

1 AN ACT concerning environmental 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 Section 4 as follows:

6 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

7 Sec. 4. Nuclear accident plans; fees. Persons engaged
8 within this State in the production of electricity utilizing
9 nuclear energy, the operation of nuclear test and research
10 reactors, the chemical conversion of uranium, or the
11 transportation, storage or possession of spent nuclear fuel
12 or high-level radioactive waste shall pay fees to cover the
13 cost of establishing plans and programs to deal with the
14 possibility of nuclear accidents. Except as provided below,
15 the fees shall be used exclusively to fund those Departmental
16 and local government activities defined as necessary by the
17 Director to implement and maintain the plans and programs
18 authorized by this Act. Local governments incurring expenses
19 attributable to implementation and maintenance of the plans
20 and programs authorized by this Act may apply to the
21 Department for compensation for those expenses, and upon
22 approval by the Director of applications submitted by local
23 governments, the Department shall compensate local
24 governments from fees collected under this Section.
25 Compensation for local governments shall include \$250,000 in
26 any year through fiscal year 1993, \$275,000 in fiscal year
27 1994 and fiscal year 1995, \$300,000 in fiscal year 1996,
28 \$400,000 in fiscal year 1997, and \$450,000 in fiscal year
29 1998 and thereafter. Appropriations to the Department of
30 Nuclear Safety for compensation to local governments from the
31 Nuclear Safety Emergency Preparedness Fund provided for in

1 this Section shall not exceed \$650,000 per State fiscal year.
2 Expenditures from these appropriations shall not exceed, in a
3 single State fiscal year, the annual compensation amount made
4 available to local governments under this Section, unexpended
5 funds made available for local government compensation in the
6 previous fiscal year, and funds recovered under the Illinois
7 Grant Funds Recovery Act during previous fiscal years.
8 Notwithstanding any other provision of this Act, the
9 expenditure limitation for fiscal year 1998 shall include the
10 additional \$100,000 made available to local governments for
11 fiscal year 1997 under this amendatory Act of 1997. Any
12 funds within these expenditure limitations, including the
13 additional \$100,000 made available for fiscal year 1997 under
14 this amendatory Act of 1997, that remain unexpended at the
15 close of business on June 30, 1997, and on June 30 of each
16 succeeding year, shall be excluded from the calculations of
17 credits under subparagraph (3) of this Section. The
18 Department shall, by rule, determine the method for
19 compensating local governments under this Section. In
20 addition, a portion of the fees collected may be appropriated
21 to the Illinois Emergency Management Agency for activities
22 associated with preparing and implementing plans to deal with
23 the effects of nuclear accidents. The appropriation shall not
24 exceed \$500,000 in any year preceding fiscal year 1996; the
25 appropriation shall not exceed \$625,000 in fiscal year 1996,
26 \$725,000 in fiscal year 1997, and \$775,000 in fiscal year
27 1998 and thereafter. The fees shall consist of the following:
28 (1) A one-time charge of \$590,000 per nuclear power
29 station in this State to be paid by the owners of the
30 stations.
31 (2) An additional charge of \$240,000 per nuclear power
32 station for which a fee under subparagraph (1) was paid
33 before June 30, 1982.
34 (3) Through June 30, 1982, an annual fee of \$75,000 per

1 year for each nuclear power reactor for which an operating
2 license has been issued by the NRC, and after June 30, 1982,
3 and through June 30, 1984 an annual fee of \$180,000 per year
4 for each nuclear power reactor for which an operating license
5 has been issued by the NRC, and after June 30, 1984, and
6 through June 30, 1991, an annual fee of \$400,000 for each
7 nuclear power reactor for which an operating license has been
8 issued by the NRC, to be paid by the owners of nuclear power
9 reactors operating in this State. After June 30, 1991, the
10 owners of nuclear power reactors in this State for which
11 operating licenses have been issued by the NRC shall pay the
12 following fees for each such nuclear power reactor: for State
13 fiscal year 1992, \$925,000; for State fiscal year 1993,
14 \$975,000; for State fiscal year 1994; \$1,010,000; for State
15 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and
16 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for
17 State fiscal year 1999, \$1,368,000; for State fiscal year
18 2000, \$1,404,000; for State fiscal year 2001, \$1,696,455; for
19 State fiscal year 2002, \$1,730,636; for State fiscal year
20 2003 and subsequent fiscal years, \$1,757,727. Within 120 days
21 after the end of the State fiscal year, the Department shall
22 determine, from the records of the Office of the Comptroller,
23 the balance in the Nuclear Safety Emergency Preparedness
24 Fund. When the balance in the fund, less any fees collected
25 under this Section prior to their being due and payable for
26 the succeeding fiscal year or years, exceeds \$400,000 at the
27 close of business on June 30, 1993, 1994, 1995, 1996, 1997,
28 and 1998, or exceeds \$500,000 at the close of business on
29 June 30, 1999 and June 30 of each succeeding year, the excess
30 shall be credited to the owners of nuclear power reactors who
31 are assessed fees under this subparagraph. Credits shall be
32 applied against the fees to be collected under this
33 subparagraph for the subsequent fiscal year. Each owner
34 shall receive as a credit that amount of the excess which

1 corresponds proportionately to the amount the owner
2 contributed to all fees collected under this subparagraph in
3 the fiscal year that produced the excess.

4 (3.5) The owner of a nuclear power reactor that notifies
5 the Nuclear Regulatory Commission that the nuclear power
6 reactor has permanently ceased operations during State fiscal
7 year 1998 shall pay the following fees for each such nuclear
8 power reactor: \$1,368,000 for State fiscal year 1999 and
9 \$1,404,000 for State fiscal year 2000.

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

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

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

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

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

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

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

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

18 (11) A fee assessed at the rate of \$3,500 ~~\$2,500~~ per
19 truck for each truck shipment and \$5,500 ~~\$4,500~~ for the first
20 cask and \$4,000 ~~\$3,000~~ for each additional cask for each rail
21 shipment of spent nuclear fuel, high-level radioactive waste,
22 or transuranic waste traversing the State to be paid by the
23 shipper of the spent nuclear fuel, high level radioactive
24 waste, or transuranic waste. Truck shipments of greater than
25 250 miles in Illinois are subject to a surcharge of \$50 ~~\$25~~
26 per mile over 250 miles for each truck in the shipment. The
27 amount of fees collected each fiscal year under this
28 subparagraph shall be excluded from the calculation of
29 credits under subparagraph (3) of this Section.

30 (12) In each of the State fiscal years 1988 through
31 1991, in addition to the annual fee provided for in
32 subparagraph (3), a fee of \$400,000 for each nuclear power
33 reactor for which an operating license has been issued by the
34 NRC, to be paid by the owners of nuclear power reactors

1 operating in this State. Within 120 days after the end of
2 the State fiscal years ending June 30, 1988, June 30, 1989,
3 June 30, 1990, and June 30, 1991, the Department shall
4 determine the expenses of the Illinois Nuclear Safety
5 Preparedness Program paid from funds appropriated for those
6 fiscal years. When the aggregate of all fees, charges, and
7 surcharges collected under this Section during any fiscal
8 year exceeds the total expenditures under this Act from
9 appropriations for that fiscal year, the excess shall be
10 credited to the owners of nuclear power reactors who are
11 assessed fees under this subparagraph, and the credits shall
12 be applied against the fees to be collected under this
13 subparagraph for the subsequent fiscal year. Each owner shall
14 receive as a credit that amount of the excess that
15 corresponds proportionately to the amount the owner
16 contributed to all fees collected under this subparagraph in
17 the fiscal year that produced the excess.

18 (Source: P.A. 91-47, eff. 6-30-99; 91-857, eff. 6-22-00;
19 92-576, eff. 6-26-02.)