

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 Nuclear Safety Law of 2004 is amended by
5 changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 40.5, 50, 55,
6 65, 70, 75, and 85 and by adding Sections 8 and 90 as follows:

7 (20 ILCS 3310/5)

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

- 12 (1) The Radiation Protection Act of 1990.
13 (2) The Radioactive Waste Storage Act.
14 (3) (Blank).
15 (4) The Laser System Act of 1997.
16 (5) The Illinois Nuclear Safety Preparedness Act.
17 (6) The Radioactive Waste Compact Enforcement Act.
18 (7) Illinois Low-Level Radioactive Waste Management
19 Act.
20 (8) Illinois Nuclear Facility Safety Act.
21 (9) Radioactive Waste Tracking and Permitting Act.
22 (10) Radon Industry Licensing Act.
23 (11) Uranium and Thorium Mill Tailings Control Act.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 (20 ILCS 3310/8 new)

3 Sec. 8. Definitions. In this Act:

4 "IEMA-OHS" means the Illinois Emergency Management Agency
5 and Office of Homeland Security, or its successor agency.

6 "Director" means the Director of IEMA-OHS.

7 "Nuclear facilities" means nuclear power plants,
8 facilities housing nuclear test and research reactors,
9 facilities for the chemical conversion of uranium, and
10 facilities for the storage of spent nuclear fuel or high-level
11 radioactive waste.

12 "Nuclear power plant" or "nuclear steam-generating
13 facility" means a thermal power plant in which the energy
14 (heat) released by the fissioning of nuclear fuel is used to
15 boil water to produce steam.

16 "Nuclear power reactor" means an apparatus, other than an
17 atomic weapon, designed or used to sustain nuclear fission in
18 a self-supporting chain reaction.

19 "Small modular reactor" or "SMR" means an advanced nuclear
20 reactor: (1) with a rated nameplate capacity of 300 electrical
21 megawatts or less; and (2) that may be constructed and
22 operated in combination with similar reactors at a single
23 site.

24 (20 ILCS 3310/10)

1 Sec. 10. Nuclear and radioactive materials disposal. The
2 ~~Illinois Emergency Management~~ Agency shall formulate a
3 comprehensive plan regarding disposal of nuclear and
4 radioactive materials in this State. The ~~Illinois Emergency~~
5 ~~Management~~ Agency shall establish minimum standards for
6 disposal sites, shall evaluate and publicize potential effects
7 on the public health and safety, and shall report to the
8 Governor and General Assembly all violations of the adopted
9 standards. In carrying out this function, the ~~Illinois~~
10 ~~Emergency Management~~ Agency shall work in cooperation with the
11 Radiation Protection Advisory Council.

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

13 (20 ILCS 3310/15)

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

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

22 (20 ILCS 3310/20)

23 Sec. 20. Nuclear waste sites.

24 (a) The ~~Illinois Emergency Management~~ Agency shall conduct

1 a survey and prepare and publish a list of sites in the State
2 where nuclear waste has been deposited, treated, or stored.

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

7 (c) The ~~Illinois Emergency Management~~ Agency shall compile
8 and make available to the public an annual report identifying
9 the type and quantities of nuclear waste generated, stored,
10 treated, or disposed of within this State and containing the
11 other information required to be collected under this Section.
12 (Source: P.A. 93-1029, eff. 8-25-04.)

13 (20 ILCS 3310/25)

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

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

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

1 Act prior to the abolishment of the Department of Nuclear
2 Safety, which include but are not limited to the
3 formulation of definitions, rules, and regulations for the
4 safe and proper construction, installation, repair, use,
5 and operation of nuclear steam-generating facilities, the
6 adoption of rules for already installed nuclear
7 steam-generating facilities, the adoption of rules for
8 accidents in nuclear steam-generating facilities, the
9 examination for or suspension of inspectors' licenses of
10 the facilities, and the hearing of appeals from decisions
11 relating to the facilities.

12 (3) Rights, powers, and duties relating to nuclear
13 steam-generating facilities, vested in the State Fire
14 Marshal, the Chief Inspector, or the Department of Nuclear
15 Safety prior to its abolishment, by the Boiler and
16 Pressure Vessel Safety Act, which include but are not
17 limited to the employment of inspectors of nuclear
18 steam-generating facilities, issuance or suspension of
19 their commissions, prosecution of the Act or rules
20 promulgated thereunder for violations by nuclear
21 steam-generating facilities, maintenance of inspection
22 records of all the facilities, publication of rules
23 relating to the facilities, having free access to the
24 facilities, issuance of inspection certificates of the
25 facilities, and the furnishing of bonds conditioned upon
26 the faithful performance of their duties. The Director ~~of~~

1 ~~the Illinois Emergency Management Agency~~ may designate a
2 Chief Inspector, or other inspectors, as he or she deems
3 necessary to perform the functions transferred by this
4 Section.

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

13 (Source: P.A. 95-777, eff. 8-4-08.)

14 (20 ILCS 3310/30)

15 Sec. 30. Powers vested in Environmental Protection Agency.

16 (a) The ~~Illinois Emergency Management~~ Agency shall
17 exercise, administer, and enforce all rights, powers, and
18 duties vested in the Environmental Protection Agency by
19 paragraphs a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q,
20 and r of Section 4 and by Sections 30 through 45 of the
21 Environmental Protection Act, to the extent that these powers
22 relate to standards of the Pollution Control Board adopted
23 under Section 35 of this Act. The transfer of rights, powers,
24 and duties specified in this Section is limited to the
25 programs transferred by Public Act 81-1516 and this Act and

1 shall not be deemed to abolish or diminish the exercise of
2 those same rights, powers, and duties by the Environmental
3 Protection Agency with respect to programs retained by the
4 Environmental Protection Agency.

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

11 (Source: P.A. 99-83, eff. 7-20-15.)

12 (20 ILCS 3310/35)

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

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

1 (20 ILCS 3310/40)

2 Sec. 40. Regulation of nuclear safety.

3 (a) The ~~Illinois Emergency Management~~ Agency shall have
4 primary responsibility for the coordination and oversight of
5 all State governmental functions concerning the regulation of
6 nuclear power, including low level waste management,
7 environmental monitoring, environmental radiochemical
8 analysis, and transportation of nuclear waste. Functions
9 performed by the Illinois State Police and the Department of
10 Transportation in the area of nuclear safety, on the effective
11 date of this Act, may continue to be performed by these
12 agencies but under the direction of the ~~Illinois Emergency~~
13 ~~Management~~ Agency. All other governmental functions regulating
14 nuclear safety shall be coordinated by the ~~Illinois Emergency~~
15 ~~Management~~ Agency.

16 (b) IEMA-OHS, in consultation with the Illinois
17 Environmental Protection Agency, shall adopt rules for the
18 regulation of small modular reactors. The rules shall be
19 adopted by January 1, 2026 and shall include criteria for
20 decommissioning, environmental monitoring, and emergency
21 preparedness. The rules shall include a fee structure to cover
22 IEMA-OHS costs for regulation and inspection. The fee
23 structure may include fees to cover costs of local government
24 emergency response preparedness through grants administered by
25 IEMA-OHS. None of the rules developed by the Illinois

1 Emergency Management Agency and Office of Homeland Security or
2 any other State agency, board, or commission pursuant to this
3 Act shall be construed to supersede the authority of the U.S.
4 Nuclear Regulatory Commission. The changes made by this
5 amendatory Act of the 103rd General Assembly shall not apply
6 to the uprate, renewal, or subsequent renewal of any license
7 for an existing nuclear power reactor that began operation
8 prior to the effective date of this amendatory Act of the 103rd
9 General Assembly. Any fees collected under this subsection
10 shall be deposited into the Nuclear Safety Emergency
11 Preparedness Fund created pursuant to Section 7 of the
12 Illinois Nuclear Safety Preparedness Act.

13 (c) Consistent with federal law and policy statements of
14 and cooperative agreements with the U.S. Nuclear Regulatory
15 Commission with respect to State participation in health and
16 safety regulation of nuclear facilities, and in recognition of
17 the role provided for the states by such laws, policy
18 statements, and cooperative agreements, IEMA-OHS may develop
19 and implement a program for inspections of small modular
20 reactors, both operational and non-operational. The owner of
21 each small modular reactor shall allow access to IEMA-OHS
22 inspectors of all premises and records of the small modular
23 reactor. The IEMA-OHS inspectors shall operate in accordance
24 with any cooperative agreements executed between IEMA-OHS and
25 the U.S. Nuclear Regulatory Commission. The IEMA-OHS
26 inspectors shall operate in accordance with the security plan

1 for the small modular reactor. IEMA-OHS programs and
2 activities under this Section shall not be inconsistent with
3 federal law.

4 (d) IEMA-OHS shall be authorized to conduct activities
5 specified in Section 8 of the Illinois Nuclear Safety
6 Preparedness Act in regard to small modular reactors.

7 (Source: P.A. 102-133, eff. 7-23-21; 102-538, eff. 8-20-21;
8 102-813, eff. 5-13-22.)

9 (20 ILCS 3310/40.5)

10 Sec. 40.5. Radiochemistry laboratory program. The ~~Illinois~~
11 ~~Emergency Management Agency~~ shall implement a comprehensive
12 radiochemistry laboratory program. The Director ~~of the~~
13 ~~Illinois Emergency Management Agency~~, in accordance with the
14 Personnel Code, shall employ and direct such personnel, and
15 shall provide for such laboratory and other facilities, as may
16 be necessary to carry out the purposes of this Act and the Acts
17 referenced in Section 5.

18 (Source: P.A. 102-133, eff. 7-23-21.)

19 (20 ILCS 3310/50)

20 Sec. 50. Personnel transferred. Personnel previously
21 assigned to the programs transferred from the Department of
22 Nuclear Safety are hereby transferred to the Illinois
23 Emergency Management Agency (now the Illinois Emergency
24 Management Agency and Office of Homeland Security). The rights

1 of the employees, the State, and executive agencies under the
2 Personnel Code, any collective bargaining agreement, or any
3 pension, retirement, or annuity plan shall not be affected by
4 this Act.

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

6 (20 ILCS 3310/55)

7 Sec. 55. Records and property transferred. All books,
8 records, papers, documents, property (real or personal),
9 unexpended appropriations, and pending business in any way
10 pertaining to the rights, powers, and duties transferred by
11 this Act shall be delivered and transferred to the Illinois
12 Emergency Management Agency (now the Illinois Emergency
13 Management Agency and Office of Homeland Security).

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

15 (20 ILCS 3310/65)

16 Sec. 65. Nuclear accident plan. The ~~Illinois Emergency~~
17 ~~Management~~ Agency shall have primary responsibility to
18 formulate a comprehensive emergency preparedness and response
19 plan for any nuclear accident. The ~~Illinois Emergency~~
20 ~~Management~~ Agency shall also train and maintain an emergency
21 response team.

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

23 (20 ILCS 3310/70)

1 Sec. 70. Nuclear and radioactive materials transportation
2 plan. The ~~Illinois Emergency Management~~ Agency shall formulate
3 a comprehensive plan regarding the transportation of nuclear
4 and radioactive materials in Illinois. The ~~Illinois Emergency~~
5 ~~Management~~ Agency shall have primary responsibility for all
6 State governmental regulation of the transportation of nuclear
7 and radioactive materials, insofar as the regulation pertains
8 to the public health and safety. This responsibility shall
9 include but not be limited to the authority to oversee and
10 coordinate regulatory functions performed by the Department of
11 Transportation, the Illinois State Police, and the Illinois
12 Commerce Commission.

13 (Source: P.A. 102-538, eff. 8-20-21.)

14 (20 ILCS 3310/75)

15 Sec. 75. State nuclear power policy. Subject to
16 appropriation, the ~~Illinois Emergency Management~~ Agency, in
17 cooperation with the Department of Natural Resources, shall
18 study (i) the impact and cost of nuclear power and compare
19 these to the impact and cost of alternative sources of energy,
20 (ii) the potential effects on the public health and safety of
21 all radioactive emissions from nuclear power plants, and (iii)
22 all other factors that bear on the use of nuclear power or on
23 nuclear safety. The ~~Illinois Emergency Management~~ Agency shall
24 formulate a general nuclear policy for the State based on the
25 findings of the study. The policy shall include but not be

1 limited to the feasibility of continued use of nuclear power,
2 effects of the use of nuclear power on the public health and
3 safety, minimum acceptable standards for the location of any
4 future nuclear power plants, and rules and regulations for the
5 reporting by public utilities of radioactive emissions from
6 power plants. The ~~Illinois Emergency Management~~ Agency shall
7 establish a reliable system for communication between the
8 public and the ~~Illinois Emergency Management~~ Agency and for
9 dissemination of information by the ~~Illinois Emergency~~
10 ~~Management~~ Agency. The ~~Illinois Emergency Management~~ Agency
11 shall publicize the findings of all studies and make the
12 publications reasonably available to the public.

13 (Source: P.A. 101-149, eff. 7-26-19.)

14 (20 ILCS 3310/85)

15 Sec. 85. Saving clause.

16 (a) The rights, powers and duties transferred to the
17 Illinois Emergency Management Agency (now the Illinois
18 Emergency Management Agency and Office of Homeland Security)
19 by this Act shall be vested in and shall be exercised by the
20 Illinois Emergency Management Agency (now the Illinois
21 Emergency Management Agency and Office of Homeland Security).
22 Each act done in exercise of such rights, powers, and duties
23 shall have the same legal effect as if done by the Department
24 of Nuclear Safety, its divisions, officers, or employees.

25 (b) Every person or corporation shall be subject to the

1 same obligations and duties and any penalties, civil or
2 criminal, arising therefrom, and shall have the same rights
3 arising from the exercise of such powers, duties, rights and
4 responsibilities as had been exercised by the Department of
5 Nuclear Safety, its divisions, officers or employees.

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

12 (d) Whenever reports or notices are now required to be
13 made or given or papers or documents furnished or served by any
14 person to or upon the agencies and officers transferred by
15 this Act, the same shall be made, given, furnished, or served
16 in the same manner to or upon the Illinois Emergency
17 Management Agency (now the Illinois Emergency Management
18 Agency and Office of Homeland Security).

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

1 (f) Any rules of the Department of Nuclear Safety that are
2 in full force on the effective date of this Act and that have
3 been duly adopted by the Illinois Emergency Management Agency
4 (now the Illinois Emergency Management Agency and Office of
5 Homeland Security) shall become the rules of the Illinois
6 Emergency Management Agency (now the Illinois Emergency
7 Management Agency and Office of Homeland Security). This Act
8 shall not affect the legality of any such rules in the Illinois
9 Administrative Code. Any proposed rules filed with the
10 Secretary of State by the Department of Nuclear Safety that
11 are pending in the rulemaking process on the effective date of
12 this Act, shall be deemed to have been filed by the Illinois
13 Emergency Management Agency (now the Illinois Emergency
14 Management Agency and Office of Homeland Security). As soon as
15 practicable hereafter, the Illinois Emergency Management
16 Agency (now the Illinois Emergency Management Agency and
17 Office of Homeland Security) shall revise and clarify the
18 rules transferred to it under this Act to reflect the
19 reorganization of rights, powers, and duties effected by this
20 Act using the procedures for recodification of rules available
21 under the Illinois Administrative Procedure Act, except that
22 existing title, part, and section numbering for the affected
23 rules may be retained. The Illinois Emergency Management
24 Agency and Office of Homeland Security may propose and adopt
25 under the Illinois Administrative Procedure Act such other
26 rules of the reorganized agencies that will now be

1 administered by the Illinois Emergency Management Agency and
2 Office of Homeland Security.

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

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

9 (20 ILCS 3310/90 new)

10 Sec. 90. Small modular reactor study.

11 (a) The Governor may commission a study on the potential
12 for development of small modular reactors in this State. No
13 later than January 1, 2025, subject to appropriation, the
14 Governor is authorized to commission a study, led by the
15 Illinois Emergency Management Agency and Office of Homeland
16 Security, to research the State's role in guiding the
17 development of small modular reactors.

18 IEMA-OHS shall publish a draft of the study for a 30-day
19 public comment period. After the conclusion of the public
20 comment period, IEMA-OHS shall finalize the study, post a
21 publicly available copy on its website, and submit a copy to
22 the General Assembly.

23 (b) The study shall include, at a minimum, the following:

24 (1) a review of the current state of small modular
25 reactor technologies and the characteristics of nuclear

1 reactor technologies currently under research and
2 development and expected to enter the market by 2040;

3 (2) a review of the following federal regulatory and
4 permitting issues concerning small modular reactors:

5 (A) current and proposed permitting and approval
6 processes for small modular reactors conducted by
7 federal agencies, including, but not limited to, the
8 Nuclear Regulatory Commission, the Federal Emergency
9 Management Agency, and the United States Environmental
10 Protection Agency;

11 (B) the projected timeline of such federal
12 permitting and approval processes;

13 (C) federal regulation of small modular reactors
14 over the life of those facilities; and

15 (D) federal regulation of the storage and disposal
16 of wastes generated by those facilities;

17 (3) a review of the following State and local
18 regulatory and permitting issues concerning small modular
19 reactors and other sources of electricity generation:

20 (A) current and proposed State and local
21 permitting and approval processes for small modular
22 reactors and other sources of electricity generation,
23 as applicable;

24 (B) State and local regulation of small modular
25 reactors and other sources of electricity generation
26 over the life of those facilities; and

1 (C) State and local regulation of the storage and
2 disposal of wastes generated by those facilities;

3 (4) a review of the following small modular reactor
4 regulatory and permitting issues in other state and local
5 jurisdictions;

6 (A) current and proposed State and local
7 permitting and approval processes for small modular
8 reactors in other state and local jurisdictions;

9 (B) regulation by other state and local
10 jurisdictions of small modular reactors over the life
11 of those facilities; and

12 (C) regulation by other state and local
13 jurisdictions of the storage and disposal of wastes
14 generated by those facilities;

15 (5) a risk analysis of the potential impacts to the
16 health and well-being of the people of the State,
17 including benefits from the reduction in carbon emissions,
18 associated with the development of small modular reactors;

19 (6) an analysis on the impact the deployment of small
20 modular reactors will have on resource adequacy in
21 Illinois regional power grids and on the costs to
22 electricity consumers; and

23 (7) an analysis of potential water sources for use by
24 small modular reactors and whether such usage would
25 jeopardize public consumption, future supply, or natural
26 conditions of such water source.

1 (c) This Section is repealed on January 1, 2027.

2 Section 10. The Radioactive Waste Compact Enforcement Act
3 is amended by changing Sections 15 and 25 as follows:

4 (45 ILCS 141/15)

5 Sec. 15. Definitions. In this Act:

6 "IEMA-OHS" means the Illinois Emergency Management Agency
7 and Office of Homeland Security, or its successor agency.

8 "Commission" means the Central Midwest Interstate
9 Low-Level Radioactive Waste Commission.

10 "Compact" means the Central Midwest Interstate Low-Level
11 Radioactive Waste Compact.

12 "Director" means the Director of IEMA-OHS.

13 "Disposal" means the isolation of waste from the biosphere
14 in a permanent facility designed for that purpose.

15 "Facility" means a parcel of land or site, together with
16 the structures, equipment, and improvements on or appurtenant
17 to the land or site, that is used or is being developed for the
18 treatment, storage or disposal of low-level radioactive waste.

19 "Low-level radioactive waste" or "waste" means radioactive
20 waste not classified as (1) high-level radioactive waste, (2)
21 transuranic waste, (3) spent nuclear fuel, or (4) byproduct
22 material as defined in Sections 11e(2), 11e(3), and 11e(4) of
23 the Atomic Energy Act (42 U.S.C. 2014). This definition shall
24 apply notwithstanding any declaration by the federal

1 government, a state, or any regulatory agency that any
2 radioactive material is exempt from any regulatory control.

3 "Management plan" means the plan adopted by the Commission
4 for the storage, transportation, treatment and disposal of
5 waste within the region.

6 "Nuclear facilities" means nuclear power plants,
7 facilities housing nuclear test and research reactors,
8 facilities for the chemical conversion of uranium, and
9 facilities for the storage of spent nuclear fuel or high-level
10 radioactive waste.

11 "Nuclear power plant" or "nuclear steam-generating
12 facility" means a thermal power plant in which the energy
13 (heat) released by the fissioning of nuclear fuel is used to
14 boil water to produce steam.

15 "Nuclear power reactor" means an apparatus, other than an
16 atomic weapon, designed or used to sustain nuclear fission in
17 a self-supporting chain reaction.

18 "Person" means any individual, corporation, business
19 enterprise or other legal entity, public or private, and any
20 legal successor, representative, agent or agency of that
21 individual, corporation, business enterprise, or legal entity.

22 "Region" means the geographical area of the State of
23 Illinois and the Commonwealth of Kentucky.

24 "Regional Facility" means any facility as defined in this
25 Act that is (1) located in Illinois, and (2) established by
26 Illinois pursuant to designation of Illinois as a host state

1 by the Commission.

2 "Small modular reactor" or "SMR" means an advanced nuclear
3 reactor: (1) with a rated nameplate capacity of 300 electrical
4 megawatts or less; and (2) that may be constructed and
5 operated in combination with similar reactors at a single
6 site.

7 "Storage" means the temporary holding of radioactive
8 material for treatment or disposal.

9 "Treatment" means any method, technique or process,
10 including storage for radioactive decay, designed to change
11 the physical, chemical, or biological characteristics of the
12 radioactive material in order to render the radioactive
13 material safe for transport or management, amenable to
14 recovery, convertible to another usable material, or reduced
15 in volume.

16 (Source: P.A. 103-306, eff. 7-28-23.)

17 (45 ILCS 141/25)

18 Sec. 25. Enforcement.

19 (a) The ~~Illinois Emergency Management Agency~~ (Agency)
20 shall adopt regulations to administer and enforce the
21 provisions of this Act. The regulations shall be adopted with
22 the consultation and cooperation of the Commission.

23 Regulations adopted by the Agency under this Act shall
24 prohibit the shipment into or acceptance of waste in Illinois
25 if the shipment or acceptance would result in a violation of

1 any provision of the Compact or this Act.

2 (b) The Agency may, by regulation, impose conditions on
3 the shipment into or acceptance of waste in Illinois that the
4 Agency determines to be reasonable and necessary to enforce
5 the provisions of this Act. The conditions may include, but
6 are not limited to (i) requiring prior notification of any
7 proposed shipment or receipt of waste; (ii) requiring the
8 shipper or recipient to identify the location to which the
9 waste will be sent for disposal following treatment or storage
10 in Illinois; (iii) limiting the time that waste from outside
11 Illinois may be held in Illinois; (iv) requiring the shipper
12 or recipient to post bond or by other mechanism to assure that
13 radioactive material will not be treated, stored, or disposed
14 of in Illinois in violation of any provision of this Act; (v)
15 requiring that the shipper consent to service of process
16 before shipment of waste into Illinois.

17 (c) The Agency shall, by regulation, impose a system of
18 civil penalties in accordance with the provisions of this Act.
19 Amounts recovered under these regulations shall be deposited
20 in the Low-Level Radioactive Waste Facility Development and
21 Operation Fund.

22 (d) The regulations adopted by the Agency may provide for
23 the granting of exemptions, but only upon a showing by the
24 applicant that the granting of an exemption would be
25 consistent with the Compact.

26 (Source: P.A. 95-777, eff. 8-4-08.)

1 Section 15. The Public Utilities Act is amended by
2 changing Section 8-406 as follows:

3 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

4 Sec. 8-406. Certificate of public convenience and
5 necessity.

6 (a) No public utility not owning any city or village
7 franchise nor engaged in performing any public service or in
8 furnishing any product or commodity within this State as of
9 July 1, 1921 and not possessing a certificate of public
10 convenience and necessity from the Illinois Commerce
11 Commission, the State Public Utilities Commission, or the
12 Public Utilities Commission, at the time Public Act 84-617
13 goes into effect (January 1, 1986), shall transact any
14 business in this State until it shall have obtained a
15 certificate from the Commission that public convenience and
16 necessity require the transaction of such business. A
17 certificate of public convenience and necessity requiring the
18 transaction of public utility business in any area of this
19 State shall include authorization to the public utility
20 receiving the certificate of public convenience and necessity
21 to construct such plant, equipment, property, or facility as
22 is provided for under the terms and conditions of its tariff
23 and as is necessary to provide utility service and carry out
24 the transaction of public utility business by the public

1 utility in the designated area.

2 (b) No public utility shall begin the construction of any
3 new plant, equipment, property, or facility which is not in
4 substitution of any existing plant, equipment, property, or
5 facility, or any extension or alteration thereof or in
6 addition thereto, unless and until it shall have obtained from
7 the Commission a certificate that public convenience and
8 necessity require such construction. Whenever after a hearing
9 the Commission determines that any new construction or the
10 transaction of any business by a public utility will promote
11 the public convenience and is necessary thereto, it shall have
12 the power to issue certificates of public convenience and
13 necessity. The Commission shall determine that proposed
14 construction will promote the public convenience and necessity
15 only if the utility demonstrates: (1) that the proposed
16 construction is necessary to provide adequate, reliable, and
17 efficient service to its customers and is the least-cost means
18 of satisfying the service needs of its customers or that the
19 proposed construction will promote the development of an
20 effectively competitive electricity market that operates
21 efficiently, is equitable to all customers, and is the least
22 cost means of satisfying those objectives; (2) that the
23 utility is capable of efficiently managing and supervising the
24 construction process and has taken sufficient action to ensure
25 adequate and efficient construction and supervision thereof;
26 and (3) that the utility is capable of financing the proposed

1 construction without significant adverse financial
2 consequences for the utility or its customers.

3 (b-5) As used in this subsection (b-5):

4 "Qualifying direct current applicant" means an entity that
5 seeks to provide direct current bulk transmission service for
6 the purpose of transporting electric energy in interstate
7 commerce.

8 "Qualifying direct current project" means a high voltage
9 direct current electric service line that crosses at least one
10 Illinois border, the Illinois portion of which is physically
11 located within the region of the Midcontinent Independent
12 System Operator, Inc., or its successor organization, and runs
13 through the counties of Pike, Scott, Greene, Macoupin,
14 Montgomery, Christian, Shelby, Cumberland, and Clark, is
15 capable of transmitting electricity at voltages of 345
16 kilovolts or above, and may also include associated
17 interconnected alternating current interconnection facilities
18 in this State that are part of the proposed project and
19 reasonably necessary to connect the project with other
20 portions of the grid.

21 Notwithstanding any other provision of this Act, a
22 qualifying direct current applicant that does not own,
23 control, operate, or manage, within this State, any plant,
24 equipment, or property used or to be used for the transmission
25 of electricity at the time of its application or of the
26 Commission's order may file an application on or before

1 December 31, 2023 with the Commission pursuant to this Section
2 or Section 8-406.1 for, and the Commission may grant, a
3 certificate of public convenience and necessity to construct,
4 operate, and maintain a qualifying direct current project. The
5 qualifying direct current applicant may also include in the
6 application requests for authority under Section 8-503. The
7 Commission shall grant the application for a certificate of
8 public convenience and necessity and requests for authority
9 under Section 8-503 if it finds that the qualifying direct
10 current applicant and the proposed qualifying direct current
11 project satisfy the requirements of this subsection and
12 otherwise satisfy the criteria of this Section or Section
13 8-406.1 and the criteria of Section 8-503, as applicable to
14 the application and to the extent such criteria are not
15 superseded by the provisions of this subsection. The
16 Commission's order on the application for the certificate of
17 public convenience and necessity shall also include the
18 Commission's findings and determinations on the request or
19 requests for authority pursuant to Section 8-503. Prior to
20 filing its application under either this Section or Section
21 8-406.1, the qualifying direct current applicant shall conduct
22 3 public meetings in accordance with subsection (h) of this
23 Section. If the qualifying direct current applicant
24 demonstrates in its application that the proposed qualifying
25 direct current project is designed to deliver electricity to a
26 point or points on the electric transmission grid in either or

1 both the PJM Interconnection, LLC or the Midcontinent
2 Independent System Operator, Inc., or their respective
3 successor organizations, the proposed qualifying direct
4 current project shall be deemed to be, and the Commission
5 shall find it to be, for public use. If the qualifying direct
6 current applicant further demonstrates in its application that
7 the proposed transmission project has a capacity of 1,000
8 megawatts or larger and a voltage level of 345 kilovolts or
9 greater, the proposed transmission project shall be deemed to
10 satisfy, and the Commission shall find that it satisfies, the
11 criteria stated in item (1) of subsection (b) of this Section
12 or in paragraph (1) of subsection (f) of Section 8-406.1, as
13 applicable to the application, without the taking of
14 additional evidence on these criteria. Prior to the transfer
15 of functional control of any transmission assets to a regional
16 transmission organization, a qualifying direct current
17 applicant shall request Commission approval to join a regional
18 transmission organization in an application filed pursuant to
19 this subsection (b-5) or separately pursuant to Section 7-102
20 of this Act. The Commission may grant permission to a
21 qualifying direct current applicant to join a regional
22 transmission organization if it finds that the membership, and
23 associated transfer of functional control of transmission
24 assets, benefits Illinois customers in light of the attendant
25 costs and is otherwise in the public interest. Nothing in this
26 subsection (b-5) requires a qualifying direct current

1 applicant to join a regional transmission organization.
2 Nothing in this subsection (b-5) requires the owner or
3 operator of a high voltage direct current transmission line
4 that is not a qualifying direct current project to obtain a
5 certificate of public convenience and necessity to the extent
6 it is not otherwise required by this Section 8-406 or any other
7 provision of this Act.

8 (c) As used in this subsection (c):

9 "Decommissioning" has the meaning given to that term in
10 subsection (a) of Section 8-508.1.

11 "Nuclear power reactor" has the meaning given to that term
12 in Section 8 of the Nuclear Safety Law of 2004.

13 After the effective date of this amendatory Act of the
14 103rd General Assembly ~~September 11, 1987 (the effective date~~
15 ~~of Public Act 85-377)~~, no construction shall commence on any
16 new nuclear power reactor with a nameplate capacity of more
17 than 300 megawatts of electricity plant to be located within
18 this State, and no certificate of public convenience and
19 necessity or other authorization shall be issued therefor by
20 the Commission, until the Illinois Emergency Management Agency
21 and Office of Homeland Security, in consultation with ~~Director~~
22 ~~of~~ the Illinois Environmental Protection Agency and the
23 Illinois Department of Natural Resources, finds that the
24 United States Government, through its authorized agency, has
25 identified and approved a demonstrable technology or means for
26 the disposal of high level nuclear waste, or until such

1 construction has been specifically approved by a statute
2 enacted by the General Assembly. Beginning January 1, 2026,
3 construction may commence on a new nuclear power reactor with
4 a nameplate capacity of 300 megawatts of electricity or less
5 within this State if the entity constructing the new nuclear
6 power reactor has obtained all permits, licenses, permissions,
7 or approvals governing the construction, operation, and
8 funding of decommissioning of such nuclear power reactors
9 required by: (1) this Act; (2) any rules adopted by the
10 Illinois Emergency Management Agency and Office of Homeland
11 Security under the authority of this Act; (3) any applicable
12 federal statutes, including, but not limited to, the Atomic
13 Energy Act of 1954, the Energy Reorganization Act of 1974, the
14 Low-Level Radioactive Waste Policy Amendments Act of 1985, and
15 the Energy Policy Act of 1992; (4) any regulations promulgated
16 or enforced by the U.S. Nuclear Regulatory Commission,
17 including, but not limited to, those codified at Title X,
18 Parts 20, 30, 40, 50, 70, and 72 of the Code of Federal
19 Regulations, as from time to time amended; and (5) any other
20 federal or State statute, rule, or regulation governing the
21 permitting, licensing, operation, or decommissioning of such
22 nuclear power reactors. None of the rules developed by the
23 Illinois Emergency Management Agency and Office of Homeland
24 Security or any other State agency, board, or commission
25 pursuant to this Act shall be construed to supersede the
26 authority of the U.S. Nuclear Regulatory Commission. The

1 changes made by this amendatory Act of the 103rd General
2 Assembly shall not apply to the uprate, renewal, or subsequent
3 renewal of any license for an existing nuclear power reactor
4 that began operation prior to the effective date of this
5 amendatory Act of the 103rd General Assembly.

6 None of the changes made in this amendatory Act of the
7 103rd General Assembly are intended to authorize the
8 construction of nuclear power plants powered by nuclear power
9 reactors that are not either: (1) small modular nuclear
10 reactors; or (2) nuclear power reactors licensed by the U.S.
11 Nuclear Regulatory Commission to operate in this State prior
12 to the effective date of this amendatory Act of the 103rd
13 General Assembly.

14 ~~As used in this Section, "high level nuclear waste" means~~
15 ~~those aqueous wastes resulting from the operation of the first~~
16 ~~cycle of the solvent extraction system or equivalent and the~~
17 ~~concentrated wastes of the subsequent extraction cycles or~~
18 ~~equivalent in a facility for reprocessing irradiated reactor~~
19 ~~fuel and shall include spent fuel assemblies prior to fuel~~
20 ~~reprocessing.~~

21 (d) In making its determination under subsection (b) of
22 this Section, the Commission shall attach primary weight to
23 the cost or cost savings to the customers of the utility. The
24 Commission may consider any or all factors which will or may
25 affect such cost or cost savings, including the public
26 utility's engineering judgment regarding the materials used

1 for construction.

2 (e) The Commission may issue a temporary certificate which
3 shall remain in force not to exceed one year in cases of
4 emergency, to assure maintenance of adequate service or to
5 serve particular customers, without notice or hearing, pending
6 the determination of an application for a certificate, and may
7 by regulation exempt from the requirements of this Section
8 temporary acts or operations for which the issuance of a
9 certificate will not be required in the public interest.

10 A public utility shall not be required to obtain but may
11 apply for and obtain a certificate of public convenience and
12 necessity pursuant to this Section with respect to any matter
13 as to which it has received the authorization or order of the
14 Commission under the Electric Supplier Act, and any such
15 authorization or order granted a public utility by the
16 Commission under that Act shall as between public utilities be
17 deemed to be, and shall have except as provided in that Act the
18 same force and effect as, a certificate of public convenience
19 and necessity issued pursuant to this Section.

20 No electric cooperative shall be made or shall become a
21 party to or shall be entitled to be heard or to otherwise
22 appear or participate in any proceeding initiated under this
23 Section for authorization of power plant construction and as
24 to matters as to which a remedy is available under the Electric
25 Supplier Act.

26 (f) Such certificates may be altered or modified by the

1 Commission, upon its own motion or upon application by the
2 person or corporation affected. Unless exercised within a
3 period of 2 years from the grant thereof, authority conferred
4 by a certificate of convenience and necessity issued by the
5 Commission shall be null and void.

6 No certificate of public convenience and necessity shall
7 be construed as granting a monopoly or an exclusive privilege,
8 immunity or franchise.

9 (g) A public utility that undertakes any of the actions
10 described in items (1) through (3) of this subsection (g) or
11 that has obtained approval pursuant to Section 8-406.1 of this
12 Act shall not be required to comply with the requirements of
13 this Section to the extent such requirements otherwise would
14 apply. For purposes of this Section and Section 8-406.1 of
15 this Act, "high voltage electric service line" means an
16 electric line having a design voltage of 100,000 or more. For
17 purposes of this subsection (g), a public utility may do any of
18 the following:

19 (1) replace or upgrade any existing high voltage
20 electric service line and related facilities,
21 notwithstanding its length;

22 (2) relocate any existing high voltage electric
23 service line and related facilities, notwithstanding its
24 length, to accommodate construction or expansion of a
25 roadway or other transportation infrastructure; or

26 (3) construct a high voltage electric service line and

1 related facilities that is constructed solely to serve a
2 single customer's premises or to provide a generator
3 interconnection to the public utility's transmission
4 system and that will pass under or over the premises owned
5 by the customer or generator to be served or under or over
6 premises for which the customer or generator has secured
7 the necessary right of way.

8 (h) A public utility seeking to construct a high-voltage
9 electric service line and related facilities (Project) must
10 show that the utility has held a minimum of 2 pre-filing public
11 meetings to receive public comment concerning the Project in
12 each county where the Project is to be located, no earlier than
13 6 months prior to filing an application for a certificate of
14 public convenience and necessity from the Commission. Notice
15 of the public meeting shall be published in a newspaper of
16 general circulation within the affected county once a week for
17 3 consecutive weeks, beginning no earlier than one month prior
18 to the first public meeting. If the Project traverses 2
19 contiguous counties and where in one county the transmission
20 line mileage and number of landowners over whose property the
21 proposed route traverses is one-fifth or less of the
22 transmission line mileage and number of such landowners of the
23 other county, then the utility may combine the 2 pre-filing
24 meetings in the county with the greater transmission line
25 mileage and affected landowners. All other requirements
26 regarding pre-filing meetings shall apply in both counties.

1 Notice of the public meeting, including a description of the
2 Project, must be provided in writing to the clerk of each
3 county where the Project is to be located. A representative of
4 the Commission shall be invited to each pre-filing public
5 meeting.

6 (i) For applications filed after August 18, 2015 (the
7 effective date of Public Act 99-399), the Commission shall, by
8 certified mail, notify each owner of record of land, as
9 identified in the records of the relevant county tax assessor,
10 included in the right-of-way over which the utility seeks in
11 its application to construct a high-voltage electric line of
12 the time and place scheduled for the initial hearing on the
13 public utility's application. The utility shall reimburse the
14 Commission for the cost of the postage and supplies incurred
15 for mailing the notice.

16 (Source: P.A. 102-609, eff. 8-27-21; 102-662, eff. 9-15-21;
17 102-813, eff. 5-13-22; 102-931, eff. 5-27-22.)

18 Section 20. The Environmental Protection Act is amended by
19 changing Sections 25a-1 and 25b as follows:

20 (415 ILCS 5/25a-1) (from Ch. 111 1/2, par. 1025a-1)

21 Sec. 25a-1. At least 60 days before beginning the
22 decommissioning of any nuclear power plant located in this
23 State, the owner or operator of the plant shall file, for
24 information purposes only, a copy of the decommissioning plan

1 for the plant with the Agency and a copy with the Illinois
2 Emergency Management Agency and Office of Homeland Security,
3 or its successor agency.

4 (Source: P.A. 95-777, eff. 8-4-08.)

5 (415 ILCS 5/25b) (from Ch. 111 1/2, par. 1025b)

6 Sec. 25b. Any person, corporation or public authority
7 intending to construct a nuclear steam-generating facility or
8 a nuclear fuel reprocessing plant shall file with the Illinois
9 Emergency Management Agency and Office of Homeland Security,
10 or its successor agency, an environmental feasibility report
11 which incorporates the data provided in the preliminary safety
12 analysis required to be filed with the United States Nuclear
13 Regulatory Commission. The Board may by rule prescribe the
14 form of such report. In consultation with the Illinois
15 Emergency Management Agency and Office of Homeland Security
16 and the Illinois Environmental Protection Agency, the ~~The~~
17 Board shall have the power to adopt standards to protect the
18 health, safety and welfare of the citizens of Illinois from
19 the hazards of radiation to the extent that such powers are not
20 preempted under the federal constitution.

21 (Source: P.A. 95-777, eff. 8-4-08.)

22 Section 25. The Illinois Nuclear Safety Preparedness Act
23 is amended by adding Section 2.5 and by changing Section 3 as
24 follows:

1 (420 ILCS 5/2.5 new)

2 Sec. 2.5. Applicability. This Act does not apply to small
3 modular reactors.

4 (420 ILCS 5/3) (from Ch. 111 1/2, par. 4303)

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

7 (1) "Agency" or "IEMA-OHS" means the Illinois Emergency
8 Management Agency and Office of Homeland Security, or its
9 successor agency ~~of the State of Illinois.~~

10 (2) "Director" means the Director of the ~~Illinois~~
11 ~~Emergency Management~~ Agency.

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

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

22 (5) "High-level radioactive waste" means (1) the highly
23 radioactive material resulting from the reprocessing of spent
24 nuclear fuel including liquid waste produced directly in

1 reprocessing and any solid material derived from such liquid
2 waste that contains fission products in sufficient
3 concentrations; and (2) the highly radioactive material that
4 the NRC has determined to be high-level radioactive waste
5 requiring permanent isolation.

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

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

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

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

25 (10) "Nuclear power plant" or "nuclear steam-generating
26 facility" means a thermal power plant in which the energy

1 (heat) released by the fissioning of nuclear fuel is used to
2 boil water to produce steam.

3 (11) "Nuclear power reactor" means an apparatus, other
4 than an atomic weapon, designed or used to sustain nuclear
5 fission in a self-supporting chain reaction.

6 (12) "Small modular reactor" or "SMR" means an advanced
7 nuclear reactor: (1) with a rated nameplate capacity of 300
8 electrical megawatts or less; and (2) that may be constructed
9 and operated in combination with similar reactors at a single
10 site.

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

12 Section 30. The Illinois Nuclear Facility Safety Act is
13 amended by changing Section 2 and adding Sections 2.5 and 3.5
14 as follows:

15 (420 ILCS 10/2) (from Ch. 111 1/2, par. 4352)

16 Sec. 2. Policy statement. It is declared to be the policy
17 of the State of Illinois to prevent accidents at nuclear
18 facilities in Illinois for the economic well-being of the
19 People of the State of Illinois and for the health and safety
20 of workers at nuclear facilities and private citizens who
21 could be injured as a result of releases of radioactive
22 materials from nuclear facilities. It is the intent of the
23 General Assembly that this Act should be construed
24 consistently with federal law to maximize the role of the

1 State in contributing to safety at nuclear facilities in
2 Illinois. It is the intent of the General Assembly that the
3 ~~Illinois Emergency Management~~ Agency should not take any
4 actions which are preempted by federal law or engage in dual
5 regulation of nuclear facilities, unless dual regulation is
6 allowed by federal law and policies of the Nuclear Regulatory
7 Commission. In implementing its responsibilities under this
8 Act, the Agency shall not take any action which interferes
9 with the safe operation of a nuclear facility.

10 (Source: P.A. 95-777, eff. 8-4-08.)

11 (420 ILCS 10/2.5 new)

12 Sec. 2.5. Applicability. This Act does not apply to small
13 modular reactors.

14 (420 ILCS 10/3.5 new)

15 Sec. 3.5. Definitions. In this Act:

16 "IEMA-OHS" means the Illinois Emergency Management Agency
17 and Office of Homeland Security, or its successor agency.

18 "Director" means the Director of IEMA-OHS.

19 "Nuclear facilities" means nuclear power plants,
20 facilities housing nuclear test and research reactors,
21 facilities for the chemical conversion of uranium, and
22 facilities for the storage of spent nuclear fuel or high-level
23 radioactive waste.

24 "Nuclear power plant" or "nuclear steam-generating

1 facility" means a thermal power plant in which the energy
2 (heat) released by the fissioning of nuclear fuel is used to
3 boil water to produce steam.

4 "Nuclear power reactor" means an apparatus, other than an
5 atomic weapon, designed or used to sustain nuclear fission in
6 a self-supporting chain reaction.

7 "Small modular reactor" or "SMR" means an advanced nuclear
8 reactor: (1) with a rated nameplate capacity of 300 electrical
9 megawatts or less; and (2) that may be constructed and
10 operated in combination with similar reactors at a single
11 site.

12 Section 35. The Illinois Low-Level Radioactive Waste
13 Management Act is amended by changing Sections 2, 3, and 13 as
14 follows:

15 (420 ILCS 20/2) (from Ch. 111 1/2, par. 241-2)

16 Sec. 2. (a) The General Assembly finds:

17 (1) that low-level radioactive wastes are produced in
18 this State with even greater volumes to be produced in the
19 future;

20 (2) that such radioactive wastes pose a significant
21 risk to the public health, safety and welfare of the
22 people of Illinois; and

23 (3) that it is the obligation of the State of Illinois
24 to its citizens to provide for the safe management of the

1 low-level radioactive wastes produced within its borders.

2 (b) The ~~Illinois Emergency Management~~ Agency has attained
3 federal agreement state status and thereby has assumed
4 regulatory authority over low-level radioactive waste from the
5 United States Nuclear Regulatory Commission under Section 274b
6 of the Atomic Energy Act of 1954 (42 U.S.C. 2014). It is the
7 purpose of this Act to establish a comprehensive program for
8 the storage, treatment, and disposal of low-level radioactive
9 wastes in Illinois. It is the intent of the General Assembly
10 that the program provide for the management of these wastes in
11 the safest manner possible and in a manner that creates the
12 least risk to human health and the environment of Illinois and
13 that the program encourage to the fullest extent possible the
14 use of environmentally sound waste management practices
15 alternative to land disposal including waste recycling,
16 compaction, incineration and other methods to reduce the
17 amount of wastes produced, and to ensure public participation
18 in all phases of the development of this radioactive waste
19 management program.

20 (Source: P.A. 95-777, eff. 8-4-08.)

21 (420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

22 Sec. 3. Definitions.

23 "Agency" or "IEMA-OHS" means the Illinois Emergency
24 Management Agency and Office of Homeland Security, or its
25 successor agency.

1 "Broker" means any person who takes possession of
2 low-level waste for purposes of consolidation and shipment.

3 "Compact" means the Central Midwest Interstate Low-Level
4 Radioactive Waste Compact.

5 "Decommissioning" means the measures taken at the end of a
6 facility's operating life to assure the continued protection
7 of the public from any residual radioactivity or other
8 potential hazards present at a facility.

9 "Director" means the Director of the ~~Illinois Emergency~~
10 ~~Management~~ Agency.

11 "Disposal" means the isolation of waste from the biosphere
12 in a permanent facility designed for that purpose.

13 "Facility" means a parcel of land or site, together with
14 structures, equipment and improvements on or appurtenant to
15 the land or site, which is used or is being developed for the
16 treatment, storage or disposal of low-level radioactive waste.

17 "Facility" does not include lands, sites, structures or
18 equipment used by a generator in the generation of low-level
19 radioactive wastes.

20 "Generator" means any person who produces or possesses
21 low-level radioactive waste in the course of or incident to
22 manufacturing, power generation, processing, medical diagnosis
23 and treatment, research, education or other activity.

24 "Hazardous waste" means a waste, or combination of wastes,
25 which because of its quantity, concentration, or physical,
26 chemical, or infectious characteristics may cause or

1 significantly contribute to an increase in mortality or an
2 increase in serious, irreversible, or incapacitating
3 reversible, illness; or pose a substantial present or
4 potential hazard to human health or the environment when
5 improperly treated, stored, transported, or disposed of, or
6 otherwise managed, and which has been identified, by
7 characteristics or listing, as hazardous under Section 3001 of
8 the Resource Conservation and Recovery Act of 1976, P.L.
9 94-580 or under regulations of the Pollution Control Board.

10 "High-level radioactive waste" means:

11 (1) the highly radioactive material resulting from the
12 reprocessing of spent nuclear fuel including liquid waste
13 produced directly in reprocessing and any solid material
14 derived from the liquid waste that contains fission
15 products in sufficient concentrations; and

16 (2) the highly radioactive material that the Nuclear
17 Regulatory Commission has determined, on the effective
18 date of this Amendatory Act of 1988, to be high-level
19 radioactive waste requiring permanent isolation.

20 "Low-level radioactive waste" or "waste" means radioactive
21 waste not classified as (1) high-level radioactive waste, (2)
22 transuranic waste, (3) spent nuclear fuel, or (4) byproduct
23 material as defined in Sections 11e(2), 11e(3), and 11e(4) of
24 the Atomic Energy Act of 1954 (42 U.S.C. 2014). This
25 definition shall apply notwithstanding any declaration by the
26 federal government, a state, or any regulatory agency that any

1 radioactive material is exempt from any regulatory control.

2 "Mixed waste" means waste that is both "hazardous waste"
3 and "low-level radioactive waste" as defined in this Act.

4 "Nuclear facilities" means nuclear power plants,
5 facilities housing nuclear test and research reactors,
6 facilities for the chemical conversion of uranium, and
7 facilities for the storage of spent nuclear fuel or high-level
8 radioactive waste.

9 "Nuclear power plant" or "nuclear steam-generating
10 facility" means a thermal power plant in which the energy
11 (heat) released by the fissioning of nuclear fuel is used to
12 boil water to produce steam.

13 "Nuclear power reactor" means an apparatus, other than an
14 atomic weapon, designed or used to sustain nuclear fission in
15 a self-supporting chain reaction.

16 "Person" means an individual, corporation, business
17 enterprise or other legal entity either public or private and
18 any legal successor, representative, agent or agency of that
19 individual, corporation, business enterprise, or legal entity.

20 "Post-closure care" means the continued monitoring of the
21 regional disposal facility after closure for the purposes of
22 detecting a need for maintenance, ensuring environmental
23 safety, and determining compliance with applicable licensure
24 and regulatory requirements, and includes undertaking any
25 remedial actions necessary to protect public health and the
26 environment from radioactive releases from the facility.

1 "Regional disposal facility" or "disposal facility" means
2 the facility established by the State of Illinois under this
3 Act for disposal away from the point of generation of waste
4 generated in the region of the Compact.

5 "Release" means any spilling, leaking, pumping, pouring,
6 emitting, emptying, discharging, injecting, escaping,
7 leaching, dumping or disposing into the environment of
8 low-level radioactive waste.

9 "Remedial action" means those actions taken in the event
10 of a release or threatened release of low-level radioactive
11 waste into the environment, to prevent or minimize the release
12 of the waste so that it does not migrate to cause substantial
13 danger to present or future public health or welfare or the
14 environment. The term includes, but is not limited to, actions
15 at the location of the release such as storage, confinement,
16 perimeter protection using dikes, trenches or ditches, clay
17 cover, neutralization, cleanup of released low-level
18 radioactive wastes, recycling or reuse, dredging or
19 excavations, repair or replacement of leaking containers,
20 collection of leachate and runoff, onsite treatment or
21 incineration, provision of alternative water supplies and any
22 monitoring reasonably required to assure that these actions
23 protect human health and the environment.

24 "Scientific Surveys" means, collectively, the Illinois
25 State Geological Survey and the Illinois State Water Survey of
26 the University of Illinois.

1 "Shallow land burial" means a land disposal facility in
2 which radioactive waste is disposed of in or within the upper
3 30 meters of the earth's surface. However, this definition
4 shall not include an enclosed, engineered, structurally
5 re-enforced and solidified bunker that extends below the
6 earth's surface.

7 "Small modular reactor" or "SMR" means an advanced nuclear
8 reactor: (1) with a rated nameplate capacity of 300 electrical
9 megawatts or less; and (2) that may be constructed and
10 operated in combination with similar reactors at a single
11 site.

12 "Storage" means the temporary holding of waste for
13 treatment or disposal for a period determined by Agency
14 regulations.

15 "Treatment" means any method, technique or process,
16 including storage for radioactive decay, designed to change
17 the physical, chemical or biological characteristics or
18 composition of any waste in order to render the waste safer for
19 transport, storage or disposal, amenable to recovery,
20 convertible to another usable material or reduced in volume.

21 "Waste management" means the storage, transportation,
22 treatment or disposal of waste.

23 (Source: P.A. 103-306, eff. 7-28-23.)

24 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

25 Sec. 13. Waste fees.

1 (a) The Agency shall collect a fee from each generator of
2 low-level radioactive wastes in this State, except as
3 otherwise provided in this subsection. Except as provided in
4 subdivision (b)(2) and subsections ~~(b)~~, (c) and (d), the
5 amount of the fee shall be \$50.00 or the following amount,
6 whichever is greater:

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

10 (2) \$2 per cubic foot of waste stored for shipment if
11 storage of the waste occurs on or after September 7, 1984,
12 but prior to October 1, 1985;

13 (3) \$3 per cubic foot of waste stored for shipment if
14 storage of the waste occurs on or after October 1, 1985;

15 (4) \$2 per cubic foot of waste shipped for storage,
16 treatment or disposal if storage of the waste for shipment
17 occurs on or after September 7, 1984 but prior to October
18 1, 1985, provided that no fee has been collected
19 previously for storage of the waste;

20 (5) \$3 per cubic foot of waste shipped for storage,
21 treatment or disposal if storage of the waste for shipment
22 occurs on or after October 1, 1985, provided that no fees
23 have been collected previously for storage of the waste.

24 Such fees shall be collected annually or as determined by
25 the Agency and shall be deposited in the low-level radioactive
26 waste funds as provided in Section 14 of this Act.

1 Notwithstanding any other provision of this Act, no fee under
2 this Section shall be collected from a generator for waste
3 generated incident to manufacturing before December 31, 1980,
4 and shipped for disposal outside of this State before December
5 31, 1992, as part of a site reclamation leading to license
6 termination.

7 Units of local government are exempt from the fee
8 provisions of this subsection.

9 (b) (1) Small modular reactors shall pay low-level
10 radioactive waste fees in accordance with subsection (a).

11 (2) Each nuclear power reactor in this State for which an
12 operating license has been issued by the Nuclear Regulatory
13 Commission shall not be subject to the fee required by
14 subsection (a) with respect to (1) waste stored for shipment
15 if storage of the waste occurs on or after January 1, 1986; and
16 (2) waste shipped for storage, treatment or disposal if
17 storage of the waste for shipment occurs on or after January 1,
18 1986. In lieu of the fee, each reactor shall be required to pay
19 an annual fee as provided in this subsection for the
20 treatment, storage and disposal of low-level radioactive
21 waste. Beginning with State fiscal year 1986 and through State
22 fiscal year 1997, fees shall be due and payable on January 1st
23 of each year. For State fiscal year 1998 and all subsequent
24 State fiscal years, fees shall be due and payable on July 1 of
25 each fiscal year. The fee due on July 1, 1997 shall be payable
26 on that date, or within 10 days after the effective date of

1 this amendatory Act of 1997, whichever is later.

2 The owner of any nuclear power reactor that has an
3 operating license issued by the Nuclear Regulatory Commission
4 for any portion of State fiscal year 1998 shall continue to pay
5 an annual fee of \$90,000 for the treatment, storage, and
6 disposal of low-level radioactive waste through State fiscal
7 year 2002. The fee shall be due and payable on July 1 of each
8 fiscal year. The fee due on July 1, 1998 shall be payable on
9 that date, or within 10 days after the effective date of this
10 amendatory Act of 1998, whichever is later. If the balance in
11 the Low-Level Radioactive Waste Facility Development and
12 Operation Fund falls below \$500,000, as of the end of any
13 fiscal year after fiscal year 2002, the Agency is authorized
14 to assess by rule, after notice and a hearing, an additional
15 annual fee to be paid by the owners of nuclear power reactors
16 for which operating licenses have been issued by the Nuclear
17 Regulatory Commission, except that no additional annual fee
18 shall be assessed because of the fund balance at the end of
19 fiscal year 2005 or the end of fiscal year 2006. The additional
20 annual fee shall be payable on the date or dates specified by
21 rule and shall not exceed \$30,000 per operating reactor per
22 year.

23 (c) In each of State fiscal years 1988, 1989 and 1990, in
24 addition to the fee imposed in subsections (b) and (d), the
25 owner of each nuclear power reactor in this State for which an
26 operating license has been issued by the Nuclear Regulatory

1 Commission shall pay a fee of \$408,000. If an operating
2 license is issued during one of those 3 fiscal years, the owner
3 shall pay a prorated amount of the fee equal to \$1,117.80
4 multiplied by the number of days in the fiscal year during
5 which the nuclear power reactor was licensed.

6 The fee shall be due and payable as follows: in fiscal year
7 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000
8 shall be paid on each of January 1, 1988 and April 1, 1988; in
9 fiscal year 1989, \$102,000 shall be paid on each of July 1,
10 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and
11 in fiscal year 1990, \$102,000 shall be paid on each of July 1,
12 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If
13 the operating license is issued during one of the 3 fiscal
14 years, the owner shall be subject to those payment dates, and
15 their corresponding amounts, on which the owner possesses an
16 operating license and, on June 30 of the fiscal year of
17 issuance of the license, whatever amount of the prorated fee
18 remains outstanding.

19 All of the amounts collected by the Agency under this
20 subsection (c) shall be deposited into the Low-Level
21 Radioactive Waste Facility Development and Operation Fund
22 created under subsection (a) of Section 14 of this Act and
23 expended, subject to appropriation, for the purposes provided
24 in that subsection.

25 (d) In addition to the fees imposed in subsections (b) and
26 (c), the owners of nuclear power reactors in this State for

1 which operating licenses have been issued by the Nuclear
2 Regulatory Commission shall pay the following fees for each
3 such nuclear power reactor: for State fiscal year 1989,
4 \$325,000 payable on October 1, 1988, \$162,500 payable on
5 January 1, 1989, and \$162,500 payable on April 1, 1989; for
6 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
7 payable on October 1, \$300,000 payable on January 1 and
8 \$300,000 payable on April 1; for State fiscal year 1991,
9 either (1) \$150,000 payable on July 1, \$650,000 payable on
10 September 1, \$675,000 payable on January 1, and \$275,000
11 payable on April 1, or (2) \$150,000 on July 1, \$130,000 on the
12 first day of each month from August through December, \$225,000
13 on the first day of each month from January through March and
14 \$92,000 on the first day of each month from April through June;
15 for State fiscal year 1992, \$260,000 payable on July 1,
16 \$900,000 payable on September 1, \$300,000 payable on October
17 1, \$150,000 payable on January 1, and \$100,000 payable on
18 April 1; for State fiscal year 1993, \$100,000 payable on July
19 1, \$230,000 payable on August 1 or within 10 days after July
20 31, 1992, whichever is later, and \$355,000 payable on October
21 1; for State fiscal year 1994, \$100,000 payable on July 1,
22 \$75,000 payable on October 1 and \$75,000 payable on April 1;
23 for State fiscal year 1995, \$100,000 payable on July 1,
24 \$75,000 payable on October 1, and \$75,000 payable on April 1,
25 for State fiscal year 1996, \$100,000 payable on July 1,
26 \$75,000 payable on October 1, and \$75,000 payable on April 1.

1 The owner of any nuclear power reactor that has an operating
2 license issued by the Nuclear Regulatory Commission for any
3 portion of State fiscal year 1998 shall pay an annual fee of
4 \$30,000 through State fiscal year 2003. For State fiscal year
5 2004 and subsequent fiscal years, the owner of any nuclear
6 power reactor that has an operating license issued by the
7 Nuclear Regulatory Commission shall pay an annual fee of
8 \$30,000 per reactor, provided that the fee shall not apply to a
9 nuclear power reactor with regard to which the owner notified
10 the Nuclear Regulatory Commission during State fiscal year
11 1998 that the nuclear power reactor permanently ceased
12 operations. The fee shall be due and payable on July 1 of each
13 fiscal year. The fee due on July 1, 1998 shall be payable on
14 that date, or within 10 days after the effective date of this
15 amendatory Act of 1998, whichever is later. The fee due on July
16 1, 1997 shall be payable on that date or within 10 days after
17 the effective date of this amendatory Act of 1997, whichever
18 is later. If the payments under this subsection for fiscal
19 year 1993 due on January 1, 1993, or on April 1, 1993, or both,
20 were due before the effective date of this amendatory Act of
21 the 87th General Assembly, then those payments are waived and
22 need not be made.

23 All of the amounts collected by the Agency under this
24 subsection (d) shall be deposited into the Low-Level
25 Radioactive Waste Facility Development and Operation Fund
26 created pursuant to subsection (a) of Section 14 of this Act

1 and expended, subject to appropriation, for the purposes
2 provided in that subsection.

3 All payments made by licensees under this subsection (d)
4 for fiscal year 1992 that are not appropriated and obligated
5 by the Agency above \$1,750,000 per reactor in fiscal year
6 1992, shall be credited to the licensees making the payments
7 to reduce the per reactor fees required under this subsection
8 (d) for fiscal year 1993.

9 (e) The Agency shall promulgate rules and regulations
10 establishing standards for the collection of the fees
11 authorized by this Section. The regulations shall include, but
12 need not be limited to:

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

15 (2) the form and submission of reports to accompany
16 the payment of fees to the Agency; and

17 (3) the time and manner of payment of fees to the
18 Agency, which payments shall not be more frequent than
19 quarterly.

20 (f) Any operating agreement entered into under subsection
21 (b) of Section 5 of this Act between the Agency and any
22 disposal facility contractor shall, subject to the provisions
23 of this Act, authorize the contractor to impose upon and
24 collect from persons using the disposal facility fees designed
25 and set at levels reasonably calculated to produce sufficient
26 revenues (1) to pay all costs and expenses properly incurred

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

20 (g) (Blank).

21 (h) (Blank).

22 (i) (Blank).

23 (j) (Blank).

24 (j-5) Prior to commencement of facility operations, the
25 Agency shall adopt rules providing for the establishment and
26 collection of fees and charges with respect to the use of the

1 disposal facility as provided in subsection (f) of this
2 Section.

3 (k) The regional disposal facility shall be subject to ad
4 valorem real estate taxes lawfully imposed by units of local
5 government and school districts with jurisdiction over the
6 facility. No other local government tax, surtax, fee or other
7 charge on activities at the regional disposal facility shall
8 be allowed except as authorized by the Agency.

9 (l) The Agency shall have the power, in the event that
10 acceptance of waste for disposal at the regional disposal
11 facility is suspended, delayed or interrupted, to impose
12 emergency fees on the generators of low-level radioactive
13 waste. Generators shall pay emergency fees within 30 days of
14 receipt of notice of the emergency fees. The Department shall
15 deposit all of the receipts of any fees collected under this
16 subsection into the Low-Level Radioactive Waste Facility
17 Development and Operation Fund created under subsection (b) of
18 Section 14. Emergency fees may be used to mitigate the impacts
19 of the suspension or interruption of acceptance of waste for
20 disposal. The requirements for rulemaking in the Illinois
21 Administrative Procedure Act shall not apply to the imposition
22 of emergency fees under this subsection.

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

25 (Source: P.A. 100-938, eff. 8-17-18.)

1 Section 40. The Radioactive Waste Storage Act is amended
2 by adding Section 0.05 and by changing Sections 1, 2, 3, 4, 5,
3 and 6 as follows:

4 (420 ILCS 35/0.05 new)

5 Sec. 0.05. Definitions. In this Act:

6 "IEMA-OHS" means the Illinois Emergency Management Agency
7 and Office of Homeland Security, or its successor agency.

8 "Director" means the Director of IEMA-OHS.

9 "Nuclear power plant" or "nuclear steam-generating
10 facility" means a thermal power plant in which the energy
11 (heat) released by the fissioning of nuclear fuel is used to
12 boil water to produce steam.

13 "Nuclear facilities" means nuclear power plants,
14 facilities housing nuclear test and research reactors,
15 facilities for the chemical conversion of uranium, and
16 facilities for the storage of spent nuclear fuel or high-level
17 radioactive waste.

18 "Nuclear power reactor" means an apparatus, other than an
19 atomic weapon, designed or used to sustain nuclear fission in
20 a self-supporting chain reaction.

21 "Small modular reactor" or "SMR" means an advanced nuclear
22 reactor: (1) with a rated nameplate capacity of 300 electrical
23 megawatts or less; and (2) that may be constructed and
24 operated in combination with similar reactors at a single
25 site.

1 (420 ILCS 35/1) (from Ch. 111 1/2, par. 230.1)

2 Sec. 1. The Director ~~of the Illinois Emergency Management~~
3 ~~Agency~~ is authorized to acquire by private purchase,
4 acceptance, or by condemnation in the manner provided for the
5 exercise of the power of eminent domain under the Eminent
6 Domain Act, any and all lands, buildings and grounds where
7 radioactive by-products and wastes produced by industrial,
8 medical, agricultural, scientific or other organizations can
9 be concentrated, stored or otherwise disposed in a manner
10 consistent with the public health and safety. Whenever, in the
11 judgment of the Director ~~of the Illinois Emergency Management~~
12 ~~Agency~~, it is necessary to relocate existing facilities for
13 the construction, operation, closure or long-term care of a
14 facility for the safe and secure disposal of low-level
15 radioactive waste, the cost of relocating such existing
16 facilities may be deemed a part of the disposal facility land
17 acquisition and the ~~Illinois Emergency Management~~ Agency may,
18 on behalf of the State, pay such costs. Existing facilities
19 include public utilities, commercial or industrial facilities,
20 residential buildings, and such other public or privately
21 owned buildings as the Director ~~of the Illinois Emergency~~
22 ~~Management Agency~~ deems necessary for relocation. The ~~Illinois~~
23 ~~Emergency Management~~ Agency is authorized to operate a
24 relocation program, and to pay such costs of relocation as are
25 provided in the federal "Uniform Relocation Assistance and

1 Real Property Acquisition Policies Act", Public Law 91-646.
2 The Director ~~of the Illinois Emergency Management Agency~~ is
3 authorized to exceed the maximum payments provided pursuant to
4 the federal "Uniform Relocation Assistance and Real Property
5 Acquisition Policies Act" if necessary to assure the provision
6 of decent, safe, and sanitary housing, or to secure a suitable
7 alternate location. Payments issued under this Section shall
8 be made from the Low-level Radioactive Waste Facility
9 Development and Operation Fund established by the Illinois
10 Low-Level Radioactive Waste Management Act.

11 (Source: P.A. 94-1055, eff. 1-1-07; 95-777, eff. 8-4-08.)

12 (420 ILCS 35/2) (from Ch. 111 1/2, par. 230.2)

13 Sec. 2. The Director ~~of the Illinois Emergency Management~~
14 ~~Agency~~ may accept, receive, and receipt for moneys or lands,
15 buildings and grounds for and in behalf of the State, given by
16 the Federal Government under any federal law to the State or by
17 any other public or private agency, for the acquisition or
18 operation of a site or sites for the concentration and storage
19 of radioactive wastes. Such funds received by the Director
20 pursuant to this section shall be deposited with the State
21 Treasurer and held and disbursed by him in accordance with "An
22 Act in relation to the receipt, custody, and disbursement of
23 money allotted by the United States of America or any agency
24 thereof for use in this State", approved July 3, 1939, as
25 amended. Provided that such moneys or lands, buildings and

1 grounds shall be used only for the purposes for which they are
2 contributed.

3 (Source: P.A. 95-777, eff. 8-4-08.)

4 (420 ILCS 35/3) (from Ch. 111 1/2, par. 230.3)

5 Sec. 3. The Director ~~of the Illinois Emergency Management~~
6 ~~Agency~~ may lease such lands, buildings and grounds as it may
7 acquire under the provisions of this Act to a private firm or
8 firms for the purpose of operating a site or sites for the
9 concentration and storage of radioactive wastes or for such
10 other purpose not contrary to the public interests.

11 (Source: P.A. 95-777, eff. 8-4-08.)

12 (420 ILCS 35/4) (from Ch. 111 1/2, par. 230.4)

13 Sec. 4. The operation of any and all sites acquired for the
14 concentration and storage of radioactive wastes shall be under
15 the direct supervision of the ~~Illinois Emergency Management~~
16 ~~Agency~~ and shall be in accordance with regulations promulgated
17 and enforced by the Agency to protect the public health and
18 safety.

19 (Source: P.A. 95-777, eff. 8-4-08.)

20 (420 ILCS 35/5) (from Ch. 111 1/2, par. 230.5)

21 Sec. 5. The Director ~~of the Illinois Emergency Management~~
22 ~~Agency~~ is authorized to enter into contracts as he may deem
23 necessary for carrying out the provisions of this Act. Such

1 contracts may include the assessment of fees by the Agency.
2 The fees required shall be established at a rate which
3 provides an annual amount equal to the anticipated reasonable
4 cost necessary to maintain, monitor, and otherwise supervise
5 and care for lands and facilities as required in the interest
6 of public health and safety.

7 (Source: P.A. 95-777, eff. 8-4-08.)

8 (420 ILCS 35/6) (from Ch. 111 1/2, par. 230.6)

9 Sec. 6. It is recognized by the General Assembly that any
10 site used for the concentration and storage of radioactive
11 waste material will represent a continuing and perpetual
12 responsibility in the interests of the public health, safety
13 and general welfare, and that the same must ultimately be
14 reposed in a sovereign government without regard for the
15 existence or nonexistence of any particular agency,
16 instrumentality, department, division or officer thereof. In
17 all instances lands, buildings and grounds which are to be
18 designated as sites for the concentration and storage of
19 radioactive waste materials shall be acquired in fee simple
20 absolute and dedicated in perpetuity to such purpose. All
21 rights, title and interest in, of and to any radioactive waste
22 materials accepted by the ~~Illinois Emergency Management~~ Agency
23 for permanent storage at such facilities, shall upon
24 acceptance become the property of the State and shall be in all
25 respects administered, controlled, and disposed of, including

1 transfer by sale, lease, loan or otherwise, by the Agency in
2 the name of the State. All fees received pursuant to contracts
3 entered into by the ~~Illinois Emergency Management~~ Agency shall
4 be deposited in the State Treasury and shall be set apart in a
5 special fund to be known as the "Radioactive Waste Site
6 Perpetual Care Fund". Monies deposited in the fund shall be
7 expended by the ~~Illinois Emergency Management~~ Agency to
8 monitor and maintain the site as required to protect the
9 public health and safety on a continuing and perpetual basis.
10 All payments received by the Department of Nuclear Safety (now
11 the ~~Illinois Emergency Management~~ Agency) pursuant to the
12 settlement agreement entered May 25, 1988, in the matter of
13 the People of the State of Illinois, et al. v. Teledyne, Inc.,
14 et al. (No. 78 MR 25, Circuit Court, Bureau County, Illinois)
15 shall be held by the State Treasurer separate and apart from
16 all public moneys or funds of the State, and shall be used only
17 as provided in such settlement agreement.

18 (Source: P.A. 95-777, eff. 8-4-08.)

19 Section 45. The Radioactive Waste Tracking and Permitting
20 Act is amended by changing Sections 5, 10, and 15 as follows:

21 (420 ILCS 37/5)

22 Sec. 5. Legislative findings.

23 (a) The General Assembly finds:

24 (1) that a considerable volume of wastes are produced

1 in this State with even greater volumes to be produced in
2 the future;

3 (2) that these wastes pose a significant risk to the
4 public health, safety and welfare of the people of
5 Illinois; and

6 (3) that it is the obligation of the State of Illinois
7 to its citizens to provide for the safe management of the
8 wastes produced within its borders.

9 (b) It is the intent of this Act to authorize the ~~Illinois~~
10 ~~Emergency Management~~ Agency to establish, by regulation, a
11 tracking system for the regulation of the use of facilities
12 licensed under Section 8 of the Illinois Low-Level Radioactive
13 Waste Management Act.

14 (Source: P.A. 95-777, eff. 8-4-08.)

15 (420 ILCS 37/10)

16 Sec. 10. Definitions.

17 (a) "Agency" or "IEMA-OHS" means the Illinois Emergency
18 Management Agency and Office of Homeland Security, or its
19 successor agency.

20 (b) "Director" means the Director of the ~~Illinois~~
21 ~~Emergency Management~~ Agency.

22 (c) "Disposal" means the isolation of waste from the
23 biosphere in a permanent facility designed for that purpose.

24 (d) "Facility" means a parcel of land or a site, together
25 with structures, equipment, and improvements on or appurtenant

1 to the land or site, that is used or is being developed for the
2 treatment, storage, or disposal of low-level radioactive
3 waste.

4 (e) "Low-level radioactive waste" or "waste" means
5 radioactive waste not classified as (1) high-level radioactive
6 waste, (2) transuranic waste, (3) spent nuclear fuel, or (4)
7 byproduct material as defined in Sections 11e(2), 11e(3), and
8 11e(4) of the Atomic Energy Act (42 U.S.C. 2014). This
9 definition shall apply notwithstanding any declaration by the
10 federal government, a state, or any regulatory agency that any
11 radioactive material is exempt from any regulatory control.

12 (e-5) "Nuclear facilities" means nuclear power plants,
13 facilities housing nuclear test and research reactors,
14 facilities for the chemical conversion of uranium, and
15 facilities for the storage of spent nuclear fuel or high-level
16 radioactive waste.

17 (e-10) "Nuclear power plant" or "nuclear steam-generating
18 facility" means a thermal power plant in which the energy
19 (heat) released by the fissioning of nuclear fuel is used to
20 boil water to produce steam.

21 (e-15) "Nuclear power reactor" means an apparatus, other
22 than an atomic weapon, designed or used to sustain nuclear
23 fission in a self-supporting chain reaction.

24 (e-20) "Small modular reactor" or "SMR" means an advanced
25 nuclear reactor: (1) with a rated nameplate capacity of 300
26 electrical megawatts or less; and (2) that may be constructed

1 and operated in combination with similar reactors at a single
2 site.

3 (f) "Person" means an individual, corporation, business
4 enterprise, or other legal entity, public or private, or any
5 legal successor, representative, agent, or agency of that
6 individual, corporation, business enterprise, or legal entity.

7 (g) "Regional facility" or "disposal facility" means a
8 facility that is located in Illinois and established by
9 Illinois, under designation of Illinois as a host state by the
10 Commission for disposal of waste.

11 (h) "Storage" means the temporary holding of waste for
12 treatment or disposal for a period determined by Agency
13 regulations.

14 (i) "Treatment" means any method, technique, or process,
15 including storage for radioactive decay, that is designed to
16 change the physical, chemical, or biological characteristics
17 or composition of any waste in order to render the waste safer
18 for transport, storage, or disposal, amenable to recovery,
19 convertible to another usable material, or reduced in volume.

20 (Source: P.A. 103-306, eff. 7-28-23.)

21 (420 ILCS 37/15)

22 Sec. 15. Permit requirements for the storage, treatment,
23 and disposal of waste at a disposal facility.

24 (a) Upon adoption of regulations under subsection (c) of
25 this Section, no person shall deposit any low-level

1 radioactive waste at a storage, treatment, or disposal
2 facility in Illinois licensed under Section 8 of the Illinois
3 Low-Level Radioactive Waste Management Act without a permit
4 granted by the ~~Illinois Emergency Management~~ Agency.

5 (b) Upon adoption of regulations under subsection (c) of
6 this Section, no person shall operate a storage, treatment, or
7 disposal facility licensed under Section 8 of the Illinois
8 Low-Level Radioactive Waste Management Act without a permit
9 granted by the ~~Illinois Emergency Management~~ Agency.

10 (c) The ~~Illinois Emergency Management~~ Agency shall adopt
11 regulations providing for the issuance, suspension, and
12 revocation of permits required under subsections (a) and (b)
13 of this Section. The regulations may provide a system for
14 tracking low-level radioactive waste to ensure that waste that
15 other states are responsible for disposing of under federal
16 law does not become the responsibility of the State of
17 Illinois. The regulations shall be consistent with the Federal
18 Hazardous Materials Transportation Act.

19 (d) The Agency may enter into a contract or contracts for
20 operation of the system for tracking low-level radioactive
21 waste as provided in subsection (c) of this Section.

22 (e) A person who violates this Section or any regulation
23 promulgated under this Section shall be subject to a civil
24 penalty, not to exceed \$10,000, for each violation. Each day a
25 violation continues shall constitute a separate offense. A
26 person who fails to pay a civil penalty imposed by a regulation

1 adopted under this Section, or any portion of the penalty, is
2 liable in a civil action in an amount not to exceed 4 times the
3 amount imposed and not paid. At the request of the Agency, the
4 Attorney General shall, on behalf of the State, bring an
5 action for the recovery of any civil penalty provided for by
6 this Section. Any civil penalties so recovered shall be
7 deposited in the Low-Level Radioactive Waste Facility Closure,
8 Post-Closure Care and Compensation Fund.

9 (Source: P.A. 95-777, eff. 8-4-08.)

10 Section 50. The Radiation Protection Act of 1990 is
11 amended by changing Sections 4, 11, 14, 24.7, 25.1, and 25.2 as
12 follows:

13 (420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 4. Definitions. As used in this Act:

16 (a) "Accreditation" means the process by which the Agency
17 grants permission to persons meeting the requirements of this
18 Act and the Agency's rules and regulations to engage in the
19 practice of administering radiation to human beings.

20 (a-2) "Agency" or "IEMA-OHS" means the Illinois Emergency
21 Management Agency and Office of Homeland Security, or its
22 successor agency.

23 (a-3) "Assistant Director" means the Assistant Director of
24 the Agency.

1 (a-5) "By-product material" means: (1) any radioactive
2 material (except special nuclear material) yielded in or made
3 radioactive by exposure to radiation incident to the process
4 of producing or utilizing special nuclear material; (2) the
5 tailings or wastes produced by the extraction or concentration
6 of uranium or thorium from any ore processed primarily for its
7 source material content, including discrete surface wastes
8 resulting from underground solution extraction processes but
9 not including underground ore bodies depleted by such solution
10 extraction processes; (3) any discrete source of radium-226
11 that is produced, extracted, or converted after extraction,
12 before, on, or after August 8, 2005, for use for a commercial,
13 medical, or research activity; (4) any material that has been
14 made radioactive by use of a particle accelerator and is
15 produced, extracted, or converted after extraction before, on,
16 or after August 8, 2005, for use for a commercial, medical, or
17 research activity; and (5) any discrete source of naturally
18 occurring radioactive material, other than source material,
19 that is extracted or converted after extraction for use in
20 commercial, medical, or research activity before, on, or after
21 August 8, 2005, and which the U.S. Nuclear Regulatory
22 Commission, in consultation with the Administrator of the
23 Environmental Protection Agency, the Secretary of Energy, the
24 Secretary of Homeland Security, and the head of any other
25 appropriate Federal agency, determines would pose a threat to
26 the public health and safety or the common defense and

1 security similar to the threat posed by a discrete source or
2 radium-226.

3 (b) (Blank).

4 (c) (Blank).

5 (d) "General license" means a license, pursuant to
6 regulations promulgated by the Agency, effective without the
7 filing of an application to transfer, acquire, own, possess or
8 use quantities of, or devices or equipment utilizing,
9 radioactive material, including but not limited to by-product,
10 source or special nuclear materials.

11 (d-1) "Identical in substance" means the regulations
12 promulgated by the Agency would require the same actions with
13 respect to ionizing radiation, for the same group of affected
14 persons, as would federal laws, regulations, or orders if any
15 federal agency, including but not limited to the Nuclear
16 Regulatory Commission, Food and Drug Administration, or
17 Environmental Protection Agency, administered the subject
18 program in Illinois.

19 (d-3) "Mammography" means radiography of the breast
20 primarily for the purpose of enabling a physician to determine
21 the presence, size, location and extent of cancerous or
22 potentially cancerous tissue in the breast.

23 (d-5) "Nuclear facilities" means nuclear power plants,
24 facilities housing nuclear test and research reactors,
25 facilities for the chemical conversion of uranium, and
26 facilities for the storage of spent nuclear fuel or high-level

1 radioactive waste.

2 (d-5.5) "Nuclear power plant" or "nuclear steam-generating
3 facility" means a thermal power plant in which the energy
4 (heat) released by the fissioning of nuclear fuel is used to
5 boil water to produce steam.

6 (d-5.10) "Nuclear power reactor" means an apparatus, other
7 than an atomic weapon, designed or used to sustain nuclear
8 fission in a self-supporting chain reaction.

9 (d-7) "Operator" is an individual, group of individuals,
10 partnership, firm, corporation, association, or other entity
11 conducting the business or activities carried on within a
12 radiation installation.

13 (e) "Person" means any individual, corporation,
14 partnership, firm, association, trust, estate, public or
15 private institution, group, agency, political subdivision of
16 this State, any other State or political subdivision or agency
17 thereof, and any legal successor, representative, agent, or
18 agency of the foregoing, other than the United States Nuclear
19 Regulatory Commission, or any successor thereto, and other
20 than federal government agencies licensed by the United States
21 Nuclear Regulatory Commission, or any successor thereto.
22 "Person" also includes a federal entity (and its contractors)
23 if the federal entity agrees to be regulated by the State or as
24 otherwise allowed under federal law.

25 (f) "Radiation" or "ionizing radiation" means gamma rays
26 and x-rays, alpha and beta particles, high speed electrons,

1 neutrons, protons, and other nuclear particles or
2 electromagnetic radiations capable of producing ions directly
3 or indirectly in their passage through matter; but does not
4 include sound or radio waves or visible, infrared, or
5 ultraviolet light.

6 (f-5) "Radiation emergency" means the uncontrolled release
7 of radioactive material from a radiation installation which
8 poses a potential threat to the public health, welfare, and
9 safety.

10 (g) "Radiation installation" is any location or facility
11 where radiation machines are used or where radioactive
12 material is produced, transported, stored, disposed of, or
13 used for any purpose.

14 (h) "Radiation machine" is any device that produces
15 radiation when in use.

16 (i) "Radioactive material" means any solid, liquid, or
17 gaseous substance which emits radiation spontaneously.

18 (j) "Radiation source" or "source of ionizing radiation"
19 means a radiation machine or radioactive material as defined
20 herein.

21 (j-5) "Small modular reactor" or "SMR" means an advanced
22 nuclear reactor: (1) with a rated nameplate capacity of 300
23 electrical megawatts or less; and (2) that may be constructed
24 and operated in combination with similar reactors at a single
25 site.

26 (k) "Source material" means (1) uranium, thorium, or any

1 other material which the Agency declares by order to be source
2 material after the United States Nuclear Regulatory
3 Commission, or any successor thereto, has determined the
4 material to be such; or (2) ores containing one or more of the
5 foregoing materials, in such concentration as the Agency
6 declares by order to be source material after the United
7 States Nuclear Regulatory Commission, or any successor
8 thereto, has determined the material in such concentration to
9 be source material.

10 (1) "Special nuclear material" means (1) plutonium,
11 uranium 233, uranium enriched in the isotope 233 or in the
12 isotope 235, and any other material which the Agency declares
13 by order to be special nuclear material after the United
14 States Nuclear Regulatory Commission, or any successor
15 thereto, has determined the material to be such, but does not
16 include source material; or (2) any material artificially
17 enriched by any of the foregoing, but does not include source
18 material.

19 (m) "Specific license" means a license, issued after
20 application, to use, manufacture, produce, transfer, receive,
21 acquire, own, or possess quantities of, or devices or
22 equipment utilizing radioactive materials.

23 (Source: P.A. 95-511, eff. 8-28-07; 95-777, eff. 8-4-08;
24 96-1041, eff. 7-14-10.)

25 (420 ILCS 40/11) (from Ch. 111 1/2, par. 210-11)

1 (Section scheduled to be repealed on January 1, 2027)

2 Sec. 11. Federal-State Agreements.

3 (1) The Governor, on behalf of this State, is authorized
4 to enter into agreements with the Federal Government providing
5 for discontinuance of certain of the Federal Government's
6 responsibilities with respect to sources of ionizing radiation
7 and the assumption thereof by this State, including, but not
8 limited to, agreements concerning by-product material as
9 defined in Section 11(e)(2) of the Atomic Energy Act of 1954,
10 42 U.S.C. 2014(e)(2).

11 (2) Any person who, on the effective date of an agreement
12 under subsection (1) above, possesses a license issued by the
13 Federal Government governing activities for which the Federal
14 Government, pursuant to such agreement, is transferring its
15 responsibilities to this State shall be deemed to possess the
16 same pursuant to a license issued under this Act, which shall
17 expire 90 days after receipt from the Department of Nuclear
18 Safety (or its successor agency, the ~~Illinois Emergency~~
19 ~~Management~~ Agency) of a notice of expiration of such license,
20 or on the date of expiration specified in the Federal license,
21 whichever is earlier.

22 (3) At such time as Illinois enters into a Federal-State
23 Agreement in accordance with the provisions of this Act, the
24 Agency shall license and collect license fees from persons
25 operating radiation installations, including installations
26 involving the use or possession of by-product material as

1 defined in subsection (a-5)(2) of Section 4 and installations
2 having such devices or equipment utilizing or producing
3 radioactive materials but licensure shall not apply to any
4 x-ray machine, including those located in an office of a
5 licensed physician or dentist. The Agency may also collect
6 license fees from persons authorized by the Agency to engage
7 in decommissioning and decontamination activities at radiation
8 installations including installations licensed to use or
9 possess by-product material as defined in subsection (a-5)(2)
10 of Section 4. The license fees collected from persons
11 authorized to use or possess by-product material as defined in
12 subsection (a-5)(2) of Section 4 or to engage in
13 decommissioning and decontamination activities at radiation
14 installations where such by-product material is used or
15 possessed may include fees sufficient to cover the expenses
16 incurred by the Department in conjunction with monitoring
17 unlicensed properties contaminated with by-product material as
18 defined in subsection (a-5)(2) of Section 4 and overseeing the
19 decontamination of such unlicensed properties.

20 The Agency may impose fees for termination of licenses
21 including, but not limited to, licenses for refining uranium
22 mill concentrates to uranium hexafluoride; licenses for
23 possession and use of source material at ore buying stations,
24 at ion exchange facilities and at facilities where ore is
25 processed to extract metals other than uranium or thorium; and
26 licenses authorizing the use or possession of by-product

1 material as defined in subsection (a-5)(2) of Section 4. The
2 Agency may also set license fees for licenses which authorize
3 the distribution of devices, products, or sealed sources
4 involved in the production, utilization, or containment of
5 radiation. After a public hearing before the Agency, the fees
6 and collection procedures shall be prescribed under rules and
7 regulations for protection against radiation hazards
8 promulgated under this Act.

9 (4) The Agency is authorized to enter into agreements
10 related to the receipt and expenditure of federal grants and
11 other funds to provide assistance to states and compact
12 regions in fulfilling responsibilities under the federal
13 Low-Level Radioactive Waste Policy Act, as amended.

14 (Source: P.A. 94-104, eff. 7-1-05.)

15 (420 ILCS 40/14) (from Ch. 111 1/2, par. 210-14)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 14. Radiation Protection Advisory Council. There
18 shall be created a Radiation Protection Advisory Council
19 consisting of 7 members to be appointed by the Governor on the
20 basis of demonstrated interest in and capacity to further the
21 purposes of this Act and who shall broadly reflect the varied
22 interests in and aspects of atomic energy and ionizing
23 radiation within the State. The Director of the Department of
24 Labor and the Chairman of the Commerce Commission or their
25 representatives shall be ex-officio members of the Council.

1 Each member of the Council shall be appointed for a 4 year
2 term and shall continue to serve until a successor is
3 appointed. Any member appointed to fill a vacancy occurring
4 prior to the expiration of the term for which his or her
5 predecessor was appointed shall continue to serve until a
6 successor is appointed. The Chairman of the Council shall be
7 selected by and from the Council membership. The Council
8 members shall serve without compensation but shall be
9 reimbursed for their actual expenses incurred in line of duty.
10 The Council shall meet as often as the Chairman deems
11 necessary, but upon request of 4 or more members it shall be
12 the duty of the Chairman to call a meeting of the Council.

13 It shall be the duty of the Council to assist in the
14 formulation of and to review the policies and program of the
15 Agency as developed under authority of this Act and to make
16 recommendations thereon and to provide the Agency with such
17 technical advice and assistance as may be requested. The
18 Council may employ such professional, technical, clerical and
19 other assistants, without regard to the civil service laws or
20 the "Personnel Code" of this State, as it deems necessary to
21 carry out its duties.

22 Individuals who serve on advisory boards of the Department
23 of Nuclear Safety or its successor agency, the ~~Illinois~~
24 ~~Emergency Management~~ Agency, shall be defended by the Attorney
25 General and indemnified for all actions alleging a violation
26 of any duty arising within the scope of their service on such

1 board. Nothing contained herein shall be deemed to afford
2 defense or indemnification for any willful or wanton violation
3 of law. Such defense and indemnification shall be afforded in
4 accordance with the terms and provisions of the State Employee
5 Indemnification Act.

6 (Source: P.A. 94-104, eff. 7-1-05.)

7 (420 ILCS 40/24.7)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 24.7. Registration requirement; fees. Beginning
10 January 1, 2000, the Department of Nuclear Safety or its
11 successor agency, the ~~Illinois Emergency Management~~ Agency, is
12 authorized to require every operator of a radiation
13 installation to register the installation with the Department
14 or the Agency before the installation is placed in operation.
15 The Agency is authorized to exempt certain radiation sources
16 from registration by rule when the Agency makes a
17 determination that the exemption of such sources will not
18 constitute a significant risk to health and safety of the
19 public. Whenever there is a change in a radiation installation
20 that affects the registration information provided to the
21 Department or the Agency, including discontinuation of use or
22 disposition of radiation sources, the operator of such
23 installation shall, within 30 days, give written notice to the
24 Department or the Agency detailing the change.

25 Beginning January 1, 2000, every radiation installation

1 operator using radiation machines shall register annually in a
2 manner and form prescribed by the Department of Nuclear Safety
3 or its successor agency, the ~~Illinois Emergency Management~~
4 Agency, and shall pay the Department or the Agency an annual
5 registration fee for each radiation machine. The Agency shall
6 by rule establish the annual registration fee to register and
7 inspect radiation installations based on the type of facility
8 and equipment possessed by the registrant. The Agency shall
9 bill the operator for the registration fee as soon as
10 practical after January 1. The registration fee shall be due
11 and payable within 60 days of the date of billing. If after 60
12 days the registration fee is not paid, the Agency may issue an
13 order directing the operator of the installation to cease use
14 of all radiation machines or take other appropriate
15 enforcement action as provided in Section 36 of this Act. Fees
16 collected under this Section are not refundable.

17 Registration of any radiation installation shall not imply
18 approval of manufacture, storage, use, handling, operation, or
19 disposal of radiation sources, but shall serve merely as
20 notice to the Agency of the location and character of
21 radiation sources in this State.

22 (Source: P.A. 94-104, eff. 7-1-05.)

23 (420 ILCS 40/25.1)

24 (Section scheduled to be repealed on January 1, 2027)

25 Sec. 25.1. Each individual responsible for implementing a

1 comprehensive radiation protection program for all hospitals
2 and other facilities using mammography, computed tomography
3 (CT), or therapeutic radiation machines shall register with
4 the Department of Nuclear Safety or its successor agency, the
5 ~~Illinois Emergency Management~~ Agency. Application for
6 registration shall be made on a form prescribed by the Agency
7 and shall be accompanied by the required application fee. The
8 Agency shall approve the application and register an
9 individual if the individual satisfies criteria established by
10 rule of the Agency. The Agency shall assess registered
11 individuals an annual registration fee. The Agency shall
12 establish by rule application and registration fees. The
13 application and registration fees shall not be refundable.

14 (Source: P.A. 96-1041, eff. 7-14-10.)

15 (420 ILCS 40/25.2)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 25.2. Installation and servicing of radiation
18 machines.

19 (a) Beginning January 1, 2002, a service provider who
20 installs or services radiation machines in the State of
21 Illinois must register with the Department of Nuclear Safety
22 or its successor agency, the ~~Illinois Emergency Management~~
23 Agency. An operator of a radiation installation that is
24 registered under Section 24.7 is not required to register
25 under this Section to service the radiation machines that it

1 owns or leases.

2 (b) A service provider who installs a radiation machine in
3 the State of Illinois must report the installation to the
4 Agency.

5 (c) A service provider who services a radiation machine in
6 a radiation installation in the State of Illinois that is not
7 registered under Section 24.7 must report the service to the
8 Agency.

9 (d) The Agency is authorized to adopt rules to implement
10 this Section, including rules assessing application and annual
11 registration fees. Application and registration fees are not
12 refundable.

13 (Source: P.A. 94-104, eff. 7-1-05.)

14 Section 55. The Uranium and Thorium Mill Tailings Control
15 Act is amended by changing Section 10 as follows:

16 (420 ILCS 42/10)

17 Sec. 10. Definitions. As used in this Act:

18 "Agency" or "IEMA-OHS" means the Illinois Emergency
19 Management Agency and Office of Homeland Security, or its
20 successor agency.

21 "By-product material" means the tailings or wastes
22 produced by the extraction or concentration of uranium or
23 thorium from any ore processed primarily for its source
24 material content, including discrete surface wastes resulting

1 from underground solution extraction processes but not
2 including underground ore bodies depleted by such solution
3 extraction processes.

4 "Director" means the Director of the ~~Illinois Emergency~~
5 ~~Management~~ Agency.

6 "Nuclear facilities" means nuclear power plants,
7 facilities housing nuclear test and research reactors,
8 facilities for the chemical conversion of uranium, and
9 facilities for the storage of spent nuclear fuel or high-level
10 radioactive waste.

11 "Nuclear power plant" or "nuclear steam-generating
12 facility" means a thermal power plant in which the energy
13 (heat) released by the fissioning of nuclear fuel is used to
14 boil water to produce steam.

15 "Nuclear power reactor" means an apparatus, other than an
16 atomic weapon, designed or used to sustain nuclear fission in
17 a self-supporting chain reaction.

18 "Person" means any individual, corporation, partnership,
19 firm, association, trust, estate, public or private
20 institution, group, agency, political subdivision of this
21 State, any other State or political subdivision or agency
22 thereof, and any legal successor, representative, agent, or
23 agency of the foregoing, other than the United States Nuclear
24 Regulatory Commission, or any successor thereto, and other
25 than federal government agencies licensed by the United States
26 Nuclear Regulatory Commission, or any successor thereto.

1 "Radiation emergency" means the uncontrolled release of
2 radioactive material from a radiation installation that poses
3 a potential threat to the public health, welfare, and safety.

4 "Small modular reactor" or "SMR" means an advanced nuclear
5 reactor: (1) with a rated nameplate capacity of 300 electrical
6 megawatts or less; and (2) that may be constructed and
7 operated in combination with similar reactors at a single
8 site.

9 "Source material" means (i) uranium, thorium, or any other
10 material that the Agency declares by order to be source
11 material after the United States Nuclear Regulatory Commission
12 or its successor has determined the material to be source
13 material; or (ii) ores containing one or more of those
14 materials in such concentration as the Agency declares by
15 order to be source material after the United States Nuclear
16 Regulatory Commission or its successor has determined the
17 material in such concentration to be source material.

18 "Specific license" means a license, issued after
19 application, to use, manufacture, produce, transfer, receive,
20 acquire, own, or possess quantities of radioactive materials
21 or devices or equipment utilizing radioactive materials.

22 (Source: P.A. 95-777, eff. 8-4-08.)

23 Section 60. The Radon Industry Licensing Act is amended by
24 changing Sections 10 and 15 as follows:

1 (420 ILCS 44/10)

2 Sec. 10. Primary responsibility with ~~Illinois Emergency~~
3 ~~Management Agency~~. The ~~Illinois Emergency Management Agency~~
4 shall have primary responsibility for coordination, oversight,
5 and implementation of all State functions in matters
6 concerning the presence, effects, measurement, and mitigation
7 of risks of radon and radon progeny in dwellings and other
8 buildings. The Department of Natural Resources, the
9 Environmental Protection Agency, the Department of Public
10 Health, and other State agencies shall consult and cooperate
11 with the Agency as requested and as necessary to fulfill the
12 purposes of this Act.

13 (Source: P.A. 94-369, eff. 7-29-05.)

14 (420 ILCS 44/15)

15 Sec. 15. Definitions. As used in this Act, unless the
16 context requires otherwise:

17 (a) "Agency" or "IEMA-OHS" means the Illinois Emergency
18 Management Agency and Office of Homeland Security, or its
19 successor agency.

20 (b) "Client" means any person who contracts for
21 measurement or mitigation services.

22 (c) "Director" means the Director of the ~~Illinois~~
23 ~~Emergency Management Agency.~~

24 (d) "Interfere" means to adversely or potentially
25 adversely impact the successful completion of an indoor radon

1 measurement by changing the radon or radon progeny
2 concentrations or altering the performance of measurement
3 equipment or an indoor radon mitigation system installation or
4 operation.

5 (e) "Laboratory analysis" means the act of analyzing the
6 radon or radon progeny concentrations with passive devices, or
7 the act of calibrating radon or radon progeny measurement
8 devices, or the act of exposing radon or radon progeny devices
9 to known concentrations of radon or radon progeny as a
10 compensated service.

11 (f) "Mitigation" means the act of repairing or altering a
12 building or building design for the purpose in whole or in part
13 of reducing the concentration of radon in the indoor
14 atmosphere.

15 (g) "Person" means entities, including, but not limited
16 to, an individual, company, corporation, firm, group,
17 association, partnership, joint venture, trust, or government
18 agency or subdivision.

19 (h) "Radon" means a gaseous radioactive decay product of
20 uranium or thorium.

21 (i) "Radon contractor" or "contractor" means a person
22 licensed to perform radon or radon progeny mitigation or to
23 perform measurements of radon or radon progeny in an indoor
24 atmosphere.

25 (j) "Radon progeny" means any combination of the
26 radioactive decay products of radon.

1 (Source: P.A. 94-369, eff. 7-29-05.)

2 Section 65. The Laser System Act of 1997 is amended by
3 changing Sections 15 and 60 as follows:

4 (420 ILCS 56/15)

5 Sec. 15. Definitions. For the purposes of this Act, unless
6 the context requires otherwise:

7 "Agency" or "IEMA-OHS" means the Illinois Emergency
8 Management Agency and Office of Homeland Security, or its
9 successor agency.

10 "Director" means the Director of the ~~Illinois Emergency~~
11 ~~Management~~ Agency.

12 "FDA" means the Food and Drug Administration of the United
13 States Department of Health and Human Services.

14 "Laser installation" means a location or facility where
15 laser systems are produced, stored, disposed of, or used for
16 any purpose. "Laser installation" does not include any private
17 residence.

18 "Laser installation operator" means an individual, group
19 of individuals, partnership, firm, corporation, association,
20 or other entity conducting any business or activity within a
21 laser installation.

22 "Laser machine" means a device that is capable of
23 producing or projecting laser radiation when associated
24 controlled devices are operated.

1 "Laser radiation" means an electromagnetic radiation
2 emitted from a laser system and includes all reflected
3 radiation, any secondary radiation, or other forms of energy
4 resulting from the primary laser beam.

5 "Laser safety officer" means an individual who is
6 qualified by training and experience in the evaluation and
7 control of laser hazards, as evidenced by satisfaction of the
8 training and experience requirements adopted by the Agency
9 under subsection (b) of Section 16, and who is designated,
10 where required by Sections 16 and 17, by a laser installation
11 operator or temporary laser display operator to have the
12 authority and responsibility to establish and administer a
13 laser radiation protection program for a particular laser
14 installation or temporary laser display.

15 "Laser system" means a device, laser projector, laser
16 machine, equipment, or other apparatus that applies a source
17 of energy to a gas, liquid, crystal, or other solid substances
18 or combination thereof in a manner that electromagnetic
19 radiations of a relatively uniform wave length are amplified
20 and emitted in a cohesive beam capable of transmitting the
21 energy developed in a manner that may be harmful to living
22 tissues, including, but not limited to, electromagnetic waves
23 in the range of visible, infrared, or ultraviolet light. Such
24 systems in schools, colleges, occupational schools, and State
25 colleges and other State institutions are also included in the
26 definition of "laser systems". "Laser system" includes laser

1 machines but does not include any device, machine, equipment,
2 or other apparatus used in the provision of communications
3 through fiber optic cable.

4 "Nuclear facilities" means nuclear power plants,
5 facilities housing nuclear test and research reactors,
6 facilities for the chemical conversion of uranium, and
7 facilities for the storage of spent nuclear fuel or high-level
8 radioactive waste.

9 "Nuclear power plant" or "nuclear steam-generating
10 facility" means a thermal power plant in which the energy
11 (heat) released by the fissioning of nuclear fuel is used to
12 boil water to produce steam.

13 "Nuclear power reactor" means an apparatus, other than an
14 atomic weapon, designed or used to sustain nuclear fission in
15 a self-supporting chain reaction.

16 "Small modular reactor" or "SMR" means an advanced nuclear
17 reactor: (1) with a rated nameplate capacity of 300 electrical
18 megawatts or less; and (2) that may be constructed and
19 operated in combination with similar reactors at a single
20 site.

21 "Temporary laser display" means a visual effect display
22 created for a limited period of time at a laser installation by
23 a laser system that is not a permanent fixture in the laser
24 installation for the entertainment of the public or invitees,
25 regardless of whether admission is charged or whether the
26 laser display takes place indoors or outdoors.

1 "Temporary laser display operator" means an individual,
2 group of individuals, partnership, firm, corporation,
3 association, or other entity conducting a temporary laser
4 display at a laser installation.

5 (Source: P.A. 102-558, eff. 8-20-21; 103-277, eff. 7-28-23.)

6 (420 ILCS 56/60)

7 Sec. 60. Illinois Administrative Procedure Act. The
8 provisions of the Illinois Administrative Procedure Act are
9 hereby expressly adopted and shall apply to all administrative
10 rules and procedures of the ~~Illinois Emergency Management~~
11 Agency under this Act, except that Section 5 of the Illinois
12 Administrative Procedure Act relating to procedures for
13 rulemaking does not apply to the adoption of any rule required
14 by federal law in connection with which the Agency is
15 precluded from exercising any discretion.

16 (Source: P.A. 95-777, eff. 8-4-08.)