

7-309.

ARTICLE IX.
COMPENSATION PROVISIONS

A. THE RESPONSIBILITY FOR ENSURING COMPENSATION AND CLEANUP DURING THE OPERATIONAL AND POST-CLOSURE PERIODS RESTS WITH THE HOST STATE, AS SET FORTH HEREIN.

1. THE HOST STATE SHALL ENSURE THE AVAILABILITY OF FUNDS AND PROCEDURES FOR COMPENSATION OF INJURED PERSONS, INCLUDING FACILITY EMPLOYEES, AND PROPERTY DAMAGE (EXCEPT ANY POSSIBLE CLAIMS FOR DIMINUTION OF PROPERTY VALUES) DUE TO THE EXISTENCE AND OPERATION OF A REGIONAL FACILITY, AND FOR CLEANUP CLEAN-UP AND RESTORATION OF THE FACILITY AND SURROUNDING AREAS.

2. THE STATE MAY SATISFY THIS OBLIGATION BY REQUIRING BONDS, INSURANCE, COMPENSATION FUNDS, OR ANY OTHER MEANS OR COMBINATION OF MEANS, IMPOSED EITHER ON THE FACILITY OPERATOR OR ASSUMED BY THE STATE ITSELF, OR BOTH. NOTHING IN THIS ARTICLE ALTERS THE LIABILITY OF ANY PERSON OR GOVERNMENTAL ENTITY UNDER APPLICABLE STATE AND FEDERAL LAWS.

B. THE COMMISSION SHALL PROVIDE A MEANS OF COMPENSATION FOR PERSONS INJURED OR PROPERTY DAMAGED DURING THE INSTITUTIONAL CONTROL PERIOD DUE TO THE RADIOACTIVE AND WASTE MANAGEMENT NATURE OF THE REGIONAL FACILITY. THIS RESPONSIBILITY MAY BE MET BY A SPECIAL FUND, INSURANCE, OR OTHER MEANS.

1. THE COMMISSION IS AUTHORIZED, AT ITS DISCRETION, TO IMPOSE A WASTE MANAGEMENT SURCHARGE, TO BE COLLECTED BY THE OPERATOR OR OWNER OF THE REGIONAL FACILITY; TO ESTABLISH A SEPARATE INSURANCE ENTITY, FORMED BY BUT SEPARATE FROM THE COMMISSION ITSELF, BUT UNDER SUCH TERMS AND CONDITIONS AS IT DECIDES, AND EXEMPT FROM STATE INSURANCE REGULATION; TO CONTRACT WITH THIS COMPANY OR OTHER ENTITY FOR COVERAGE; OR TO TAKE ANY OTHER MEASURES, OR COMBINATION OF MEASURES, TO IMPLEMENT THE GOALS OF THIS SECTION.

2. THE EXISTENCE OF THIS FUND OR OTHER MEANS OF COMPENSATION SHALL NOT IMPLY ANY LIABILITY BY THE COMMISSION, THE NON-HOST PARTY STATES, OR ANY OF THEIR OFFICIALS AND STAFF, WHICH ARE EXEMPTED FROM LIABILITY BY OTHER PROVISIONS OF THIS COMPACT. CLAIMS OR SUITS FOR COMPENSATION SHALL BE DIRECTED AGAINST THE FUND, THE INSURANCE COMPANY, OR OTHER ENTITY, UNLESS THE COMMISSION, BY REGULATION, DIRECTS OTHERWISE.

C. NOTWITHSTANDING ANY OTHER PROVISIONS, THE COMMISSION FUND, INSURANCE, OR OTHER MEANS OF COMPENSATION SHALL ALSO BE AVAILABLE FOR THIRD PARTY RELIEF DURING THE OPERATIONAL AND POST-CLOSURE PERIODS, AS THE COMMISSION MAY DIRECT, BUT ONLY TO THE EXTENT THAT NO OTHER FUNDS, INSURANCE, TORT COMPENSATION OR OTHER MEANS ARE AVAILABLE FROM THE HOST STATE OR OTHER ENTITIES, UNDER SECTION § A OF THIS ARTICLE OR OTHERWISE; PROVIDED, THAT THIS COMMISSION CONTRIBUTION SHALL NOT APPLY TO CLEAN-UP OR