

AN ACT concerning regulation.

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

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

(20 ILCS 3310/5)

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

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

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

(20 ILCS 3310/8 new)

Sec. 8. Definitions. In this Act:

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

"Director" means the Director of IEMA-OHS.

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

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

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

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

(20 ILCS 3310/10)

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

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

(20 ILCS 3310/15)

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

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

(20 ILCS 3310/20)

Sec. 20. Nuclear waste sites.

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

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

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

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

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

(20 ILCS 3310/25)

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

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

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

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

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

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

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

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

(20 ILCS 3310/30)

Sec. 30. Powers vested in Environmental Protection Agency.

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

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

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

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

(20 ILCS 3310/35)

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

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

(20 ILCS 3310/40)

Sec. 40. Regulation of nuclear safety.

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

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

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

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

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

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

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

(20 ILCS 3310/40.5)

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

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

(20 ILCS 3310/50)

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

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

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

(20 ILCS 3310/55)

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

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

(20 ILCS 3310/65)

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

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

(20 ILCS 3310/70)

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

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

(20 ILCS 3310/75)

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

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

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

(20 ILCS 3310/85)

Sec. 85. Saving clause.

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

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

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

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

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

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

(f) Any rules of the Department of Nuclear Safety that are in full force on the effective date of this Act and that have been duly adopted by the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security) shall become the rules of the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security). This Act shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Department of Nuclear Safety that are pending in the rulemaking process on the effective date of this Act, shall be deemed to have been filed by the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security). As soon as practicable hereafter, the Illinois Emergency Management Agency (now the Illinois Emergency Management Agency and Office of Homeland Security) shall revise and clarify the rules transferred to it under this Act to reflect the reorganization of rights, powers, and duties effected by this Act using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Emergency Management Agency and Office of Homeland Security may propose and adopt under the Illinois Administrative Procedure Act such other rules of the reorganized agencies that will now be

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

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

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

(20 ILCS 3310/90 new)

Sec. 90. Small modular reactor study.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(45 ILCS 141/15)

Sec. 15. Definitions. In this Act:

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

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

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

"Director" means the Director of IEMA-OHS.

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

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

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

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

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

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

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

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

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

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

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

by the Commission.

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

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

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

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

(45 ILCS 141/25)

Sec. 25. Enforcement.

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

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

any provision of the Compact or this Act.

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

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

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

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

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

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

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

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

utility in the designated area.

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

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

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

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

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

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

December 31, 2023 with the Commission pursuant to this Section or Section 8-406.1 for, and the Commission may grant, a certificate of public convenience and necessity to construct, operate, and maintain a qualifying direct current project. The qualifying direct current applicant may also include in the application requests for authority under Section 8-503. The Commission shall grant the application for a certificate of public convenience and necessity and requests for authority under Section 8-503 if it finds that the qualifying direct current applicant and the proposed qualifying direct current project satisfy the requirements of this subsection and otherwise satisfy the criteria of this Section or Section 8-406.1 and the criteria of Section 8-503, as applicable to the application and to the extent such criteria are not superseded by the provisions of this subsection. The Commission's order on the application for the certificate of public convenience and necessity shall also include the Commission's findings and determinations on the request or requests for authority pursuant to Section 8-503. Prior to filing its application under either this Section or Section 8-406.1, the qualifying direct current applicant shall conduct 3 public meetings in accordance with subsection (h) of this Section. If the qualifying direct current applicant demonstrates in its application that the proposed qualifying direct current project is designed to deliver electricity to a point or points on the electric transmission grid in either or

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

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

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

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

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

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

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

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

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

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

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

for construction.

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

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

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

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

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

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

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

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

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

(3) construct a high voltage electric service line and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(420 ILCS 5/2.5 new)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(420 ILCS 10/2.5 new)

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

(420 ILCS 10/3.5 new)

Sec. 3.5. Definitions. In this Act:

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

"Director" means the Director of IEMA-OHS.

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

"Nuclear power plant" or "nuclear steam-generating

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

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

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

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

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

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

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

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

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

low-level radioactive wastes produced within its borders.

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

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

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

Sec. 3. Definitions.

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

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

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

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

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

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

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

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

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

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

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

"High-level radioactive waste" means:

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

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

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

radioactive material is exempt from any regulatory control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 13. Waste fees.

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

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

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

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

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

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

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

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

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

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

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

this amendatory Act of 1997, whichever is later.

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

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

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

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

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

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

which operating licenses have been issued by the Nuclear Regulatory Commission shall pay the following fees for each such nuclear power reactor: for State fiscal year 1989, \$325,000 payable on October 1, 1988, \$162,500 payable on January 1, 1989, and \$162,500 payable on April 1, 1989; for State fiscal year 1990, \$162,500 payable on July 1, \$300,000 payable on October 1, \$300,000 payable on January 1 and \$300,000 payable on April 1; for State fiscal year 1991, either (1) \$150,000 payable on July 1, \$650,000 payable on September 1, \$675,000 payable on January 1, and \$275,000 payable on April 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each month from August through December, \$225,000 on the first day of each month from January through March and \$92,000 on the first day of each month from April through June; for State fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable on September 1, \$300,000 payable on October 1, \$150,000 payable on January 1, and \$100,000 payable on April 1; for State fiscal year 1993, \$100,000 payable on July 1, \$230,000 payable on August 1 or within 10 days after July 31, 1992, whichever is later, and \$355,000 payable on October 1; for State fiscal year 1994, \$100,000 payable on July 1, \$75,000 payable on October 1 and \$75,000 payable on April 1; for State fiscal year 1995, \$100,000 payable on July 1, \$75,000 payable on October 1, and \$75,000 payable on April 1, for State fiscal year 1996, \$100,000 payable on July 1, \$75,000 payable on October 1, and \$75,000 payable on April 1.

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

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

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

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

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

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

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

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

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

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

(g) (Blank).

(h) (Blank).

(i) (Blank).

(j) (Blank).

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

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

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

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

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

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

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

(420 ILCS 35/0.05 new)

Sec. 0.05. Definitions. In this Act:

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

"Director" means the Director of IEMA-OHS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(420 ILCS 37/5)

Sec. 5. Legislative findings.

(a) The General Assembly finds:

(1) that a considerable volume of wastes are produced

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

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

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

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

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

(420 ILCS 37/10)

Sec. 10. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(420 ILCS 37/15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) (Blank).

(c) (Blank).

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

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

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

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

radioactive waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 11. Federal-State Agreements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(420 ILCS 40/24.7)

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

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

Beginning January 1, 2000, every radiation installation

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

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

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

(420 ILCS 40/25.1)

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

Sec. 25.1. Each individual responsible for implementing a

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

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

(420 ILCS 40/25.2)

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

Sec. 25.2. Installation and servicing of radiation machines.

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

owns or leases.

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

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

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

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

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

(420 ILCS 42/10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(420 ILCS 44/10)

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

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

(420 ILCS 44/15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(420 ILCS 56/15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(420 ILCS 56/60)

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

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