

1 AN ACT in relation to nuclear safety.

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

4 Section 5. The Illinois Nuclear Safety Preparedness Act
5 is amended by changing Sections 3, 4, and 8 as follows:

6 (420 ILCS 5/3) (from Ch. 111 1/2, par. 4303)

7 Sec. 3. Definitions. Unless the context otherwise
8 clearly requires, as used in this Act:

9 (1) "Department" means the Department of Nuclear Safety
10 of the State of Illinois.

11 (2) "Director" means the Director of the Department of
12 Nuclear Safety.

13 (3) "Person" means any individual, corporation,
14 partnership, firm, association, trust, estate, public or
15 private institution, group, agency, political subdivision of
16 this State, any other state or political subdivision or
17 agency thereof, and any legal successor, representative,
18 agent, or agency of the foregoing.

19 (4) "NRC" means the United States Nuclear Regulatory
20 Commission or any agency which succeeds to its functions in
21 the licensing of nuclear power reactors or facilities for
22 storing spent nuclear fuel.

23 (5) "High-level radioactive waste" means (1) the highly
24 radioactive material resulting from the reprocessing of spent
25 nuclear fuel including liquid waste produced directly in
26 reprocessing and any solid material derived from such liquid
27 waste that contains fission products in sufficient
28 concentrations; and (2) the highly radioactive material that
29 the NRC has determined to be high-level radioactive waste
30 requiring permanent isolation.

31 (6) "Nuclear facilities" means nuclear power plants,

1 facilities housing nuclear test and research reactors,
2 facilities for the chemical conversion of uranium, and
3 facilities for the storage of spent nuclear fuel or
4 high-level radioactive waste.

5 (7) "Spent nuclear fuel" means fuel that has been
6 withdrawn from a nuclear reactor following irradiation, the
7 constituent elements of which have not been separated by
8 reprocessing.

9 (8) "Transuranic waste" means material contaminated with
10 elements that have an atomic number greater than 92,
11 including neptunium, plutonium, americium, and curium,
12 excluding radioactive wastes shipped to a licensed low-level
13 radioactive waste disposal facility.

14 (9) "Highway route controlled quantity of radioactive
15 materials" means that quantity of radioactive materials
16 defined as a highway route controlled quantity under the
17 rules of the United States Department of Transportation or
18 any successor agency.

19 (Source: P.A. 90-601, eff. 6-26-98.)

20 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

21 Sec. 4. Nuclear accident plans; fees. Persons engaged
22 within this State in the production of electricity utilizing
23 nuclear energy, the operation of nuclear test and research
24 reactors, the chemical conversion of uranium, or the
25 transportation, storage or possession of spent nuclear fuel
26 or high-level radioactive waste shall pay fees to cover the
27 cost of establishing plans and programs to deal with the
28 possibility of nuclear accidents. Except as provided below,
29 the fees shall be used exclusively to fund those Departmental
30 and local government activities defined as necessary by the
31 Director to implement and maintain the plans and programs
32 authorized by this Act. Local governments incurring expenses
33 attributable to implementation and maintenance of the plans

1 and programs authorized by this Act may apply to the
2 Department for compensation for those expenses, and upon
3 approval by the Director of applications submitted by local
4 governments, the Department shall compensate local
5 governments from fees collected under this Section.
6 Compensation for local governments shall include \$250,000 in
7 any year through fiscal year 1993, \$275,000 in fiscal year
8 1994 and fiscal year 1995, \$300,000 in fiscal year 1996,
9 \$400,000 in fiscal year 1997, and \$450,000 in fiscal year
10 1998 and thereafter. Appropriations to the Department of
11 Nuclear Safety for compensation to local governments from the
12 Nuclear Safety Emergency Preparedness Fund provided for in
13 this Section shall not exceed \$650,000 per State fiscal year.
14 Expenditures from these appropriations shall not exceed, in a
15 single State fiscal year, the annual compensation amount made
16 available to local governments under this Section, unexpended
17 funds made available for local government compensation in the
18 previous fiscal year, and funds recovered under the Illinois
19 Grant Funds Recovery Act during previous fiscal years.
20 Notwithstanding any other provision of this Act, the
21 expenditure limitation for fiscal year 1998 shall include the
22 additional \$100,000 made available to local governments for
23 fiscal year 1997 under this amendatory Act of 1997. Any
24 funds within these expenditure limitations, including the
25 additional \$100,000 made available for fiscal year 1997 under
26 this amendatory Act of 1997, that remain unexpended at the
27 close of business on June 30, 1997, and on June 30 of each
28 succeeding year, shall be excluded from the calculations of
29 credits under subparagraph (3) of this Section. The
30 Department shall, by rule, determine the method for
31 compensating local governments under this Section. In
32 addition, a portion of the fees collected may be appropriated
33 to the Illinois Emergency Management Agency for activities
34 associated with preparing and implementing plans to deal with

1 the effects of nuclear accidents. The appropriation shall not
2 exceed \$500,000 in any year preceding fiscal year 1996; the
3 appropriation shall not exceed \$625,000 in fiscal year 1996,
4 \$725,000 in fiscal year 1997, and \$775,000 in fiscal year
5 1998 and thereafter. The fees shall consist of the following:

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

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

12 (3) Through June 30, 1982, an annual fee of \$75,000 per
13 year for each nuclear power reactor for which an operating
14 license has been issued by the NRC, and after June 30, 1982,
15 and through June 30, 1984 an annual fee of \$180,000 per year
16 for each nuclear power reactor for which an operating license
17 has been issued by the NRC, and after June 30, 1984, and
18 through June 30, 1991, an annual fee of \$400,000 for each
19 nuclear power reactor for which an operating license has been
20 issued by the NRC, to be paid by the owners of nuclear power
21 reactors operating in this State. After June 30, 1991, the
22 owners of nuclear power reactors in this State for which
23 operating licenses have been issued by the NRC shall pay the
24 following fees for each such nuclear power reactor: for State
25 fiscal year 1992, \$925,000; for State fiscal year 1993,
26 \$975,000; for State fiscal year 1994; \$1,010,000; for State
27 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and
28 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for
29 State fiscal year 1999, \$1,368,000; for State fiscal year
30 2000, \$1,404,000; for State fiscal year 2001, \$1,696,455; for
31 State fiscal year 2002, \$1,730,636; for State fiscal year
32 2003 and subsequent fiscal years, \$1,757,727. Within 120 days
33 after the end of the State fiscal year, the Department shall
34 determine, from the records of the Office of the Comptroller,

1 the balance in the Nuclear Safety Emergency Preparedness
2 Fund. When the balance in the fund, less any fees collected
3 under this Section prior to their being due and payable for
4 the succeeding fiscal year or years, exceeds \$400,000 at the
5 close of business on June 30, 1993, 1994, 1995, 1996, 1997,
6 and 1998, or exceeds \$500,000 at the close of business on
7 June 30, 1999 and June 30 of each succeeding year, the excess
8 shall be credited to the owners of nuclear power reactors who
9 are assessed fees under this subparagraph. Credits shall be
10 applied against the fees to be collected under this
11 subparagraph for the subsequent fiscal year. Each owner
12 shall receive as a credit that amount of the excess which
13 corresponds proportionately to the amount the owner
14 contributed to all fees collected under this subparagraph in
15 the fiscal year that produced the excess.

16 (3.5) The owner of a nuclear power reactor that notifies
17 the Nuclear Regulatory Commission that the nuclear power
18 reactor has permanently ceased operations during State fiscal
19 year 1998 shall pay the following fees for each such nuclear
20 power reactor: \$1,368,000 for State fiscal year 1999 and
21 \$1,404,000 for State fiscal year 2000.

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

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

33 (6) A one-time charge of \$280,000 for each facility in
34 this State housing a nuclear test and research reactor, to be

1 paid by the operator of the facility. However, this charge
2 shall not be required to be paid by any tax-supported
3 institution.

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

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

12 (9) An annual fee of \$15,000 per year for each facility
13 in this State for the chemical conversion of uranium, to be
14 paid by the owner of the facility.

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

32 (11) A fee assessed at the rate of \$2,500 per truck for
33 each truck shipment and \$4,500 for the first cask and \$3,000
34 for each additional cask for each rail shipment of spent

1 nuclear fuel, high-level radioactive waste, or transuranic
2 waste, or a highway route controlled quantity of radioactive
3 materials traversing the State, to be paid by the shipper of
4 the spent nuclear fuel, high level radioactive waste, or
5 transuranic waste, or highway route controlled quantity of
6 radioactive materials. Truck shipments of greater than 250
7 miles in Illinois are subject to a surcharge of \$25 per mile
8 over 250 miles for each truck in the shipment. The amount of
9 fees collected each fiscal year under this subparagraph shall
10 be excluded from the calculation of credits under
11 subparagraph (3) of this Section.

12 (12) In each of the State fiscal years 1988 through
13 1991, in addition to the annual fee provided for in
14 subparagraph (3), a fee of \$400,000 for each nuclear power
15 reactor for which an operating license has been issued by the
16 NRC, to be paid by the owners of nuclear power reactors
17 operating in this State. Within 120 days after the end of
18 the State fiscal years ending June 30, 1988, June 30, 1989,
19 June 30, 1990, and June 30, 1991, the Department shall
20 determine the expenses of the Illinois Nuclear Safety
21 Preparedness Program paid from funds appropriated for those
22 fiscal years. When the aggregate of all fees, charges, and
23 surcharges collected under this Section during any fiscal
24 year exceeds the total expenditures under this Act from
25 appropriations for that fiscal year, the excess shall be
26 credited to the owners of nuclear power reactors who are
27 assessed fees under this subparagraph, and the credits shall
28 be applied against the fees to be collected under this
29 subparagraph for the subsequent fiscal year. Each owner shall
30 receive as a credit that amount of the excess that
31 corresponds proportionately to the amount the owner
32 contributed to all fees collected under this subparagraph in
33 the fiscal year that produced the excess.

34 (Source: P.A. 91-47, eff. 6-30-99; 91-857, eff. 6-22-00;

1 92-576, eff. 6-26-02.)

2 (420 ILCS 5/8) (from Ch. 111 1/2, par. 4308)

3 Sec. 8. (a) The Illinois Nuclear Safety Preparedness
4 Program shall consist of an assessment of the potential
5 nuclear accidents, their radiological consequences, and the
6 necessary protective actions required to mitigate the effects
7 of such accidents. It shall include, but not necessarily be
8 limited to:

9 (1) Development of a remote effluent monitoring
10 system capable of reliably detecting and quantifying
11 accidental radioactive releases from nuclear power plants
12 to the environment;

13 (2) Development of an environmental monitoring
14 program for nuclear facilities other than nuclear power
15 plants;

16 (3) Development of procedures for radiological
17 assessment and radiation exposure control for areas
18 surrounding each nuclear facility in Illinois;

19 (4) Radiological training of state and local
20 emergency response personnel in accordance with the
21 Department's responsibilities under the program;

22 (5) Participation in the development of accident
23 scenarios and in the exercising of fixed facility nuclear
24 emergency response plans;

25 (6) Development of mitigative emergency planning
26 standards including, but not limited to, standards
27 pertaining to evacuations, re-entry into evacuated areas,
28 contaminated foodstuffs and contaminated water supplies;

29 (7) Provision of specialized response equipment
30 necessary to accomplish this task;

31 (8) Implementation of the Boiler and Pressure
32 Vessel Safety program at nuclear steam-generating
33 facilities as mandated by Section 2005-35 of the

1 Department of Nuclear Safety Law (20 ILCS 2005/2005-35);

2 (9) Development and implementation of a plan for
3 inspecting and escorting all shipments of spent nuclear
4 fuel, high-level radioactive waste, and transuranic
5 waste, and highway route controlled quantities of
6 radioactive materials in Illinois; and

7 (10) Implementation of the program under the
8 Illinois Nuclear Facility Safety Act.

9 (b) The Department may incorporate data collected by the
10 operator of a nuclear facility into the Department's remote
11 monitoring system.

12 (c) The owners of each nuclear power reactor in Illinois
13 shall provide the Department all system status signals which
14 initiate Emergency Action Level Declarations, actuate
15 accident mitigation and provide mitigation verification as
16 directed by the Department. The Department shall designate
17 by rule those system status signals that must be provided.
18 Signals providing indication of operating power level shall
19 also be provided. The owners of the nuclear power reactors
20 shall, at their expense, ensure that valid signals will be
21 provided continuously 24 hours a day.

22 All such signals shall be provided in a manner and at a
23 frequency specified by the Department for incorporation into
24 and augmentation of the remote effluent monitoring system
25 specified in subsection (a) (1) of this Section. Provision
26 shall be made for assuring that such system status and power
27 level signals shall be available to the Department during
28 reactor operation as well as throughout accidents and
29 subsequent recovery operations.

30 For nuclear reactors with operating licenses issued by
31 the Nuclear Regulatory Commission prior to the effective date
32 of this amendatory Act, such system status and power level
33 signals shall be provided to the Department by March 1, 1985.
34 For reactors without such a license on the effective date of

1 this amendatory Act, such signals shall be provided to the
2 Department prior to commencing initial fuel load for such
3 reactor. Nuclear reactors receiving their operating license
4 after the effective date of this amendatory Act, but before
5 July 1, 1985, shall provide such system status and power
6 level signals to the Department by September 1, 1985.

7 (Source: P.A. 90-601, eff. 6-26-98; 91-239, eff. 1-1-00.)

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