- 1 AN ACT concerning 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
- is amended by changing Sections 4 and 7 as follows:
- 6 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)
- Sec. 4. Nuclear accident plans; fees. Persons engaged 7 8 within this State in the production of electricity utilizing nuclear energy, the operation of nuclear test and research 9 chemical conversion of uranium, or the 10 reactors, the transportation, storage or possession of spent nuclear fuel 11 or high-level radioactive waste shall pay fees to cover the 12 13 cost of establishing plans and programs to deal with the possibility of nuclear accidents. Except as provided below, 14 15 the fees shall be used exclusively to fund those Departmental 16 and local government activities defined as necessary by the Director to implement and maintain the plans and programs 17 authorized by this Act. Local governments incurring expenses 18 attributable to implementation and maintenance of the plans 19 20 and programs authorized by this Act may apply to Department for compensation for those expenses, and upon 21 22 approval by the Director of applications submitted by local the Department shall 23 governments, compensate local governments from fees collected under 24 this Section. 25 Compensation for local governments shall include \$250,000 in any year through fiscal year 1993, \$275,000 26 in fiscal year 1994 and fiscal year 1995, \$300,000 in fiscal year 1996, 27 \$400,000 in fiscal year 1997, and \$450,000 in fiscal year 28 29 1998 and thereafter. Appropriations to the Department of Nuclear Safety for compensation to local governments from the 30

Nuclear Safety Emergency Preparedness Fund provided for in

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- 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
- addition, a portion of the fees collected may be appropriated
- 21 to the Illinois Emergency Management Agency for activities
- associated with preparing and implementing plans to deal with

the effects of nuclear accidents. The appropriation shall not

- 24 exceed \$500,000 in any year preceding fiscal year 1996; the
- 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.

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- 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

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year for each nuclear power reactor for which an operating 2 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 3 4 for each nuclear power reactor for which an operating license 5 has been issued by the NRC, and after June 30, 1984, 6 through June 30, 1991, an annual fee of \$400,000 for each 7 nuclear power reactor for which an operating license has been issued by the NRC, to be paid by the owners of nuclear power 8 9 reactors operating in this State. After June 30, 1991, the owners of nuclear power reactors in this State for which 10 11 operating licenses have been issued by the NRC shall pay the following fees for each such nuclear power reactor: for State 12 fiscal year 1992, \$925,000; for State fiscal year 1993, 13 \$975,000; for State fiscal year 1994; \$1,010,000; for State 14 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and 15 16 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for State fiscal year 1999, \$1,368,000; for State fiscal year 17 2000, \$1,404,000; for State fiscal year 2001, \$1,696,455; for 18 19 State fiscal year 2002, \$1,730,636; for State fiscal year 2003 and subsequent fiscal years, \$1,757,727. Within 120 days 20 2.1 after the end of the State fiscal year, the Department shall determine, from the records of the Office of the Comptroller, 22 23 the balance in the Nuclear Safety Emergency Preparedness Fund. When the balance in the fund, less any fees collected 24 25 under this Section prior to their being due and payable for the succeeding fiscal year or years, exceeds \$400,000 at the 26 close of business on June 30, 1993, 1994, 1995, 1996, 1997, 27 and 1998, or exceeds \$500,000 at the close of business on 28 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 are assessed fees under this subparagraph. Credits shall be 31 32 applied against the fees to be collected under this subparagraph for the subsequent fiscal year. Each owner 33 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
- 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

- 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 3 4 each truck shipment and \$4,500 for the first cask and \$3,000 for each additional cask for each rail shipment of spent 5 nuclear fuel, high-level radioactive waste, or transuranic 6 7 waste received at or departing from any nuclear power station 8 away-from-reactor spent nuclear fuel, high-level 9 radioactive waste, or transuranic waste storage facility in this State to be paid by the shipper of the spent nuclear 10 11 fuel, high level radioactive waste, or transuranic waste. Single-eask Truck shipments of greater than 250 miles in 12 Illinois are subject to a surcharge of \$25 per mile over 250 13 miles for each truck in the shipment the-first-truck-in--each 14 15 The amount of fees collected each fiscal year 16 under this subparagraph shall be excluded from 17 calculation of credits under subparagraph (3) of this 18 Section.
- 19 (11) A fee assessed at the rate of \$2,500 per truck each truck shipment and \$4,500 for the first cask and \$3,000 20 for each additional cask for each rail shipment of spent 21 22 nuclear fuel, high-level radioactive waste, or transuranic 23 waste traversing the State to be paid by the shipper of fuel, high level radioactive waste, 24 nuclear 25 transuranic waste. Single-eask Truck shipments of greater than 250 miles in Illinois are subject to a surcharge of \$25 26 27 per mile over 250 miles for each truck in the shipment the first--truck--in-each-shipment. The amount of fees collected 28 29 each fiscal year under this subparagraph shall be excluded 30 from the calculation of credits under subparagraph (3) of this Section. 31
- 32 (12) In each of the State fiscal years 1988 through 33 1991, in addition to the annual fee provided for in 34 subparagraph (3), a fee of \$400,000 for each nuclear power

1 reactor for which an operating license has been issued by the 2 NRC, to be paid by the owners of nuclear power reactors operating in this State. Within 120 days after the end of 3 4 the State fiscal years ending June 30, 1988, June 30, 1989, 5 June 30, 1990, and June 30, 1991, the Department shall 6 determine the expenses of the Illinois Nuclear Safety 7 Preparedness Program paid from funds appropriated for those When the aggregate of all fees, charges, and 8 fiscal years. 9 surcharges collected under this Section during any fiscal year exceeds the total expenditures under this Act from 10 11 appropriations for that fiscal year, the excess shall be credited to the owners of nuclear power reactors who are 12 assessed fees under this subparagraph, and the credits shall 13 be applied against the fees to be collected under this 14 15 subparagraph for the subsequent fiscal year. Each owner shall 16 receive as a credit that amount of the excess 17 corresponds proportionately to the amount the owner contributed to all fees collected under this subparagraph in 18 19 the fiscal year that produced the excess. (Source: P.A. 90-34, eff. 6-27-97; 90-601, eff. 6-26-98; 20

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

91-47, eff. 6-30-99; 91-857, eff. 6-22-00.)

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Sec. 7. All monies received by the Department under this 23 24 Act shall be deposited in the State Treasury and shall be set apart in a special fund to be known as the "Nuclear Safety 25 Emergency Preparedness Fund". All monies within the Nuclear 26 27 Safety Emergency Preparedness Fund shall be invested by the State Treasurer in accordance with established investment 28 29 practices. Interest earned by such investment shall be returned to the Nuclear Safety Emergency Preparedness Fund. 30 31 Monies deposited in this fund shall be expended by the Director only to support the activities of the Illinois 32 33 Nuclear Safety Preparedness Program, including activities of

- 1 the Illinois State Police and the Illinois Commerce
- 2 Commission under Section 8(a)(9). as-provided-under-rules--of
- 3 the-Department.
- 4 (Source: P.A. 90-601, eff. 6-26-98.)
- 5 Section 99. Effective date. This Act takes effect upon
- 6 becoming law.