

**§4356. Responsibility for decommissioning**

**1. Decommissioning trust fund.** In the first instance, the cost of decommissioning shall be paid from the decommissioning trust fund established for the plant being decommissioned.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**2. Licensee responsible.** If the assets of the decommissioning trust fund are insufficient to pay for the cost of decommissioning, the licensee shall be responsible for the additional cost.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**3. Insufficient assets.** If the assets of the licensee are insufficient to cover the remaining cost of decommissioning after the decommissioning trust fund is exhausted, the owners are jointly and severally liable for the safe and proper decommissioning of that nuclear power plant. If, under this subsection, any in-state owner pays decommissioning expenses in excess of its ownership share in the plant, that owner shall have a cause of action to recover that excess from the other owners. The Department of the Attorney General shall assist in bringing such an action.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**4. State not financially responsible; protective action.** The State shall have no financial responsibility for decommissioning. If the Governor finds that, because of inadequate action by the responsible parties in carrying out decommissioning, protective action is reasonably required to protect the public health and safety, the State may undertake that action. In that case, the Department of the Attorney General shall bring action against the fund, the licensee and the owners to recover the cost of that protective action. Expenses incurred by the Department of the Attorney General in bringing that action shall be paid from the decommissioning trust fund.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**5. Additional expense in rates.** The commission shall include, as an allowable operating expense, in calculation of authorized rates, additional decommissioning funds actually supplied by an electric utility in the State, to the extent these are just and reasonable.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**SECTION HISTORY**

PL 1987, c. 141, §A6 (NEW).

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