

# SB0910



## 97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0910

Introduced 2/8/2011, by Sen. John J. Cullerton

### SYNOPSIS AS INTRODUCED:

420 ILCS 5/4

from Ch. 111 1/2, par. 4304

Amends the Illinois Nuclear Safety Preparedness Act. Makes a technical change in a Section relating to fees.

LRB097 04612 JDS 44651 b

A BILL FOR

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 Nuclear Safety Preparedness Act is  
5 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 ~~the~~ production of electricity  
9 utilizing nuclear energy, the operation of nuclear test and  
10 research reactors, the chemical conversion of uranium, or the  
11 transportation, storage or possession of spent nuclear fuel or  
12 high-level radioactive waste shall pay fees to cover the cost  
13 of establishing plans and programs to deal with the possibility  
14 of nuclear accidents. Except as provided below, the fees shall  
15 be used exclusively to fund those Agency and local government  
16 activities defined as necessary by the Director to implement  
17 and maintain the plans and programs authorized by this Act.  
18 Local governments incurring expenses attributable to  
19 implementation and maintenance of the plans and programs  
20 authorized by this Act may apply to the Agency for compensation  
21 for those expenses, and upon approval by the Director of  
22 applications submitted by local governments, the Agency shall  
23 compensate local governments from fees collected under this

1 Section. Compensation for local governments shall include  
2 \$250,000 in any year through fiscal year 1993, \$275,000 in  
3 fiscal year 1994 and fiscal year 1995, \$300,000 in fiscal year  
4 1996, \$400,000 in fiscal year 1997, and \$450,000 in fiscal year  
5 1998 and thereafter. Appropriations to the Department of  
6 Nuclear Safety (of which the Agency is the successor) for  
7 compensation to local governments from the Nuclear Safety  
8 Emergency Preparedness Fund provided for in this Section shall  
9 not exceed \$650,000 per State fiscal year. Expenditures from  
10 these appropriations shall not exceed, in a single State fiscal  
11 year, the annual compensation amount made available to local  
12 governments under this Section, unexpended funds made  
13 available for local government compensation in the previous  
14 fiscal year, and funds recovered under the Illinois Grant Funds  
15 Recovery Act during previous fiscal years. Notwithstanding any  
16 other provision of this Act, the expenditure limitation for  
17 fiscal year 1998 shall include the additional \$100,000 made  
18 available to local governments for fiscal year 1997 under this  
19 amendatory Act of 1997. Any funds within these expenditure  
20 limitations, including the additional \$100,000 made available  
21 for fiscal year 1997 under this amendatory Act of 1997, that  
22 remain unexpended at the close of business on June 30, 1997,  
23 and on June 30 of each succeeding year, shall be excluded from  
24 the calculations of credits under subparagraph (3) of this  
25 Section. The Agency shall, by rule, determine the method for  
26 compensating local governments under this Section. The

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

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

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

11 (3) Through June 30, 1982, an annual fee of \$75,000 per  
12 year for each nuclear power reactor for which an operating  
13 license has been issued by the NRC, and after June 30, 1982,  
14 and through June 30, 1984 an annual fee of \$180,000 per year  
15 for each nuclear power reactor for which an operating license  
16 has been issued by the NRC, and after June 30, 1984, and  
17 through June 30, 1991, an annual fee of \$400,000 for each  
18 nuclear power reactor for which an operating license has been  
19 issued by the NRC, to be paid by the owners of nuclear power  
20 reactors operating in this State. After June 30, 1991, the  
21 owners of nuclear power reactors in this State for which  
22 operating licenses have been issued by the NRC shall pay the  
23 following fees for each such nuclear power reactor: for State  
24 fiscal year 1992, \$925,000; for State fiscal year 1993,  
25 \$975,000; for State fiscal year 1994; \$1,010,000; for State  
26 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and

1 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for  
2 State fiscal year 1999, \$1,368,000; for State fiscal year 2000,  
3 \$1,404,000; for State fiscal year 2001, \$1,696,455; for State  
4 fiscal year 2002, \$1,730,636; for State fiscal year 2003 and  
5 subsequent fiscal years, \$1,757,727. Within 120 days after the  
6 end of the State fiscal year, the Agency shall determine, from  
7 the records of the Office of the Comptroller, the balance in  
8 the Nuclear Safety Emergency Preparedness Fund. When the  
9 balance in the fund, less any fees collected under this Section  
10 prior to their being due and payable for the succeeding fiscal  
11 year or years, exceeds \$400,000 at the close of business on  
12 June 30, 1993, 1994, 1995, 1996, 1997, and 1998, or exceeds  
13 \$500,000 at the close of business on June 30, 1999 and June 30  
14 of each succeeding year, the excess shall be credited to the  
15 owners of nuclear power reactors who are assessed fees under  
16 this subparagraph. Credits shall be applied against the fees to  
17 be collected under this subparagraph for the subsequent fiscal  
18 year. Each owner shall receive as a credit that amount of the  
19 excess which corresponds proportionately to the amount the  
20 owner contributed to all fees collected under this subparagraph  
21 in the fiscal year that produced the excess.

22 (3.5) The owner of a nuclear power reactor that notifies  
23 the Nuclear Regulatory Commission that the nuclear power  
24 reactor has permanently ceased operations during State fiscal  
25 year 1998 shall pay the following fees for each such nuclear  
26 power reactor: \$1,368,000 for State fiscal year 1999 and

1 \$1,404,000 for State fiscal year 2000.

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

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

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

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

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

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

26 (10) A fee assessed at the rate of \$2,500 per truck for

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

1 year under this subparagraph shall be excluded from the  
2 calculation of credits under subparagraph (3) of this Section.

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

24 (Source: P.A. 92-576, eff. 6-26-02; 93-1029, eff. 8-25-04.)