

1 AN ACT concerning safety.

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

4 Section 5. The Illinois Low-Level Radioactive Waste
5 Management Act is amended by changing Section 13 as follows:

6 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

7 Sec. 13. Waste fees.

8 (a) The Agency shall collect a fee from each generator of
9 low-level radioactive wastes in this State, except as otherwise
10 provided in this subsection. Except as provided in subsections
11 (b), (c), and (d), the amount of the fee shall be \$50.00 or the
12 following amount, whichever is greater:

13 (1) \$1 per cubic foot of waste shipped for storage,
14 treatment or disposal if storage of the waste for shipment
15 occurred prior to September 7, 1984;

16 (2) \$2 per cubic foot of waste stored for shipment if
17 storage of the waste occurs on or after September 7, 1984,
18 but prior to October 1, 1985;

19 (3) \$3 per cubic foot of waste stored for shipment if
20 storage of the waste occurs on or after October 1, 1985;

21 (4) \$2 per cubic foot of waste shipped for storage,
22 treatment or disposal if storage of the waste for shipment
23 occurs on or after September 7, 1984 but prior to October

1 1, 1985, provided that no fee has been collected previously
2 for storage of the waste;

3 (5) \$3 per cubic foot of waste shipped for storage,
4 treatment or disposal if storage of the waste for shipment
5 occurs on or after October 1, 1985, provided that no fees
6 have been collected previously for storage of the waste.

7 Such fees shall be collected annually or as determined by
8 the Agency and shall be deposited in the low-level radioactive
9 waste funds as provided in Section 14 of this Act.
10 Notwithstanding any other provision of this Act, no fee under
11 this Section shall be collected from a generator for waste
12 generated incident to manufacturing before December 31, 1980,
13 and shipped for disposal outside of this State before December
14 31, 1992, as part of a site reclamation leading to license
15 termination.

16 Units of local government are exempt from the fee
17 provisions of this subsection.

18 (b) Each nuclear power reactor in this State for which an
19 operating license has been issued by the Nuclear Regulatory
20 Commission shall not be subject to the fee required by
21 subsection (a) with respect to (1) waste stored for shipment if
22 storage of the waste occurs on or after January 1, 1986; and
23 (2) waste shipped for storage, treatment or disposal if storage
24 of the waste for shipment occurs on or after January 1, 1986.
25 In lieu of the fee, each reactor shall be required to pay an
26 annual fee as provided in this subsection for the treatment,

1 storage and disposal of low-level radioactive waste. Beginning
2 with State fiscal year 1986 and through State fiscal year 1997,
3 fees shall be due and payable on January 1st of each year. For
4 State fiscal year 1998 and all subsequent State fiscal years,
5 fees shall be due and payable on July 1 of each fiscal year.
6 The fee due on July 1, 1997 shall be payable on that date, or
7 within 10 days after the effective date of this amendatory Act
8 of 1997, whichever is later.

9 The owner of any nuclear power reactor that has an
10 operating license issued by the Nuclear Regulatory Commission
11 for any portion of State fiscal year 1998 shall continue to pay
12 an annual fee of \$90,000 for the treatment, storage, and
13 disposal of low-level radioactive waste through State fiscal
14 year 2002. The fee shall be due and payable on July 1 of each
15 fiscal year. The fee due on July 1, 1998 shall be payable on
16 that date, or within 10 days after the effective date of this
17 amendatory Act of 1998, whichever is later. If the balance in
18 the Low-Level Radioactive Waste Facility Development and
19 Operation Fund falls below \$500,000, as of the end of any
20 fiscal year after fiscal year 2002, the Agency is authorized to
21 assess by rule, after notice and a hearing, an additional
22 annual fee to be paid by the owners of nuclear power reactors
23 for which operating licenses have been issued by the Nuclear
24 Regulatory Commission, except that no additional annual fee
25 shall be assessed because of the fund balance at the end of
26 fiscal year 2005 or the end of fiscal year 2006. The additional

1 annual fee shall be payable on the date or dates specified by
2 rule and shall not exceed \$30,000 per operating reactor per
3 year.

4 (c) In each of State fiscal years 1988, 1989 and 1990, in
5 addition to the fee imposed in subsections (b) and (d), the
6 owner of each nuclear power reactor in this State for which an
7 operating license has been issued by the Nuclear Regulatory
8 Commission shall pay a fee of \$408,000. If an operating license
9 is issued during one of those 3 fiscal years, the owner shall
10 pay a prorated amount of the fee equal to \$1,117.80 multiplied
11 by the number of days in the fiscal year during which the
12 nuclear power reactor was licensed.

13 The fee shall be due and payable as follows: in fiscal year
14 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000
15 shall be paid on each of January 1, 1988 and April 1, 1988; in
16 fiscal year 1989, \$102,000 shall be paid on each of July 1,
17 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and
18 in fiscal year 1990, \$102,000 shall be paid on each of July 1,
19 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If
20 the operating license is issued during one of the 3 fiscal
21 years, the owner shall be subject to those payment dates, and
22 their corresponding amounts, on which the owner possesses an
23 operating license and, on June 30 of the fiscal year of
24 issuance of the license, whatever amount of the prorated fee
25 remains outstanding.

26 All of the amounts collected by the Agency under this

1 subsection (c) shall be deposited into the Low-Level
2 Radioactive Waste Facility Development and Operation Fund
3 created under subsection (a) of Section 14 of this Act and
4 expended, subject to appropriation, for the purposes provided
5 in that subsection.

6 (d) In addition to the fees imposed in subsections (b) and
7 (c), the owners of nuclear power reactors in this State for
8 which operating licenses have been issued by the Nuclear
9 Regulatory Commission shall pay the following fees for each
10 such nuclear power reactor: for State fiscal year 1989,
11 \$325,000 payable on October 1, 1988, \$162,500 payable on
12 January 1, 1989, and \$162,500 payable on April 1, 1989; for
13 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
14 payable on October 1, \$300,000 payable on January 1 and
15 \$300,000 payable on April 1; for State fiscal year 1991, either
16 (1) \$150,000 payable on July 1, \$650,000 payable on September
17 1, \$675,000 payable on January 1, and \$275,000 payable on April
18 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each
19 month from August through December, \$225,000 on the first day
20 of each month from January through March and \$92,000 on the
21 first day of each month from April through June; for State
22 fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable
23 on September 1, \$300,000 payable on October 1, \$150,000 payable
24 on January 1, and \$100,000 payable on April 1; for State fiscal
25 year 1993, \$100,000 payable on July 1, \$230,000 payable on
26 August 1 or within 10 days after July 31, 1992, whichever is

1 later, and \$355,000 payable on October 1; for State fiscal year
2 1994, \$100,000 payable on July 1, \$75,000 payable on October 1
3 and \$75,000 payable on April 1; for State fiscal year 1995,
4 \$100,000 payable on July 1, \$75,000 payable on October 1, and
5 \$75,000 payable on April 1, for State fiscal year 1996,
6 \$100,000 payable on July 1, \$75,000 payable on October 1, and
7 \$75,000 payable on April 1. The owner of any nuclear power
8 reactor that has an operating license issued by the Nuclear
9 Regulatory Commission for any portion of State fiscal year 1998
10 shall pay an annual fee of \$30,000 through State fiscal year
11 2003. For State fiscal year 2004 and subsequent fiscal years,
12 the owner of any nuclear power reactor that has an operating
13 license issued by the Nuclear Regulatory Commission shall pay
14 an annual fee of \$30,000 per reactor, provided that the fee
15 shall not apply to a nuclear power reactor with regard to which
16 the owner notified the Nuclear Regulatory Commission during
17 State fiscal year 1998 that the nuclear power reactor
18 permanently ceased operations. The fee shall be due and payable
19 on July 1 of each fiscal year. The fee due on July 1, 1998 shall
20 be payable on that date, or within 10 days after the effective
21 date of this amendatory Act of 1998, whichever is later. The
22 fee due on July 1, 1997 shall be payable on that date or within
23 10 days after the effective date of this amendatory Act of
24 1997, whichever is later. If the payments under this subsection
25 for fiscal year 1993 due on January 1, 1993, or on April 1,
26 1993, or both, were due before the effective date of this

1 amendatory Act of the 87th General Assembly, then those
2 payments are waived and need not be made.

3 All of the amounts collected by the Agency under this
4 subsection (d) shall be deposited into the Low-Level
5 Radioactive Waste Facility Development and Operation Fund
6 created pursuant to subsection (a) of Section 14 of this Act
7 and expended, subject to appropriation, for the purposes
8 provided in that subsection.

9 All payments made by licensees under this subsection (d)
10 for fiscal year 1992 that are not appropriated and obligated by
11 the Agency above \$1,750,000 per reactor in fiscal year 1992,
12 shall be credited to the licensees making the payments to
13 reduce the per reactor fees required under this subsection (d)
14 for fiscal year 1993.

15 (e) The Agency shall promulgate rules and regulations
16 establishing standards for the collection of the fees
17 authorized by this Section. The regulations shall include, but
18 need not be limited to:

19 (1) the records necessary to identify the amounts of
20 low-level radioactive wastes produced;

21 (2) the form and submission of reports to accompany the
22 payment of fees to the Agency; and

23 (3) the time and manner of payment of fees to the
24 Agency, which payments shall not be more frequent than
25 quarterly.

26 (f) Any operating agreement entered into under subsection

1 (b) of Section 5 of this Act between the Agency and any
2 disposal facility contractor shall, subject to the provisions
3 of this Act, authorize the contractor to impose upon and
4 collect from persons using the disposal facility fees designed
5 and set at levels reasonably calculated to produce sufficient
6 revenues (1) to pay all costs and expenses properly incurred or
7 accrued in connection with, and properly allocated to,
8 performance of the contractor's obligations under the
9 operating agreement, and (2) to provide reasonable and
10 appropriate compensation or profit to the contractor under the
11 operating agreement. For purposes of this subsection (f), the
12 term "costs and expenses" may include, without limitation, (i)
13 direct and indirect costs and expenses for labor, services,
14 equipment, materials, insurance and other risk management
15 costs, interest and other financing charges, and taxes or fees
16 in lieu of taxes; (ii) payments to or required by the United
17 States, the State of Illinois or any agency or department
18 thereof, the Central Midwest Interstate Low-Level Radioactive
19 Waste Compact, and subject to the provisions of this Act, any
20 unit of local government; (iii) amortization of capitalized
21 costs with respect to the disposal facility and its
22 development, including any capitalized reserves; and (iv)
23 payments with respect to reserves, accounts, escrows or trust
24 funds required by law or otherwise provided for under the
25 operating agreement.

26 (g) (Blank).

1 (h) (Blank).

2 (i) (Blank).

3 (j) (Blank).

4 (j-5) Prior to commencement of facility operations, the
5 Agency shall adopt rules providing for the establishment and
6 collection of fees and charges with respect to the use of the
7 disposal facility as provided in subsection (f) of this
8 Section.

9 (k) The regional disposal facility shall be subject to ad
10 valorem real estate taxes lawfully imposed by units of local
11 government and school districts with jurisdiction over the
12 facility. No other local government tax, surtax, fee or other
13 charge on activities at the regional disposal facility shall be
14 allowed except as authorized by the Agency.

15 (l) The Agency shall have the power, in the event that
16 acceptance of waste for disposal at the regional disposal
17 facility is suspended, delayed or interrupted, to impose
18 emergency fees on the generators of low-level radioactive
19 waste. Generators shall pay emergency fees within 30 days of
20 receipt of notice of the emergency fees. The Department shall
21 deposit all of the receipts of any fees collected under this
22 subsection into the Low-Level Radioactive Waste Facility
23 Development and Operation Fund created under subsection (b) of
24 Section 14. Emergency fees may be used to mitigate the impacts
25 of the suspension or interruption of acceptance of waste for
26 disposal. The requirements for rulemaking in the Illinois

1 Administrative Procedure Act shall not apply to the imposition
2 of emergency fees under this subsection.

3 (m) The Agency shall promulgate any other rules and
4 regulations as may be necessary to implement this Section.

5 (Source: P.A. 94-91, eff. 7-1-05; 95-777, eff. 8-4-08.)

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