



Sen. Sue Rezin

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LRB103 28983 AWJ 65309 a

1 AMENDMENT TO HOUSE BILL 2473

2 AMENDMENT NO. _____. Amend House Bill 2473, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Nuclear Safety Law of 2004 is amended by
6 changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 40.5, 50, 55,
7 65, 70, 75, and 85 and by adding Sections 8 and 90 as follows:

8 (20 ILCS 3310/5)

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

13 (1) The Radiation Protection Act of 1990.

14 (2) The Radioactive Waste Storage Act.

15 (3) (Blank).

16 (4) The Laser System Act of 1997.

- 1 (5) The Illinois Nuclear Safety Preparedness Act.
2 (6) The Radioactive Waste Compact Enforcement Act.
3 (7) Illinois Low-Level Radioactive Waste Management
4 Act.
5 (8) Illinois Nuclear Facility Safety Act.
6 (9) Radioactive Waste Tracking and Permitting Act.
7 (10) Radon Industry Licensing Act.
8 (11) Uranium and Thorium Mill Tailings Control Act.
9 (Source: P.A. 95-331, eff. 8-21-07.)

10 (20 ILCS 3310/8 new)

11 Sec. 8. Definitions. In this Act:

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

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

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

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

24 "Nuclear power reactor" means an apparatus, other than an
25 atomic weapon, designed or used to sustain nuclear fission in

1 a self-supporting chain reaction.

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 (20 ILCS 3310/10)

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

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

20 (20 ILCS 3310/15)

21 Sec. 15. Radiation sources; radioactive waste disposal.
22 The ~~Illinois Emergency Management~~ Agency, instead of the
23 Department of Nuclear Safety, shall register, license,
24 inspect, and control radiation sources, shall purchase, lease,

1 accept, or acquire lands, buildings, and grounds where
2 radioactive wastes can be disposed, and shall supervise and
3 regulate the operation of the disposal sites.

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

5 (20 ILCS 3310/20)

6 Sec. 20. Nuclear waste sites.

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

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

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

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

20 (20 ILCS 3310/25)

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

24 (1) Rights, powers, and duties vested in the

1 Department of Nuclear Safety by the Boiler and Pressure
2 Vessel Safety Act prior to the abolishment of the
3 Department of Nuclear Safety, to the extent the rights,
4 powers, and duties relate to nuclear steam-generating
5 facilities.

6 (2) Rights, powers, and duties relating to nuclear
7 steam-generating facilities vested in the Department of
8 Nuclear Safety by the Boiler and Pressure Vessel Safety
9 Act prior to the abolishment of the Department of Nuclear
10 Safety, which include but are not limited to the
11 formulation of definitions, rules, and regulations for the
12 safe and proper construction, installation, repair, use,
13 and operation of nuclear steam-generating facilities, the
14 adoption of rules for already installed nuclear
15 steam-generating facilities, the adoption of rules for
16 accidents in nuclear steam-generating facilities, the
17 examination for or suspension of inspectors' licenses of
18 the facilities, and the hearing of appeals from decisions
19 relating to the facilities.

20 (3) Rights, powers, and duties relating to nuclear
21 steam-generating facilities, vested in the State Fire
22 Marshal, the Chief Inspector, or the Department of Nuclear
23 Safety prior to its abolishment, by the Boiler and
24 Pressure Vessel Safety Act, which include but are not
25 limited to the employment of inspectors of nuclear
26 steam-generating facilities, issuance or suspension of

1 their commissions, prosecution of the Act or rules
2 promulgated thereunder for violations by nuclear
3 steam-generating facilities, maintenance of inspection
4 records of all the facilities, publication of rules
5 relating to the facilities, having free access to the
6 facilities, issuance of inspection certificates of the
7 facilities, and the furnishing of bonds conditioned upon
8 the faithful performance of their duties. The Director ~~of~~
9 ~~the Illinois Emergency Management Agency~~ may designate a
10 Chief Inspector, or other inspectors, as he or she deems
11 necessary to perform the functions transferred by this
12 Section.

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

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

22 (20 ILCS 3310/30)

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

24 (a) The ~~Illinois Emergency Management~~ Agency shall
25 exercise, administer, and enforce all rights, powers, and

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

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

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

20 (20 ILCS 3310/35)

21 Sec. 35. Pollution Control Board regulations concerning
22 nuclear plants. The ~~Illinois Emergency Management~~ Agency shall
23 enforce the regulations promulgated by the Pollution Control
24 Board under Section 25b of the Environmental Protection Act.
25 Under these regulations the ~~Illinois Emergency Management~~

1 Agency shall require that a person, corporation, or public
2 authority intending to construct a nuclear steam-generating
3 facility or a nuclear fuel reprocessing plant file with the
4 ~~Illinois Emergency Management~~ Agency an environmental
5 feasibility report that incorporates the data provided in the
6 preliminary safety analysis required to be filed with the
7 United States Nuclear Regulatory Commission.

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

9 (20 ILCS 3310/40)

10 Sec. 40. Regulation of nuclear safety.

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

24 (b) IEMA-OHS, in consultation with the Illinois
25 Environmental Protection Agency, shall adopt rules for the

1 regulation of small modular reactors. The rules shall be
2 adopted by January 1, 2026 and shall include criteria for
3 decommissioning, environmental monitoring, and emergency
4 preparedness. The rules shall include a fee structure to cover
5 IEMA-OHS costs for regulation and inspection. The fee
6 structure may include fees to cover costs of local government
7 emergency response preparedness through grants administered by
8 IEMA-OHS. None of the rules developed by the Illinois
9 Emergency Management Agency and Office of Homeland Security or
10 any other State agency, board, or commission pursuant to this
11 Act shall be construed to supersede the authority of the U.S.
12 Nuclear Regulatory Commission. The changes made by this
13 amendatory Act of the 103rd General Assembly shall not apply
14 to the uprate, renewal, or subsequent renewal of any license
15 for an existing nuclear power reactor that began operation
16 prior to the effective date of this amendatory Act of the 103rd
17 General Assembly. Any fees collected under this subsection
18 shall be deposited into the Nuclear Safety Emergency
19 Preparedness Fund created pursuant to Section 7 of the
20 Illinois Nuclear Safety Preparedness Act.

21 (c) Consistent with federal law and policy statements of
22 and cooperative agreements with the U.S. Nuclear Regulatory
23 Commission with respect to State participation in health and
24 safety regulation of nuclear facilities, and in recognition of
25 the role provided for the states by such laws, policy
26 statements, and cooperative agreements, IEMA-OHS may develop

1 and implement a program for inspections of small modular
2 reactors, both operational and non-operational. The owner of
3 each small modular reactor shall allow access to IEMA-OHS
4 inspectors of all premises and records of the small modular
5 reactor. The IEMA-OHS inspectors shall operate in accordance
6 with any cooperative agreements executed between IEMA-OHS and
7 the U.S. Nuclear Regulatory Commission. The IEMA-OHS
8 inspectors shall operate in accordance with the security plan
9 for the small modular reactor. IEMA-OHS programs and
10 activities under this Section shall not be inconsistent with
11 federal law.

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

15 (Source: P.A. 102-133, eff. 7-23-21; 102-538, eff. 8-20-21;
16 102-813, eff. 5-13-22.)

17 (20 ILCS 3310/40.5)

18 Sec. 40.5. Radiochemistry laboratory program. The ~~Illinois~~
19 ~~Emergency Management~~ Agency shall implement a comprehensive
20 radiochemistry laboratory program. The Director ~~of the~~
21 ~~Illinois Emergency Management Agency~~, in accordance with the
22 Personnel Code, shall employ and direct such personnel, and
23 shall provide for such laboratory and other facilities, as may
24 be necessary to carry out the purposes of this Act and the Acts
25 referenced in Section 5.

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

2 (20 ILCS 3310/50)

3 Sec. 50. Personnel transferred. Personnel previously
4 assigned to the programs transferred from the Department of
5 Nuclear Safety are hereby transferred to the Illinois
6 Emergency Management Agency (now the Illinois Emergency
7 Management Agency and Office of Homeland Security). The rights
8 of the employees, the State, and executive agencies under the
9 Personnel Code, any collective bargaining agreement, or any
10 pension, retirement, or annuity plan shall not be affected by
11 this Act.

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

13 (20 ILCS 3310/55)

14 Sec. 55. Records and property transferred. All books,
15 records, papers, documents, property (real or personal),
16 unexpended appropriations, and pending business in any way
17 pertaining to the rights, powers, and duties transferred by
18 this Act shall be delivered and transferred to the Illinois
19 Emergency Management Agency (now the Illinois Emergency
20 Management Agency and Office of Homeland Security).

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

22 (20 ILCS 3310/65)

23 Sec. 65. Nuclear accident plan. The ~~Illinois Emergency~~

1 ~~Management~~ Agency shall have primary responsibility to
2 formulate a comprehensive emergency preparedness and response
3 plan for any nuclear accident. The ~~Illinois Emergency~~
4 ~~Management~~ Agency shall also train and maintain an emergency
5 response team.

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

7 (20 ILCS 3310/70)

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

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

21 (20 ILCS 3310/75)

22 Sec. 75. State nuclear power policy. Subject to
23 appropriation, the ~~Illinois Emergency Management~~ Agency, in
24 cooperation with the Department of Natural Resources, shall

1 study (i) the impact and cost of nuclear power and compare
2 these to the impact and cost of alternative sources of energy,
3 (ii) the potential effects on the public health and safety of
4 all radioactive emissions from nuclear power plants, and (iii)
5 all other factors that bear on the use of nuclear power or on
6 nuclear safety. The ~~Illinois Emergency Management~~ Agency shall
7 formulate a general nuclear policy for the State based on the
8 findings of the study. The policy shall include but not be
9 limited to the feasibility of continued use of nuclear power,
10 effects of the use of nuclear power on the public health and
11 safety, minimum acceptable standards for the location of any
12 future nuclear power plants, and rules and regulations for the
13 reporting by public utilities of radioactive emissions from
14 power plants. The ~~Illinois Emergency Management~~ Agency shall
15 establish a reliable system for communication between the
16 public and the ~~Illinois Emergency Management~~ Agency and for
17 dissemination of information by the ~~Illinois Emergency~~
18 ~~Management~~ Agency. The ~~Illinois Emergency Management~~ Agency
19 shall publicize the findings of all studies and make the
20 publications reasonably available to the public.

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

22 (20 ILCS 3310/85)

23 Sec. 85. Saving clause.

24 (a) The rights, powers and duties transferred to the
25 Illinois Emergency Management Agency (now the Illinois

1 Emergency Management Agency and Office of Homeland Security)
2 by this Act shall be vested in and shall be exercised by the
3 Illinois Emergency Management Agency (now the Illinois
4 Emergency Management Agency and Office of Homeland Security).

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

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

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

20 (d) Whenever reports or notices are now required to be
21 made or given or papers or documents furnished or served by any
22 person to or upon the agencies and officers transferred by
23 this Act, the same shall be made, given, furnished, or served
24 in the same manner to or upon the Illinois Emergency
25 Management Agency (now the Illinois Emergency Management
26 Agency and Office of Homeland Security).

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

9 (f) Any rules of the Department of Nuclear Safety that are
10 in full force on the effective date of this Act and that have
11 been duly adopted by the Illinois Emergency Management Agency
12 (now the Illinois Emergency Management Agency and Office of
13 Homeland Security) shall become the rules of the Illinois
14 Emergency Management Agency (now the Illinois Emergency
15 Management Agency and Office of Homeland Security). This Act
16 shall not affect the legality of any such rules in the Illinois
17 Administrative Code. Any proposed rules filed with the
18 Secretary of State by the Department of Nuclear Safety that
19 are pending in the rulemaking process on the effective date of
20 this Act, shall be deemed to have been filed by the Illinois
21 Emergency Management Agency (now the Illinois Emergency
22 Management Agency and Office of Homeland Security). As soon as
23 practicable hereafter, the Illinois Emergency Management
24 Agency (now the Illinois Emergency Management Agency and
25 Office of Homeland Security) shall revise and clarify the
26 rules transferred to it under this Act to reflect the

1 reorganization of rights, powers, and duties effected by this
2 Act using the procedures for recodification of rules available
3 under the Illinois Administrative Procedure Act, except that
4 existing title, part, and section numbering for the affected
5 rules may be retained. The Illinois Emergency Management
6 Agency and Office of Homeland Security may propose and adopt
7 under the Illinois Administrative Procedure Act such other
8 rules of the reorganized agencies that will now be
9 administered by the Illinois Emergency Management Agency and
10 Office of Homeland Security.

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

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

17 (20 ILCS 3310/90 new)

18 Sec. 90. Small modular reactor study.

19 (a) The Governor may commission a study on the potential
20 for development of small modular reactors in this State. No
21 later than January 1, 2025, subject to appropriation, the
22 Governor is authorized to commission a study, led by the
23 Illinois Emergency Management Agency and Office of Homeland
24 Security, to research the State's role in guiding the
25 development of small modular reactors.

1 IEMA-OHS shall publish a draft of the study for a 30-day
2 public comment period. After the conclusion of the public
3 comment period, IEMA-OHS shall finalize the study, post a
4 publicly available copy on its website, and submit a copy to
5 the General Assembly.

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

7 (1) a review of the current state of small modular
8 reactor technologies and the characteristics of nuclear
9 reactor technologies currently under research and
10 development and expected to enter the market by 2040;

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

13 (A) current and proposed permitting and approval
14 processes for small modular reactors conducted by
15 federal agencies, including, but not limited to, the
16 Nuclear Regulatory Commission, the Federal Emergency
17 Management Agency, and the United States Environmental
18 Protection Agency;

19 (B) the projected timeline of such federal
20 permitting and approval processes;

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

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

25 (3) a review of the following State and local
26 regulatory and permitting issues concerning small modular

1 reactors and other sources of electricity generation:

2 (A) current and proposed State and local
3 permitting and approval processes for small modular
4 reactors and other sources of electricity generation,
5 as applicable;

6 (B) State and local regulation of small modular
7 reactors and other sources of electricity generation
8 over the life of those facilities; and

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

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

14 (A) current and proposed State and local
15 permitting and approval processes for small modular
16 reactors in other state and local jurisdictions;

17 (B) regulation by other state and local
18 jurisdictions of small modular reactors over the life
19 of those facilities; and

20 (C) regulation by other state and local
21 jurisdictions of the storage and disposal of wastes
22 generated by those facilities;

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

1 (6) an analysis on the impact the deployment of small
2 modular reactors will have on resource adequacy in
3 Illinois regional power grids and on the costs to
4 electricity consumers; and

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

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

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

12 (45 ILCS 141/15)

13 Sec. 15. Definitions. In this Act:

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

16 "Commission" means the Central Midwest Interstate
17 Low-Level Radioactive Waste Commission.

18 "Compact" means the Central Midwest Interstate Low-Level
19 Radioactive Waste Compact.

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

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

23 "Facility" means a parcel of land or site, together with
24 the 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 waste.

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

11 "Management plan" means the plan adopted by the Commission
12 for the storage, transportation, treatment and disposal of
13 waste within the region.

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

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

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

26 "Person" means any individual, corporation, business

1 enterprise or other legal entity, public or private, and any
2 legal successor, representative, agent or agency of that
3 individual, corporation, business enterprise, or legal entity.

4 "Region" means the geographical area of the State of
5 Illinois and the Commonwealth of Kentucky.

6 "Regional Facility" means any facility as defined in this
7 Act that is (1) located in Illinois, and (2) established by
8 Illinois pursuant to designation of Illinois as a host state
9 by the Commission.

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

15 "Storage" means the temporary holding of radioactive
16 material for treatment or disposal.

17 "Treatment" means any method, technique or process,
18 including storage for radioactive decay, designed to change
19 the physical, chemical, or biological characteristics of the
20 radioactive material in order to render the radioactive
21 material safe for transport or management, amenable to
22 recovery, convertible to another usable material, or reduced
23 in volume.

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

1 Sec. 25. Enforcement.

2 (a) The ~~Illinois Emergency Management Agency~~ (Agency)
3 shall adopt regulations to administer and enforce the
4 provisions of this Act. The regulations shall be adopted with
5 the consultation and cooperation of the Commission.

6 Regulations adopted by the Agency under this Act shall
7 prohibit the shipment into or acceptance of waste in Illinois
8 if the shipment or acceptance would result in a violation of
9 any provision of the Compact or this Act.

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

25 (c) The Agency shall, by regulation, impose a system of
26 civil penalties in accordance with the provisions of this Act.

1 Amounts recovered under these regulations shall be deposited
2 in the Low-Level Radioactive Waste Facility Development and
3 Operation Fund.

4 (d) The regulations adopted by the Agency may provide for
5 the granting of exemptions, but only upon a showing by the
6 applicant that the granting of an exemption would be
7 consistent with the Compact.

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

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

11 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

12 Sec. 8-406. Certificate of public convenience and
13 necessity.

14 (a) No public utility not owning any city or village
15 franchise nor engaged in performing any public service or in
16 furnishing any product or commodity within this State as of
17 July 1, 1921 and not possessing a certificate of public
18 convenience and necessity from the Illinois Commerce
19 Commission, the State Public Utilities Commission, or the
20 Public Utilities Commission, at the time Public Act 84-617
21 goes into effect (January 1, 1986), shall transact any
22 business in this State until it shall have obtained a
23 certificate from the Commission that public convenience and
24 necessity require the transaction of such business. A

1 certificate of public convenience and necessity requiring the
2 transaction of public utility business in any area of this
3 State shall include authorization to the public utility
4 receiving the certificate of public convenience and necessity
5 to construct such plant, equipment, property, or facility as
6 is provided for under the terms and conditions of its tariff
7 and as is necessary to provide utility service and carry out
8 the transaction of public utility business by the public
9 utility in the designated area.

10 (b) No public utility shall begin the construction of any
11 new plant, equipment, property, or facility which is not in
12 substitution of any existing plant, equipment, property, or
13 facility, or any extension or alteration thereof or in
14 addition thereto, unless and until it shall have obtained from
15 the Commission a certificate that public convenience and
16 necessity require such construction. Whenever after a hearing
17 the Commission determines that any new construction or the
18 transaction of any business by a public utility will promote
19 the public convenience and is necessary thereto, it shall have
20 the power to issue certificates of public convenience and
21 necessity. The Commission shall determine that proposed
22 construction will promote the public convenience and necessity
23 only if the utility demonstrates: (1) that the proposed
24 construction is necessary to provide adequate, reliable, and
25 efficient service to its customers and is the least-cost means
26 of satisfying the service needs of its customers or that the

1 proposed construction will promote the development of an
2 effectively competitive electricity market that operates
3 efficiently, is equitable to all customers, and is the least
4 cost means of satisfying those objectives; (2) that the
5 utility is capable of efficiently managing and supervising the
6 construction process and has taken sufficient action to ensure
7 adequate and efficient construction and supervision thereof;
8 and (3) that the utility is capable of financing the proposed
9 construction without significant adverse financial
10 consequences for the utility or its customers.

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

12 "Qualifying direct current applicant" means an entity that
13 seeks to provide direct current bulk transmission service for
14 the purpose of transporting electric energy in interstate
15 commerce.

16 "Qualifying direct current project" means a high voltage
17 direct current electric service line that crosses at least one
18 Illinois border, the Illinois portion of which is physically
19 located within the region of the Midcontinent Independent
20 System Operator, Inc., or its successor organization, and runs
21 through the counties of Pike, Scott, Greene, Macoupin,
22 Montgomery, Christian, Shelby, Cumberland, and Clark, is
23 capable of transmitting electricity at voltages of 345
24 kilovolts or above, and may also include associated
25 interconnected alternating current interconnection facilities
26 in this State that are part of the proposed project and

1 reasonably necessary to connect the project with other
2 portions of the grid.

3 Notwithstanding any other provision of this Act, a
4 qualifying direct current applicant that does not own,
5 control, operate, or manage, within this State, any plant,
6 equipment, or property used or to be used for the transmission
7 of electricity at the time of its application or of the
8 Commission's order may file an application on or before
9 December 31, 2023 with the Commission pursuant to this Section
10 or Section 8-406.1 for, and the Commission may grant, a
11 certificate of public convenience and necessity to construct,
12 operate, and maintain a qualifying direct current project. The
13 qualifying direct current applicant may also include in the
14 application requests for authority under Section 8-503. The
15 Commission shall grant the application for a certificate of
16 public convenience and necessity and requests for authority
17 under Section 8-503 if it finds that the qualifying direct
18 current applicant and the proposed qualifying direct current
19 project satisfy the requirements of this subsection and
20 otherwise satisfy the criteria of this Section or Section
21 8-406.1 and the criteria of Section 8-503, as applicable to
22 the application and to the extent such criteria are not
23 superseded by the provisions of this subsection. The
24 Commission's order on the application for the certificate of
25 public convenience and necessity shall also include the
26 Commission's findings and determinations on the request or

1 requests for authority pursuant to Section 8-503. Prior to
2 filing its application under either this Section or Section
3 8-406.1, the qualifying direct current applicant shall conduct
4 3 public meetings in accordance with subsection (h) of this
5 Section. If the qualifying direct current applicant
6 demonstrates in its application that the proposed qualifying
7 direct current project is designed to deliver electricity to a
8 point or points on the electric transmission grid in either or
9 both the PJM Interconnection, LLC or the Midcontinent
10 Independent System Operator, Inc., or their respective
11 successor organizations, the proposed qualifying direct
12 current project shall be deemed to be, and the Commission
13 shall find it to be, for public use. If the qualifying direct
14 current applicant further demonstrates in its application that
15 the proposed transmission project has a capacity of 1,000
16 megawatts or larger and a voltage level of 345 kilovolts or
17 greater, the proposed transmission project shall be deemed to
18 satisfy, and the Commission shall find that it satisfies, the
19 criteria stated in item (1) of subsection (b) of this Section
20 or in paragraph (1) of subsection (f) of Section 8-406.1, as
21 applicable to the application, without the taking of
22 additional evidence on these criteria. Prior to the transfer
23 of functional control of any transmission assets to a regional
24 transmission organization, a qualifying direct current
25 applicant shall request Commission approval to join a regional
26 transmission organization in an application filed pursuant to

1 this subsection (b-5) or separately pursuant to Section 7-102
2 of this Act. The Commission may grant permission to a
3 qualifying direct current applicant to join a regional
4 transmission organization if it finds that the membership, and
5 associated transfer of functional control of transmission
6 assets, benefits Illinois customers in light of the attendant
7 costs and is otherwise in the public interest. Nothing in this
8 subsection (b-5) requires a qualifying direct current
9 applicant to join a regional transmission organization.
10 Nothing in this subsection (b-5) requires the owner or
11 operator of a high voltage direct current transmission line
12 that is not a qualifying direct current project to obtain a
13 certificate of public convenience and necessity to the extent
14 it is not otherwise required by this Section 8-406 or any other
15 provision of this Act.

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

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

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

21 After the effective date of this amendatory Act of the
22 103rd General Assembly September 11, 1987 (the effective date
23 of Public Act 85-377), no construction shall commence on any
24 new nuclear power reactor with a nameplate capacity of more
25 than 300 megawatts of electricity plant to be located within
26 this State, and no certificate of public convenience and

1 necessity or other authorization shall be issued therefor by
2 the Commission, until the Illinois Emergency Management Agency
3 and Office of Homeland Security, in consultation with Director
4 of the Illinois Environmental Protection Agency and the
5 Illinois Department of Natural Resources, finds that the
6 United States Government, through its authorized agency, has
7 identified and approved a demonstrable technology or means for
8 the disposal of high level nuclear waste, or until such
9 construction has been specifically approved by a statute
10 enacted by the General Assembly. Beginning January 1, 2026,
11 construction may commence on a new nuclear power reactor with
12 a nameplate capacity of 300 megawatts of electricity or less
13 within this State if the entity constructing the new nuclear
14 power reactor has obtained all permits, licenses, permissions,
15 or approvals governing the construction, operation, and
16 funding of decommissioning of such nuclear power reactors
17 required by: (1) this Act; (2) any rules adopted by the
18 Illinois Emergency Management Agency and Office of Homeland
19 Security under the authority of this Act; (3) any applicable
20 federal statutes, including, but not limited to, the Atomic
21 Energy Act of 1954, the Energy Reorganization Act of 1974, the
22 Low-Level Radioactive Waste Policy Amendments Act of 1985, and
23 the Energy Policy Act of 1992; (4) any regulations promulgated
24 or enforced by the U.S. Nuclear Regulatory Commission,
25 including, but not limited to, those codified at Title X,
26 Parts 20, 30, 40, 50, 70, and 72 of the Code of Federal

1 Regulations, as from time to time amended; and (5) any other
2 federal or State statute, rule, or regulation governing the
3 permitting, licensing, operation, or decommissioning of such
4 nuclear power reactors. None of the rules developed by the
5 Illinois Emergency Management Agency and Office of Homeland
6 Security or any other State agency, board, or commission
7 pursuant to this Act shall be construed to supersede the
8 authority of the U.S. Nuclear Regulatory Commission. The
9 changes made by this amendatory Act of the 103rd General
10 Assembly shall not apply to the uprate, renewal, or subsequent
11 renewal of any license for an existing nuclear power reactor
12 that began operation prior to the effective date of this
13 amendatory Act of the 103rd General Assembly.

14 None of the changes made in this amendatory Act of the
15 103rd General Assembly are intended to authorize the
16 construction of nuclear power plants powered by nuclear power
17 reactors that are not either: (1) small modular nuclear
18 reactors; or (2) nuclear power reactors licensed by the U.S.
19 Nuclear Regulatory Commission to operate in this State prior
20 to the effective date of this amendatory Act of the 103rd
21 General Assembly.

22 ~~As used in this Section, "high level nuclear waste" means~~
23 ~~those aqueous wastes resulting from the operation of the first~~
24 ~~cycle of the solvent extraction system or equivalent and the~~
25 ~~concentrated wastes of the subsequent extraction cycles or~~
26 ~~equivalent in a facility for reprocessing irradiated reactor~~

1 ~~fuel and shall include spent fuel assemblies prior to fuel~~
2 ~~reprocessing.~~

3 (d) In making its determination under subsection (b) of
4 this Section, the Commission shall attach primary weight to
5 the cost or cost savings to the customers of the utility. The
6 Commission may consider any or all factors which will or may
7 affect such cost or cost savings, including the public
8 utility's engineering judgment regarding the materials used
9 for construction.

10 (e) The Commission may issue a temporary certificate which
11 shall remain in force not to exceed one year in cases of
12 emergency, to assure maintenance of adequate service or to
13 serve particular customers, without notice or hearing, pending
14 the determination of an application for a certificate, and may
15 by regulation exempt from the requirements of this Section
16 temporary acts or operations for which the issuance of a
17 certificate will not be required in the public interest.

18 A public utility shall not be required to obtain but may
19 apply for and obtain a certificate of public convenience and
20 necessity pursuant to this Section with respect to any matter
21 as to which it has received the authorization or order of the
22 Commission under the Electric Supplier Act, and any such
23 authorization or order granted a public utility by the
24 Commission under that Act shall as between public utilities be
25 deemed to be, and shall have except as provided in that Act the
26 same force and effect as, a certificate of public convenience

1 and necessity issued pursuant to this Section.

2 No electric cooperative shall be made or shall become a
3 party to or shall be entitled to be heard or to otherwise
4 appear or participate in any proceeding initiated under this
5 Section for authorization of power plant construction and as
6 to matters as to which a remedy is available under the Electric
7 Supplier Act.

8 (f) Such certificates may be altered or modified by the
9 Commission, upon its own motion or upon application by the
10 person or corporation affected. Unless exercised within a
11 period of 2 years from the grant thereof, authority conferred
12 by a certificate of convenience and necessity issued by the
13 Commission shall be null and void.

14 No certificate of public convenience and necessity shall
15 be construed as granting a monopoly or an exclusive privilege,
16 immunity or franchise.

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

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

4 (2) relocate any existing high voltage electric
5 service line and related facilities, notwithstanding its
6 length, to accommodate construction or expansion of a
7 roadway or other transportation infrastructure; or

8 (3) construct a high voltage electric service line and
9 related facilities that is constructed solely to serve a
10 single customer's premises or to provide a generator
11 interconnection to the public utility's transmission
12 system and that will pass under or over the premises owned
13 by the customer or generator to be served or under or over
14 premises for which the customer or generator has secured
15 the necessary right of way.

16 (h) A public utility seeking to construct a high-voltage
17 electric service line and related facilities (Project) must
18 show that the utility has held a minimum of 2 pre-filing public
19 meetings to receive public comment concerning the Project in
20 each county where the Project is to be located, no earlier than
21 6 months prior to filing an application for a certificate of
22 public convenience and necessity from the Commission. Notice
23 of the public meeting shall be published in a newspaper of
24 general circulation within the affected county once a week for
25 3 consecutive weeks, beginning no earlier than one month prior
26 to the first public meeting. If the Project traverses 2

1 contiguous counties and where in one county the transmission
2 line mileage and number of landowners over whose property the
3 proposed route traverses is one-fifth or less of the
4 transmission line mileage and number of such landowners of the
5 other county, then the utility may combine the 2 pre-filing
6 meetings in the county with the greater transmission line
7 mileage and affected landowners. All other requirements
8 regarding pre-filing meetings shall apply in both counties.
9 Notice of the public meeting, including a description of the
10 Project, must be provided in writing to the clerk of each
11 county where the Project is to be located. A representative of
12 the Commission shall be invited to each pre-filing public
13 meeting.

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

24 (Source: P.A. 102-609, eff. 8-27-21; 102-662, eff. 9-15-21;
25 102-813, eff. 5-13-22; 102-931, eff. 5-27-22.)

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

3 (415 ILCS 5/25a-1) (from Ch. 111 1/2, par. 1025a-1)

4 Sec. 25a-1. At least 60 days before beginning the
5 decommissioning of any nuclear power plant located in this
6 State, the owner or operator of the plant shall file, for
7 information purposes only, a copy of the decommissioning plan
8 for the plant with the Agency and a copy with the Illinois
9 Emergency Management Agency and Office of Homeland Security,
10 or its successor agency.

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

12 (415 ILCS 5/25b) (from Ch. 111 1/2, par. 1025b)

13 Sec. 25b. Any person, corporation or public authority
14 intending to construct a nuclear steam-generating facility or
15 a nuclear fuel reprocessing plant shall file with the Illinois
16 Emergency Management Agency and Office of Homeland Security,
17 or its successor agency, an environmental feasibility report
18 which incorporates the data provided in the preliminary safety
19 analysis required to be filed with the United States Nuclear
20 Regulatory Commission. The Board may by rule prescribe the
21 form of such report. In consultation with the Illinois
22 Emergency Management Agency and Office of Homeland Security
23 and the Illinois Environmental Protection Agency, the ~~The~~
24 Board shall have the power to adopt standards to protect the

1 health, safety and welfare of the citizens of Illinois from
2 the hazards of radiation to the extent that such powers are not
3 preempted under the federal constitution.

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

5 Section 25. The Illinois Nuclear Safety Preparedness Act
6 is amended by adding Section 2.5 and by changing Section 3 as
7 follows:

8 (420 ILCS 5/2.5 new)

9 Sec. 2.5. Applicability. This Act does not apply to small
10 modular reactors.

11 (420 ILCS 5/3) (from Ch. 111 1/2, par. 4303)

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

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

17 (2) "Director" means the Director of the ~~Illinois~~
18 ~~Emergency Management~~ Agency.

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

1 agency of the foregoing.

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

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

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

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

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

1 waste disposal facility.

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

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

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

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

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

20 Section 30. The Illinois Nuclear Facility Safety Act is
21 amended by changing Section 2 and adding Sections 2.5 and 3.5
22 as follows:

23 (420 ILCS 10/2) (from Ch. 111 1/2, par. 4352)

24 Sec. 2. Policy statement. It is declared to be the policy

1 of the State of Illinois to prevent accidents at nuclear
2 facilities in Illinois for the economic well-being of the
3 People of the State of Illinois and for the health and safety
4 of workers at nuclear facilities and private citizens who
5 could be injured as a result of releases of radioactive
6 materials from nuclear facilities. It is the intent of the
7 General Assembly that this Act should be construed
8 consistently with federal law to maximize the role of the
9 State in contributing to safety at nuclear facilities in
10 Illinois. It is the intent of the General Assembly that the
11 ~~Illinois Emergency Management~~ Agency should not take any
12 actions which are preempted by federal law or engage in dual
13 regulation of nuclear facilities, unless dual regulation is
14 allowed by federal law and policies of the Nuclear Regulatory
15 Commission. In implementing its responsibilities under this
16 Act, the Agency shall not take any action which interferes
17 with the safe operation of a nuclear facility.

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

19 (420 ILCS 10/2.5 new)

20 Sec. 2.5. Applicability. This Act does not apply to small
21 modular reactors.

22 (420 ILCS 10/3.5 new)

23 Sec. 3.5. Definitions. In this Act:

24 "IEMA-OHS" means the Illinois Emergency Management Agency

1 and Office of Homeland Security, or its successor agency.

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

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

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

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

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

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

23 (420 ILCS 20/2) (from Ch. 111 1/2, par. 241-2)

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

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

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

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

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

1 management program.

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

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

4 Sec. 3. Definitions.

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

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

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

12 "Decommissioning" means the measures taken at the end of a
13 facility's operating life to assure the continued protection
14 of the public from any residual radioactivity or other
15 potential hazards present at a facility.

16 "Director" means the Director of the ~~Illinois Emergency~~
17 ~~Management~~ Agency.

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

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

24 "Facility" does not include lands, sites, structures or
25 equipment used by a generator in the generation of low-level

1 radioactive wastes.

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

6 "Hazardous waste" means a waste, or combination of wastes,
7 which because of its quantity, concentration, or physical,
8 chemical, or infectious characteristics may cause or
9 significantly contribute to an increase in mortality or an
10 increase in serious, irreversible, or incapacitating
11 reversible, illness; or pose a substantial present or
12 potential hazard to human health or the environment when
13 improperly treated, stored, transported, or disposed of, or
14 otherwise managed, and which has been identified, by
15 characteristics or listing, as hazardous under Section 3001 of
16 the Resource Conservation and Recovery Act of 1976, P.L.
17 94-580 or under regulations of the Pollution Control Board.

18 "High-level radioactive waste" means:

19 (1) the highly radioactive material resulting from the
20 reprocessing of spent nuclear fuel including liquid waste
21 produced directly in reprocessing and any solid material
22 derived from the liquid waste that contains fission
23 products in sufficient concentrations; and

24 (2) the highly radioactive material that the Nuclear
25 Regulatory Commission has determined, on the effective
26 date of this Amendatory Act of 1988, to be high-level

1 radioactive waste requiring permanent isolation.

2 "Low-level radioactive waste" or "waste" means radioactive
3 waste not classified as (1) high-level radioactive waste, (2)
4 transuranic waste, (3) spent nuclear fuel, or (4) byproduct
5 material as defined in Sections 11e(2), 11e(3), and 11e(4) of
6 the Atomic Energy Act of 1954 (42 U.S.C. 2014). This
7 definition shall apply notwithstanding any declaration by the
8 federal government, a state, or any regulatory agency that any
9 radioactive material is exempt from any regulatory control.

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

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

24 "Person" means an individual, corporation, business
25 enterprise or other legal entity either public or private and
26 any legal successor, representative, agent or agency of that

1 individual, corporation, business enterprise, or legal entity.

2 "Post-closure care" means the continued monitoring of the
3 regional disposal facility after closure for the purposes of
4 detecting a need for maintenance, ensuring environmental
5 safety, and determining compliance with applicable licensure
6 and regulatory requirements, and includes undertaking any
7 remedial actions necessary to protect public health and the
8 environment from radioactive releases from the facility.

9 "Regional disposal facility" or "disposal facility" means
10 the facility established by the State of Illinois under this
11 Act for disposal away from the point of generation of waste
12 generated in the region of the Compact.

13 "Release" means any spilling, leaking, pumping, pouring,
14 emitting, emptying, discharging, injecting, escaping,
15 leaching, dumping or disposing into the environment of
16 low-level radioactive waste.

17 "Remedial action" means those actions taken in the event
18 of a release or threatened release of low-level radioactive
19 waste into the environment, to prevent or minimize the release
20 of the waste so that it does not migrate to cause substantial
21 danger to present or future public health or welfare or the
22 environment. The term includes, but is not limited to, actions
23 at the location of the release such as storage, confinement,
24 perimeter protection using dikes, trenches or ditches, clay
25 cover, neutralization, cleanup of released low-level
26 radioactive wastes, recycling or reuse, dredging or

1 excavations, repair or replacement of leaking containers,
2 collection of leachate and runoff, onsite treatment or
3 incineration, provision of alternative water supplies and any
4 monitoring reasonably required to assure that these actions
5 protect human health and the environment.

6 "Scientific Surveys" means, collectively, the Illinois
7 State Geological Survey and the Illinois State Water Survey of
8 the University of Illinois.

9 "Shallow land burial" means a land disposal facility in
10 which radioactive waste is disposed of in or within the upper
11 30 meters of the earth's surface. However, this definition
12 shall not include an enclosed, engineered, structurally
13 re-enforced and solidified bunker that extends below the
14 earth's surface.

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

20 "Storage" means the temporary holding of waste for
21 treatment or disposal for a period determined by Agency
22 regulations.

23 "Treatment" means any method, technique or process,
24 including storage for radioactive decay, designed to change
25 the physical, chemical or biological characteristics or
26 composition of any waste in order to render the waste safer for

1 transport, storage or disposal, amenable to recovery,
2 convertible to another usable material or reduced in volume.

3 "Waste management" means the storage, transportation,
4 treatment or disposal of waste.

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

6 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

7 Sec. 13. Waste fees.

8 (a) The Agency shall collect a fee from each generator of
9 low-level radioactive wastes in this State, except as
10 otherwise provided in this subsection. Except as provided in
11 subdivision (b)(2) and subsections ~~(b)~~, (c)~~7~~ and (d), the
12 amount of the fee shall be \$50.00 or the following amount,
13 whichever is greater:

14 (1) \$1 per cubic foot of waste shipped for storage,
15 treatment or disposal if storage of the waste for shipment
16 occurred prior to September 7, 1984;

17 (2) \$2 per cubic foot of waste stored for shipment if
18 storage of the waste occurs on or after September 7, 1984,
19 but prior to October 1, 1985;

20 (3) \$3 per cubic foot of waste stored for shipment if
21 storage of the waste occurs on or after October 1, 1985;

22 (4) \$2 per cubic foot of waste shipped for storage,
23 treatment or disposal if storage of the waste for shipment
24 occurs on or after September 7, 1984 but prior to October
25 1, 1985, provided that no fee has been collected

1 previously for storage of the waste;

2 (5) \$3 per cubic foot of waste shipped for storage,
3 treatment or disposal if storage of the waste for shipment
4 occurs on or after October 1, 1985, provided that no fees
5 have been collected previously for storage of the waste.

6 Such fees shall be collected annually or as determined by
7 the Agency and shall be deposited in the low-level radioactive
8 waste funds as provided in Section 14 of this Act.
9 Notwithstanding any other provision of this Act, no fee under
10 this Section shall be collected from a generator for waste
11 generated incident to manufacturing before December 31, 1980,
12 and shipped for disposal outside of this State before December
13 31, 1992, as part of a site reclamation leading to license
14 termination.

15 Units of local government are exempt from the fee
16 provisions of this subsection.

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

19 (2) Each nuclear power reactor in this State for which an
20 operating license has been issued by the Nuclear Regulatory
21 Commission shall not be subject to the fee required by
22 subsection (a) with respect to (1) waste stored for shipment
23 if storage of the waste occurs on or after January 1, 1986; and
24 (2) waste shipped for storage, treatment or disposal if
25 storage of the waste for shipment occurs on or after January 1,
26 1986. In lieu of the fee, each reactor shall be required to pay

1 an annual fee as provided in this subsection for the
2 treatment, storage and disposal of low-level radioactive
3 waste. Beginning with State fiscal year 1986 and through State
4 fiscal year 1997, fees shall be due and payable on January 1st
5 of each year. For State fiscal year 1998 and all subsequent
6 State fiscal years, fees shall be due and payable on July 1 of
7 each fiscal year. The fee due on July 1, 1997 shall be payable
8 on that date, or within 10 days after the effective date of
9 this amendatory Act of 1997, whichever is later.

10 The owner of any nuclear power reactor that has an
11 operating license issued by the Nuclear Regulatory Commission
12 for any portion of State fiscal year 1998 shall continue to pay
13 an annual fee of \$90,000 for the treatment, storage, and
14 disposal of low-level radioactive waste through State fiscal
15 year 2002. The fee shall be due and payable on July 1 of each
16 fiscal year. The fee due on July 1, 1998 shall be payable on
17 that date, or within 10 days after the effective date of this
18 amendatory Act of 1998, whichever is later. If the balance in
19 the Low-Level Radioactive Waste Facility Development and
20 Operation Fund falls below \$500,000, as of the end of any
21 fiscal year after fiscal year 2002, the Agency is authorized
22 to assess by rule, after notice and a hearing, an additional
23 annual fee to be paid by the owners of nuclear power reactors
24 for which operating licenses have been issued by the Nuclear
25 Regulatory Commission, except that no additional annual fee
26 shall be assessed because of the fund balance at the end of

1 fiscal year 2005 or the end of fiscal year 2006. The additional
2 annual fee shall be payable on the date or dates specified by
3 rule and shall not exceed \$30,000 per operating reactor per
4 year.

5 (c) In each of State fiscal years 1988, 1989 and 1990, in
6 addition to the fee imposed in subsections (b) and (d), the
7 owner of each nuclear power reactor in this State for which an
8 operating license has been issued by the Nuclear Regulatory
9 Commission shall pay a fee of \$408,000. If an operating
10 license is issued during one of those 3 fiscal years, the owner
11 shall pay a prorated amount of the fee equal to \$1,117.80
12 multiplied by the number of days in the fiscal year during
13 which the nuclear power reactor was licensed.

14 The fee shall be due and payable as follows: in fiscal year
15 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000
16 shall be paid on each of January 1, 1988 and April 1, 1988; in
17 fiscal year 1989, \$102,000 shall be paid on each of July 1,
18 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and
19 in fiscal year 1990, \$102,000 shall be paid on each of July 1,
20 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If
21 the operating license is issued during one of the 3 fiscal
22 years, the owner shall be subject to those payment dates, and
23 their corresponding amounts, on which the owner possesses an
24 operating license and, on June 30 of the fiscal year of
25 issuance of the license, whatever amount of the prorated fee
26 remains outstanding.

1 All of the amounts collected by the Agency under this
2 subsection (c) shall be deposited into the Low-Level
3 Radioactive Waste Facility Development and Operation Fund
4 created under subsection (a) of Section 14 of this Act and
5 expended, subject to appropriation, for the purposes provided
6 in that subsection.

7 (d) In addition to the fees imposed in subsections (b) and
8 (c), the owners of nuclear power reactors in this State for
9 which operating licenses have been issued by the Nuclear
10 Regulatory Commission shall pay the following fees for each
11 such nuclear power reactor: for State fiscal year 1989,
12 \$325,000 payable on October 1, 1988, \$162,500 payable on
13 January 1, 1989, and \$162,500 payable on April 1, 1989; for
14 State fiscal year 1990, \$162,500 payable on July 1, \$300,000
15 payable on October 1, \$300,000 payable on January 1 and
16 \$300,000 payable on April 1; for State fiscal year 1991,
17 either (1) \$150,000 payable on July 1, \$650,000 payable on
18 September 1, \$675,000 payable on January 1, and \$275,000
19 payable on April 1, or (2) \$150,000 on July 1, \$130,000 on the
20 first day of each month from August through December, \$225,000
21 on the first day of each month from January through March and
22 \$92,000 on the first day of each month from April through June;
23 for State fiscal year 1992, \$260,000 payable on July 1,
24 \$900,000 payable on September 1, \$300,000 payable on October
25 1, \$150,000 payable on January 1, and \$100,000 payable on
26 April 1; for State fiscal year 1993, \$100,000 payable on July

1 1, \$230,000 payable on August 1 or within 10 days after July
2 31, 1992, whichever is later, and \$355,000 payable on October
3 1; for State fiscal year 1994, \$100,000 payable on July 1,
4 \$75,000 payable on October 1 and \$75,000 payable on April 1;
5 for State fiscal year 1995, \$100,000 payable on July 1,
6 \$75,000 payable on October 1, and \$75,000 payable on April 1,
7 for State fiscal year 1996, \$100,000 payable on July 1,
8 \$75,000 payable on October 1, and \$75,000 payable on April 1.
9 The owner of any nuclear power reactor that has an operating
10 license issued by the Nuclear Regulatory Commission for any
11 portion of State fiscal year 1998 shall pay an annual fee of
12 \$30,000 through State fiscal year 2003. For State fiscal year
13 2004 and subsequent fiscal years, the owner of any nuclear
14 power reactor that has an operating license issued by the
15 Nuclear Regulatory Commission shall pay an annual fee of
16 \$30,000 per reactor, provided that the fee shall not apply to a
17 nuclear power reactor with regard to which the owner notified
18 the Nuclear Regulatory Commission during State fiscal year
19 1998 that the nuclear power reactor permanently ceased
20 operations. The fee shall be due and payable on July 1 of each
21 fiscal year. The fee due on July 1, 1998 shall be payable on
22 that date, or within 10 days after the effective date of this
23 amendatory Act of 1998, whichever is later. The fee due on July
24 1, 1997 shall be payable on that date or within 10 days after
25 the effective date of this amendatory Act of 1997, whichever
26 is later. If the payments under this subsection for fiscal

1 year 1993 due on January 1, 1993, or on April 1, 1993, or both,
2 were due before the effective date of this amendatory Act of
3 the 87th General Assembly, then those payments are waived and
4 need not be made.

5 All of the amounts collected by the Agency under this
6 subsection (d) shall be deposited into the Low-Level
7 Radioactive Waste Facility Development and Operation Fund
8 created pursuant to subsection (a) of Section 14 of this Act
9 and expended, subject to appropriation, for the purposes
10 provided in that subsection.

11 All payments made by licensees under this subsection (d)
12 for fiscal year 1992 that are not appropriated and obligated
13 by the Agency above \$1,750,000 per reactor in fiscal year
14 1992, shall be credited to the licensees making the payments
15 to reduce the per reactor fees required under this subsection
16 (d) for fiscal year 1993.

17 (e) The Agency shall promulgate rules and regulations
18 establishing standards for the collection of the fees
19 authorized by this Section. The regulations shall include, but
20 need not be limited to:

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

23 (2) the form and submission of reports to accompany
24 the payment of fees to the Agency; and

25 (3) the time and manner of payment of fees to the
26 Agency, which payments shall not be more frequent than

1 quarterly.

2 (f) Any operating agreement entered into under subsection
3 (b) of Section 5 of this Act between the Agency and any
4 disposal facility contractor shall, subject to the provisions
5 of this Act, authorize the contractor to impose upon and
6 collect from persons using the disposal facility fees designed
7 and set at levels reasonably calculated to produce sufficient
8 revenues (1) to pay all costs and expenses properly incurred
9 or accrued in connection with, and properly allocated to,
10 performance of the contractor's obligations under the
11 operating agreement, and (2) to provide reasonable and
12 appropriate compensation or profit to the contractor under the
13 operating agreement. For purposes of this subsection (f), the
14 term "costs and expenses" may include, without limitation, (i)
15 direct and indirect costs and expenses for labor, services,
16 equipment, materials, insurance and other risk management
17 costs, interest and other financing charges, and taxes or fees
18 in lieu of taxes; (ii) payments to or required by the United
19 States, the State of Illinois or any agency or department
20 thereof, the Central Midwest Interstate Low-Level Radioactive
21 Waste Compact, and subject to the provisions of this Act, any
22 unit of local government; (iii) amortization of capitalized
23 costs with respect to the disposal facility and its
24 development, including any capitalized reserves; and (iv)
25 payments with respect to reserves, accounts, escrows or trust
26 funds required by law or otherwise provided for under the

1 operating agreement.

2 (g) (Blank).

3 (h) (Blank).

4 (i) (Blank).

5 (j) (Blank).

6 (j-5) Prior to commencement of facility operations, the
7 Agency shall adopt rules providing for the establishment and
8 collection of fees and charges with respect to the use of the
9 disposal facility as provided in subsection (f) of this
10 Section.

11 (k) The regional disposal facility shall be subject to ad
12 valorem real estate taxes lawfully imposed by units of local
13 government and school districts with jurisdiction over the
14 facility. No other local government tax, surtax, fee or other
15 charge on activities at the regional disposal facility shall
16 be allowed except as authorized by the Agency.

17 (l) The Agency shall have the power, in the event that
18 acceptance of waste for disposal at the regional disposal
19 facility is suspended, delayed or interrupted, to impose
20 emergency fees on the generators of low-level radioactive
21 waste. Generators shall pay emergency fees within 30 days of
22 receipt of notice of the emergency fees. The Department shall
23 deposit all of the receipts of any fees collected under this
24 subsection into the Low-Level Radioactive Waste Facility
25 Development and Operation Fund created under subsection (b) of
26 Section 14. Emergency fees may be used to mitigate the impacts

1 of the suspension or interruption of acceptance of waste for
2 disposal. The requirements for rulemaking in the Illinois
3 Administrative Procedure Act shall not apply to the imposition
4 of emergency fees under this subsection.

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

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

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

11 (420 ILCS 35/0.05 new)

12 Sec. 0.05. Definitions. In this Act:

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

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

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

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

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

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

10 Sec. 1. The Director ~~of the Illinois Emergency Management~~
11 ~~Agency~~ is authorized to acquire by private purchase,
12 acceptance, or by condemnation in the manner provided for the
13 exercise of the power of eminent domain under the Eminent
14 Domain Act, any and all lands, buildings and grounds where
15 radioactive by-products and wastes produced by industrial,
16 medical, agricultural, scientific or other organizations can
17 be concentrated, stored or otherwise disposed in a manner
18 consistent with the public health and safety. Whenever, in the
19 judgment of the Director ~~of the Illinois Emergency Management~~
20 ~~Agency~~, it is necessary to relocate existing facilities for
21 the construction, operation, closure or long-term care of a
22 facility for the safe and secure disposal of low-level
23 radioactive waste, the cost of relocating such existing
24 facilities may be deemed a part of the disposal facility land
25 acquisition and the ~~Illinois Emergency Management~~ Agency may,

1 on behalf of the State, pay such costs. Existing facilities
2 include public utilities, commercial or industrial facilities,
3 residential buildings, and such other public or privately
4 owned buildings as the Director ~~of the Illinois Emergency~~
5 ~~Management Agency~~ deems necessary for relocation. The ~~Illinois~~
6 ~~Emergency Management~~ Agency is authorized to operate a
7 relocation program, and to pay such costs of relocation as are
8 provided in the federal "Uniform Relocation Assistance and
9 Real Property Acquisition Policies Act", Public Law 91-646.
10 The Director ~~of the Illinois Emergency Management Agency~~ is
11 authorized to exceed the maximum payments provided pursuant to
12 the federal "Uniform Relocation Assistance and Real Property
13 Acquisition Policies Act" if necessary to assure the provision
14 of decent, safe, and sanitary housing, or to secure a suitable
15 alternate location. Payments issued under this Section shall
16 be made from the Low-level Radioactive Waste Facility
17 Development and Operation Fund established by the Illinois
18 Low-Level Radioactive Waste Management Act.

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

20 (420 ILCS 35/2) (from Ch. 111 1/2, par. 230.2)

21 Sec. 2. The Director ~~of the Illinois Emergency Management~~
22 ~~Agency~~ may accept, receive, and receipt for moneys or lands,
23 buildings and grounds for and in behalf of the State, given by
24 the Federal Government under any federal law to the State or by
25 any other public or private agency, for the acquisition or

1 operation of a site or sites for the concentration and storage
2 of radioactive wastes. Such funds received by the Director
3 pursuant to this section shall be deposited with the State
4 Treasurer and held and disbursed by him in accordance with "An
5 Act in relation to the receipt, custody, and disbursement of
6 money allotted by the United States of America or any agency
7 thereof for use in this State", approved July 3, 1939, as
8 amended. Provided that such moneys or lands, buildings and
9 grounds shall be used only for the purposes for which they are
10 contributed.

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

12 (420 ILCS 35/3) (from Ch. 111 1/2, par. 230.3)

13 Sec. 3. The Director ~~of the Illinois Emergency Management~~
14 ~~Agency~~ may lease such lands, buildings and grounds as it may
15 acquire under the provisions of this Act to a private firm or
16 firms for the purpose of operating a site or sites for the
17 concentration and storage of radioactive wastes or for such
18 other purpose not contrary to the public interests.

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

20 (420 ILCS 35/4) (from Ch. 111 1/2, par. 230.4)

21 Sec. 4. The operation of any and all sites acquired for the
22 concentration and storage of radioactive wastes shall be under
23 the direct supervision of the ~~Illinois Emergency Management~~
24 Agency and shall be in accordance with regulations promulgated

1 and enforced by the Agency to protect the public health and
2 safety.

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

4 (420 ILCS 35/5) (from Ch. 111 1/2, par. 230.5)

5 Sec. 5. The Director ~~of the Illinois Emergency Management~~
6 ~~Agency~~ is authorized to enter into contracts as he may deem
7 necessary for carrying out the provisions of this Act. Such
8 contracts may include the assessment of fees by the Agency.
9 The fees required shall be established at a rate which
10 provides an annual amount equal to the anticipated reasonable
11 cost necessary to maintain, monitor, and otherwise supervise
12 and care for lands and facilities as required in the interest
13 of public health and safety.

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

15 (420 ILCS 35/6) (from Ch. 111 1/2, par. 230.6)

16 Sec. 6. It is recognized by the General Assembly that any
17 site used for the concentration and storage of radioactive
18 waste material will represent a continuing and perpetual
19 responsibility in the interests of the public health, safety
20 and general welfare, and that the same must ultimately be
21 reposed in a sovereign government without regard for the
22 existence or nonexistence of any particular agency,
23 instrumentality, department, division or officer thereof. In
24 all instances lands, buildings and grounds which are to be

1 designated as sites for the concentration and storage of
2 radioactive waste materials shall be acquired in fee simple
3 absolute and dedicated in perpetuity to such purpose. All
4 rights, title and interest in, of and to any radioactive waste
5 materials accepted by the ~~Illinois Emergency Management~~ Agency
6 for permanent storage at such facilities, shall upon
7 acceptance become the property of the State and shall be in all
8 respects administered, controlled, and disposed of, including
9 transfer by sale, lease, loan or otherwise, by the Agency in
10 the name of the State. All fees received pursuant to contracts
11 entered into by the ~~Illinois Emergency Management~~ Agency shall
12 be deposited in the State Treasury and shall be set apart in a
13 special fund to be known as the "Radioactive Waste Site
14 Perpetual Care Fund". Monies deposited in the fund shall be
15 expended by the ~~Illinois Emergency Management~~ Agency to
16 monitor and maintain the site as required to protect the
17 public health and safety on a continuing and perpetual basis.
18 All payments received by the Department of Nuclear Safety (now
19 the ~~Illinois Emergency Management~~ Agency) pursuant to the
20 settlement agreement entered May 25, 1988, in the matter of
21 the People of the State of Illinois, et al. v. Teledyne, Inc.,
22 et al. (No. 78 MR 25, Circuit Court, Bureau County, Illinois)
23 shall be held by the State Treasurer separate and apart from
24 all public moneys or funds of the State, and shall be used only
25 as provided in such settlement agreement.

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

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

3 (420 ILCS 37/5)

4 Sec. 5. Legislative findings.

5 (a) The General Assembly finds:

6 (1) that a considerable volume of wastes are produced
7 in this State with even greater volumes to be produced in
8 the future;

9 (2) that these wastes pose a significant risk to the
10 public health, safety and welfare of the people of
11 Illinois; and

12 (3) that it is the obligation of the State of Illinois
13 to its citizens to provide for the safe management of the
14 wastes produced within its borders.

15 (b) It is the intent of this Act to authorize the ~~Illinois~~
16 ~~Emergency Management~~ Agency to establish, by regulation, a
17 tracking system for the regulation of the use of facilities
18 licensed under Section 8 of the Illinois Low-Level Radioactive
19 Waste Management Act.

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

21 (420 ILCS 37/10)

22 Sec. 10. Definitions.

23 (a) "Agency" or "IEMA-OHS" means the Illinois Emergency

1 Management Agency and Office of Homeland Security, or its
2 successor agency.

3 (b) "Director" means the Director of the ~~Illinois~~
4 ~~Emergency Management~~ Agency.

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

7 (d) "Facility" means a parcel of land or a site, together
8 with structures, equipment, and improvements on or appurtenant
9 to the land or site, that is used or is being developed for the
10 treatment, storage, or disposal of low-level radioactive
11 waste.

12 (e) "Low-level radioactive waste" or "waste" means
13 radioactive waste not classified as (1) high-level radioactive
14 waste, (2) transuranic waste, (3) spent nuclear fuel, or (4)
15 byproduct material as defined in Sections 11e(2), 11e(3), and
16 11e(4) of the Atomic Energy Act (42 U.S.C. 2014). This
17 definition shall apply notwithstanding any declaration by the
18 federal government, a state, or any regulatory agency that any
19 radioactive material is exempt from any regulatory control.

20 (e-5) "Nuclear facilities" means nuclear power plants,
21 facilities housing nuclear test and research reactors,
22 facilities for the chemical conversion of uranium, and
23 facilities for the storage of spent nuclear fuel or high-level
24 radioactive waste.

25 (e-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 (e-15) "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 (e-20) "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 (f) "Person" means an individual, corporation, business
12 enterprise, or other legal entity, public or private, or any
13 legal successor, representative, agent, or agency of that
14 individual, corporation, business enterprise, or legal entity.

15 (g) "Regional facility" or "disposal facility" means a
16 facility that is located in Illinois and established by
17 Illinois, under designation of Illinois as a host state by the
18 Commission for disposal of waste.

19 (h) "Storage" means the temporary holding of waste for
20 treatment or disposal for a period determined by Agency
21 regulations.

22 (i) "Treatment" means any method, technique, or process,
23 including storage for radioactive decay, that is designed to
24 change the physical, chemical, or biological characteristics
25 or composition of any waste in order to render the waste safer
26 for transport, storage, or disposal, amenable to recovery,

1 convertible to another usable material, or reduced in volume.

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

3 (420 ILCS 37/15)

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

6 (a) Upon adoption of regulations under subsection (c) of
7 this Section, no person shall deposit any low-level
8 radioactive waste at a storage, treatment, or disposal
9 facility in Illinois licensed under Section 8 of the Illinois
10 Low-Level Radioactive Waste Management Act without a permit
11 granted by the ~~Illinois Emergency Management~~ Agency.

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

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

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

4 (e) A person who violates this Section or any regulation
5 promulgated under this Section shall be subject to a civil
6 penalty, not to exceed \$10,000, for each violation. Each day a
7 violation continues shall constitute a separate offense. A
8 person who fails to pay a civil penalty imposed by a regulation
9 adopted under this Section, or any portion of the penalty, is
10 liable in a civil action in an amount not to exceed 4 times the
11 amount imposed and not paid. At the request of the Agency, the
12 Attorney General shall, on behalf of the State, bring an
13 action for the recovery of any civil penalty provided for by
14 this Section. Any civil penalties so recovered shall be
15 deposited in the Low-Level Radioactive Waste Facility Closure,
16 Post-Closure Care and Compensation Fund.

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

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

21 (420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)

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

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

24 (a) "Accreditation" means the process by which the Agency

1 grants permission to persons meeting the requirements of this
2 Act and the Agency's rules and regulations to engage in the
3 practice of administering radiation to human beings.

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

7 (a-3) "Assistant Director" means the Assistant Director of
8 the Agency.

9 (a-5) "By-product material" means: (1) any radioactive
10 material (except special nuclear material) yielded in or made
11 radioactive by exposure to radiation incident to the process
12 of producing or utilizing special nuclear material; (2) the
13 tailings or wastes produced by the extraction or concentration
14 of uranium or thorium from any ore processed primarily for its
15 source material content, including discrete surface wastes
16 resulting from underground solution extraction processes but
17 not including underground ore bodies depleted by such solution
18 extraction processes; (3) any discrete source of radium-226
19 that is produced, extracted, or converted after extraction,
20 before, on, or after August 8, 2005, for use for a commercial,
21 medical, or research activity; (4) any material that has been
22 made radioactive by use of a particle accelerator and is
23 produced, extracted, or converted after extraction before, on,
24 or after August 8, 2005, for use for a commercial, medical, or
25 research activity; and (5) any discrete source of naturally
26 occurring radioactive material, other than source material,

1 that is extracted or converted after extraction for use in
2 commercial, medical, or research activity before, on, or after
3 August 8, 2005, and which the U.S. Nuclear Regulatory
4 Commission, in consultation with the Administrator of the
5 Environmental Protection Agency, the Secretary of Energy, the
6 Secretary of Homeland Security, and the head of any other
7 appropriate Federal agency, determines would pose a threat to
8 the public health and safety or the common defense and
9 security similar to the threat posed by a discrete source or
10 radium-226.

11 (b) (Blank).

12 (c) (Blank).

13 (d) "General license" means a license, pursuant to
14 regulations promulgated by the Agency, effective without the
15 filing of an application to transfer, acquire, own, possess or
16 use quantities of, or devices or equipment utilizing,
17 radioactive material, including but not limited to by-product,
18 source or special nuclear materials.

19 (d-1) "Identical in substance" means the regulations
20 promulgated by the Agency would require the same actions with
21 respect to ionizing radiation, for the same group of affected
22 persons, as would federal laws, regulations, or orders if any
23 federal agency, including but not limited to the Nuclear
24 Regulatory Commission, Food and Drug Administration, or
25 Environmental Protection Agency, administered the subject
26 program in Illinois.

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

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

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

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

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

21 (e) "Person" means any individual, corporation,
22 partnership, firm, association, trust, estate, public or
23 private institution, group, agency, political subdivision of
24 this State, any other State or political subdivision or agency
25 thereof, and any legal successor, representative, agent, or
26 agency of the foregoing, other than the United States Nuclear

1 Regulatory Commission, or any successor thereto, and other
2 than federal government agencies licensed by the United States
3 Nuclear Regulatory Commission, or any successor thereto.
4 "Person" also includes a federal entity (and its contractors)
5 if the federal entity agrees to be regulated by the State or as
6 otherwise allowed under federal law.

7 (f) "Radiation" or "ionizing radiation" means gamma rays
8 and x-rays, alpha and beta particles, high speed electrons,
9 neutrons, protons, and other nuclear particles or
10 electromagnetic radiations capable of producing ions directly
11 or indirectly in their passage through matter; but does not
12 include sound or radio waves or visible, infrared, or
13 ultraviolet light.

14 (f-5) "Radiation emergency" means the uncontrolled release
15 of radioactive material from a radiation installation which
16 poses a potential threat to the public health, welfare, and
17 safety.

18 (g) "Radiation installation" is any location or facility
19 where radiation machines are used or where radioactive
20 material is produced, transported, stored, disposed of, or
21 used for any purpose.

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

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

26 (j) "Radiation source" or "source of ionizing radiation"

1 means a radiation machine or radioactive material as defined
2 herein.

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

8 (k) "Source material" means (1) uranium, thorium, or any
9 other material which the Agency declares by order to be source
10 material after the United States Nuclear Regulatory
11 Commission, or any successor thereto, has determined the
12 material to be such; or (2) ores containing one or more of the
13 foregoing materials, in such concentration as the Agency
14 declares by order to be source material after the United
15 States Nuclear Regulatory Commission, or any successor
16 thereto, has determined the material in such concentration to
17 be source material.

18 (l) "Special nuclear material" means (1) plutonium,
19 uranium 233, uranium enriched in the isotope 233 or in the
20 isotope 235, and any other material which the Agency declares
21 by order to be special nuclear material after the United
22 States Nuclear Regulatory Commission, or any successor
23 thereto, has determined the material to be such, but does not
24 include source material; or (2) any material artificially
25 enriched by any of the foregoing, but does not include source
26 material.

1 (m) "Specific license" means a license, issued after
2 application, to use, manufacture, produce, transfer, receive,
3 acquire, own, or possess quantities of, or devices or
4 equipment utilizing radioactive materials.

5 (Source: P.A. 95-511, eff. 8-28-07; 95-777, eff. 8-4-08;
6 96-1041, eff. 7-14-10.)

7 (420 ILCS 40/11) (from Ch. 111 1/2, par. 210-11)

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

9 Sec. 11. Federal-State Agreements.

10 (1) The Governor, on behalf of this State, is authorized
11 to enter into agreements with the Federal Government providing
12 for discontinuance of certain of the Federal Government's
13 responsibilities with respect to sources of ionizing radiation
14 and the assumption thereof by this State, including, but not
15 limited to, agreements concerning by-product material as
16 defined in Section 11(e)(2) of the Atomic Energy Act of 1954,
17 42 U.S.C. 2014(e)(2).

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

1 ~~Management~~ Agency) of a notice of expiration of such license,
2 or on the date of expiration specified in the Federal license,
3 whichever is earlier.

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

1 decontamination of such unlicensed properties.

2 The Agency may impose fees for termination of licenses
3 including, but not limited to, licenses for refining uranium
4 mill concentrates to uranium hexafluoride; licenses for
5 possession and use of source material at ore buying stations,
6 at ion exchange facilities and at facilities where ore is
7 processed to extract metals other than uranium or thorium; and
8 licenses authorizing the use or possession of by-product
9 material as defined in subsection (a-5)(2) of Section 4. The
10 Agency may also set license fees for licenses which authorize
11 the distribution of devices, products, or sealed sources
12 involved in the production, utilization, or containment of
13 radiation. After a public hearing before the Agency, the fees
14 and collection procedures shall be prescribed under rules and
15 regulations for protection against radiation hazards
16 promulgated under this Act.

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

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

23 (420 ILCS 40/14) (from Ch. 111 1/2, par. 210-14)

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

25 Sec. 14. Radiation Protection Advisory Council. There

1 shall be created a Radiation Protection Advisory Council
2 consisting of 7 members to be appointed by the Governor on the
3 basis of demonstrated interest in and capacity to further the
4 purposes of this Act and who shall broadly reflect the varied
5 interests in and aspects of atomic energy and ionizing
6 radiation within the State. The Director of the Department of
7 Labor and the Chairman of the Commerce Commission or their
8 representatives shall be ex-officio members of the Council.

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

21 It shall be the duty of the Council to assist in the
22 formulation of and to review the policies and program of the
23 Agency as developed under authority of this Act and to make
24 recommendations thereon and to provide the Agency with such
25 technical advice and assistance as may be requested. The
26 Council may employ such professional, technical, clerical and

1 other assistants, without regard to the civil service laws or
2 the "Personnel Code" of this State, as it deems necessary to
3 carry out its duties.

4 Individuals who serve on advisory boards of the Department
5 of Nuclear Safety or its successor agency, the ~~Illinois~~
6 ~~Emergency Management~~ Agency, shall be defended by the Attorney
7 General and indemnified for all actions alleging a violation
8 of any duty arising within the scope of their service on such
9 board. Nothing contained herein shall be deemed to afford
10 defense or indemnification for any willful or wanton violation
11 of law. Such defense and indemnification shall be afforded in
12 accordance with the terms and provisions of the State Employee
13 Indemnification Act.

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

15 (420 ILCS 40/24.7)

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

17 Sec. 24.7. Registration requirement; fees. Beginning
18 January 1, 2000, the Department of Nuclear Safety or its
19 successor agency, the ~~Illinois Emergency Management~~ Agency, is
20 authorized to require every operator of a radiation
21 installation to register the installation with the Department
22 or the Agency before the installation is placed in operation.
23 The Agency is authorized to exempt certain radiation sources
24 from registration by rule when the Agency makes a
25 determination that the exemption of such sources will not

1 constitute a significant risk to health and safety of the
2 public. Whenever there is a change in a radiation installation
3 that affects the registration information provided to the
4 Department or the Agency, including discontinuation of use or
5 disposition of radiation sources, the operator of such
6 installation shall, within 30 days, give written notice to the
7 Department or the Agency detailing the change.

8 Beginning January 1, 2000, every radiation installation
9 operator using radiation machines shall register annually in a
10 manner and form prescribed by the Department of Nuclear Safety
11 or its successor agency, the ~~Illinois Emergency Management~~
12 Agency, and shall pay the Department or the Agency an annual
13 registration fee for each radiation machine. The Agency shall
14 by rule establish the annual registration fee to register and
15 inspect radiation installations based on the type of facility
16 and equipment possessed by the registrant. The Agency shall
17 bill the operator for the registration fee as soon as
18 practical after January 1. The registration fee shall be due
19 and payable within 60 days of the date of billing. If after 60
20 days the registration fee is not paid, the Agency may issue an
21 order directing the operator of the installation to cease use
22 of all radiation machines or take other appropriate
23 enforcement action as provided in Section 36 of this Act. Fees
24 collected under this Section are not refundable.

25 Registration of any radiation installation shall not imply
26 approval of manufacture, storage, use, handling, operation, or

1 disposal of radiation sources, but shall serve merely as
2 notice to the Agency of the location and character of
3 radiation sources in this State.

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

5 (420 ILCS 40/25.1)

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

7 Sec. 25.1. Each individual responsible for implementing a
8 comprehensive radiation protection program for all hospitals
9 and other facilities using mammography, computed tomography
10 (CT), or therapeutic radiation machines shall register with
11 the Department of Nuclear Safety or its successor agency, the
12 ~~Illinois Emergency Management~~ Agency. Application for
13 registration shall be made on a form prescribed by the Agency
14 and shall be accompanied by the required application fee. The
15 Agency shall approve the application and register an
16 individual if the individual satisfies criteria established by
17 rule of the Agency. The Agency shall assess registered
18 individuals an annual registration fee. The Agency shall
19 establish by rule application and registration fees. The
20 application and registration fees shall not be refundable.

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

22 (420 ILCS 40/25.2)

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

24 Sec. 25.2. Installation and servicing of radiation

1 machines.

2 (a) Beginning January 1, 2002, a service provider who
3 installs or services radiation machines in the State of
4 Illinois must register with the Department of Nuclear Safety
5 or its successor agency, the ~~Illinois Emergency Management~~
6 Agency. An operator of a radiation installation that is
7 registered under Section 24.7 is not required to register
8 under this Section to service the radiation machines that it
9 owns or leases.

10 (b) A service provider who installs a radiation machine in
11 the State of Illinois must report the installation to the
12 Agency.

13 (c) A service provider who services a radiation machine in
14 a radiation installation in the State of Illinois that is not
15 registered under Section 24.7 must report the service to the
16 Agency.

17 (d) The Agency is authorized to adopt rules to implement
18 this Section, including rules assessing application and annual
19 registration fees. Application and registration fees are not
20 refundable.

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

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

24 (420 ILCS 42/10)

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

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

5 "By-product material" means the tailings or wastes
6 produced by the extraction or concentration of uranium or
7 thorium from any ore processed primarily for its source
8 material content, including discrete surface wastes resulting
9 from underground solution extraction processes but not
10 including underground ore bodies depleted by such solution
11 extraction processes.

12 "Director" means the Director of the ~~Illinois Emergency~~
13 ~~Management Agency.~~

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

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

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

26 "Person" means any individual, corporation, partnership,

1 firm, association, trust, estate, public or private
2 institution, group, agency, political subdivision of this
3 State, any other State or political subdivision or agency
4 thereof, and any legal successor, representative, agent, or
5 agency of the foregoing, other than the United States Nuclear
6 Regulatory Commission, or any successor thereto, and other
7 than federal government agencies licensed by the United States
8 Nuclear Regulatory Commission, or any successor thereto.

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

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

17 "Source material" means (i) uranium, thorium, or any other
18 material that the Agency declares by order to be source
19 material after the United States Nuclear Regulatory Commission
20 or its successor has determined the material to be source
21 material; or (ii) ores containing one or more of those
22 materials in such concentration as the Agency declares by
23 order to be source material after the United States Nuclear
24 Regulatory Commission or its successor has determined the
25 material in such concentration to be source material.

26 "Specific license" means a license, issued after

1 application, to use, manufacture, produce, transfer, receive,
2 acquire, own, or possess quantities of radioactive materials
3 or devices or equipment utilizing radioactive materials.

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

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

7 (420 ILCS 44/10)

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

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

20 (420 ILCS 44/15)

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

23 (a) "Agency" or "IEMA-OHS" means the Illinois Emergency

1 Management Agency and Office of Homeland Security, or its
2 successor agency.

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

5 (c) "Director" means the Director of the ~~Illinois~~
6 ~~Emergency Management~~ Agency.

7 (d) "Interfere" means to adversely or potentially
8 adversely impact the successful completion of an indoor radon
9 measurement by changing the radon or radon progeny
10 concentrations or altering the performance of measurement
11 equipment or an indoor radon mitigation system installation or
12 operation.

13 (e) "Laboratory analysis" means the act of analyzing the
14 radon or radon progeny concentrations with passive devices, or
15 the act of calibrating radon or radon progeny measurement
16 devices, or the act of exposing radon or radon progeny devices
17 to known concentrations of radon or radon progeny as a
18 compensated service.

19 (f) "Mitigation" means the act of repairing or altering a
20 building or building design for the purpose in whole or in part
21 of reducing the concentration of radon in the indoor
22 atmosphere.

23 (g) "Person" means entities, including, but not limited
24 to, an individual, company, corporation, firm, group,
25 association, partnership, joint venture, trust, or government
26 agency or subdivision.

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

3 (i) "Radon contractor" or "contractor" means a person
4 licensed to perform radon or radon progeny mitigation or to
5 perform measurements of radon or radon progeny in an indoor
6 atmosphere.

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

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

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

12 (420 ILCS 56/15)

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

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

18 "Director" means the Director of the ~~Illinois Emergency~~
19 ~~Management~~ Agency.

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

22 "Laser installation" means a location or facility where
23 laser systems are produced, stored, disposed of, or used for
24 any purpose. "Laser installation" does not include any private

1 residence.

2 "Laser installation operator" means an individual, group
3 of individuals, partnership, firm, corporation, association,
4 or other entity conducting any business or activity within a
5 laser installation.

6 "Laser machine" means a device that is capable of
7 producing or projecting laser radiation when associated
8 controlled devices are operated.

9 "Laser radiation" means an electromagnetic radiation
10 emitted from a laser system and includes all reflected
11 radiation, any secondary radiation, or other forms of energy
12 resulting from the primary laser beam.

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

23 "Laser system" means a device, laser projector, laser
24 machine, equipment, or other apparatus that applies a source
25 of energy to a gas, liquid, crystal, or other solid substances
26 or combination thereof in a manner that electromagnetic

1 radiations of a relatively uniform wave length are amplified
2 and emitted in a cohesive beam capable of transmitting the
3 energy developed in a manner that may be harmful to living
4 tissues, including, but not limited to, electromagnetic waves
5 in the range of visible, infrared, or ultraviolet light. Such
6 systems in schools, colleges, occupational schools, and State
7 colleges and other State institutions are also included in the
8 definition of "laser systems". "Laser system" includes laser
9 machines but does not include any device, machine, equipment,
10 or other apparatus used in the provision of communications
11 through fiber optic cable.

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

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

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

3 "Temporary laser display" means a visual effect display
4 created for a limited period of time at a laser installation by
5 a laser system that is not a permanent fixture in the laser
6 installation for the entertainment of the public or invitees,
7 regardless of whether admission is charged or whether the
8 laser display takes place indoors or outdoors.

9 "Temporary laser display operator" means an individual,
10 group of individuals, partnership, firm, corporation,
11 association, or other entity conducting a temporary laser
12 display at a laser installation.

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

14 (420 ILCS 56/60)

15 Sec. 60. Illinois Administrative Procedure Act. The
16 provisions of the Illinois Administrative Procedure Act are
17 hereby expressly adopted and shall apply to all administrative
18 rules and procedures of the ~~Illinois Emergency Management~~
19 Agency under this Act, except that Section 5 of the Illinois
20 Administrative Procedure Act relating to procedures for
21 rulemaking does not apply to the adoption of any rule required
22 by federal law in connection with which the Agency is
23 precluded from exercising any discretion.

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