

AN ACT in relation to executive agencies.

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

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

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

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

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

Radiation Protection Advisory Council.

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

Section 20. Nuclear waste sites.

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

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

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

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

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

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

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

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

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

Section 30. Powers vested in Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

Substances Registry Act.

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

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

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

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

Section 80. No accreditation, certification, or registration if in default on educational loan. The Illinois Emergency Management Agency shall not issue or renew to any individual any accreditation, certification, or registration (but excluding registration under Section 24.7 of the Radiation Protection Act of 1990) otherwise issued by the Illinois Emergency Management Agency if the individual has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Agency may issue or renew an accreditation, certification, or registration if the individual has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission. Additionally, any accreditation, certification, or registration issued by the Illinois Emergency Management Agency (but excluding registration under Section 24.7 of the Radiation Protection Act of 1990) may be suspended or revoked if the Illinois Emergency Management Agency, after the opportunity for a hearing under the appropriate accreditation, certification, or registration Act, finds that the holder has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan as determined by the Illinois Student Assistance Commission.

Section 85. Saving clause.

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

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

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

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

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

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

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

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

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

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

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

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

The Department on Aging.

The Department of Agriculture.

The Department of Central Management Services.

The Department of Children and Family Services.

The Department of Commerce and Economic Opportunity.

The Department of Corrections.

The Department of Employment Security.

The Emergency Management Agency.

The Department of Financial Institutions.

The Department of Human Rights.

The Department of Human Services.

The Department of Insurance.
The Department of Labor.
The Department of the Lottery.
The Department of Natural Resources.
~~The Department of Nuclear Safety.~~
The Department of Professional Regulation.
The Department of Public Aid.
The Department of Public Health.
The Department of Revenue.
The Department of State Police.
The Department of Transportation.
The Department of Veterans' Affairs.

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

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

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

The following officers are hereby created:

Director of Aging, for the Department on Aging.

Director of Agriculture, for the Department of Agriculture.

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

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

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

Director of Corrections, for the Department of Corrections.

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

Director of Employment Security, for the Department of

Employment Security.

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

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

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

Director of Insurance, for the Department of Insurance.

Director of Labor, for the Department of Labor.

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

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

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

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

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

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

Director of Revenue, for the Department of Revenue.

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

Secretary of Transportation, for the Department of Transportation.

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

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

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

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

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

(20 ILCS 2005/Act rep.)

Section 910. The Department of Nuclear Safety Law of the

Civil Administrative Code of Illinois is repealed.

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

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

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

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

(2) "Director" means the Director of the Illinois Emergency Management Agency Department of Nuclear Safety.

(3) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.

(4) "NRC" means the United States Nuclear Regulatory Commission or any agency which succeeds to its functions in the licensing of nuclear power reactors or facilities for storing spent nuclear fuel.

(5) "High-level radioactive waste" means (1) the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and (2) the highly radioactive material that the NRC has determined to be high-level radioactive waste requiring permanent isolation.

(6) "Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level

radioactive waste.

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

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

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

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

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

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

year 1993, \$275,000 in fiscal year 1994 and fiscal year 1995, \$300,000 in fiscal year 1996, \$400,000 in fiscal year 1997, and \$450,000 in fiscal year 1998 and thereafter. Appropriations to the Department of Nuclear Safety (of which the Agency is the successor) for compensation to local governments from the Nuclear Safety Emergency Preparedness Fund provided for in this Section shall not exceed \$650,000 per State fiscal year. Expenditures from these appropriations shall not exceed, in a single State fiscal year, the annual compensation amount made available to local governments under this Section, unexpended funds made available for local government compensation in the previous fiscal year, and funds recovered under the Illinois Grant Funds Recovery Act during previous fiscal years. Notwithstanding any other provision of this Act, the expenditure limitation for fiscal year 1998 shall include the additional \$100,000 made available to local governments for fiscal year 1997 under this amendatory Act of 1997. Any funds within these expenditure limitations, including the additional \$100,000 made available for fiscal year 1997 under this amendatory Act of 1997, that remain unexpended at the close of business on June 30, 1997, and on June 30 of each succeeding year, shall be excluded from the calculations of credits under subparagraph (3) of this Section. The Agency ~~Department~~ shall, by rule, determine the method for compensating local governments under this Section. ~~In addition, a portion of the fees collected may be appropriated 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 exceed \$500,000 in any year preceding fiscal year 1996; the appropriation shall not exceed \$625,000 in fiscal year 1996, \$725,000 in fiscal year 1997, and \$775,000 in fiscal year 1998 and thereafter. The fees shall consist of the following:

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

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

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

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

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

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

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

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

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

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

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

(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 each truck shipment and \$4,500 for the first cask and \$3,000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Department's~~ remote monitoring system.

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

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

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

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

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

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

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

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

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

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

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

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