

1 AN ACT concerning regulation.

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 Sections 4 and 5 and by adding Section 8.5
6 as follows:

7 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

8 Sec. 4. Nuclear accident plans; fees. Persons engaged
9 within this State in the production of electricity utilizing
10 nuclear energy, the operation of nuclear test and research
11 reactors, the chemical conversion of uranium, or the
12 transportation, storage or possession of spent nuclear fuel or
13 high-level radioactive waste shall pay fees to cover the cost
14 of establishing plans and programs to deal with the possibility
15 of nuclear accidents. Except as provided below, the fees shall
16 be used exclusively to fund those Agency and local government
17 activities defined as necessary by the Director to implement
18 and maintain the plans and programs authorized by this Act.
19 Local governments incurring expenses attributable to
20 implementation and maintenance of the plans and programs
21 authorized by this Act may apply to the Agency for compensation
22 for those expenses, and upon approval by the Director of
23 applications submitted by local governments, the Agency shall

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

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

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

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

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

1 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and
2 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for
3 State fiscal year 1999, \$1,368,000; for State fiscal year 2000,
4 \$1,404,000; for State fiscal year 2001, \$1,696,455; for State
5 fiscal year 2002, \$1,730,636; for State fiscal year 2003
6 through State and subsequent fiscal year 2011 years,
7 \$1,757,727; for State fiscal year 2012 and subsequent fiscal
8 years, \$1,903,182. Within 120 days after the end of the State
9 fiscal year, the Agency shall determine, from the records of
10 the Office of the Comptroller, the balance in the Nuclear
11 Safety Emergency Preparedness Fund. When the balance in the
12 fund, less any fees collected under this Section prior to their
13 being due and payable for the succeeding fiscal year or years,
14 exceeds \$400,000 at the close of business on June 30, 1993,
15 1994, 1995, 1996, 1997, and 1998, or exceeds \$500,000 at the
16 close of business on June 30, 1999 and June 30 of each
17 succeeding year, the excess shall be credited to the owners of
18 nuclear power reactors who are assessed fees under this
19 subparagraph. Credits shall be applied against the fees to be
20 collected under this subparagraph for the subsequent fiscal
21 year. Each owner shall receive as a credit that amount of the
22 excess which corresponds proportionately to the amount the
23 owner contributed to all fees collected under this subparagraph
24 in the fiscal year that produced the excess.

25 (3.5) The owner of a nuclear power reactor that notifies
26 the Nuclear Regulatory Commission that the nuclear power

1 reactor has permanently ceased operations during State fiscal
2 year 1998 shall pay the following fees for each such nuclear
3 power reactor: \$1,368,000 for State fiscal year 1999 and
4 \$1,404,000 for State fiscal year 2000.

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

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

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

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

21 (8) An annual fee of \$150,000 per year 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 annual fee
24 shall not be required to be paid by any tax-supported
25 institution.

26 (9) An annual fee of \$15,000 per year for each facility in

1 this State for the chemical conversion of uranium, to be paid
2 by the owner of the facility.

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

19 (11) A fee assessed at the rate of \$2,500 per truck for
20 each truck shipment and \$4,500 for the first cask and \$3,000
21 for each additional cask for each rail shipment of spent
22 nuclear fuel, high-level radioactive waste, transuranic waste,
23 or a highway route controlled quantity of radioactive materials
24 traversing the State to be paid by the shipper of the spent
25 nuclear fuel, high level radioactive waste, transuranic waste,
26 or highway route controlled quantity of radioactive material.

1 Truck shipments of greater than 250 miles in Illinois are
2 subject to a surcharge of \$25 per mile over 250 miles for each
3 truck in the shipment. The amount of fees collected each fiscal
4 year under this subparagraph shall be excluded from the
5 calculation of credits under subparagraph (3) of this Section.

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

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

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

3 Sec. 5. (a) Except as otherwise provided in this Section,
4 within 30 days after the beginning of each State fiscal year,
5 each person who possessed a valid operating license issued by
6 the NRC for a nuclear power reactor or a spent fuel storage
7 facility during any portion of the previous fiscal year shall
8 pay to the Agency the fees imposed by Section 4 of this Act.
9 The one-time facility charge assessed pursuant to subparagraph
10 (1) of Section 4 shall be paid to the Agency not less than 2
11 years prior to scheduled commencement of commercial operation.
12 The additional facility charge assessed pursuant to
13 subparagraph (2) of Section 4 shall be paid to the Department
14 within 90 days of June 30, 1982. Fees assessed pursuant to
15 subparagraph (3) of Section 4 for State fiscal year 1992 shall
16 be payable as follows: \$400,000 due on August 1, 1991, and
17 \$525,000 due on January 1, 1992. Fees assessed pursuant to
18 subparagraph (3) of Section 4 for State fiscal years year 1993
19 through 2011 and subsequent fiscal years shall be due and
20 payable in two equal payments on July 1 and January 1 during
21 the fiscal year in which the fee is due. For State fiscal year
22 2012 and subsequent fiscal years, fees shall be due and payable
23 in 4 equal payments on July 1, October 1, January 1, and April
24 1 during the fiscal year in which the fee is due. Fees assessed
25 pursuant to subparagraph (4) of Section 4 shall be paid in six

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

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

1 date of this amendatory Act of 1998, whichever is later.

2 (c) Any person who fails to pay a fee assessed under
3 Section 4 of this Act within 90 days after the fee is payable
4 is liable in a civil action for an amount not to exceed 4 times
5 the amount assessed and not paid. The action shall be brought
6 by the Attorney General at the request of the Agency. If the
7 action involves a fixed facility in Illinois, the action shall
8 be brought in the Circuit Court of the county in which the
9 facility is located. If the action does not involve a fixed
10 facility in Illinois, the action shall be brought in the
11 Circuit Court of Sangamon County.

12 (Source: P.A. 93-1029, eff. 8-25-04.)

13 (420 ILCS 5/8.5 new)

14 Sec. 8.5. Remote monitoring system upgrades and equipment
15 replacement.

16 (a) Each nuclear power reactor for which an operating
17 license has been issued by the NRC shall be subject to the fees
18 described in this Section, which shall be paid by the owner or
19 owners of each reactor into the Nuclear Safety Emergency
20 Preparedness Fund. The fees in this Section shall be used
21 solely for the purposes set forth in this Section and cannot be
22 transferred for other purposes.

23 (1) Within 14 days after the Agency notifies each owner
24 subject to the fee requirements of this Section that the
25 Agency has entered into one or more contracts with a third

1 party for purposes of upgrading the remote monitoring
2 system software and that such work will commence within 30
3 days, the owner or owners shall make a payment of \$19,697
4 for each reactor owned. Thereafter, for each such reactor,
5 the owner or owners shall submit 11 quarterly payments of
6 \$19,697. The Agency shall use the fees collected in this
7 subsection for purposes of upgrading remote monitoring
8 system software and to acquire, replace, or upgrade
9 equipment related to such monitoring, including, but not
10 limited to, generators and transfer switches, air
11 compressors, detection equipment, data loggers, and solar
12 panels.

13 (2) Within 90 days after the effective date of this
14 amendatory Act of the 97th General Assembly, the owner or
15 owners subject to the fee requirements of this Section
16 shall make a payment of \$7,575 for each reactor owned for
17 the purposes of acquiring, replacing, and upgrading
18 equipment, including, but not limited to, dosimeters,
19 safety and command vehicles, liquid scintillation
20 analyzers, an alpha spectrometry system, and compositors.
21 Thereafter, for each such reactor, the owner or owners
22 shall submit 11 quarterly payments of \$7,575.

23 (b) This Section is repealed on January 1, 2015.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.