

**§4352. Definitions**

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1987, c. 141, Pt. A, §6 (NEW).]

**1. Closing.** "Closing" means the time at which a nuclear power plant ceases to generate electricity and is retired from active service.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**2. Decommissioning.** "Decommissioning" means the series of activities undertaken beginning at the time of closing of a nuclear power plant to ensure that the final disposition of the site or any radioactive components or material, but not including spent fuel, associated with the plant is accomplished safely, in compliance with all applicable state and federal laws. Decommissioning includes activities undertaken to prepare a nuclear power plant for final disposition, to monitor and maintain it after closing and to effect final disposition of any radioactive components of the nuclear power plant.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**3. Decommissioning expenses.** "Decommissioning expenses" means the following:

A. All reasonable costs and expenses of removing a nuclear power plant from service, including, without limitation, dismantling, mothballing, removing radioactive waste material except spent fuel to temporary or permanent storage sites, decontaminating, restoring and supervising the site, and any costs and expenses incurred in connection with proceedings before governmental regulatory authorities relating to the authorization to decommission the plant; [PL 1987, c. 141, Pt. A, §6 (NEW).]

B. All costs of labor and services, including services of inspectors, supervisors, surveyors, engineers, counsel and accountants, performed in connection with the decommissioning of the plant, and all costs of materials, supplies, machinery, construction equipment and apparatus acquired for or in connection with the decommissioning of the plant. It is understood that any amount, exclusive of proceeds of insurance, realized by a licensee as salvage on or resale of any machinery, construction equipment and apparatus, the cost of which was charged as a decommissioning expense, must be treated as a deduction from the amounts otherwise payable on account of the cost of decommissioning of the plant; and [PL 2021, c. 676, Pt. A, §50 (AMD).]

C. All overhead costs applicable to the plant during its decommissioning period, including, but not limited to, taxes, other than taxes on or in respect of income; licenses; excises and assessments; casualties; surety bond premiums and insurance premiums. [PL 1987, c. 141, Pt. A, §6 (NEW).]

Without limiting the generality of this subsection, amounts expended or to be paid with respect to decommissioning a nuclear power plant shall constitute part of the decommissioning expenses if they are, or when paid will be, either properly chargeable to any account related to decommissioning of a nuclear power plant in accordance with the systems of accounts then applicable to the licensee, or properly chargeable to decommissioning of a nuclear power plant in accordance with then applicable regulations of the United States Nuclear Regulatory Commission, Federal Energy Regulatory Commission or any other regulatory agency having jurisdiction.

[PL 2021, c. 676, Pt. A, §50 (AMD).]

**4. Decommissioning financing plan.** "Decommissioning financing plan" means the plan approved by the commission under section 4353.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**5. Decommissioning fund committee.** "Decommissioning fund committee" means a committee established to have overall responsibility, as described in section 4354, for a decommissioning trust fund.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**6. Decommissioning trust fund or fund.** "Decommissioning trust fund" or "fund" means a trust fund set up as prescribed in sections 4353 and 4355 to hold money for the eventual purpose of paying decommissioning expenses.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**7. Escrow account.** "Escrow account" means an account established under commission rules to hold funds collected under an interim decommissioning financing plan promulgated under section 4353, subsection 5, until a decommissioning trust fund is established or to hold funds for other temporary purposes under this subchapter.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**8. Licensee.** "Licensee" means the holder of the operating permit from the United States Nuclear Regulatory Commission for a nuclear power plant.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**9. Nuclear power plant or plant.** "Nuclear power plant" or "plant" means a nuclear fission thermal power plant situated in this State.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**10. Owner.** "Owner" means any transmission and distribution utility that owns any portion of a nuclear power plant, whether directly or through ownership of stock in a company that owns any portion of a nuclear power plant or through membership in a holding company that owns any portion of a nuclear power plant or through other means.

[PL 1999, c. 398, Pt. A, §97 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

**11. Premature closing.** "Premature closing" means the closing of a nuclear power plant before the projected date of decommissioning, as projected in the decommissioning financing plan under section 4353.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**12. Prompt removal and dismantlement.** "Prompt removal and dismantlement" means to immediately remove radioactive or radioactively contaminated material down to allowable residual levels which permit release of the property for unrestricted access.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

**13. Trustee.** "Trustee" means a bank or trust company qualified to act as a fiduciary in this State.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

## SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1999, c. 398, §A97 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2021, c. 676, Pt. A, §50 (AMD).

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