

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 Illinois Nuclear Safety Preparedness Act  
5 is amended by changing Section 4 as follows:

6 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

7 Sec. 4. Nuclear accident plans; fees. Persons engaged  
8 within this State in the production of electricity utilizing  
9 nuclear energy, the operation of nuclear test and research  
10 reactors, the chemical conversion of uranium, or the  
11 transportation, storage or possession of spent nuclear fuel  
12 or high-level radioactive waste shall pay fees to cover the  
13 cost of establishing plans and programs to deal with the  
14 possibility of nuclear accidents. Except as provided below,  
15 the fees shall be used exclusively to fund those Departmental  
16 and local government activities defined as necessary by the  
17 Director to implement and maintain the plans and programs  
18 authorized by this Act. Local governments incurring expenses  
19 attributable to implementation and maintenance of the plans  
20 and programs authorized by this Act may apply to the  
21 Department for compensation for those expenses, and upon  
22 approval by the Director of applications submitted by local  
23 governments, the Department shall compensate local  
24 governments from fees collected under this Section.  
25 Compensation for local governments shall include \$250,000 in  
26 any year through fiscal year 1993, \$275,000 in fiscal year  
27 1994 and fiscal year 1995, \$300,000 in fiscal year 1996,  
28 \$400,000 in fiscal year 1997, and \$450,000 in fiscal year  
29 1998 and thereafter. Appropriations to the Department of  
30 Nuclear Safety for compensation to local governments from the  
31 Nuclear Safety Emergency Preparedness Fund provided for in

1 this Section shall not exceed \$650,000 per State fiscal year.  
2 Expenditures from these appropriations shall not exceed, in a  
3 single State fiscal year, the annual compensation amount made  
4 available to local governments under this Section, unexpended  
5 funds made available for local government compensation in the  
6 previous fiscal year, and funds recovered under the Illinois  
7 Grant Funds Recovery Act during previous fiscal years.  
8 Notwithstanding any other provision of this Act, the  
9 expenditure limitation for fiscal year 1998 shall include the  
10 additional \$100,000 made available to local governments for  
11 fiscal year 1997 under this amendatory Act of 1997. Any  
12 funds within these expenditure limitations, including the  
13 additional \$100,000 made available for fiscal year 1997 under  
14 this amendatory Act of 1997, that remain unexpended at the  
15 close of business on June 30, 1997, and on June 30 of each  
16 succeeding year, shall be excluded from the calculations of  
17 credits under subparagraph (3) of this Section. The  
18 Department shall, by rule, determine the method for  
19 compensating local governments under this Section. In  
20 addition, a portion of the fees collected may be appropriated  
21 to the Illinois Emergency Management Agency for activities  
22 associated with preparing and implementing plans to deal with  
23 the effects of nuclear accidents. The appropriation shall not  
24 exceed \$500,000 in any year preceding fiscal year 1996; the  
25 appropriation shall not exceed \$625,000 in fiscal year 1996,  
26 \$725,000 in fiscal year 1997, and \$775,000 in fiscal year  
27 1998 and thereafter. The fees shall consist of the following:  
28 (1) A one-time charge of \$590,000 per nuclear power  
29 station in this State to be paid by the owners of the  
30 stations.  
31 (2) An additional charge of \$240,000 per nuclear power  
32 station for which a fee under subparagraph (1) was paid  
33 before June 30, 1982.  
34 (3) Through June 30, 1982, an annual fee of \$75,000 per

1 year for each nuclear power reactor for which an operating  
2 license has been issued by the NRC, and after June 30, 1982,  
3 and through June 30, 1984 an annual fee of \$180,000 per year  
4 for each nuclear power reactor for which an operating license  
5 has been issued by the NRC, and after June 30, 1984, and  
6 through June 30, 1991, an annual fee of \$400,000 for each  
7 nuclear power reactor for which an operating license has been  
8 issued by the NRC, to be paid by the owners of nuclear power  
9 reactors operating in this State. After June 30, 1991, the  
10 owners of nuclear power reactors in this State for which  
11 operating licenses have been issued by the NRC shall pay the  
12 following fees for each such nuclear power reactor: for State  
13 fiscal year 1992, \$925,000; for State fiscal year 1993,  
14 \$975,000; for State fiscal year 1994; \$1,010,000; for State  
15 fiscal year 1995, \$1,060,000; for State fiscal years 1996 and  
16 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for  
17 State fiscal year 1999, \$1,368,000; for State fiscal year  
18 2000, \$1,404,000; for State fiscal year 2001, \$1,696,455; and  
19 for State fiscal year 2002 and subsequent fiscal years,  
20 ~~\$1,730,636; for State fiscal year 2003 and subsequent fiscal~~  
21 ~~years, \$1,757,727.~~ Within 120 days after the end of the  
22 State fiscal year, the Department shall determine, from the  
23 records of the Office of the Comptroller, the balance in the  
24 Nuclear Safety Emergency Preparedness Fund. If When the  
25 balance in the fund, less any fees collected under this  
26 Section prior to their being due and payable for the  
27 succeeding fiscal year or years, exceeds \$400,000 at the  
28 close of business on June 30, 1993, 1994, 1995, 1996, 1997,  
29 or and 1998, or exceeds \$500,000 at the close of business on  
30 June 30, 1999 or and June 30 of any each succeeding year, the  
31 excess shall be credited to the owners of nuclear power  
32 reactors who are assessed fees under this subparagraph.  
33 Credits shall be applied against the fees to be collected  
34 under this subparagraph for the subsequent fiscal year. Each

1 owner shall receive as a credit that amount of the excess  
2 which corresponds proportionately to the amount the owner  
3 contributed to all fees collected under this subparagraph in  
4 the fiscal year that produced the excess.

5 (3.5) The owner of a nuclear power reactor that notifies  
6 the Nuclear Regulatory Commission that the nuclear power  
7 reactor has permanently ceased operations during State fiscal  
8 year 1998 shall pay the following fees for each such nuclear  
9 power reactor: \$1,368,000 for State fiscal year 1999 and  
10 \$1,404,000 for State fiscal year 2000.

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

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

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

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

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

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

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

19           (11) A fee assessed at the rate of \$2,500 per truck for  
20 each truck shipment and \$4,500 for the first cask and \$3,000  
21 for each additional cask for each rail shipment of spent  
22 nuclear fuel, high-level radioactive waste, or transuranic  
23 waste traversing the State to be paid by the shipper of the  
24 spent nuclear fuel, high level radioactive waste, or  
25 transuranic waste. Single cask truck shipments of greater  
26 than 250 miles in Illinois are subject to a surcharge of \$25  
27 per mile over 250 miles for the first truck in each shipment.  
28 The amount of fees collected each fiscal year under this  
29 subparagraph shall be excluded from the calculation of  
30 credits under subparagraph (3) of this Section.

31           (12) In each of the State fiscal years 1988 through  
32 1991, in addition to the annual fee provided for in  
33 subparagraph (3), a fee of \$400,000 for each nuclear power  
34 reactor for which an operating license has been issued by the

1 NRC, to be paid by the owners of nuclear power reactors  
2 operating in this State. Within 120 days after the end of  
3 the State fiscal years ending June 30, 1988, June 30, 1989,  
4 June 30, 1990, and June 30, 1991, the Department shall  
5 determine the expenses of the Illinois Nuclear Safety  
6 Preparedness Program paid from funds appropriated for those  
7 fiscal years. When the aggregate of all fees, charges, and  
8 surcharges collected under this Section during any fiscal  
9 year exceeds the total expenditures under this Act from  
10 appropriations for that fiscal year, the excess shall be  
11 credited to the owners of nuclear power reactors who are  
12 assessed fees under this subparagraph, and the credits shall  
13 be applied against the fees to be collected under this  
14 subparagraph for the subsequent fiscal year. Each owner shall  
15 receive as a credit that amount of the excess that  
16 corresponds proportionately to the amount the owner  
17 contributed to all fees collected under this subparagraph in  
18 the fiscal year that produced the excess.

19 (Source: P.A. 90-34, eff. 6-27-97; 90-601, eff. 6-26-98;  
20 91-47, eff. 6-30-99; 91-857, eff. 6-22-00.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.