provided for in this Section shall not exceed \$650,000 per State fiscal year. Expenditures from these appropriations shall not exceed, in a single State fiscal year, the annual compensation amount made available to local governments under this Section, unexpended funds made available for local government compensation in the previous fiscal year, and funds recovered under the Illinois Grant Funds Recovery Act during previous fiscal years. Notwithstanding any other provision of this Act, the expenditure limitation for fiscal year 1998 shall include the additional \$100,000 made available to local governments for fiscal year 1997 under this amendatory Act of 1997. Any funds within these expenditure limitations, including the additional \$100,000 made available for fiscal year 1997 under this amendatory Act of 1997, that remain unexpended at the close of business on June 30, 1997, and on June 30 of each succeeding year, shall be excluded from the calculations of credits under subparagraph (3) of this Section. The Agency shall, by rule, determine the method for

compensating local governments under this Section. The appropriation shall not exceed \$500,000 in any year preceding fiscal year 1996; the appropriation shall not exceed \$625,000 in fiscal year 1996, \$725,000 in fiscal year 1997, and \$775,000 in fiscal year 1998 and thereafter. The fees shall consist of the following:

(1) A one-time charge of \$590,000 per nuclear power station in this State to be paid by the owners of the stations.

(2) An additional charge of \$240,000 per nuclear power station for which a fee under subparagraph (1) was paid before June 30, 1982.

(3) Through June 30, 1982, an annual fee of \$75,000 per year for each nuclear power reactor for which an operating license has been issued by the NRC, and after June 30, 1982, and through June 30, 1984 an annual fee of \$180,000 per year for each nuclear power reactor for which an operating license has been issued by the NRC, and after June 30, 1984, and through June 30, 1991, an annual fee of \$400,000 for each nuclear power reactor for which an operating license has been issued by the NRC, to be paid by the owners of nuclear power reactors operating in this State. After June 30, 1991, the owners of nuclear power reactors in this State for which operating licenses have been issued by the NRC shall pay the following fees for each such nuclear power reactor: for State fiscal year 1992, \$925,000; for State fiscal year 1993, \$975,000; for State fiscal year 1994; \$1,010,000; for State

fiscal year 1995, \$1,060,000; for State fiscal years 1996 and 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for State fiscal year 1999, \$1,368,000; for State fiscal year 2000, \$1,404,000; for State fiscal year 2001, \$1,696,455; for State fiscal year 2002, \$1,730,636; for State fiscal year 2003 through State and subsequent fiscal year 2011 years, \$1,757,727; for State fiscal year 2012 and subsequent fiscal years, \$1,903,182. Within 120 days after the end of the State fiscal year, the Agency shall determine, from the records of the Office of the Comptroller, the balance in the Nuclear Safety Emergency Preparedness Fund. When the balance in the fund, less any fees collected under this Section prior to their being due and payable for the succeeding fiscal year or years, exceeds \$400,000 at the close of business on June 30, 1993, 1994, 1995, 1996, 1997, and 1998, or exceeds \$500,000 at the close of business on June 30, 1999 and June 30 of each succeeding year, the excess shall be credited to the owners of nuclear power reactors who are assessed fees under this subparagraph. Credits shall be applied against the fees to be collected under this subparagraph for the subsequent fiscal year. Each owner shall receive as a credit that amount of the excess which corresponds proportionately to the amount the owner contributed to all fees collected under this subparagraph in the fiscal year that produced the excess.

(3.5) The owner of a nuclear power reactor that notifies the Nuclear Regulatory Commission that the nuclear power

reactor has permanently ceased operations during State fiscal year 1998 shall pay the following fees for each such nuclear power reactor: \$1,368,000 for State fiscal year 1999 and \$1,404,000 for State fiscal year 2000.

(4) A capital expenditure surcharge of \$1,400,000 per nuclear power station in this State, whether operating or under construction, shall be paid by the owners of the station.

(5) An annual fee of \$25,000 per year for each site for which a valid operating license has been issued by NRC for the operation of an away-from-reactor spent nuclear fuel or high-level radioactive waste storage facility, to be paid by the owners of facilities for the storage of spent nuclear fuel or high-level radioactive waste for others in this State.

(6) A one-time charge of \$280,000 for each facility in this State housing a nuclear test and research reactor, to be paid by the operator of the facility. However, this charge shall not be required to be paid by any tax-supported institution.

(7) A one-time charge of \$50,000 for each facility in this State for the chemical conversion of uranium, to be paid by the owner of the facility.

(8) An annual fee of \$150,000 per year for each facility in this State housing a nuclear test and research reactor, to be paid by the operator of the facility. However, this annual fee shall not be required to be paid by any tax-supported institution.

(9) An annual fee of \$15,000 per year for each facility in

this State for the chemical conversion of uranium, to be paid by the owner of the facility.

(10) A fee assessed at the rate of \$2,500 per truck for each truck shipment and \$4,500 for the first cask and \$3,000 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, transuranic waste, or a highway route controlled quantity of radioactive materials received at or departing from any nuclear power station or away-from-reactor spent nuclear fuel, high-level radioactive waste, transuranic waste storage facility, or other facility in this State to be paid by the shipper of the spent nuclear fuel, high level radioactive waste, transuranic waste, or highway route controlled quantity of radioactive material. Truck shipments of greater than 250 miles in Illinois are subject to a surcharge of \$25 per mile over 250 miles for each truck in the shipment. The amount of fees collected each fiscal year under this subparagraph shall be excluded from the calculation of credits under subparagraph (3) of this Section.

(11) A fee assessed at the rate of \$2,500 per truck for each truck shipment and \$4,500 for the first cask and \$3,000 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, transuranic waste, or a highway route controlled quantity of radioactive materials traversing the State to be paid by the shipper of the spent nuclear fuel, high level radioactive waste, transuranic waste, or highway route controlled quantity of radioactive material.

Truck shipments of greater than 250 miles in Illinois are subject to a surcharge of \$25 per mile over 250 miles for each truck in the shipment. The amount of fees collected each fiscal year under this subparagraph shall be excluded from the calculation of credits under subparagraph (3) of this Section.

(12) In each of the State fiscal years 1988 through 1991, in addition to the annual fee provided for in subparagraph (3), a fee of \$400,000 for each nuclear power reactor for which an operating license has been issued by the NRC, to be paid by the owners of nuclear power reactors operating in this State. Within 120 days after the end of the State fiscal years ending June 30, 1988, June 30, 1989, June 30, 1990, and June 30, 1991, the Agency shall determine the expenses of the Illinois Nuclear Safety Preparedness Program paid from funds appropriated for those fiscal years. When the aggregate of all fees, charges, and surcharges collected under this Section during any fiscal year exceeds the total expenditures under this Act from appropriations for that fiscal year, the excess shall be credited to the owners of nuclear power reactors who are assessed fees under this subparagraph, and the credits shall be applied against the fees to be collected under this subparagraph for the subsequent fiscal year. Each owner shall receive as a credit that amount of the excess that corresponds proportionately to the amount the owner contributed to all fees collected under this subparagraph in the fiscal year that produced the excess.

(Source: P.A. 92-576, eff. 6-26-02; 93-1029, eff. 8-25-04.)

(420 ILCS 5/5) (from Ch. 111 1/2, par. 4305)

Sec. 5. (a) Except as otherwise provided in this Section, within 30 days after the beginning of each State fiscal year, each person who possessed a valid operating license issued by the NRC for a nuclear power reactor or a spent fuel storage facility during any portion of the previous fiscal year shall pay to the Agency the fees imposed by Section 4 of this Act. The one-time facility charge assessed pursuant to subparagraph (1) of Section 4 shall be paid to the Agency not less than 2 years prior to scheduled commencement of commercial operation. The additional facility charge assessed pursuant to subparagraph (2) of Section 4 shall be paid to the Department within 90 days of June 30, 1982. Fees assessed pursuant to subparagraph (3) of Section 4 for State fiscal year 1992 shall be payable as follows: \$400,000 due on August 1, 1991, and \$525,000 due on January 1, 1992. Fees assessed pursuant to subparagraph (3) of Section 4 for State fiscal years year 1993 through 2011 ~~and subsequent fiscal years~~ shall be due and payable in two equal payments on July 1 and January 1 during the fiscal year in which the fee is due. For State fiscal year 2012 and subsequent fiscal years, fees shall be due and payable in 4 equal payments on July 1, October 1, January 1, and April 1 during the fiscal year in which the fee is due. Fees assessed pursuant to subparagraph (4) of Section 4 shall be paid in six

payments, the first, in the amount of \$400,000, shall be due and payable 30 days after the effective date of this Amendatory Act of 1984. Subsequent payments shall be in the amount of \$200,000 each, and shall be due and payable annually on August 1, 1985 through August 1, 1989, inclusive. Fees assessed under the provisions of subparagraphs (6) and (7) of Section 4 of this Act shall be paid on or before January 1, 1990. Fees assessed under the provisions of subparagraphs (8) and (9) of Section 4 of this Act shall be paid on or before January 1st of each year, beginning January 1, 1990. Fees assessed under the provisions of subparagraphs (10) and (11) of Section 4 of this Act shall be paid to the Agency within 60 days after completion of such shipments within this State. Fees assessed pursuant to subparagraph (12) of Section 4 shall be paid to the Agency by each person who possessed a valid operating license issued by the NRC for a nuclear power reactor during any portion of the previous State fiscal year as follows: the fee due in fiscal year 1988 shall be paid on January 15, 1988, the fee due in fiscal year 1989 shall be paid on December 1, 1988, and subsequent fees shall be paid annually on December 1, 1989 through December 1, 1990.

(b) Fees assessed pursuant to paragraph (3.5) of Section 4 for State fiscal years 1999 and 2000 shall be due and payable in 2 equal payments on July 1 and January 1 during the fiscal year in which the fee is due. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective

date of this amendatory Act of 1998, whichever is later.

(c) Any person who fails to pay a fee assessed under Section 4 of this Act within 90 days after the fee is payable is liable in a civil action for an amount not to exceed 4 times the amount assessed and not paid. The action shall be brought by the Attorney General at the request of the Agency. If the action involves a fixed facility in Illinois, the action shall be brought in the Circuit Court of the county in which the facility is located. If the action does not involve a fixed facility in Illinois, the action shall be brought in the Circuit Court of Sangamon County.

(Source: P.A. 93-1029, eff. 8-25-04.)

(420 ILCS 5/8.5 new)

Sec. 8.5. Remote monitoring system upgrades and equipment replacement.

(a) Each nuclear power reactor for which an operating license has been issued by the NRC shall be subject to the fees described in this Section, which shall be paid by the owner or owners of each reactor into the Nuclear Safety Emergency Preparedness Fund. The fees in this Section shall be used solely for the purposes set forth in this Section and cannot be transferred for other purposes.

(1) Within 14 days after the Agency notifies each owner subject to the fee requirements of this Section that the Agency has entered into one or more contracts with a third

party for purposes of upgrading the remote monitoring system software and that such work will commence within 30 days, the owner or owners shall make a payment of \$19,697 for each reactor owned. Thereafter, for each such reactor, the owner or owners shall submit 11 quarterly payments of \$19,697. The Agency shall use the fees collected in this subsection for purposes of upgrading remote monitoring system software and to acquire, replace, or upgrade equipment related to such monitoring, including, but not limited to, generators and transfer switches, air compressors, detection equipment, data loggers, and solar panels.

(2) Within 90 days after the effective date of this amendatory Act of the 97th General Assembly, the owner or owners subject to the fee requirements of this Section shall make a payment of \$7,575 for each reactor owned for the purposes of acquiring, replacing, and upgrading equipment, including, but not limited to, dosimeters, safety and command vehicles, liquid scintillation analyzers, an alpha spectrometry system, and compositors. Thereafter, for each such reactor, the owner or owners shall submit 11 quarterly payments of \$7,575.

(b) This Section is repealed on January 1, 2015.

Section 99. Effective date. This Act takes effect upon becoming law.