



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Thomas Holbrook

SYNOPSIS AS INTRODUCED:

420 ILCS 40/11

from Ch. 111 1/2, par. 210-11

Amends the Radiation Protection Act of 1990. Changes references from the "Department of Nuclear Safety" to the "Illinois Emergency Management Agency". Provides that the Agency shall set, and periodically revise, license fees, which must approximate radioactive material fees charged by the Nuclear Regulatory Commission. Effective immediately.

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FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning nuclear safety.

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

4 Section 5. The Radiation Protection Act of 1990 is amended
5 by changing Section 11 as follows:

6 (420 ILCS 40/11) (from Ch. 111 1/2, par. 210-11)

7 (Section scheduled to be repealed on January 1, 2011)

8 Sec. 11. Federal-State Agreements.

9 (1) The Governor, on behalf of this State, is authorized to
10 enter into agreements with the Federal Government providing for
11 discontinuance of certain of the Federal Government's
12 responsibilities with respect to sources of ionizing radiation
13 and the assumption thereof by this State, including, but not
14 limited to, agreements concerning by-product material as
15 defined in Section 11(e)(2) of the Atomic Energy Act of 1954,
16 42 U.S.C. 2014(e)(2).

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

27 (3) At such time as Illinois enters into a Federal-State
28 Agreement in accordance with the provisions of this Act, the
29 Agency ~~Department~~ shall license and collect license fees from
30 persons operating radiation installations, including
31 installations involving the use or possession of by-product
32 material as defined in subsection (a-5)(2) of Section 4 and

1 installations having such devices or equipment utilizing or
2 producing radioactive materials but licensure shall not apply
3 to any x-ray machine, including those located in an office of a
4 licensed physician or dentist. The Agency ~~Department~~ may also
5 collect license fees from persons authorized by the Agency
6 ~~Department~~ to engage in decommissioning and decontamination
7 activities at radiation installations including installations
8 licensed to use or possess by-product material as defined in
9 subsection (a-5)(2) of Section 4. The license fees collected
10 from persons authorized to use or possess by-product material
11 as defined in subsection (a-5)(2) of Section 4 or to engage in
12 decommissioning and decontamination activities at radiation
13 installations where such by-product material is used or
14 possessed may include fees sufficient to cover the expenses
15 incurred by the Agency ~~Department~~ in conjunction with
16 monitoring unlicensed properties contaminated with by-product
17 material as defined in subsection (a-5)(2) of Section 4 and
18 overseeing the decontamination of such unlicensed properties.
19 The Agency shall set, and periodically revise, license fees
20 with the goal of recovering all program costs, including
21 appropriately allocated overhead costs. Agency license fees
22 shall approximate, to the extent practicable, radioactive
23 material fees charged by the Nuclear Regulatory Commission, but
24 are not required to include the same types of fees and
25 exemptions.

26 The Agency ~~Department~~ may impose fees for termination of
27 licenses including, but not limited to, licenses for refining
28 uranium mill concentrates to uranium hexafluoride; licenses
29 for possession and use of source material at ore buying
30 stations, at ion exchange facilities and at facilities where
31 ore is processed to extract metals other than uranium or
32 thorium; and licenses authorizing the use or possession of
33 by-product material as defined in subsection (a-5)(2) of
34 Section 4. The Agency ~~Department~~ may also set license fees for
35 licenses which authorize the distribution of devices,
36 products, or sealed sources involved in the production,

1 utilization, or containment of radiation. After a public
2 hearing before the Agency ~~Department~~, the fees and collection
3 procedures shall be prescribed under rules and regulations for
4 protection against radiation hazards promulgated under this
5 Act.

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

11 (Source: P.A. 91-86, eff. 7-9-99; 91-340, eff. 7-29-99; 92-16,
12 eff. 6-28-01.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.