

1 AN ACT concerning nuclear safety.

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

4 Section 5. The Department of Nuclear Safety Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Section 2005-70 as follows:

7 (20 ILCS 2005/2005-70) (was 20 ILCS 2005/71 in part)

8 Sec. 2005-70. Nuclear and radioactive materials
9 transportation plan. The Department shall formulate a
10 comprehensive plan regarding the transportation of nuclear
11 and radioactive materials in Illinois. The Department shall
12 have primary responsibility for all State governmental
13 regulation of the transportation of nuclear and radioactive
14 materials, insofar as the regulation pertains to the public
15 health and safety. This responsibility shall include but not
16 be limited to the authority to oversee and coordinate
17 regulatory functions performed by the Department of
18 Transportation, the Department of State Police, and the
19 Illinois Commerce Commission.

20 The Department shall study the adequacy of federal and
21 State regulation of vehicles transporting nuclear or
22 radioactive materials. The study shall include an assessment
23 of the necessity and feasibility of requiring (i) each
24 vehicle transporting nuclear or radioactive materials to
25 carry a manifest describing the type and amount of materials
26 being transported and (ii) each individual driving or
27 traveling with a vehicle transporting nuclear or radioactive
28 materials to undergo a security background check by
29 appropriate State and federal entities. Not later than 180
30 days after the effective date of this amendatory Act of the
31 92nd General Assembly, the Department shall amend its

1 comprehensive plan to incorporate the findings of this study.
2 (Source: P.A. 90-14, eff. 7-1-97; 90-209, eff. 7-25-97;
3 91-239, eff. 1-1-00.)

4 Section 10. The Illinois Nuclear Safety Preparedness Act
5 is amended by adding Section 8.5 as follows:

6 (420 ILCS 5/8.5 new)

7 Sec. 8.5. Study of facility security.

8 (a) The Governor, in consultation with the Nuclear
9 Regulatory Commission, the Department of Nuclear Safety, the
10 Pollution Control Board, the Illinois Commerce Commission,
11 and other appropriate federal, State, and local agencies and
12 private entities, shall conduct a study to identify the types
13 of threats that pose an appreciable risk to the security of
14 the various classes of facilities licensed by the Nuclear
15 Regulatory Commission under the Atomic Energy Act of 1954.

16 (b) The study shall take into account the following
17 factors:

18 (1) The events of September 11, 2001.

19 (2) An assessment of physical, cyber, biochemical,
20 and other terrorist threats.

21 (3) The potential for attack on facilities by
22 multiple coordinated teams of a large number of
23 individuals.

24 (4) The potential for assistance in an attack from
25 several persons employed at the facility.

26 (5) The potential for suicide attacks.

27 (6) The potential for water-based and air-based
28 threats.

29 (7) The potential use of explosive devices of
30 considerable size and other modern weaponry.

31 (8) The potential for attacks by persons with a
32 sophisticated knowledge of facility operations.

1 (9) The potential for fires, especially fires of
2 long duration.

3 (10) The potential for attacks on spent fuel
4 shipments by multiple coordinated teams of a large number
5 of individuals.

6 (c) Not later than 180 days after the effective date of
7 this amendatory Act of the 92nd General Assembly, the
8 Governor shall submit to the General Assembly, the Department
9 of Nuclear Safety, the Illinois Commerce Commission, and the
10 Pollution Control Board a report:

11 (1) summarizing the types of threats identified in
12 the study required under subsection (b);

13 (2) classifying each type of threat identified in
14 the study required under subsection (b), in accordance
15 with existing laws and regulations as either (i)
16 involving attacks and destructive acts, including
17 sabotage, directed against the facility by an enemy of
18 the United States, whether a foreign government or other
19 person, or otherwise falling under the responsibilities
20 of the federal or State government or (ii) involving the
21 type of risks that Nuclear Regulatory Commission
22 licensees should be responsible for guarding against; and

23 (3) suggesting regulatory or legislative action to
24 be taken by the State or federal government to address
25 the types of threats identified under subsection (b).

26 (d) Not later than 270 days after the date on which a
27 report is transmitted under subsection (b), the Department of
28 Nuclear Safety shall propose regulations to address the
29 suggestions contained in the Governor's report.

30 (e) The Department of Nuclear Safety shall establish an
31 operational safeguards response evaluation program that
32 ensures that the physical protection capability and
33 operational safeguards response for sensitive nuclear
34 facilities, as determined by the Department consistent with

1 the protection of public health and the common defense and
2 security, shall be tested periodically through force-on-force
3 exercises approved or designed, observed, and evaluated by
4 the Nuclear Regulatory Commission to determine whether the
5 ability to defeat the design basis threat is being
6 maintained. For the purposes of this subsection, "sensitive
7 nuclear facilities" includes at a minimum commercial nuclear
8 power plants, including associated spent fuel storage
9 facilities, spent fuel storage pools and dry cask storage at
10 closed reactors, independent spent fuel storage facilities
11 and geologic repository operation areas, category I fuel
12 cycle facilities, and gaseous diffusion plants.

13 (f) In carrying out the requirements of this Section,
14 the Governor and the Department of Nuclear Safety shall
15 control the dissemination of restricted data, safeguard
16 information, and other classified national security
17 information in a manner so as to ensure the common defense
18 and security.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.