

1 AN ACT in relation to executive agencies.

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

4 Section 1. Short title. This Act may be cited as the
5 Nuclear Safety Law of 2004.

6 Section 5. Cross references. The Illinois Emergency
7 Management Agency shall exercise, administer, and enforce all
8 rights, powers, and duties vested in Department of Nuclear
9 Safety by the following named Acts or Sections of those Acts:

- 10 (1) The Radiation Protection Act of 1990.
- 11 (2) The Radioactive Waste Storage Act.
- 12 (3) The Personnel Radiation Monitoring Act.
- 13 (4) The Laser System Act of 1997.
- 14 (5) The Illinois Nuclear Safety Preparedness Act.
- 15 (6) The Radioactive Waste Compact Enforcement Act.
- 16 (7) Illinois Low-Level Radioactive Waste Management
17 Act.
- 18 (8) Illinois Nuclear Facility Safety Act.
- 19 (9) Radioactive Waste Tracking and Permitting Act.
- 20 (10) Radon Industry Licensing Act.
- 21 (11) Uranium and Thorium Mill Tailings Control Act.

22 Section 10. Nuclear and radioactive materials disposal.
23 The Illinois Emergency Management Agency shall formulate a
24 comprehensive plan regarding disposal of nuclear and
25 radioactive materials in this State. The Illinois Emergency
26 Management Agency shall establish minimum standards for
27 disposal sites, shall evaluate and publicize potential effects
28 on the public health and safety, and shall report to the
29 Governor and General Assembly all violations of the adopted
30 standards. In carrying out this function, the Illinois
31 Emergency Management Agency shall work in cooperation with the

1 Radiation Protection Advisory Council.

2 Section 15. Radiation sources; radioactive waste disposal.
3 The Illinois Emergency Management Agency, instead of the
4 Department of Nuclear Safety, shall register, license,
5 inspect, and control radiation sources, shall purchase, lease,
6 accept, or acquire lands, buildings, and grounds where
7 radioactive wastes can be disposed, and shall supervise and
8 regulate the operation of the disposal sites.

9 Section 20. Nuclear waste sites.

10 (a) The Illinois Emergency Management Agency shall conduct
11 a survey and prepare and publish a list of sites in the State
12 where nuclear waste has been deposited, treated, or stored.

13 (b) The Illinois Emergency Management Agency shall monitor
14 nuclear waste processing, use, handling, storage, and disposal
15 practices in the State, and shall determine existing and
16 expected rates of production of nuclear wastes.

17 (c) The Illinois Emergency Management Agency shall compile
18 and make available to the public an annual report identifying
19 the type and quantities of nuclear waste generated, stored,
20 treated, or disposed of within this State and containing the
21 other information required to be collected under this Section.

22 Section 25. Boiler and pressure vessel safety. The Illinois
23 Emergency Management Agency shall exercise, administer, and
24 enforce all of the following rights, powers, and duties:

25 (1) Rights, powers, and duties vested in the Department
26 of Nuclear Safety by the Boiler and Pressure Vessel Safety
27 Act prior to the abolishment of the Department of Nuclear
28 Safety, to the extent the rights, powers, and duties relate
29 to nuclear steam-generating facilities.

30 (2) Rights, powers, and duties relating to nuclear
31 steam-generating facilities vested in the Department of
32 Nuclear Safety by the Boiler and Pressure Vessel Safety Act
33 prior to the abolishment of the Department of Nuclear

1 Safety, which include but are not limited to the
2 formulation of definitions, rules, and regulations for the
3 safe and proper construction, installation, repair, use,
4 and operation of nuclear steam-generating facilities, the
5 adoption of rules for already installed nuclear
6 steam-generating facilities, the adoption of rules for
7 accidents in nuclear steam-generating facilities, the
8 examination for or suspension of inspectors' licenses of
9 the facilities, and the hearing of appeals from decisions
10 relating to the facilities.

11 (3) Rights, powers, and duties relating to nuclear
12 steam-generating facilities, vested in the State Fire
13 Marshal, the Chief Inspector, or the Department of Nuclear
14 Safety prior to its abolishment, by the Boiler and Pressure
15 Vessel Safety Act, which include but are not limited to the
16 employment of inspectors of nuclear steam-generating
17 facilities, issuance or suspension of their commissions,
18 prosecution of the Act or rules promulgated thereunder for
19 violations by nuclear steam-generating facilities,
20 maintenance of inspection records of all the facilities,
21 publication of rules relating to the facilities, having
22 free access to the facilities, issuance of inspection
23 certificates of the facilities, and the furnishing of bonds
24 conditioned upon the faithful performance of their duties.
25 The Director of Illinois Emergency Management Agency may
26 designate a Chief Inspector, or other inspectors, as he or
27 she deems necessary to perform the functions transferred by
28 this Section.

29 The transfer of rights, powers, and duties specified in
30 paragraphs (1), (2), and (3) is limited to the program
31 transferred by this Act and shall not be deemed to abolish or
32 diminish the exercise of those same rights, powers, and duties
33 by the Office of the State Fire Marshal, the Board of Boiler
34 and Pressure Vessel Rules, the State Fire Marshal, or the Chief
35 Inspector with respect to programs retained by the Office of
36 the State Fire Marshal.

1 Section 30. Powers vested in Environmental Protection
2 Agency.

3 (a) The Illinois Emergency Management Agency shall
4 exercise, administer, and enforce all rights, powers, and
5 duties vested in the Environmental Protection Agency by
6 paragraphs a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q,
7 and r of Section 4 and by Sections 30 through 45 of the
8 Environmental Protection Act, to the extent that these powers
9 relate to standards of the Pollution Control Board adopted
10 under Section 35 of this Act. The transfer of rights, powers,
11 and duties specified in this Section is limited to the programs
12 transferred by Public Act 81-1516 and this Act and shall not be
13 deemed to abolish or diminish the exercise of those same
14 rights, powers, and duties by the Environmental Protection
15 Agency with respect to programs retained by the Environmental
16 Protection Agency.

17 (b) Notwithstanding provisions in Sections 4 and 17.7 of
18 the Environmental Protection Act, the Environmental Protection
19 Agency is not required to perform analytical services for
20 community water supplies to determine compliance with
21 contaminant levels for radionuclides as specified in State or
22 federal drinking water regulations.

23 (c) Community water supplies may request the Illinois
24 Emergency Management Agency to perform analytical services to
25 determine compliance with contaminant levels for radionuclides
26 as specified in State or federal drinking water regulations.
27 The Illinois Emergency Management Agency must adopt rules
28 establishing reasonable fees reflecting the direct and
29 indirect cost of testing community water supply samples. The
30 rules may require a community water supply to commit to
31 participation in the Illinois Emergency Management Agency's
32 testing program. Neither the Illinois Emergency Management
33 Agency nor the Environmental Protection Agency is required to
34 perform analytical services to determine contaminant levels
35 for radionuclides from any community water supply that does not

1 participate in the Illinois Emergency Management Agency's
2 testing program.

3 Community water supplies that choose not to participate in
4 the Illinois Emergency Management Agency's testing program or
5 do not pay the fees established by the Illinois Emergency
6 Management Agency shall have the duty to analyze all drinking
7 water samples as required by State or federal safe drinking
8 water regulations to determine radionuclide contaminant
9 levels.

10 Section 35. Pollution Control Board regulations concerning
11 nuclear plants. The Illinois Emergency Management Agency shall
12 enforce the regulations promulgated by the Pollution Control
13 Board under Section 25b of the Environmental Protection Act.
14 Under these regulations the Illinois Emergency Management
15 Agency shall require that a person, corporation, or public
16 authority intending to construct a nuclear steam-generating
17 facility or a nuclear fuel reprocessing plant file with the
18 Illinois Emergency Management Agency an environmental
19 feasibility report that incorporates the data provided in the
20 preliminary safety analysis required to be filed with the
21 United States Nuclear Regulatory Commission.

22 Section 40. Regulation of nuclear safety. The Illinois
23 Emergency Management Agency shall have primary responsibility
24 for the coordination and oversight of all State governmental
25 functions concerning the regulation of nuclear power,
26 including low level waste management, environmental
27 monitoring, and transportation of nuclear waste. Functions
28 performed by the Department of State Police and the Department
29 of Transportation in the area of nuclear safety, on the
30 effective date of this Act, may continue to be performed by
31 these agencies but under the direction of the Illinois
32 Emergency Management Agency. All other governmental functions
33 regulating nuclear safety shall be coordinated by Illinois
34 Emergency Management Agency.

1 Section 45. Appointment of Assistant Director. The
2 Assistant Director shall be an officer appointed by the
3 Governor, with the advice and consent of the Senate, and shall
4 serve for a term of 2 years beginning on the third Monday in
5 January of the odd-numbered year, and until a successor is
6 appointed and has qualified; except that the first Assistant
7 Director under this Act shall be the Director of Nuclear
8 Safety. The Assistant Director shall not hold any other
9 remunerative public office. The Assistant Director shall
10 receive an annual salary as set by the Governor from time to
11 time or the amount set by the Compensation Review Board,
12 whichever is higher. If set by the Governor, the Assistant
13 Director's annual salary may not exceed 85% of the Governor's
14 annual salary.

15 Section 50. Personnel transferred. Personnel previously
16 assigned to the programs transferred from the Department of
17 Nuclear Safety are hereby transferred to the Illinois Emergency
18 Management Agency. The rights of the employees, the State, and
19 executive agencies under the Personnel Code, any collective
20 bargaining agreement, or any pension, retirement, or annuity
21 plan shall not be affected by this Act.

22 Section 55. Records and property transferred. All books,
23 records, papers, documents, property (real or personal),
24 unexpended appropriations, and pending business in any way
25 pertaining to the rights, powers, and duties transferred by
26 this Act shall be delivered and transferred to the Illinois
27 Emergency Management Agency.

28 Section 60. Data available to Department of Public Health.
29 All files, records, and data gathered by or under the direction
30 or authority of the Director under the Civil Administrative
31 Code of Illinois shall be made available to the Department of
32 Public Health under the Illinois Health and Hazardous

1 Substances Registry Act.

2 Section 65. Nuclear accident plan. The Illinois Emergency
3 Management Agency shall have primary responsibility to
4 formulate a comprehensive emergency preparedness and response
5 plan for any nuclear accident. The Illinois Emergency
6 Management Agency shall also train and maintain an emergency
7 response team.

8 Section 70. Nuclear and radioactive materials
9 transportation plan. The Illinois Emergency Management Agency
10 shall formulate a comprehensive plan regarding the
11 transportation of nuclear and radioactive materials in
12 Illinois. The Illinois Emergency Management Agency shall have
13 primary responsibility for all State governmental regulation
14 of the transportation of nuclear and radioactive materials,
15 insofar as the regulation pertains to the public health and
16 safety. This responsibility shall include but not be limited to
17 the authority to oversee and coordinate regulatory functions
18 performed by the Department of Transportation, the Department
19 of State Police, and the Illinois Commerce Commission.

20 Section 75. State nuclear power policy. The Illinois
21 Emergency Management Agency, in cooperation with the
22 Department of Natural Resources, shall study (i) the impact and
23 cost of nuclear power and compare these to the impact and cost
24 of alternative sources of energy, (ii) the potential effects on
25 the public health and safety of all radioactive emissions from
26 nuclear power plants, and (iii) all other factors that bear on
27 the use of nuclear power or on nuclear safety. The Illinois
28 Emergency Management Agency shall formulate a general nuclear
29 policy for the State based on the findings of the study. The
30 policy shall include but not be limited to the feasibility of
31 continued use of nuclear power, effects of the use of nuclear
32 power on the public health and safety, minimum acceptable
33 standards for the location of any future nuclear power plants,

1 and rules and regulations for the reporting by public utilities
2 of radioactive emissions from power plants. The Illinois
3 Emergency Management Agency shall establish a reliable system
4 for communication between the public and the Illinois Emergency
5 Management Agency and for dissemination of information by the
6 Illinois Emergency Management Agency. The Illinois Emergency
7 Management Agency shall publicize the findings of all studies
8 and make the publications reasonably available to the public.

9 Section 80. No accreditation, certification, or
10 registration if in default on educational loan. The Illinois
11 Emergency Management Agency shall not issue or renew to any
12 individual any accreditation, certification, or registration
13 (but excluding registration under Section 24.7 of the Radiation
14 Protection Act of 1990) otherwise issued by the Illinois
15 Emergency Management Agency if the individual has defaulted on
16 an educational loan guaranteed by the Illinois Student
17 Assistance Commission; however, the Agency may issue or renew
18 an accreditation, certification, or registration if the
19 individual has established a satisfactory repayment record as
20 determined by the Illinois Student Assistance Commission.
21 Additionally, any accreditation, certification, or
22 registration issued by the Illinois Emergency Management
23 Agency (but excluding registration under Section 24.7 of the
24 Radiation Protection Act of 1990) may be suspended or revoked
25 if the Illinois Emergency Management Agency, after the
26 opportunity for a hearing under the appropriate accreditation,
27 certification, or registration Act, finds that the holder has
28 failed to make satisfactory repayment to the Illinois Student
29 Assistance Commission for a delinquent or defaulted loan as
30 determined by the Illinois Student Assistance Commission.

31 Section 85. Saving clause.

32 (a) The rights, powers and duties transferred to the
33 Illinois Emergency Management Agency by this Act shall be
34 vested in and shall be exercised by the Illinois Emergency

1 Management Agency. Each act done in exercise of such rights,
2 powers, and duties shall have the same legal effect as if done
3 by the Department of Nuclear Safety, its divisions, officers,
4 or employees.

5 (b) Every person or corporation shall be subject to the
6 same obligations and duties and any penalties, civil or
7 criminal, arising therefrom, and shall have the same rights
8 arising from the exercise of such powers, duties, rights and
9 responsibilities as had been exercised by the Department of
10 Nuclear Safety, its divisions, officers or employees.

11 (c) Every officer of the Illinois Emergency Management
12 Agency shall, for any offense, be subject to the same penalty
13 or penalties, civil or criminal, as are prescribed by existing
14 law for the same offense by any officer whose powers or duties
15 were transferred under this Act.

16 (d) Whenever reports or notices are now required to be made
17 or given or papers or documents furnished or served by any
18 person to or upon the agencies and officers transferred by this
19 Act, the same shall be made, given, furnished, or served in the
20 same manner to or upon the Illinois Emergency Management
21 Agency.

22 (e) This Act shall not affect any act done, ratified, or
23 canceled or any right occurring or established or any action or
24 proceeding had or commenced in an administrative, civil, or
25 criminal cause regarding the Department of Nuclear Safety
26 before this Act takes effect, but such actions or proceedings
27 may be prosecuted and continued by the Illinois Emergency
28 Management Agency.

29 (f) Any rules of the Department of Nuclear Safety that are
30 in full force on the effective date of this Act and that have
31 been duly adopted by the Illinois Emergency Management Agency
32 shall become the rules of the Illinois Emergency Management
33 Agency. This Act shall not affect the legality of any such
34 rules in the Illinois Administrative Code. Any proposed rules
35 filed with the Secretary of State by the Department of Nuclear
36 Safety that are pending in the rulemaking process on the

1 effective date of this Act, shall be deemed to have been filed
2 by the Illinois Emergency Management Agency. As soon as
3 practicable hereafter, the Illinois Emergency Management
4 Agency shall revise and clarify the rules transferred to it
5 under this Act to reflect the reorganization of rights, powers,
6 and duties effected by this Act using the procedures for
7 recodification of rules available under the Illinois
8 Administrative Procedure Act, except that existing title,
9 part, and section numbering for the affected rules may be
10 retained. The Illinois Emergency Management Agency may propose
11 and adopt under the Illinois Administrative Procedure Act such
12 other rules of the reorganized agencies that will now be
13 administered by the Illinois Emergency Management Agency.

14 (g) If any provision of this Act or its application to any
15 person or circumstances is held invalid by any court of
16 competent jurisdiction, this invalidity does not affect any
17 other provision or application. To achieve this purpose, the
18 provisions of this Act are declared to be severable.

19 Section 905. The Civil Administrative Code of Illinois is
20 amended by changing Sections 5-15, 5-20, and 5-160 as follows:

21 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

22 Sec. 5-15. Departments of State government. The
23 Departments of State government are created as follows:

24 The Department on Aging.

25 The Department of Agriculture.

26 The Department of Central Management Services.

27 The Department of Children and Family Services.

28 The Department of Commerce and Economic Opportunity.

29 The Department of Corrections.

30 The Department of Employment Security.

31 The Emergency Management Agency.

32 The Department of Financial Institutions.

33 The Department of Human Rights.

34 The Department of Human Services.

1 The Department of Insurance.
2 The Department of Labor.
3 The Department of the Lottery.
4 The Department of Natural Resources.
5 ~~The Department of Nuclear Safety.~~
6 The Department of Professional Regulation.
7 The Department of Public Aid.
8 The Department of Public Health.
9 The Department of Revenue.
10 The Department of State Police.
11 The Department of Transportation.
12 The Department of Veterans' Affairs.

13 (Source: P.A. 93-25, eff. 6-20-03.)

14 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

15 Sec. 5-20. Heads of departments. Each department shall have
16 an officer as its head who shall be known as director or
17 secretary and who shall, subject to the provisions of the Civil
18 Administrative Code of Illinois, execute the powers and
19 discharge the duties vested by law in his or her respective
20 department.

21 The following officers are hereby created:

22 Director of Aging, for the Department on Aging.

23 Director of Agriculture, for the Department of
24 Agriculture.

25 Director of Central Management Services, for the
26 Department of Central Management Services.

27 Director of Children and Family Services, for the
28 Department of Children and Family Services.

29 Director of Commerce and Economic Opportunity, for the
30 Department of Commerce and Economic Opportunity.

31 Director of Corrections, for the Department of
32 Corrections.

33 Director of Emergency Management Agency, for the Emergency
34 Management Agency.

35 Director of Employment Security, for the Department of

1 Employment Security.

2 Director of Financial Institutions, for the Department of
3 Financial Institutions.

4 Director of Human Rights, for the Department of Human
5 Rights.

6 Secretary of Human Services, for the Department of Human
7 Services.

8 Director of Insurance, for the Department of Insurance.

9 Director of Labor, for the Department of Labor.

10 Director of the Lottery, for the Department of the Lottery.

11 Director of Natural Resources, for the Department of
12 Natural Resources.

13 ~~Director of Nuclear Safety, for the Department of Nuclear~~
14 ~~Safety.~~

15 Director of Professional Regulation, for the Department of
16 Professional Regulation.

17 Director of Public Aid, for the Department of Public Aid.

18 Director of Public Health, for the Department of Public
19 Health.

20 Director of Revenue, for the Department of Revenue.

21 Director of State Police, for the Department of State
22 Police.

23 Secretary of Transportation, for the Department of
24 Transportation.

25 Director of Veterans' Affairs, for the Department of
26 Veterans' Affairs.

27 (Source: P.A. 93-25, eff. 6-20-03.)

28 (20 ILCS 5/5-160) (was 20 ILCS 5/5.13h)

29 Sec. 5-160. In the Emergency Management Agency ~~Department~~
30 ~~of Nuclear Safety~~. Assistant Director of the Emergency
31 Management Agency ~~Nuclear Safety~~.

32 (Source: P.A. 91-239, eff. 1-1-00.)

33 (20 ILCS 2005/Act rep.)

34 Section 910. The Department of Nuclear Safety Law of the

1 Civil Administrative Code of Illinois is repealed.

2 Section 915. The Illinois Nuclear Safety Preparedness Act
3 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, and 10 as
4 follows:

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

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

8 (1) "Agency Department" means the Illinois Emergency
9 Management Agency Department of Nuclear Safety of the State of
10 Illinois.

11 (2) "Director" means the Director of the Illinois Emergency
12 Management Agency Department of 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 agency
17 thereof, and any legal successor, representative, agent, or
18 agency of the foregoing.

19 (4) "NRC" means the United States Nuclear Regulatory
20 Commission or any agency which succeeds to its functions in the
21 licensing of nuclear power reactors or facilities for storing
22 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,
32 facilities housing nuclear test and research reactors,
33 facilities for the chemical conversion of uranium, and
34 facilities for the storage of spent nuclear fuel or high-level

1 radioactive waste.

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

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

10 (9) "Highway route controlled quantity of radioactive
11 materials" means that quantity of radioactive materials
12 defined as a highway route controlled quantity under rules of
13 the United States Department of Transportation, or any
14 successor agency.

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

16 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

17 Sec. 4. Nuclear accident plans; fees. Persons engaged
18 within this State in the production of electricity utilizing
19 nuclear energy, the operation of nuclear test and research
20 reactors, the chemical conversion of uranium, or the
21 transportation, storage or possession of spent nuclear fuel or
22 high-level radioactive waste shall pay fees to cover the cost
23 of establishing plans and programs to deal with the possibility
24 of nuclear accidents. Except as provided below, the fees shall
25 be used exclusively to fund those Agency ~~Departmental~~ and local
26 government activities defined as necessary by the Director to
27 implement and maintain the plans and programs authorized by
28 this Act. Local governments incurring expenses attributable to
29 implementation and maintenance of the plans and programs
30 authorized by this Act may apply to the Agency ~~Department~~ for
31 compensation for those expenses, and upon approval by the
32 Director of applications submitted by local governments, the
33 Agency ~~Department~~ shall compensate local governments from fees
34 collected under this Section. Compensation for local
35 governments shall include \$250,000 in any year through fiscal

1 year 1993, \$275,000 in fiscal year 1994 and fiscal year 1995,
2 \$300,000 in fiscal year 1996, \$400,000 in fiscal year 1997, and
3 \$450,000 in fiscal year 1998 and thereafter. Appropriations to
4 the Department of Nuclear Safety (of which the Agency is the
5 successor) for compensation to local governments from the
6 Nuclear Safety Emergency Preparedness Fund provided for in this
7 Section shall not exceed \$650,000 per State fiscal year.
8 Expenditures from these appropriations shall not exceed, in a
9 single State fiscal year, the annual compensation amount made
10 available to local governments under this Section, unexpended
11 funds made available for local government compensation in the
12 previous fiscal year, and funds recovered under the Illinois
13 Grant Funds Recovery Act during previous fiscal years.
14 Notwithstanding any other provision of this Act, the
15 expenditure limitation for fiscal year 1998 shall include the
16 additional \$100,000 made available to local governments for
17 fiscal year 1997 under this amendatory Act of 1997. Any funds
18 within these expenditure limitations, including the additional
19 \$100,000 made available for fiscal year 1997 under this
20 amendatory Act of 1997, that remain unexpended at the close of
21 business on June 30, 1997, and on June 30 of each succeeding
22 year, shall be excluded from the calculations of credits under
23 subparagraph (3) of this Section. The Agency Department shall,
24 by rule, determine the method for compensating local
25 governments under this Section. ~~In addition, a portion of the~~
26 ~~fees collected may be appropriated to the Illinois Emergency~~
27 ~~Management Agency for activities associated with preparing and~~
28 ~~implementing plans to deal with the effects of nuclear~~
29 ~~accidents.~~ The appropriation shall not exceed \$500,000 in any
30 year preceding fiscal year 1996; the appropriation shall not
31 exceed \$625,000 in fiscal year 1996, \$725,000 in fiscal year
32 1997, and \$775,000 in fiscal year 1998 and thereafter. The fees
33 shall consist of the following:

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

36 (2) An additional charge of \$240,000 per nuclear power

1 station for which a fee under subparagraph (1) was paid before
2 June 30, 1982.

3 (3) Through June 30, 1982, an annual fee of \$75,000 per
4 year for each nuclear power reactor for which an operating
5 license has been issued by the NRC, and after June 30, 1982,
6 and through June 30, 1984 an annual fee of \$180,000 per year
7 for each nuclear power reactor for which an operating license
8 has been issued by the NRC, and after June 30, 1984, and
9 through June 30, 1991, an annual fee of \$400,000 for each
10 nuclear power reactor for which an operating license has been
11 issued by the NRC, to be paid by the owners of nuclear power
12 reactors operating in this State. After June 30, 1991, the
13 owners of nuclear power reactors in this State for which
14 operating licenses have been issued by the NRC shall pay the
15 following fees for each such nuclear power reactor: for State
16 fiscal year 1992, \$925,000; for State fiscal year 1993,
17 \$975,000; for State fiscal year 1994; \$1,010,000; for State
18 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and
19 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for
20 State fiscal year 1999, \$1,368,000; for State fiscal year 2000,
21 \$1,404,000; for State fiscal year 2001, \$1,696,455; for State
22 fiscal year 2002, \$1,730,636; for State fiscal year 2003 and
23 subsequent fiscal years, \$1,757,727. Within 120 days after the
24 end of the State fiscal year, the Agency ~~Department~~ shall
25 determine, from the records of the Office of the Comptroller,
26 the balance in the Nuclear Safety Emergency Preparedness Fund.
27 When the balance in the fund, less any fees collected under
28 this Section prior to their being due and payable for the
29 succeeding fiscal year or years, exceeds \$400,000 at the close
30 of business on June 30, 1993, 1994, 1995, 1996, 1997, and 1998,
31 or exceeds \$500,000 at the close of business on June 30, 1999
32 and June 30 of each succeeding year, the excess shall be
33 credited to the owners of nuclear power reactors who are
34 assessed fees under this subparagraph. Credits shall be applied
35 against the fees to be collected under this subparagraph for
36 the subsequent fiscal year. Each owner shall receive as a

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

5 (3.5) The owner of a nuclear power reactor that notifies
6 the Nuclear Regulatory Commission that the nuclear power
7 reactor has permanently ceased operations during State fiscal
8 year 1998 shall pay the following fees for each such nuclear
9 power reactor: \$1,368,000 for State fiscal year 1999 and
10 \$1,404,000 for State fiscal year 2000.

11 (4) A capital expenditure surcharge of \$1,400,000 per
12 nuclear power station in this State, whether operating or under
13 construction, shall be paid by the owners of the 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 the
16 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 fuel
19 or high-level radioactive waste for others in this State.

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

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

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

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

35 (10) A fee assessed at the rate of \$2,500 per truck for
36 each truck shipment and \$4,500 for the first cask and \$3,000

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

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

30 (12) In each of the State fiscal years 1988 through 1991,
31 in addition to the annual fee provided for in subparagraph (3),
32 a fee of \$400,000 for each nuclear power reactor for which an
33 operating license has been issued by the NRC, to be paid by the
34 owners of nuclear power reactors operating in this State.
35 Within 120 days after the end of the State fiscal years ending
36 June 30, 1988, June 30, 1989, June 30, 1990, and June 30, 1991,

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

15 (Source: P.A. 91-47, eff. 6-30-99; 91-857, eff. 6-22-00;
16 92-576, eff. 6-26-02.)

17 (420 ILCS 5/5) (from Ch. 111 1/2, par. 4305)

18 Sec. 5. (a) Except as otherwise provided in this Section,
19 within 30 days after the beginning of each State fiscal year,
20 each person who possessed a valid operating license issued by
21 the NRC for a nuclear power reactor or a spent fuel storage
22 facility during any portion of the previous fiscal year shall
23 pay to the Agency ~~Department~~ the fees imposed by Section 4 of
24 this Act. The one-time facility charge assessed pursuant to
25 subparagraph (1) of Section 4 shall be paid to the Agency
26 ~~Department~~ not less than 2 years prior to scheduled
27 commencement of commercial operation. The additional facility
28 charge assessed pursuant to subparagraph (2) of Section 4 shall
29 be paid to the Department within 90 days of June 30, 1982. Fees
30 assessed pursuant to subparagraph (3) of Section 4 for State
31 fiscal year 1992 shall be payable as follows: \$400,000 due on
32 August 1, 1991, and \$525,000 due on January 1, 1992. Fees
33 assessed pursuant to subparagraph (3) of Section 4 for State
34 fiscal year 1993 and subsequent fiscal years shall be due and
35 payable in two equal payments on July 1 and January 1 during

1 the fiscal year in which the fee is due. Fees assessed pursuant
2 to subparagraph (4) of Section 4 shall be paid in six payments,
3 the first, in the amount of \$400,000, shall be due and payable
4 30 days after the effective date of this Amendatory Act of
5 1984. Subsequent payments shall be in the amount of \$200,000
6 each, and shall be due and payable annually on August 1, 1985
7 through August 1, 1989, inclusive. Fees assessed under the
8 provisions of subparagraphs (6) and (7) of Section 4 of this
9 Act shall be paid on or before January 1, 1990. Fees assessed
10 under the provisions of subparagraphs (8) and (9) of Section 4
11 of this Act shall be paid on or before January 1st of each
12 year, beginning January 1, 1990. Fees assessed under the
13 provisions of subparagraphs (10) and (11) of Section 4 of this
14 Act shall be paid to the Agency ~~Department~~ within 60 days after
15 completion of such shipments within this State. Fees assessed
16 pursuant to subparagraph (12) of Section 4 shall be paid to the
17 Agency ~~Department~~ by each person who possessed a valid
18 operating license issued by the NRC for a nuclear power reactor
19 during any portion of the previous State fiscal year as
20 follows: the fee due in fiscal year 1988 shall be paid on
21 January 15, 1988, the fee due in fiscal year 1989 shall be paid
22 on December 1, 1988, and subsequent fees shall be paid annually
23 on December 1, 1989 through December 1, 1990.

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

30 (c) Any person who fails to pay a fee assessed under
31 Section 4 of this Act within 90 days after the fee is payable
32 is liable in a civil action for an amount not to exceed 4 times
33 the amount assessed and not paid. The action shall be brought
34 by the Attorney General at the request of the Agency
35 ~~Department~~. If the action involves a fixed facility in
36 Illinois, the action shall be brought in the Circuit Court of

1 the county in which the facility is located. If the action does
2 not involve a fixed facility in Illinois, the action shall be
3 brought in the Circuit Court of Sangamon County.

4 (Source: P.A. 90-601, eff. 6-26-98; 91-47, eff. 6-30-99.)

5 (420 ILCS 5/6) (from Ch. 111 1/2, par. 4306)

6 Sec. 6. The Agency ~~Department~~ shall prepare a budget
7 showing the cost (including capital expenditures) to be
8 incurred in administering this Act during the fiscal year in
9 question. Such budget shall be prepared only after consultation
10 with those liable for the fees imposed by this Act as to the
11 costs necessary to enable the Agency ~~Department~~ to perform its
12 responsibilities under this Act.

13 (Source: P.A. 81-577.)

14 (420 ILCS 5/7) (from Ch. 111 1/2, par. 4307)

15 Sec. 7. All monies received by the Agency ~~Department~~ under
16 this Act shall be deposited in the State Treasury and shall be
17 set apart in a special fund to be known as the "Nuclear Safety
18 Emergency Preparedness Fund". All monies within the Nuclear
19 Safety Emergency Preparedness Fund shall be invested by the
20 State Treasurer in accordance with established investment
21 practices. Interest earned by such investment shall be returned
22 to the Nuclear Safety Emergency Preparedness Fund. Monies
23 deposited in this fund shall be expended by the Director only
24 to support the activities of the Illinois Nuclear Safety
25 Preparedness Program, including activities of the Illinois
26 State Police and the Illinois Commerce Commission under Section
27 8(a)(9).

28 (Source: P.A. 92-576, eff. 6-26-02.)

29 (420 ILCS 5/8) (from Ch. 111 1/2, par. 4308)

30 Sec. 8. (a) The Illinois Nuclear Safety Preparedness
31 Program shall consist of an assessment of the potential nuclear
32 accidents, their radiological consequences, and the necessary
33 protective actions required to mitigate the effects of such

1 accidents. It shall include, but not necessarily be limited to:

2 (1) Development of a remote effluent monitoring system
3 capable of reliably detecting and quantifying accidental
4 radioactive releases from nuclear power plants to the
5 environment;

6 (2) Development of an environmental monitoring program
7 for nuclear facilities other than nuclear power plants;

8 (3) Development of procedures for radiological
9 assessment and radiation exposure control for areas
10 surrounding each nuclear facility in Illinois;

11 (4) Radiological training of state and local emergency
12 response personnel in accordance with the Agency's
13 ~~Department's~~ responsibilities under the program;

14 (5) Participation in the development of accident
15 scenarios and in the exercising of fixed facility nuclear
16 emergency response plans;

17 (6) Development of mitigative emergency planning
18 standards including, but not limited to, standards
19 pertaining to evacuations, re-entry into evacuated areas,
20 contaminated foodstuffs and contaminated water supplies;

21 (7) Provision of specialized response equipment
22 necessary to accomplish this task;

23 (8) Implementation of the Boiler and Pressure Vessel
24 Safety program at nuclear steam-generating facilities as
25 mandated by Section 2005-35 of the Department of Nuclear
26 Safety Law, or its successor statute ~~(20 ILCS~~
27 ~~2005/2005-35)~~;

28 (9) Development and implementation of a plan for
29 inspecting and escorting all shipments of spent nuclear
30 fuel, high-level radioactive waste, ~~and~~ transuranic waste,
31 and highway route controlled quantities of radioactive
32 materials in Illinois; and

33 (10) Implementation of the program under the Illinois
34 Nuclear Facility Safety Act.

35 (b) The Agency ~~Department~~ may incorporate data collected by
36 the operator of a nuclear facility into the Agency's

1 ~~Department's~~ remote monitoring system.

2 (c) The owners of each nuclear power reactor in Illinois
3 shall provide the Agency ~~Department~~ all system status signals
4 which initiate Emergency Action Level Declarations, actuate
5 accident mitigation and provide mitigation verification as
6 directed by the Agency ~~Department~~. The Agency ~~Department~~ shall
7 designate by rule those system status signals that must be
8 provided. Signals providing indication of operating power
9 level shall also be provided. The owners of the nuclear power
10 reactors shall, at their expense, ensure that valid signals
11 will be provided continuously 24 hours a day.

12 All such signals shall be provided in a manner and at a
13 frequency specified by the Agency ~~Department~~ for incorporation
14 into and augmentation of the remote effluent monitoring system
15 specified in subsection (a) (1) of this Section. Provision
16 shall be made for assuring that such system status and power
17 level signals shall be available to the Agency ~~Department~~
18 during reactor operation as well as throughout accidents and
19 subsequent recovery operations.

20 For nuclear reactors with operating licenses issued by the
21 Nuclear Regulatory Commission prior to the effective date of
22 this amendatory Act, such system status and power level signals
23 shall be provided to the Department of Nuclear Safety (of which
24 the Agency is the successor) by March 1, 1985. For reactors
25 without such a license on the effective date of this amendatory
26 Act, such signals shall be provided to the Department prior to
27 commencing initial fuel load for such reactor. Nuclear reactors
28 receiving their operating license after the effective date of
29 this amendatory Act, but before July 1, 1985, shall provide
30 such system status and power level signals to the Department of
31 Nuclear Safety (of which the Agency is the successor) by
32 September 1, 1985.

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

34 (420 ILCS 5/9) (from Ch. 111 1/2, par. 4309)

35 Sec. 9. Any equipment purchased by the Agency ~~Department~~ to

1 be installed on the premises of a nuclear facility pursuant to
2 the provisions of subsections (1), (2) and (7) of Section 8 of
3 this Act shall be installed by the owner of such nuclear
4 facility in accordance with criteria and standards established
5 by the Director of the Agency Department, including criteria
6 for location, supporting utilities, and methods of
7 installation. Such installation shall be at no cost to the
8 Agency Department. The owner of the nuclear facility shall
9 also, at its expense, pay for modifications of its facility as
10 requested by the Department to accommodate the Agency's
11 ~~Department's~~ equipment including updated equipment, and to
12 accommodate changes in the Agency's Department's criteria and
13 standards.

14 (Source: P.A. 86-901.)

15 (420 ILCS 5/10) (from Ch. 111 1/2, par. 4310)

16 Sec. 10. The Agency Department may accept and administer
17 according to law, loans, grants, or other funds or gifts from
18 the Federal Government and from other sources, public and
19 private, for carrying out its functions under this Act.

20 (Source: P.A. 83-1342.)

21 Section 999. Effective date. This Act takes effect upon
22 becoming law.