



Department of Energy

Washington, DC 20585

10-10-03

Dr. Myron Fliegel
Office of Nuclear Material Safety and Safeguards
Mail Stop 8A33
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Dr. Fliegel:

Enclosed please find two copies of the U.S. Department of Energy's fiscal year 2003 status report on reimbursements to active uranium and thorium licensees under Title X of the Energy Policy Act.

If you should have any questions on the report, please contact me at (301) 903-7222, or Gil Maldonado of the Department's National Nuclear Security Administration Service Center at (505) 845-4035.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Mathes".

David E. Mathes
Albuquerque/Nevada Team
Small Sites Closure Office
Office of Site Closure

Enclosures

UMSS22



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United States Department of Energy



FISCAL YEAR 2003 STATUS REPORT

REIMBURSEMENTS TO LICENSEES OF ACTIVE URANIUM AND THORIUM PROCESSING SITES

TITLE X OF THE ENERGY POLICY ACT OF 1992

SEPTEMBER 2003

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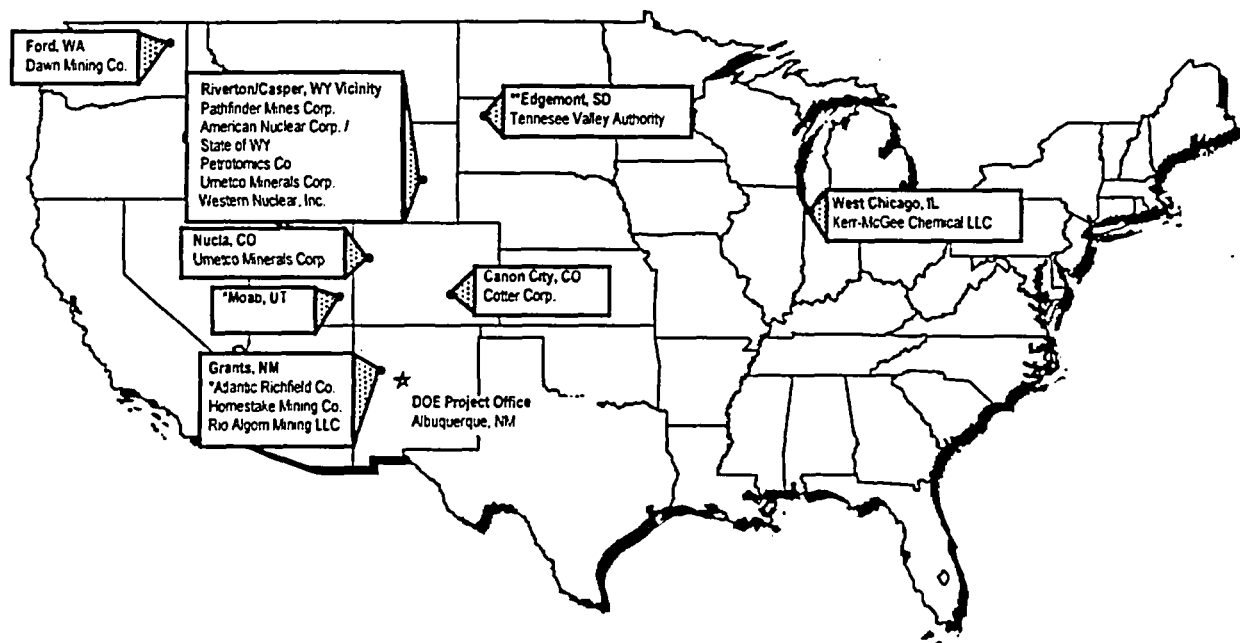
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1. PREFACE

This report summarizes U.S. Department of Energy (DOE) activities for Fiscal Year (FY) 2003 on reimbursements to licensees of active uranium and thorium processing sites under Title X of the Energy Policy Act of 1992 (Title X). **Exhibit 1** shows the eligible licensees and site locations for which Congress authorized DOE to reimburse certain costs of remedial action incurred to clean up mill tailings and other byproduct material generated as an incident of uranium or thorium sales to the Federal Government. **Appendix A** provides background information on the Title X program. A copy of Title X is included as **Appendix B**.

Exhibit 1.

Eligible Licensees and Site Locations



*There is no further Title X liability at the Moab mill site, formerly owned by Atlas Corp., and the Atlantic Richfield Company (ARCO)-Bluewater mill site. Public Law 106-398 transferred responsibility for clean up of the Moab mill site to DOE in 2001. ARCO completed reclamation of the Bluewater mill site in 1995, and the disposal cells were transferred to DOE in 1997 for long-term stewardship.

**The Tennessee Valley Authority (TVA) completed reclamation of the Edgemont mill site in 1989, and the disposal cell was transferred to DOE in 1996 for long-term stewardship. Although TVA is no longer incurring reclamation costs, it is still eligible for reimbursement of costs that exceeded the per dry short ton limit under Title X.

2. REGULATORY UPDATE

On June 3, 2003, DOE published a final rule in the Federal Register (68 FR 32955) adopting several technical and administrative amendments to its reimbursement regulations (10 CFR Part 765). Since it was enacted in 1992, Congress has amended the original legislation four times to increase the amounts authorized for reimbursement and to make technical changes. The June 3, 2003, final rule amending 10 CFR Part 765 reflected the legislative amendments and made other technical corrections that were identified since the original rule was issued in 1994. None of the revisions to the regulations raised substantive issues or represented changes in policy. The June 30, 2003, final rulemaking and the revised 10 CFR Part 765 are included as **Appendix C**.

3. FY 2003 MAJOR ACTIVITIES

DOE conducted the following activities in FY 2003:

- completed the final review of claims received in FY 2002 and the preliminary review of claims received in FY 2003
- accepted claim submissions for payment in FY 2003 totaling \$77.2 million before review and application of the Federal reimbursement ratios
- made partial reimbursements totaling \$15.8 million on approved claim amounts received in FY 2002 and the prior-years unpaid approved claim balance for the thorium licensee
- adjusted the reimbursement ceilings for inflation and amounts paid.

The following sections discuss these activities. **Appendix D** contains annual tables summarizing the licensees' individual approved claim amounts and payments for FY 1994 through FY 2003.

3.1 Review Results for Claims Received in FY 2002

From May 2002 through March 2003, DOE and the Defense Contract Audit Agency (DCAA) reviewed claims submitted by nine uranium licensees and the thorium licensee in FY 2002. Licensees' claims totaled \$157.1 million before review and application of the Federal reimbursement ratios. Of this amount, DOE approved \$156.6 million and disallowed \$0.5 million because the claimed costs did not meet the reimbursement criteria in 10 CFR Part 765. After application of the Federal reimbursement ratios, the Federal-share of all approved claims was \$79.7 million (includes amounts that exceeded the per dry short ton limit on reimbursement to uranium licensees), as shown in **Appendix D, Exhibit D-1**.

3.2 Claims Received in FY 2003

DOE issued a Federal Register Notice on December 11, 2002, (67 FR 76169) establishing May 1, 2003, as the closing date for the acceptance of claims in FY 2003. Eight uranium licensees and the thorium licensee submitted claims totaling \$77.2 million before application of the Federal reimbursement ratios, with the uranium licensee claims totaling \$29.1 million (includes amounts in excess of the per dry short ton limit on reimbursement) and the thorium licensee claim totaling \$48.1 million. DOE is scheduled to make payments on these claims by May 1, 2004, subject to the availability of appropriations.

3.3 FY 2003 Payments

Congress appropriated \$16 million in FY 2003 for the Title X program. Of this amount, Congress earmarked \$15 million for reimbursement to the thorium licensee and \$1 million was allocated to the uranium licensees. From these funds, \$104,000 was deducted due to a Government rescission, and \$75,000 was reserved for DCAA audit support to Title X. DOE applied these deductions to the uranium and thorium licensees based on the appropriation ratios (i.e., 1/16 was deducted from the uranium licensees' appropriation and 15/16 was deducted from

the thorium licensee's appropriation). Therefore, the resulting amounts available for reimbursement to the uranium and thorium licensees were \$988,812 and \$14,832,188 respectively.

The DOE-Oak Ridge Operations Office issued the FY 2003 reimbursements to the uranium licensees, totaling \$988,812, on April 23, 2003. The \$14,832,188 reimbursement to the thorium licensee was issued in two installments: \$14,001,518 on April 23, 2003, and \$830,670 on April 25, 2003. The second installment was needed because not all the reimbursement funds were transferred from DOE-Headquarters to DOE-Oak Ridge in time to support the full reimbursement with the first installment.

DOE used the following calculation to determine the uranium licensees' FY 2003 prorated payments, consistent with 10 CFR Part 765:

$$\text{Individual Uranium Licensee's FY 2003 Prorated Payment} = (A/B) \times C; \text{ where}$$

A = Individual uranium licensee's FY 2002 approved claim amount plus prior years unpaid approved claim balance within reimbursement limit

B = Sum of all uranium licensees' FY 2002 unpaid approved claim amounts plus prior years unpaid approved claim balances within reimbursement limits (\$7,905,469.73)

C = Available FY 2003 appropriations for all uranium licensees (\$988,812.00)

Appendix D, Exhibit D-1, shows the FY 2003 payments and other reimbursement information for each licensee. Exhibit 2 summarizes the application of the FY 2003 appropriations.

Exhibit 2. Application of FY 2003 Appropriations

	Expenditures	Appropriations
URANIUM LICENSEES		
FY 2003 Appropriation		\$1,000,000
Government Rescission	(\$6,500)	
DCAA Audit Reserve	(\$4,688)	
FY 2003 Reimbursements (4/23/03)	(\$988,812)	
THORIUM LICENSEE		
FY 2003 Appropriation		\$15,000,000
Government Rescission	(\$97,500)	
DCAA Audit Reserve	(\$70,312)	
FY 2003 Reimbursement (4/23/03)	(\$14,001,518)	
FY 2003 Reimbursement (4/25/03)	(\$830,670)	
TOTAL	(\$16,000,000)	\$16,000,000
Ending FY 2003 Balance		\$0
FY 2004 President's Budget Request		\$51,000,000

3.4 Adjustment of Reimbursement Ceilings

Exhibit 3 shows the annual adjustments to the per dry short ton uranium limit and aggregate uranium and thorium reimbursement ceilings for inflation, amounts paid, and any statutory increases. The adjusted per dry short ton limit for individual uranium licensees and the adjusted remaining reimbursement ceilings for all uranium and thorium licensees as of September 2003 were:

- Individual Uranium Per Dry Short Ton Limit = \$7.93
- Remaining Uranium Reimbursement Ceiling = \$192,230,748.96
- Remaining Thorium Reimbursement Ceiling = \$204,021,673.19

Appendix A, section A.2.2, contains background information on the inflation adjustment procedures.

Exhibit 3. Total Annual Reimbursements and Adjustments of Reimbursement Ceilings

	CPI-U	Uranium Licensees	Thorium Licensee	Totals	¹ Uranium Preliminary Dry Short Ton Limit	Uranium Statutory Dry Short Ton Limit
Original Ceiling		\$270,000,000.00	\$40,000,000.00	\$310,000,000.00	\$4.78	\$5.50
1994 Inflation Adjustments	1.03	\$278,100,000.00	\$41,200,000.00	\$319,300,000.00	\$4.92	\$5.67
FY 1994 Payments		(\$33,368,448.46)	(\$7,000,351.53)	(\$40,368,799.99)		
Ceiling after FY 1994 Payments		\$244,731,551.54	\$34,199,648.47	\$278,931,200.01		
1995 Inflation Adjustments	1.027	\$251,339,303.41	\$35,123,038.98	\$286,462,342.39	\$5.05	\$5.82
FY 1995 Payments		(\$30,213,035.89)	(\$11,478,964.10)	(\$41,691,999.99)		
Ceiling after FY 1995 Payments		\$221,126,267.52	\$23,644,074.88	\$244,770,342.40		
1996 Inflation Adjustments	1.028	\$227,317,803.01	\$24,306,108.98	\$251,623,911.99	\$5.19	\$5.98
FY 1996 Payments		(\$32,282,901.63)	(\$9,567,098.37)	(\$41,850,000.00)		
Ceiling after FY 1996 Payments		\$195,034,901.38	\$14,739,010.61	\$209,773,911.99		
1997 Inflation Adjustments	1.03	\$200,885,948.42	\$15,181,180.93	\$216,067,129.35	\$5.35	\$6.16
P.L. 104-259 Ceiling Increase		\$80,000,000.00	\$25,000,000.00	\$105,000,000.00	\$0.75	² \$0.75
FY 1997 Payments		(\$22,058,321.76)	(\$11,886,678.24)	(\$33,945,000.00)		
Ceiling after FY 1997 Payments		\$258,827,626.66	\$28,294,502.69	\$287,122,129.35	\$6.10	\$6.91
1998 Inflation Adjustments	1.023	\$264,780,662.05	\$28,945,276.25	\$293,725,938.30	\$6.24	\$7.07
FY 1998 Payments		(\$25,756,993.96)	(\$14,143,006.04)	(\$39,900,000.00)		
Ceiling after FY 1998 Payments		\$239,023,668.09	\$14,802,270.21	\$253,825,938.30		
1999 Inflation Adjustments	1.016	\$242,848,046.79	\$15,039,106.53	\$257,887,153.32		\$7.18
P.L. 105-388 Ceiling Increase		\$0	\$75,000,000.00	\$75,000,000.00		
FY 1999 Payments		(\$14,482,267.59)	(\$15,417,732.41)	(\$29,900,000.00)		
Ceiling after FY 1999 Payments		\$228,365,779.20	\$74,621,374.12	\$302,987,153.32		

	CPI-U	Uranium Licensees	Thorium Licensee	Totals	¹ Uranium Preliminary Dry Short Ton Limit	Uranium Statutory Dry Short Ton Limit
2000 Inflation Adjustments	1.022	\$233,389,826.36	\$76,263,044.35	\$309,652,870.71		\$7.34
FY 2000 Payments		(\$26,242,375.50)	(\$45,657,624.50)	(\$71,900,000.00)		
Ceiling after FY 2000 Payments		\$207,147,450.86	\$30,605,419.85	\$237,752,870.71		
1 st FY 2001 Payments		(\$9,807,070.94)	(\$20,115,958.04)	(\$29,923,028.98)		
Ceiling after 1 st FY 2001 Payments		\$197,340,379.92	\$10,489,461.81	\$207,829,841.73		
2001 Inflation Adjustments	1.034	\$204,049,952.84	\$10,846,103.51	\$214,896,056.35		\$7.59
2 nd FY 2001 Payments ³		(\$10,943,159.14)	(\$10,846,103.51)	(\$21,789,262.65)		
Ceiling after 2 nd FY 2001 Payments		\$193,106,793.70	\$0	\$193,106,793.70		
2002 Inflation Adjustments	1.028	\$198,513,783.92	\$0	\$198,513,783.92		\$7.80
P.L. 107-222 Ceiling Increase		\$0	\$225,000,000.00	\$225,000,000.00		
FY 2002 Payments		(\$8,337,050.69)	(\$9,592,656.31)	(\$17,929,707.00)		
Ceiling after FY 2002 Payments		\$190,176,733.23	\$215,407,343.69	\$405,584,076.92		
2003 Inflation Adjustments	1.016	\$193,219,560.96	\$218,853,861.19	\$412,073,422.15		\$7.93
FY 2003 Payments		(\$988,812.00)	(\$14,832,188.00)	(\$15,821,000.00)		
→ Ceiling after FY 2003 Payments		\$192,230,748.96	\$204,021,673.19	\$396,252,422.15		
Total Inflation Adjustments through September 2003		\$56,711,186.52	\$9,560,034.24	\$66,271,220.76		
Total Payments through September 2003		\$214,480,437.56	\$170,538,361.05	\$385,018,798.61		
Total Statutory Reimbursement Ceilings (excluding inflation adjustments)		\$350,000,000.00	\$365,000,000.00	\$715,000,000.00		

¹DOE discontinued the application of the preliminary per dry short ton limit in 1998 because of the increased reimbursement amounts authorized by Public Law 104-259.

²Public Law 104-259 increased the statutory per dry short ton limit from \$5.50 to \$6.25, as adjusted annually for inflation.

³Includes an accelerated payment of \$1,183,954.92 to the Moab Mill Reclamation Trust on its approved FY 2001 claim.

4. REIMBURSEMENT SUMMARY

Exhibit 4 summarizes the total amounts claimed, adjusted, disallowed, and reimbursed for FY 1994 through FY 2003, and **Exhibit 5** presents the total reimbursements made to individual licensees during FY 1994 through FY 2003.

During FY 1994 through FY 2003, licensees submitted \$1.2 billion in total claims, before review and application of the Federal reimbursement ratios. Of this amount, DOE made a net negative adjustment of \$0.5 million due to accounting errors identified upon submission; disallowed \$42 million because the costs did not meet the 10 CFR Part 765 reimbursement criteria; and approved \$1 billion, of which the Federal share was \$488 million after application of the Federal reimbursement ratios. Through FY 2003, reimbursements to all uranium and thorium licensees totaled \$385 million.

The remedial action status of the fourteen Title X sites is summarized in **Appendix E**. As of September 2003:

- Eleven sites were continuing remedial activities and incurring costs eligible for Title X reimbursement.
- Two sites (ARCO-Bluewater mill site and TVA-Edgemont mill site) have been completed, and the disposal cells transferred to DOE for long-term surveillance and maintenance. All eligible Title X costs have been reimbursed to ARCO; Some TVA costs exceed the dry short ton limit and therefore TVA is still eligible for Title X reimbursement.
- One site (Moab mill site) was transferred to DOE for remedial action under Public Law 106-398. Therefore, the site is no longer eligible for Title X reimbursement.
- The remaining sites are scheduled to complete remedial action by 2013, with several sites planned for completion in 2004 and 2005.

Exhibit 4. Summary of Annual Claims, Approved Amounts, and Payments

	Total Amounts Claimed	Total Adjustments	Total Disallowed Costs	Total Approved Claim Amounts	Federal Share Of Total Approved Claim Amounts	Payments Issued
FY 1994	\$311,601,045.21	\$355,343.70	(\$26,893,563.99)	\$285,062,824.92	\$124,943,773.57	\$40,368,799.99
FY 1995	\$134,673,942.68	(\$172.57)	(\$5,061,580.19)	\$129,612,189.92	\$54,788,386.70	\$41,691,999.99
FY 1996	\$80,810,538.68	\$242,189.00	(\$2,985,967.10)	\$78,066,760.58	\$36,662,672.15	\$41,850,000.00
FY 1997	\$94,430,446.77	\$1,951.00	(\$3,002,072.92)	\$91,430,324.85	\$47,938,974.10	\$33,945,000.00
FY 1998	\$77,327,077.55	\$192.00	(\$1,316,724.59)	\$76,010,544.96	\$35,244,051.75	\$39,900,000.00
FY 1999	\$100,650,696.83	(\$1,435,855.00)	(\$270,748.52)	\$98,944,093.31	\$49,400,985.21	\$29,900,000.00
FY 2000	\$100,003,702.33	\$35,052.00	(\$1,089,705.00)	\$98,949,049.33	\$49,054,132.39	\$71,900,000.00
FY 2001	\$26,847,968.69	\$266,502.97	(\$937,297.61)	\$26,177,174.05	\$9,849,727.19	\$51,712,291.63
FY 2002	\$157,752,789.90	\$0.00	(\$491,101.00)	\$156,633,386.88	\$79,654,978.13	\$17,929,707.00
FY 2003	\$77,147,888.17	TBD*	TBD*	TBD*	TBD*	\$15,821,000.00
Total	\$1,161,246,096.81	(\$534,796.90)	(\$42,048,760.92)	\$1,040,886,348.80	\$487,537,681.19	\$385,018,798.61

*To Be Determined (TBD) pending the completion of DOE's review of claims submitted in FY 2003.

Exhibit 5. Total Reimbursements to Individual Licensees through FY 2003

Licensee	Total Payments FY 1994 through FY 2003
<i>Title X Liability Completed</i>	
Atlantic Richfield Company Bluewater Mill Site Grants, NM	\$32,305,902.36
Moab Mill Site Moab, UT	\$5,908,653.53 (Atlas) \$2,994,444.74 (Moab Mill Reclamation Trust) \$791,091.74 (Trust Beneficiaries: Utah/NRC)
<i>Cleanup Completed But Still Eligible For Title X Reimbursement</i>	
Tennessee Valley Authority Edgemont Mill Site Edgemont, SD	\$12,704,319.06
<i>Cleanup Ongoing/Incurring Costs Eligible For Title X Reimbursement</i>	
American Nuclear Corporation/State of WY Gas Hills Mill Site Gas Hills Uranium Mining District, WY	ANC: \$820,406.91 State of WY: \$1,223,850.46
Cotter Corporation Canon City Mill Site Canon City, CO	\$2,462,683.39
Dawn Mining Company Ford Mill Site Ford, WA	\$3,455,879.36
Homestake Mining Company Grants Mill Site Grants, NM	\$37,234,388.32
Kerr-McGee Chemical LLC West Chicago Mill Site West Chicago, IL	\$170,538,361.05
Pathfinder Mines Corporation Lucky Mc Mill Site Riverton, WY	\$8,587,942.12
Petrotomics Company Shirley Basin Mill Site Shirley Basin, WY	\$2,643,697.72
Rio Algom Mining LLC (formerly Quivira) Ambrosia Lake Mill Site Grants, NM	\$15,422,395.24
Umetco Minerals Corporation Uravan Mill Site Uravan, CO	\$44,570,660.27
Umetco Minerals Corporation East Gas Hills Mill Site Gas Hills Uranium Mining District, WY	\$15,005,900.26
Western Nuclear, Incorporated Split Rock Mill Site Jeffrey City, WY	\$28,348,222.08
Total	\$385,018,798.61

5. PLANNED FY 2004 ACTIVITIES

DOE plans the following activities in FY 2004:

- Complete the review of claims submitted in FY 2003.
- Make payments on approved claim amounts by May 1, 2004.
- Accept and process new claims for reimbursement.
- Adjust the per dry short ton limit and total remaining reimbursement limits for inflation.

For Further Information Contact:

Gil Maldonado, Title X Program Manager

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APPENDIX A.

STATUTORY AND REGULATORY OVERVIEW

This appendix outlines the historical basis, legislation, and regulations for reimbursing licensees of active uranium and thorium processing sites for cleanup costs associated with byproduct material generated as an incident of uranium and thorium sales to the Federal Government. Key milestones are listed in Exhibit A-1.

A.1 Historical Background

From 1942 through 1970, the U.S. Army Manhattan Engineer District and the Atomic Energy Commission entered into several contracts with commercially operated mills to purchase uranium concentrate in support of U.S. defense programs. Because of the limited knowledge of the radiological hazards created by the resulting mill process wastes, such as tailings (a mildly radioactive sand-like material generated by the crushing, grinding, and milling of uranium ore-bearing rock), these contracts lacked provisions for managing and remediating these wastes.

By the early 1970's, studies of the environmental impacts of uranium mill tailings revealed that there were potentially significant health risks associated with continued exposure to radon and other decay products of uranium. As a result, Congress enacted the Uranium Mill Tailings Radiation Control Act (UMTRCA) in 1978 to establish standards for the management and reclamation of mill tailings and other process wastes. Title I of UMTRCA authorizes the Department of Energy (DOE) to remediate "inactive" processing sites. Inactive processing sites are those that were no longer licensed under the Atomic Energy Act as of January 1, 1978. The Federal Government paid 90 percent of the cleanup costs at these sites and the affected States paid 10 percent. Title II of UMTRCA established a program authorizing the Nuclear Regulatory Commission to regulate byproduct material at "active" processing sites (i.e., those with active licenses under the Atomic Energy Act on or after January 1, 1978) to ensure sound management of tailings throughout the production, reclamation, and disposal phases.

UMTRCA did not provide for Federal assistance to licensees of active uranium processing sites, including those that sold material under contract to the Atomic Energy Commission and its predecessor agencies. In 1979, the General Accounting Office reported to Congress that Federal assistance should be provided to these active licensees to defray a portion of the cost of remediating Federal-related byproduct material at their sites.

Exhibit A-1

Key Milestones

November 8, 1978	Uranium Mill Tailings Radiation Control Act is enacted
October 24, 1992	Energy Policy Act is enacted
August 9, 1993	Proposed Title X rule is issued (58 FR 42450)
May 23, 1994	Final Title X rule is promulgated under 10 CFR Part 765 (59 FR 26714)
October 9, 1996	Public Law 104-259 is enacted
November 13, 1998	Public Law 105-388 is enacted
October 19, 2000	Public Law 106-317 is enacted
August 21, 2002	Public Law 107-222 is enacted
June 3, 2003	Technical amendment to 10 CFR Part 765 is issued (68 FR 32955)

A.2 Summary of Legislative and Regulatory Requirements

A.2.1 Legislative

Title X, as amended by Public Laws 104-259, 105-388, 106-317, and 107-222, directed DOE to do the following:

- Issue regulations governing the reimbursement process.
- Reimburse, at least annually, licensees of active uranium and thorium processing sites for costs incurred to remediate Federal-related byproduct material. Under the original Act, reimbursements to individual uranium licensees were limited to an amount not to exceed \$5.50 multiplied by the dry short tons of Federal-related byproduct material; total reimbursement to all active uranium licensees was limited to \$270 million; reimbursement to the thorium licensee was limited to \$40 million; and total reimbursement to all licensees was limited to \$310 million. These ceilings were subsequently increased by Public Laws 104-259, 105-388, and 107-222. The per dry short ton limit for uranium licensees was increased to \$6.25, and the total authorized reimbursement for uranium and thorium licensees was increased to \$350 million and \$365 million, respectively, for an aggregate amount of \$715 million. Funding for the Title X reimbursements is to be provided through the Uranium Enrichment Decontamination and Decommissioning Fund established under Title XI of the Energy Policy Act of 1992.
- Adjust the reimbursement ceilings annually for inflation.
- Reimburse licensees in accordance with a plan for subsequent remedial action submitted by each licensee and approved by the Department for costs of remedial action incurred after December 31, 2007.
- Determine by December 31, 2008, if excess funding authority is available to reimburse individual uranium licensees whose costs exceeded the statutory per dry short ton limit and make a decision if that excess authority should be made available to those licensees.

A.2.2 Regulatory

DOE issued the proposed rule for implementing Title X on August 9, 1993, (58 FR 42450). After conducting a public hearing on September 14, 1993, and considering public comments, DOE promulgated a final rule on May 23, 1994, under 10 CFR Part 765 (59 FR 26714). On June 3, 2003, DOE issued a technical and administrative amendment (68 FR 32955) to 10 CFR Part 765 updating the original regulations to reflect legislative increases in the reimbursement ceilings and other technical corrections.

In conjunction with the May 23, 1994, final rulemaking, DOE issued supplementary guidance titled "*Guidance for the Preparation of Reimbursement Claims under Title X of the Energy Policy Act of 1992*." This guidance addresses regulatory and accounting requirements, standards, and concepts that apply to the processes of documenting and filing claims for reimbursement. Major elements of 10 CFR Part 765 are highlighted below.

Establishment of Eligible Licensees and Tailings Quantities

Thirteen active uranium licensees and one active thorium licensee (located in seven states: Colorado, Illinois, New Mexico, South Dakota, Utah, Washington, and Wyoming) were identified by DOE as having generated Federal-related byproduct material and, therefore, qualifying for reimbursement under Title X (Exhibit A-2). A study conducted by DOE in 1982, titled "*Commingled Uranium Tailings Study, Volume II: Technical Report*," served as the basis for determining the Federal-related tailings quantities at these sites. Total tailings quantities were obtained from the Department's "*Integrated Data Base for 1992: U.S. Spent Fuel and Radioactive Waste Inventories, Projections, and Characteristics*." These tailings quantities were updated by DOE for some sites based on more recent or previously unavailable records. The Department's final determination on the tailings quantities at eligible sites on the date Title X was enacted is presented in Exhibit A-2. These quantities served as the basis for determining the Federal reimbursement ratio at all sites and the per dry short ton limit for individual uranium sites.

Establishment of Preliminary Per Dry Short Ton Limit on Reimbursement

From 1994 through 1997, DOE established a preliminary per dry short ton limit of \$4.78, as adjusted for inflation, for reimbursement to licensees of eligible uranium processing sites. This was necessary because the original \$270 million statutory ceiling would not have supported the original maximum allowable reimbursement of \$5.50 per dry short ton, as established by Title X, if remedial action costs at all of the eligible uranium processing sites had reached or approached this per dry short ton limit (i.e., \$270 million divided by the total amount of Federal-related tailings at all eligible uranium processing sites, 56.521 million dry short tons, equals \$4.78). As stated in the January 19, 1999, Federal Register Notice (64 FR 2887), DOE discontinued the application of the preliminary per dry short ton limit on reimbursement in 1998 based on the ceiling increases authorized by Public Law 105-388.

Determination of Reimbursable Costs and the Federal Reimbursement Ratio

Consistent with Title X, "reimbursable" costs are limited to those costs that were necessary to comply with UMTRCA or, where appropriate, Agreement State requirements. **Exhibit A-3** provides examples of reimbursable and non-reimbursable costs. Additional examples and more in-depth discussion on reimbursable costs can be found in the May 23, 1994, final rule and the *Guidance for Preparation of Reimbursement Claims under Title X of the Energy Policy Act, Revision I*. Because Federal-related and commercial tailings are commingled at most processing sites, it is virtually impossible to associate specific costs to specific tailings. Therefore, DOE adopted a percentage approach (known as the Federal reimbursement ratio) in which the Federal cost share is determined by multiplying the total cost of remedial action by the percentage of Federal-related tailings to total tailings located at each site on October 24, 1992. A licensee requesting an alternative approach must have demonstrated to DOE's satisfaction that the alternative approach was more accurate than the percentage approach based on the amount of tailings quantities. No alternative demonstrations were approved and all the Federal reimbursement ratios are based on the percentage of tailings quantities. As shown in **Exhibit A-2**, Federal reimbursement ratios range from 0.115 to 0.813.

Claim Submission and Processing Procedures

Following each annual appropriation of reimbursement funds by Congress, DOE issues a Federal Register Notice announcing the acceptance of claims for that fiscal year. To be eligible for reimbursement, licensees must submit their claims in writing to DOE by the announced closing date. In preparing their claims, licensees must abide by generally accepted accounting principles. Each claim must include a summary of the costs of remedial action being claimed and the technical and financial documentation available to support the claim. Licensees must cross-reference each claimed activity to the type of supporting documentation (e.g., invoice) and to the appropriate section of their reclamation plan or other regulatory authorization which demonstrates that the activity was necessary to comply with UMTRCA or Agreement State requirements. Copies of invoices, payroll records, receipts, and/or other financial records supporting the claim must be made available by the licensee for subsequent DOE auditing.

Upon receipt of a claim package from a licensee, DOE performs a preliminary review of the documentation submitted. This primarily involves determining whether the claim contains all the appropriate information as discussed above. To the extent possible, the preliminary review also assesses whether the claimed costs were necessary to comply with UMTRCA or Agreement State requirements. After the preliminary review is completed, DOE and the Defense Contract Audit Agency conduct formal financial and technical reviews of the licensee's claim to verify its accuracy and legitimacy. DOE also may rely, in part, on findings from prior years' reviews and audits for further assurance regarding a licensee's claim. The audits usually are performed at the licensee's site and are based on generally accepted government auditing standards.

After completion of the review process, DOE provides the licensee with a decision as to claim amounts approved and disallowed. If a licensee disagrees with a decision and the difference cannot be resolved at the program office level, the licensee has the option to file an appeal with the Department's Office of Hearings and Appeals.

All reimbursements approved by DOE in a given year are processed at the same time to ensure an equitable distribution of available appropriations (i.e., payments are not made on a first-come-first-serve basis). Reimbursements are limited to the total approved claim amount multiplied by the licensee's Federal reimbursement ratio and must not exceed the reimbursement limits authorized by Title X. When funds are insufficient to reimburse all claims in full, reimbursements are made on a prorated basis. Remaining unpaid approved claim amounts are then carried over to the next fiscal year(s) until paid in full. Claim submission and processing procedures are outlined in Exhibit A-4.

Inflation Adjustment Procedures

DOE makes the inflation adjustments to the aggregate amounts authorized to uranium licensees and the thorium licensee, and to all individual uranium and thorium licensees by multiplying the ceilings for the preceding calendar year, less amounts paid during that year, by the Consumer Price Index for all urban consumers (CPI-U) for the preceding calendar year. Exhibit 3 illustrates this calculation. For example, the maximum reimbursement limit for all uranium licensees at the beginning of 1993 was \$270,000,000. The CPI-U for calendar year 1993 was 1.030, and DOE did not issue any reimbursements in calendar year 1993. Therefore, the inflation-adjusted value of the reimbursement limit at the beginning of 1994 was \$278,100,000 [i.e., $(\$270,000,000 - \$0) \times 1.03 = \$278,100,000$]. In December 1994, DOE issued reimbursements totaling \$33,368,448 to uranium licensees. Therefore, the remaining reimbursement limit at the end of 1994 was \$244,731,552 [i.e., $\$278,100,000 - \$33,368,448 = \$244,731,552$]. The remaining reimbursement limit at the end of each year has been adjusted for inflation in each subsequent year using the same methodology.

The individual remaining reimbursement limit for each uranium licensee is calculated by multiplying a licensee's amount of Federal-related dry short tons of tailings by the inflation-adjusted statutory per dry short ton limit and subtracting the total reimbursements to date for that licensee.

Individual Uranium Remaining Reimbursement Limit = (Individual Federal Related Dry Short Tons of Tailings x Inflation Adjusted Statutory Per Dry Short Ton Limit) – Cumulative Amount of Reimbursements Paid to Individual Uranium Licensee

Similarly, the statutory per dry short ton limit on reimbursements to individual uranium licensees is adjusted for inflation each year by multiplying the per dry short ton value for the preceding year by the CPI-U for the preceding calendar year. For example, the statutory per dry short ton limit of \$5.980858 in FY 1996 (prior to increase authorized by Public law 104-259) was derived by multiplying the statutory per dry short ton limit for 1995, \$5.817955, by the CPI-U of 1.028 for the calendar year 1995.

Exhibit A-2**Tailings Quantities and Federal Reimbursement Ratios**

	Federal Related Tailings (millions dry short tons)	Total Tailings (millions dry short tons)	Federal Reimbursement Ratio
American Nuclear Corporation/State of WY Gas Hills Mill Site Gas Hills Uranium Mining District, WY	2.202	6.0	.367
Atlantic Richfield Company Bluewater Mill Site Grants, NM	8.837	23.9	.370
Atlas/Moab Mill Reclamation Trust Moab Mill Site Moab, UT	5.946	10.6	.561
Cotter Corporation Canon City Mill Site Canon City, CO	0.315	2.2	.143
Dawn Mining Company Ford Mill Site Ford, WA	1.171	3.1	.378
Homestake Mining Company Grants Mill Site Grants, NM	11.411	22.3	.512
Pathfinder Mines Corporation Lucky Mc Mill Site Riverton, WY	2.842	11.7	.243
Petrochemicals Company Shirley Basin Mill Site Shirley Basin, WY	0.725	6.3	.115
Rio Algom Mining LLC Ambrosia Lake Mill Site Grants, NM	10.017	33.2	.302
Tennessee Valley Authority Edgemont Mill Site Edgemont, SD	1.625	2.0	.813
Umetco Minerals Corporation Uravan Mill Site Uravan, CO	5.701	10.5	.543
Umetco Minerals Corporation East Gas Hills Mill Site Gas Hills Uranium Mining District, WY	2.103	8.0	.263
Western Nuclear, Incorporated Split Rock Mill Site Jeffrey City, WY	3.626	8.2	.442
Kerr-McGee Chemical LLC West Chicago Mill Site West Chicago, IL	0.032	0.058	.552

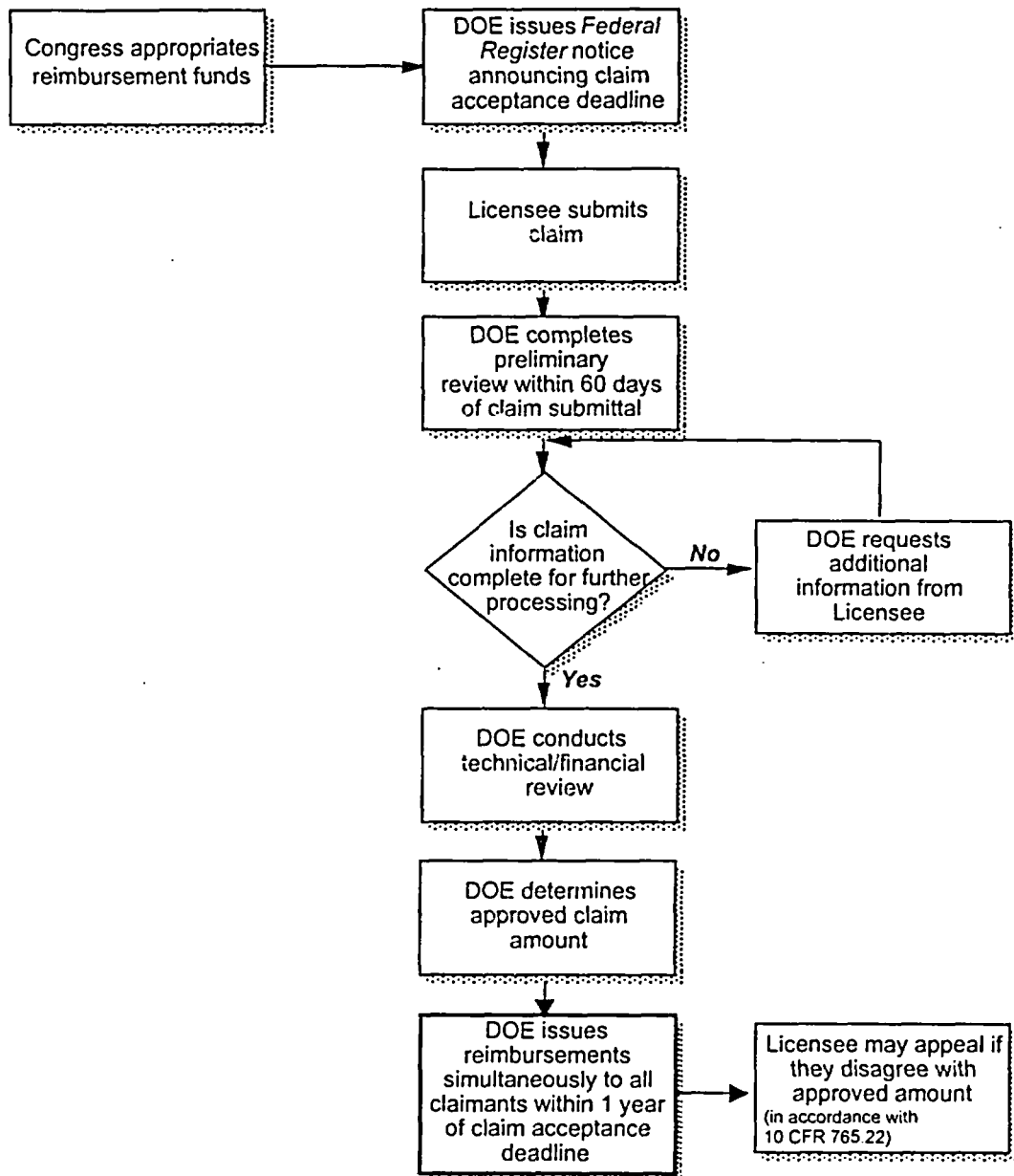
Exhibit A-3

Examples of Reimbursable and Non-Reimbursable Costs

Reimbursable	Non-Reimbursable
<ul style="list-style-type: none"> ➤ Ground water remediation ➤ Disposal of process wastes ➤ Removal actions ➤ Mill equipment decommissioning ➤ Monitoring ➤ Administrative expenses for remediation ➤ Treatment of contaminated soils ➤ Air pollution studies ➤ Long-term surveillance and maintenance fees 	<ul style="list-style-type: none"> ➤ Charges for fully depreciated equipment ➤ Costs of commuting between residence and work site ➤ Lunch allowances ➤ Entertainment expenses ➤ Employee bonuses ➤ Costs of operating equipment for non-reclamation purposes ➤ Environmental fines ➤ Legal fees not directly related to reclamation of Title X site ➤ Lobbying-related costs

Exhibit A-4

Annual Reimbursement Process

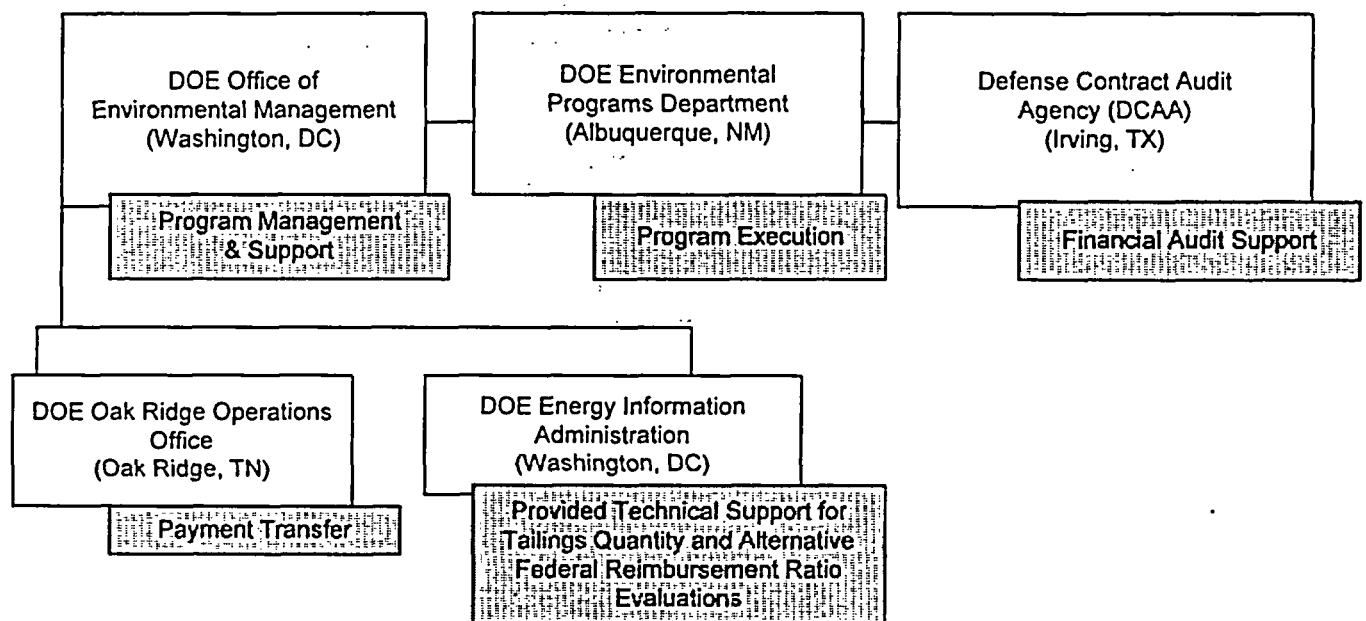


A.3 Administrative Framework

DOE assembled the administrative framework for implementing Title X in 1994. As shown in Exhibit A-5, DOE's National Nuclear Security Administration Service Center, Environmental Programs Department, in Albuquerque, New Mexico, is carrying out the program with assistance from the Office of Environmental Management in Washington, D.C., the Oak Ridge Operations Office in Oak Ridge, Tennessee, and the Defense Contract Audit Agency (DCAA).

Exhibit A-5

Administrative Framework



APPENDIX B.

TITLE X OF THE ENERGY POLICY ACT OF 1992 AS AMENDED

Title X— Remedial Action and Uranium Revitalization

Subtitle A— Remedial Action at Active Processing Sites

SEC. 1001. Remedial Action Program

(a) **IN GENERAL.**—Except as provided in subsection (b), the costs of decontamination, decommissioning, reclamation, and other remedial action at an active uranium or thorium processing site shall be borne by persons licensed under section 62 or 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2091, 2111) for any activity at such site which results or has resulted in the production of byproduct material.

(b) **REIMBURSEMENT.**—

(1) **IN GENERAL.**—The Secretary of Energy shall, subject to paragraph (2), reimburse at least annually a licensee described in subsection (a) for such portion of the costs described in such subsection as are—

(A) determined by the Secretary to be attributable to byproduct material generated as an incident of sales to the United States; and

(B) either—

(i) incurred by such licensee not later than December 31, 2007; or

(ii) incurred by a licensee after December 31, 2007, in accordance with a plan for subsequent decontamination, decommissioning, reclamation and other remedial action approved by the Secretary

(2) **Amount.**—

(A) **TO INDIVIDUAL ACTIVE SITE URANIUM LICENSEES.**—The amount of reimbursement paid to any licensee under paragraph (1) shall be determined by the Secretary in accordance with regulations issued pursuant to section 1002 and, for uranium mill tailings only, shall not exceed an amount equal to \$6.25 multiplied by the dry short tons of byproduct material located on the date of the enactment of this Act at the site of the activities of such licensee described in subsection (a), and generated as an incident of sales to the United States.

(B) **TO ALL ACTIVE SITE URANIUM LICENSEES.**—Payments made under paragraph (1) to active site uranium licensees shall not in the aggregate exceed \$350,000,000.

(C) **TO THORIUM LICENSEES.**—Payments made under paragraph (1) to the licensee of the active thorium site shall not exceed \$365,000,000, and may only be made for off-site disposal. Such payments shall not exceed the following amounts:

(i) \$90,000,000 in fiscal year 2002;

- (ii) \$55,000,000 in fiscal year 2003
- (iii) \$20,000,000 in fiscal year 2004
- (iv) \$20,000,000 in fiscal year 2005
- (v) \$20,000,000 in fiscal year 2006
- (vi) \$20,000,000 in fiscal year 2007

Any amounts authorized to be paid in a fiscal year under this subparagraph that are not paid in that fiscal year may be paid in subsequent fiscal years.

(D) INFLATION ESCALATION INDEX.—The amounts in subparagraphs (A), (B), and (C) of this paragraph shall be increased annually based upon an inflation index. The Secretary shall determine the appropriate index to apply.

(E) ADDITIONAL REIMBURSEMENT.—

(i) DETERMINATION OF EXCESS.—The Secretary shall determine as of December 31, 2008, whether the amount authorized to be appropriated pursuant to section 1003, when considered with the \$6.25 per dry short ton limit on reimbursement, exceeds the amount reimbursable to the licensees under subsection (b)(2).

(ii) IN THE EVENT OF EXCESS.—If the Secretary determines under clause (i) that there is an excess, the Secretary may allow reimbursement in excess of \$6.25 per dry short ton on a prorated basis at such sites where the costs reimbursable under subsection (b)(1) exceed the \$6.25 per dry short ton limitation described in paragraph (2) of such subsection.

(3) BYPRODUCT LOCATION.—Notwithstanding the requirement of paragraph (2)(A) that byproduct material be located at the site on the date of the enactment of this Act, byproduct material moved from the site of the Edgemont Mill to a disposal site as the result of the decontamination, decommissioning, reclamation, and other remedial action of such mill shall be eligible for reimbursement to the extent eligible under paragraph (1).

SEC. 1002. Regulations.

Within 180 days of the date of the enactment of this Act, the Secretary shall issue regulations governing reimbursement under section 1001. An active uranium or thorium processing site owner shall apply for reimbursement hereunder by submitting a request for the amount of reimbursement, together with reasonable documentation in support thereof, to the Secretary. Any such request for reimbursement, supported by reasonable documentation, shall be approved by the Secretary and reimbursement therefore shall be made in a timely manner subject only to the limitations of section 1001.

SEC. 1003. Authorization of Appropriations.

(a) In General.—There is authorized to be appropriated \$715,000,000 to carry out this subtitle. The aggregate amount authorized in the preceding sentence shall be increased annually as provided in section 1001, based upon an inflation index to be determined by the Secretary.

(b) Source.—Funds described in subsection (a) shall be provided from the Fund established under section 1801 of the Atomic Energy Act of 1954.

SEC. 1004. Definitions.

For purposes of this subtitle:

(1) The term "active uranium or thorium processing site" means—

(A) Any uranium or thorium processing site, including the mill, containing byproduct material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

(i) was in effect on January 1, 1978;

(ii) was issued or renewed after January 1, 1978; or

(iii) for which an application for renewal or issuance was pending on, or after January 1, 1978; and

(B) any other real property or improvement on such real property that is determined by the Secretary or by a State as permitted under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021) to be—

(i) in the vicinity of such site; and

(ii) contaminated with residual byproduct material;

(2) The term "byproduct material" has the meaning given such term in section 11e.(2) of the Atomic Energy Act of 1954, (42 U.S.C. 2014(e)(2)); and

(3) The term "decontamination, decommissioning, reclamation, and other remedial action" means work performed prior to or subsequent to the date of the enactment of this Act which is necessary to comply with all applicable requirements of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et. seq.), or where appropriate, with requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021).

APPENDIX C.

TECHNICAL AMENDMENTS TO 10 CFR 765: JUNE 3, 2003, FEDERAL REGISTER AND REVISED 10 CFR PART 765

Note: This appendix contains two documents. The first document is the preamble and final rule published in the Federal Register on June 3, 2003, adopting several technical and administrative amendments to 10 Code of Federal Regulations (CFR) Part 765, Reimbursements for Costs of Remedial Action at Active Uranium and Thorium Processing Sites. The final rule shows only the changes to 10 CFR Part 765.

The second document is the revised 10 CFR Part 765, shown in entirety, resulting from the June 3, 2003, rulemaking. It is in the electronic CFR format, which was the only format available from the U.S. National Archives & Record Administration (NARA) at the time of this status report. NARA will place it in the standard CFR format when it does its annual update to the CFR.

The June 3, 2003, Federal Register and the electronic 10 CFR Part 765 are available on the U.S. National Archives & Records Administration website (http://www.archives.gov/federal_register/).

Rules and Regulations

Federal Register

Vol. 68, No. 106

Tuesday, June 3, 2003

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF ENERGY

10 CFR Part 765

RIN 1901-AA88

Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Final rule; Technical and administrative amendments.

SUMMARY: The Department of Energy (DOE) adopts several technical and administrative amendments to its procedural regulations governing the reimbursement of remedial action costs at active uranium and thorium processing sites. Since it was enacted in 1992, the original legislation authorizing the program has been amended four times to increase the amounts authorized for reimbursement and to make technical changes. Today's regulatory amendments reflect the legislative amendments and make other technical corrections that have been identified since the original rule was issued. None of the amendments raise substantive issues or represent changes in policy.

DATES: This rule will be effective July 3, 2003.

FOR FURTHER INFORMATION CONTACT: David E. Mathes, Office of Environmental Management, EM-30, U.S. Department of Energy, Germantown, Maryland 20874-1290. Telephone: (301) 903-7222. Internet: david.mathes@em.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

The Secretary of Energy has approved today's technical and administrative regulatory amendments in order to conform 10 CFR part 765 to legislative amendments to Title X of the Energy

Policy Act of 1992 (sections 1001-1004 of Pub. L. 102-486) and the need to make other corrections to the original rule published on May 23, 1994 (59 FR 26714). Congress has amended the original legislation four times since it was enacted on October 24, 1992. In 1996, Public Law 104-259 amended Title X to increase the authorized reimbursement amounts for uranium and thorium licensees from \$270 million and \$40 million to \$350 million and \$65 million, respectively, for an aggregate authorized reimbursement amount of \$415 million; and to increase the maximum amount that may be reimbursed to uranium licensees per dry short ton of Federal-related byproduct material from \$5.50 to \$6.25. In 1998, Public Law 105-388 further amended Title X to increase the authorized reimbursement amount for the thorium licensee from \$65 million to \$140 million, for an aggregate authorized reimbursement amount to uranium and thorium licensees of \$490 million. In 2000, Public Law 106-317 amended Title X to change the date for determining the availability of excess funds for reimbursement to uranium licensees from July 31, 2005, to December 31, 2008; to change the date after which work must be completed in accordance with an approved plan for subsequent remedial action to be eligible for reimbursement from December 31, 2002, to December 31, 2007; and to eliminate the requirement for the Department to place certain reimbursement funds in escrow. In 2002, Public Law 107-222 amended Title X to increase the authorized reimbursement amount for the thorium licensee from \$140 million to \$365 million, for an aggregate authorized reimbursement amount to uranium and thorium licensees of \$715 million.

Part 765 is amended in several places to reflect these statutory provisions. Other technical corrections to the original rule are discussed in the following paragraphs.

Section 765.21(e) is revised to provide a licensee with an additional opportunity to provide reasonable documentation, as specified in § 765.20, for claims or portions of claims that DOE has denied during the claim year. The revised rule now gives a licensee 45 days after DOE issues a written decision to deny the claim, in which to provide the documentation for DOE

reconsideration of the claim. If a licensee chooses not to submit the documentation, the licensee still has the right to file a formal appeal to the DOE's claim denial in accordance with § 765.22. If a licensee chooses to submit the documentation, DOE will consider whether the documentation results in the DOE's reversal of its initial decision to deny the claim and will inform the licensee of the DOE's subsequent decision. A licensee may also appeal that decision in accordance with § 765.22. By providing this additional opportunity to a licensee, DOE believes that both DOE and the licensee may save time and money by minimizing the number of appeals.

Section 765.23 is amended to indicate the new address for obtaining copies of the DOE status report on the reimbursement program.

Section 765.30(b) presents the procedure for submitting a plan for subsequent remedial action. The original rule indicated that licensees may submit this plan any time after January 1, 2000, but no later than December 31, 2001. Because Congress changed the date after which work must be completed in accordance with an approved plan for subsequent remedial action to be eligible for reimbursement from December 31, 2002, to December 31, 2007, this final rule correspondingly changes the dates for submitting a plan to DOE to any time after January 1, 2005, but no later than December 31, 2006.

Section 765.30(d) outlines the process for resubmitting a revised plan for subsequent remedial action if the original plan is rejected by DOE. The original rule indicated that a licensee may continue to submit revised plans for subsequent remedial action until DOE approves a plan, or September 30, 2002, whichever occurs first. This final rule changes the September 30, 2002, deadline to September 30, 2007, to correspond with the new statutory deadline for making reimbursements in accordance with a subsequent plan for remedial action.

Section 765.30(e) presents the procedures for determining the maximum amounts for which licensees may be eligible for reimbursement for work performed as described in their plans for subsequent remedial action submitted to and approved by DOE. The original rule indicated that a licensee is

eligible for the lesser of two amounts: (1) The total cost of remedial action multiplied by the Federal reimbursement ratio; or (2) \$5.50, as adjusted for inflation, multiplied by the number of Federal-related dry short tons of byproduct material. As drafted, the original rule could have been construed to apply the per dry short ton limit to both uranium and thorium licensees. Since Title X (42 U.S.C. § 2296a(b)(2)(A)) limits the applicability of the per dry short ton limit to uranium licensees, this final rule amends § 765.30(e)(2) to clarify that the per dry short ton limit only applies to uranium licensees.

In accordance with § 765.30(b), because licensees' plans for subsequent remedial action are now due no later than December 31, 2006, this final rule amends § 765.30(e)(2) to clarify that the potential additional reimbursement for which a licensee may be entitled will be adjusted after the approval of claims for work performed through December 31, 2007, to account for the actual approved costs of work performed through 2007.

As originally prescribed, § 765.31(a) outlined the procedures for designating specific amounts on deposit in the Uranium Enrichment Decontamination and Decommissioning Fund established at the United States Department of the Treasury for reimbursement of costs incurred in accordance with an approved plan for subsequent remedial action. The purpose of this paragraph was to implement the original requirement of § 1001(b)(1)(B)(ii) of Pub. L. 102-486 that funds be placed in escrow not later than December 31, 2002, in accordance with an approved plan for subsequent remedial action. Because Pub. L. 106-317 amended the original legislation by striking the requirement to place funds in escrow, this final rule removes this paragraph and renumbers the subsequent paragraphs in this section.

II. Procedural Requirements

A. Review Under Executive Order 12866

Today's regulatory action has been determined not to be "a significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of

Executive Order 12988, "Civil Justice Reform," (61 FR 4729, February 7, 1996) imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. There is no legal requirement to propose today's rule for public comment, and therefore, the Regulatory Flexibility Act does not apply to this rulemaking proceeding.

D. Review Under the Paperwork Reduction Act

No new collection of information or recordkeeping requirements is imposed by this final rule. Accordingly, no clearance by OMB is required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

E. Review Under Executive Order 13132

Executive Order 13132 (64 FR 43255, August 4, 1999) imposes certain requirements on agencies formulating

and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined today's rule and has determined that it does not preempt State law and does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

F. Review Under the National Environmental Policy Act

Pursuant to the Council on Environmental Quality Regulations (40 CFR parts 1500-1508), DOE has established guidelines for compliance with the provisions of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). This rule makes technical corrections to procedures for the reimbursement of eligible remedial action costs incurred by licensees at active uranium and thorium processing sites. Implementation of this rule will not affect the legally required cleanup of the sites or result in any other environmental impacts. The Department has therefore determined that this rule is covered under the Categorical Exclusion found at paragraph A6 of Appendix A to subpart D, 10 CFR part 1021, which applies to the establishment of procedural rulemakings such as procedures for the review and approval of applications for grants and cooperative agreements. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires each Federal agency to assess the effects of Federal regulations on States, local, and tribal governments and the private sector. DOE has determined that today's regulatory action does not impose a Federal mandate on State, local, or tribal governments or on the private sector.

H. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress promulgation of the rule prior to its effective date. The report will state that it has been

determined that the rule is not a "major rule" as defined by 5 U.S.C. 804(3).

List of Subjects in 10 CFR Part 765

Radioactive materials, Reclamation, Reporting and record keeping requirements, Uranium.

Issued in Washington, DC, on May 23, 2003.

Jessie Hill Roberson,
Assistant Secretary for Environmental
Management.

■ For the reasons set forth in the preamble, part 765 of chapter III of title 10 of the Code of Federal Regulations is amended as set forth below.

PART 765—REIMBURSEMENT FOR COSTS OF REMEDIAL ACTION AT ACTIVE URANIUM AND THORIUM PROCESSING SITES

■ 1. The authority citation for part 765 is revised to read as follows:

Authority: 42 U.S.C. 2296a *et seq.*

■ 2. In the table below, for each section indicated in the left column remove the language indicated in the middle column and add in its place the language indicated in the right column.

Section	Remove	Add
765.2(c)	"December 31, 2002"	"December 31, 2007"
765.2(e)	"\$5.50"	"\$6.25"
765.2(f)	"\$270 million"	"\$350 million"
765.2(g)	"\$40 million"	"\$365 million"
765.2(i)	"\$310 million"	"\$715 million"
765.11(b)	"December 31, 2002"	"December 31, 2007"
765.11(c)(1)	"\$5.50"	"\$6.25"
765.11(c)(2)	"\$270 million"	"\$350 million"
765.11(c)(3)	"\$40 million"	"\$365 million"
765.12(a)	a. "\$5.50"	a. "\$6.25"
	b. "\$270 million"	b. "\$350 million"
	c. "\$40 million"	c. "\$365 million"
	d. "\$310 million"	d. "\$715 million"
765.12(c)	"\$5.50"	"\$6.25"
765.23	"Uranium Mill Tailings Remedial Action Project Office, 2155 Louisiana NE., Suite 10000, Albuquerque, NM 87110"	"National Nuclear Security Administration Service Center, Office of Technical Services, Environmental Programs Department, P.O. Box 5400, Albuquerque, NM 87185-5400"
765.30(b)	a. "December 31, 2002"	a. "December 31, 2007"
	b. "January 1, 2000"	b. "January 1, 2005"
	c. "December 31, 2001"	c. "December 31, 2006"
765.30(b)(2)	"December 31, 2002"	"December 31, 2007"
765.30(d)	a. "September 30, 2002"	a. "September 30, 2007"
	b. "December 31, 2002"	b. "December 31, 2007"
765.32(a)	"July 31, 2005"	"December 31, 2008"
765.32(c)	"\$5.50"	"\$6.25"

■ 3. In § 765.3, the definitions are amended by revising the introductory text and paragraph (2) of *Maximum reimbursement amount* or *maximum reimbursement ceiling* and *Plan for subsequent remedial action* to read as follows:

§ 765.3 Definitions.

Maximum reimbursement amount or *maximum reimbursement ceiling* means the smaller of the following two quantities:

(2) \$6.25, as adjusted for inflation, multiplied by the number of Federal-related dry short tons of byproduct material.

Plan for subsequent remedial action means a plan approved by the Department which includes an estimated total cost and schedule for remedial action, and all applicable requirements of remedial action

established by NRC or an Agreement State to be performed after December 31, 2007, at an active uranium or thorium processing site.

■ 4. In § 765.21, paragraph (e) is revised to read as follows:

§ 765.21 Procedures for processing reimbursement claims.

(e) A written decision regarding the Department's determination to approve, approve in part, or deny a claim will be provided to the licensee within 10 days of completion of the claim review. Within 45 days after the Department's issuance of a written decision to deny the claim due to inadequate documentation, the licensee may request the Department to reconsider its decision if the licensee provides reasonable documentation in accordance with § 765.20. If a licensee chooses not to submit the documentation, the licensee has the

right to file a formal appeal to a claim denial in accordance with § 765.22. If a licensee chooses to submit the documentation, the Department will consider whether the documentation results in the Department's reversal of the initial decision to deny the claim and will inform the licensee of the Department's subsequent decision. The licensee may appeal that decision in accordance with § 765.22.

■ 5. In § 765.30, paragraph (e)(2) is revised to read as follows:

§ 765.30 Reimbursement of costs incurred in accordance with a plan for subsequent remedial action.

(e) * * *

(1) * * *

(2) For the uranium site licensees only, \$6.25, as adjusted for inflation, multiplied by the number of Federal-related dry short tons of byproduct material. For all licensees, the

Department shall subtract from the maximum reimbursement amount any reimbursement already approved to be paid to the licensee. The resulting sum shall be the potential additional reimbursement to which the licensee may be entitled. This resulting sum will be adjusted after the approval of claims for work performed through December 31, 2007, to reflect the actual approved costs of work performed through that date.

§ 765.31 [Amended]

■ 6. Section 765.31 is amended by removing paragraph (a) and redesignating paragraphs (b) through (d) as paragraphs (a) through (c).

[FR Doc. 03-13858 Filed 6-2-03; 8:45 am]

BILLING CODE 6450-01-P

Electronic Code of Federal Regulations



THIS DATA CURRENT AS OF THE FEDERAL REGISTER DATED JULY 25, 2003

10 CFR
Energy
CHAPTER III
DEPARTMENT OF ENERGY

PART 765 -- REIMBURSEMENT FOR COSTS OF REMEDIAL ACTION AT ACTIVE
URANIUM AND THORIUM PROCESSING SITES

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Authority: 42 U.S.C. 2296a *et seq.*

Source: 59 FR 26726, May 23, 1994, unless otherwise noted.

Subpart A – General

[TOP]

§765.1 Purpose.

The provisions of this part establish regulatory requirements governing reimbursement for certain costs of remedial action at active uranium or thorium processing sites as specified by Subtitle A of Title X of the Energy Policy Act of 1992. These regulations are authorized by section 1002 of the Act (42 U.S.C. 2296a-1), which requires the Secretary to issue regulations governing the reimbursements.

[TOP]

§765.2 Scope and applicability.

(a) This part establishes policies, criteria, and procedures governing reimbursement of certain costs of remedial action incurred by licensees at active uranium or thorium processing sites as a result of byproduct material generated as an incident of sales to the United States.

(b) Costs of remedial action at active uranium or thorium processing sites are borne by persons licensed under section 62 or 81 of the Atomic Energy Act (42 U.S.C. 2092, 2111), either by NRC or an Agreement State pursuant to a counterpart to section 62 or 81 of the Atomic Energy Act, under State law, subject to the exceptions and limitations specified in this part.

(c) The Department shall, subject to the provisions specified in this part, reimburse a licensee, of an active uranium or thorium processing site for the portion of the costs of remedial action as are determined by the Department to be attributable to byproduct material generated as an incident of sales to the United States and either incurred by the licensee not later than December 31, 2007, or incurred by the licensee in accordance with a plan for subsequent remedial action approved by the Department.

(d) Costs of remedial action are reimbursable under Title X for decontamination, decommissioning, reclamation, and other remedial action, provided that claims for reimbursement are supported by reasonable documentation as specified in subpart C of this part.

(e) Except as authorized by §765.32, the total amount of reimbursement paid to any licensee of an active uranium processing site shall not exceed \$6.25 multiplied by the number of Federal-related dry short tons of byproduct material. This total amount shall be adjusted for inflation pursuant to section 765.12.

(f) The total amount of reimbursement paid to all active uranium processing site licensees shall not exceed \$350 million. This total amount shall be adjusted for inflation by applying the CPI-U, as

provided by §765.12.

(g) The total amount of reimbursement paid to the licensee of the active thorium processing site shall not exceed \$365 million, as adjusted for inflation by applying the CPI-U as provided by §765.12.

(h) Reimbursement of licensees for costs of remedial action will only be made for costs that are supported by reasonable documentation as required by §765.20 and claimed for reimbursement by a licensee in accordance with the procedures established by subpart C of this part.

(i) The \$715 million aggregate amount authorized to be appropriated under section 1003(a) of the Act (42 U.S.C. 2296a-2(a)) shall be adjusted for inflation by applying the CPI-U as provided by §765.12, and shall be provided from the Fund.

[59 FR 26726, May 23, 1994, as amended at 68 FR 32957, June 3, 2003]

[TOP]

§765.3 Definitions.

For the purposes of this part, the following terms are defined as follows:

Active uranium or thorium processing site or active processing site means:

(1) Any uranium or thorium processing site, including the mill, containing byproduct material for which a license, issued either by NRC or by an Agreement State, for the production at a site of any uranium or thorium derived from ore --

(i) Was in effect on January 1, 1978;

(ii) Was issued or renewed after January 1, 1978; or

(iii) For which an application for renewal or issuance was pending on, or after January 1, 1978; and

(2) Any other real property or improvement on such real property that is determined by the Secretary or by an Agreement State to be:

(i) In the vicinity of such site; and

(ii) Contaminated with residual byproduct material.

Agreement State means a State that is or has been a party to a discontinuance agreement with NRC under section 274 of the Atomic Energy Act (42 U.S.C. 2021) and thereafter issues licenses and establishes remedial action requirements pursuant to a counterpart to section 62 or 81 of the Atomic Energy Act under state law.

Atomic Energy Act means the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2011 *et seq.*).

Byproduct 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.

Claim for reimbursement means the submission of an application for reimbursement in accordance with the requirements established in subpart C of this part.

Costs of remedial action means costs incurred by a licensee prior to or after enactment of UMTRCA to perform decontamination, decommissioning, reclamation, and other remedial action. These costs may include but are not necessarily limited to expenditures for work necessary to comply with applicable requirements to conduct groundwater remediation, treatment or containment of contaminated soil, disposal of process wastes, removal actions, air pollution abatement measures, mill and equipment decommissioning, site monitoring, administrative activities, expenditures required to meet necessary regulatory standards, or other requirements established by NRC, or an Agreement State. Costs of remedial action must be supported by reasonable documentation in accordance with the requirements of subpart C of this part.

Decontamination, decommissioning, reclamation, and other remedial action means work performed which is necessary to comply with all applicable requirements of UMTRCA or, where appropriate, with applicable requirements established by an Agreement State.

Department means the United States Department of Energy or its authorized agents.

Dry short tons of byproduct material means the quantity of tailings generated from the extraction and processing of 2,000 pounds of uranium or thorium ore-bearing rock.

Federal reimbursement ratio means the ratio of Federal-related dry short tons of byproduct material to total dry short tons of byproduct material present at an active uranium or thorium processing site on October 24, 1992. The ratio shall be established by comparing Federal-related dry short tons of byproduct material to total dry short tons of byproduct material present at the site on October 24, 1992, or by another means of attributing costs of remedial action to byproduct material generated as an incident of sales to the United States which the Department determines is more accurate than a ratio established using dry short tons of byproduct material.

Federal-related dry short tons of byproduct material means dry short tons of byproduct material that was present at an active uranium or thorium processing site on October 24, 1992, and was generated as an incident of uranium or thorium sales to the United States.

Generally accepted accounting principles means those principles established by the Financial Accounting Standards Board which encompass the conventions, rules, and procedures necessary to define accepted accounting practice at a particular time.

Inflation index means the consumer price index for all urban consumers (CPI-U) as published by the Department of Commerce's Bureau of Labor Statistics.

Licensee means a site owner licensed under section 62 or 81 of the Atomic Energy Act (42 U.S.C. 2092, 2111) by NRC, or an Agreement State, for any activity at an active uranium or thorium processing site which results, or has resulted, in the production of byproduct material.

Maximum reimbursement amount or maximum reimbursement ceiling means the smaller of the following two quantities:

(1) The amount obtained by multiplying the total cost of remedial action at the site, as determined in the approved plan for subsequent remedial action, by the Federal reimbursement ratio established for the site; or

(2) \$6.25, as adjusted for inflation, multiplied by the number of Federal-related dry short tons of byproduct material.

NRC means the United States Nuclear Regulatory Commission or its predecessor agency.

Offsite disposal means the disposal, and activities that contribute to the disposal, of byproduct material in a location that is not contiguous to the West Chicago Thorium Mill Site located in West Chicago, Illinois, in accordance with a plan approved by, or other written authorization from, the State of Illinois or NRC provided the activities are consistent with the ultimate removal of byproduct material from the West Chicago Thorium Mill Site.

Plan for subsequent remedial action means a plan approved by the Department which includes an estimated total cost and schedule for remedial action, and all applicable requirements of remedial action established by NRC or an Agreement State to be performed after December 31, 2007, at an active uranium or thorium processing site.

Reclamation plan or site reclamation plan means a plan, which has been approved by NRC or an Agreement State, for remedial action at an active processing site that establishes the work necessary to comply with applicable requirements of UMTRCA, or where appropriate with requirements established by an Agreement State.

Remedial action means decontamination, decommissioning, reclamation, and other remedial action at an active uranium or thorium processing site.

Secretary means the Secretary of Energy or her designees.

Site owner means a person that presently holds, or held in the past, any interest in land, including but not limited to a fee simple absolute, surface or subsurface ownership of mining claims, easements, and a right of access for the purposes of cleanup, or any other legal or equitable interest.

Tailings means the remaining portion of a metal-bearing ore after some or all of the metal, such as uranium, has been extracted.

The Fund means the Uranium Enrichment Decontamination and Decommissioning Fund established at the United States Department of Treasury pursuant to section 1801 of the Atomic Energy Act (42 U.S.C. 2297g).

Title X or "the Act" means Subtitle A of Title X of the Energy Policy Act of 1992, Public Law 102-486, 106 Stat. 2776 (42 U.S.C. 2296a-1 *et seq.*).

UMTRCA means the Uranium Mill Tailings Radiation Control Act of 1978, as amended (42 U.S.C. 7901 *et seq.*).

United States means any executive department, commission, or agency, or other establishment in the

executive branch of the Federal Government.

Written Authorization means a written statement from either the NRC or an Agreement State that a licensee has performed in the past, or is authorized to perform in the future, a remedial action that is necessary to comply with the requirements of UMTRCA or, where appropriate, the requirements of an Agreement State.

[59 FR 26726, May 23, 1994, as amended at 68 FR 32957, June 3, 2003]

Subpart B -- Reimbursement Criteria

[TOP]

§765.10 Eligibility for reimbursement.

(a) Any licensee of an active uranium or thorium processing site that has incurred costs of remedial action for the site that are attributable to byproduct material generated as an incident of sales to the United States shall be eligible for reimbursement of these costs, subject to the procedures and limitations specified in this part.

(b) Prior to reimbursement of costs of remedial action incurred by a licensee, the Department shall make a determination regarding the total quantity of dry short tons of byproduct material, and the quantity of Federal-related dry short tons of byproduct material present on October 24, 1992 at the licensee's active processing site. A claim for reimbursement from a site for which a determination is made will be evaluated individually. If a licensee does not concur with the Department's determination regarding the quantity of dry short tons of byproduct material present at the site, the licensee may appeal the Department's determination in accordance with §765.22 of this part. The Department's determination shall be used to determine that portion of an approved claim for reimbursement submitted by the licensee which shall be reimbursed, unless or until the determination is overturned on appeal. If the outcome of an appeal requires a change in the Department's initial determination, the Department will adjust any payment previously made to the licensee to reflect the change.

[TOP]

§765.11 Reimbursable costs.

(a) Costs for which a licensee may be reimbursed must be for remedial action that a licensee demonstrates is attributable to byproduct material generated as an incident of sales to the United States, as determined by the Department. These costs are equal to the total costs of remedial action at a site multiplied by the Federal reimbursement ratio established for the site. These costs must be incurred in the performance of activities, prior to or after enactment of UMTRCA, and required by a plan, portion thereof, or other written authorization, approved by NRC or by an Agreement State. Costs of remedial action shall be reimbursable only if approved by the Department in accordance with the provisions of this part.

(b) In addition, costs of remedial action incurred by a licensee after December 31, 2007 must be in accordance with a plan for subsequent remedial action approved by the Department as specified in

§765.30.

(c) Total reimbursement of costs of remedial action incurred at an active processing site that are otherwise reimbursable pursuant to the provisions of this part shall be limited as follows:

(1) Reimbursement of costs of remedial action to active uranium processing site licensees shall not exceed \$6.25, as adjusted for inflation, multiplied by the number of Federal-related dry short tons of byproduct material.

(2) Aggregate reimbursement of costs of remedial action incurred at all active uranium processing sites shall not exceed \$350 million. This aggregate amount shall be adjusted for inflation pursuant to §765.12; and

(3) Reimbursement of costs of remedial action at the active thorium processing site shall be limited to costs incurred for offsite disposal and shall not exceed \$365 million. This amount shall be adjusted for inflation pursuant to §765.12.

(d) Notwithstanding the Title X requirement that byproduct material must be located at an active processing site on October 24, 1992, byproduct material moved from the Edgemont Mill in Edgemont, South Dakota, to a disposal site as a result of remedial action, shall be eligible for reimbursement in accordance with all applicable requirements of this part.

[59 FR 26726, May 23, 1994, as amended at 68 FR 32957, June 3, 2003]

[TOP]

§765.12 Inflation index adjustment procedures.

(a) The amounts of \$6.25 (as specified in §765.2(e) of this rule) \$350 million (as specified in §765.2(f) of this rule), \$365 million (as specified in §765.2(g) of this rule) and \$715 million (as specified in §765.2(i) of this rule) shall be adjusted for inflation as provided by this section.

(b) To make adjustments for inflation to the amounts specified in paragraph (a) of this section, the Department shall apply the CPI-U to these amounts annually, beginning in 1994, using the CPI-U as published by the Bureau of Labor Statistics within the Department of Commerce for the preceding calendar year.

(c) The Department shall adjust annually, using the CPI-U as defined in this part, amounts paid to an active uranium processing site licensee for purposes of comparison with the \$6.25 per dry short ton limit on reimbursement as adjusted for inflation.

[59 FR 26726, May 23, 1994, as amended at 68 FR 32957, June 3, 2003]

Subpart C -- Procedures for Submitting and Processing Reimbursement Claims

§765.20 Procedures for submitting reimbursement claims.

(a) All costs of remedial action for which reimbursement is claimed must be supported by reasonable documentation as specified in this subpart. The Department reserves the right to deny any claim for reimbursement, in whole or in part, that is not submitted in accordance with the requirements of this subpart.

(b) The licensee shall provide a copy of the approved site reclamation plan or other written authorization from NRC or an Agreement State upon which claims for reimbursement are based, with the initial claim submitted. Any revision or modification made to the plan or other written authorization, which is approved by NRC or an Agreement State, shall be included by the licensee in the next claim submitted to the Department following that revision or modification. This reclamation plan or other written authorization, as modified or revised, shall serve as the basis for the Department's evaluation of all claims for reimbursement submitted by a licensee.

(c) Each submitted claim shall provide a summary of all costs of remedial action for which reimbursement is claimed. This summary shall identify the costs of remedial action associated with each major activity or requirement established by the site's reclamation plan or other written authorization. In addition, each claim shall provide a summary of the documentation relied upon by the licensee in support of each cost category for which reimbursement is claimed.

(d) Documentation used to support a reimbursement claim must demonstrate that the costs of remedial action for which reimbursement is claimed were incurred specifically for activities specified in the site's reclamation plan, or otherwise authorized by NRC or an Agreement State. Summary documentation used in support of a claim must be cross-referenced to the relevant page and activity of the licensee's reclamation plan, or other written authorization approved by NRC or an Agreement State.

(1) Documentation prepared contemporaneous to the time the cost was incurred should be used when available. The documentation should identify the date or time period for which the cost was incurred, the activity for which the cost was incurred, and the reclamation plan provision or other written authorization to which the cost relates. Where available, each claim should be supported by receipts, invoices, pay records, or other documents that substantiate that each specific cost for which reimbursement is claimed was incurred for work that was necessary to comply with UMTRCA or applicable Agreement State requirements.

(2) Documentation not prepared contemporaneous to the time the cost was incurred, or not directly related to activities specified in the reclamation plan or other written authorization, may be used in support of a claim for reimbursement provided that the licensee determines the documentation is the only means available to document costs for which reimbursement is sought.

(e) The Department may audit, or require the licensee to audit, any documentation used to support a claim on a case-by-case basis and may approve, approve in part, or deny reimbursement of any claim in accordance with the requirements of this part. Documentation relied upon by a licensee in support of a claim for reimbursement shall be made available to the Department and retained by the licensee until 4 years after final payment of a claim is made by the Department.

(f) Each licensee should utilize generally accepted accounting principles consistently throughout the claim. These accounting principles, underlying assumptions, and any other information necessary for the Department to evaluate the claim shall be set forth in each claim.

(g) Following each annual appropriation by Congress, the Department will issue a Federal Register Notice announcing:

- (1) A claim submission deadline for that fiscal year;
- (2) Availability of funds for reimbursement of costs of remedial action;
- (3) Whether the Department anticipates that approved claims for that fiscal year may be subject to prorated payment;
- (4) Any changes in the Federal reimbursement ratio or maximum reimbursement ceiling for any active uranium or thorium processing site;
- (5) Any revision in the per dry short ton limit on reimbursement for all active uranium processing sites; and
- (6) Any other relevant information.

(h) A licensee shall certify, with respect to any claim submitted by it for reimbursement, that the work was completed as described in an approved reclamation plan or other authorization. In addition, the licensee shall certify that all costs for which reimbursement is claimed, all documentation relied upon in support of its costs, and all statements or representations made in the claim are complete, accurate, and true. The certification shall be signed by an officer or other official of the licensee with knowledge of the contents of the claim and authority to represent the licensee in making the certification. Any knowingly false or frivolous statements or representations may subject the individual to penalties under the False Claims Act, sections 3729 through 3731 of title 31 United States Code, or any other applicable statutory authority; and criminal penalties under sections 286, 287, 1001 and 1002 of title 18, United States Code, or any other applicable statutory authority.

(i) All claims for reimbursement submitted to the Department shall be sent by registered or certified mail, return receipt requested. The Department reserves all rights under applicable law to recover any funds paid to licensees which an audit finds to not meet the requirements of this part.

[TOP]

§765.21 Procedures for processing reimbursement claims.

(a) The Department will conduct a preliminary review of each claim within 60 days after the claim submission deadline announced in the FEDERAL REGISTER Notice specified in §765.20(g) to determine the completeness of each claim. Payments from the Fund to active uranium or thorium processing site licensees for approved costs of remedial action will be made simultaneously by the Department within 1 year of the claim submission deadline.

(b) After completing the preliminary review specified in paragraph (a) of this section, the Department may audit, or require the licensee to audit, any documentation used in support of such claim, request the licensee to provide additional information, or request the licensee to provide other clarification determined by the Department to be necessary to complete its evaluation of the claim. In addition, the Department reserves the right to conduct an inspection of the site to verify any information provided

by the licensee in a claim for reimbursement, or in support thereof. Any information requested by the Department, if provided, must be submitted by the claimant within 60 days of receipt of the request unless the Department specifies in writing that additional time is provided.

(c) At any time during the review of a claim, the Department may request an informal conference with a licensee to obtain further information or clarification on any unresolved issue pertaining to the claim. While the licensee is not required to provide additional clarification requested by the Department, a failure to do so may result in the denial of that portion of the claim for which information is requested.

(d) Based upon the claim submitted and any additional information received by the Department, including any audit or site inspection if conducted, the Department shall complete a final review of all relevant information prior to making a reimbursement decision. When the Department determines it is not clear that an activity for which reimbursement is claimed was necessary to comply with UMTRCA or where appropriate, with applicable Agreement State requirements, the Department may consult with the appropriate regulatory authorities.

(e) A written decision regarding the Department's determination to approve, approve in part, or deny a claim will be provided to the licensee within 10 days of completion of the claim review. Within 45 days after the Department's issuance of a written decision to deny the claim due to inadequate documentation, the licensee may request the Department to reconsider its decision if the licensee provides reasonable documentation in accordance with §765.20. If a licensee chooses not to submit the documentation, the licensee has the right to file a formal appeal to a claim denial in accordance with §765.22. If a licensee chooses to submit the documentation, the Department will consider whether the documentation results in the Department's reversal of the initial decision to deny the claim and will inform the licensee of the Department's subsequent decision. The licensee may appeal that decision in accordance with §765.22.

(f) If the Department determines that insufficient funds are available at any time to provide for complete payment of all outstanding approved claims, reimbursements of approved claims will be made on a prorated basis. A prorated payment of all outstanding approved claims for reimbursement, or any unpaid portion thereof, shall be made on the basis of the total amount of all outstanding approved claims, regardless of when the claims were submitted or approved.

(g) Notwithstanding the provisions of paragraph (f) of this section, or any other provisions of this part, any requirement for the payment or obligation of funds by the Department established by this part shall be subject to the availability of appropriated funds, and no provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

[59 FR 26726, May 23, 1994, as amended at 68 FR 32957, June 3, 2003]

[TOP]

§765.22 Appeals procedures.

(a) Any appeal by a licensee of any Department determination subject to the requirements of this part, shall invoke the appeals process specified in paragraph (b) of this section.

(b) A licensee shall file an appeal of any Department determination subject to the requirements of this part with the Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Any appeal must be filed within 45 days from the date the licensee received notice, actual or constructive (i.e., publication in the FEDERAL REGISTER), of the Department's determination. Appeals must comply with the procedures set forth in 10 CFR part 1003, subpart C. The decision of the Office of Hearings and Appeals shall be the final decision of the Department. A licensee must file an appeal in order to exhaust its administrative remedies, and the receipt of an appellate decision is a prerequisite to seeking judicial review of any determination made under this part.

[59 FR 26726, May 23, 1994, as amended at 60 FR 15017, Mar. 21, 1995]

[TOP]

§765.23 Annual report.

The Department shall prepare annually a report summarizing pertinent information concerning claims submitted in the previous calendar year, the status of the Department's review of the claims, determinations made regarding the claims, amounts paid for claims approved, and other relevant information concerning this reimbursement program. The report will be available to all interested parties upon written request to the Department's National Nuclear Security Administration Service Center, Office of Technical Services, Environmental Programs Department, P.O. Box 5400, Albuquerque, NM 87185-5400 and will also be available in the Department's Freedom of Information Reading room, 1000 Independence Avenue SW., Washington, DC.

[59 FR 26726, May 23, 1994, as amended at 68 FR 32957, June 3, 2003]

Subpart D -- Additional Reimbursement Procedures

[TOP]

§765.30 Reimbursement of costs incurred in accordance with a plan for subsequent remedial action.

(a) This section establishes procedures governing reimbursements of costs of remedial action incurred in accordance with a plan for subsequent remedial action approved by the Department as provided in this section. Costs otherwise eligible for reimbursement in accordance with the terms of this part and incurred in accordance with the plan shall be reimbursed in accordance with the provisions of subpart D and subpart C. In the event there is an inconsistency between the requirements of subpart D and subpart C, the provisions of subpart D shall govern reimbursement of such costs of remedial action.

(b) A licensee who anticipates incurring costs of remedial action after December 31, 2007 may submit a plan for subsequent remedial action. This plan may be submitted at any time after January 1, 2005, but no later than December 31, 2006. Reimbursement of costs of remedial action incurred after December 31, 2007 shall be subject to the approval of this plan by the Department. This plan shall

describe:

(1) All applicable requirements established by NRC pursuant to UMTRCA, or where appropriate, by the requirements of an Agreement State, included in a reclamation plan approved by NRC or an Agreement State which have not yet been satisfied in full by the licensee, and

(2) The total cost of remedial action required at the site, together with all necessary supporting documentation, segregated into actual costs incurred to date, costs incurred or expected to be incurred prior to December 31, 2007 but not yet approved for reimbursement, and anticipated future costs.

(c) The Department shall review the plan for subsequent remedial action to verify conformance with the NRC- or Agreement State-approved reclamation plan or other written authorization, and to determine the reasonableness of anticipated future costs, and shall approve, approve with suggested modifications, or reject the plan. During its review, the Department may request additional information from the licensee to clarify or provide support for any provision or estimate contained in the plan. The Department may also consult with NRC or an Agreement State concerning any provision or estimate contained in the plan. Upon approval, approval with modifications, or rejection of a plan, the Department shall inform and explain to the licensee its decision.

(d) If the Department rejects a plan for subsequent remedial action submitted by a licensee, the licensee may appeal the Department's rejection or prepare and submit a revised plan. The licensee may continue to submit revised plans for subsequent remedial action until the Department approves a plan, or September 30, 2007, whichever occurs first. A failure by a licensee to receive approval from the Department of a plan prior to December 31, 2007 will preclude that licensee from receiving any reimbursement for costs of remedial action incurred after that date.

(e) The Department shall determine, in approving a plan for subsequent remedial action, the maximum reimbursement amount for which the licensee may be eligible. This maximum reimbursement amount shall be the smaller of the following two quantities:

(1) The amount obtained by multiplying the total cost of remedial action at the site, as determined in the approved plan for subsequent remedial action, by the Federal reimbursement ratio established for such site; or

(2) For the uranium site licensees only, \$6.25, as adjusted for inflation, multiplied by the number of Federal-related dry short tons of byproduct material. For all licensees, the Department shall subtract from the maximum reimbursement amount any reimbursement already approved to be paid to the licensee. The resulting sum shall be the potential additional reimbursement to which the licensee may be entitled. This resulting sum will be adjusted after the approval of claims for work performed through December 31, 2007, to reflect the actual approved costs of work performed through that date.

[59 FR 26726, May 23, 1994, as amended at 68 FR 32957, June 3, 2003]

[TOP]

§765.31 Designation of funds available for subsequent remedial action.

(a) The Department shall authorize reimbursement of costs of remedial action, incurred in accordance with an approved plan for subsequent remedial action and approved by the Department as specified in

subpart C to this part, to be made from the Fund. These costs are reimbursable until:

(1) This remedial action has been completed, or

(2) The licensee has been reimbursed its maximum reimbursement amount as determined by the Department pursuant to paragraph (e) of §765.30.

(b) A licensee shall submit any claim for reimbursement of costs of remedial action incurred pursuant to an approved plan for subsequent remedial action in accordance with the requirements of subpart C of this part. The Department shall approve, approve in part, or deny any claims in accordance with the procedures specified in subpart C of this part. The Department shall authorize the disbursement of funds upon approval of a claim for reimbursement.

(c) After all remedial actions have been completed by affected Agreement State or NRC licensees, the Department will issue a Federal Register notice announcing a termination date beyond which claims for reimbursement will no longer be accepted.

[59 FR 26726, May 23, 1994, as amended at 68 FR 32958, June 3, 2003]

[TOP]

§765.32 Reimbursement of excess funds.

(a) No later than December 31, 2008, the Department shall determine if the aggregate amount authorized for appropriation pursuant to section 1003 of the Act (42 U.S.C. 2296a-2), as adjusted for inflation pursuant to §765.12, exceed as of that date the combined total of all reimbursements which have been paid to licensees under this part, any amounts approved for reimbursement and owed to any licensee, and any anticipated additional reimbursements to be made in accordance with approved plans for subsequent remedial action.

(b) If the Department determines that the amount authorized pursuant to section 1003 of the Act (42 U.S.C. 2296a-2), as adjusted for inflation, exceed the combined total of all reimbursements (as indicated in paragraph (a) of this section), the Department may establish procedures for providing additional reimbursement to uranium licensees for costs of remedial action, subject to the availability of appropriated funds. If the amount of available excess funds is insufficient to provide reimbursement of all eligible costs of remedial action, then reimbursement shall be paid on a prorated basis.

(c) Each eligible uranium licensee's prorated share will be determined by dividing the total excess funds available by the total number of Federal-related dry short tons of byproduct material present at the site where costs of remedial action exceed \$6.25 per dry short ton, as adjusted for inflation pursuant to §765.12. The resulting number will be the maximum cost per dry short ton, over \$6.25, that may be reimbursed. Total reimbursement for each licensee that has incurred approved costs of remedial action in excess of \$6.25 per dry short ton will be the product of the excess cost per dry short ton multiplied by the number of Federal-related dry short tons of byproduct material at the site or the actual costs incurred and approved by the Department, whichever is less.

(d) Any costs of remedial action for which reimbursement is sought from excess funds determined by the Department to be available is subject to all requirements of this part except the per dry short ton

limit on reimbursement established by paragraph (d) of §765.11.

[59 FR 26726, May 23, 1994, as amended at 68 FR 32957, June 3, 2003]

APPENDIX D.
INDIVIDUAL APPROVED CLAIM AMOUNTS
AND PAYMENTS: FY 1994 – FY 2003

Exhibit D-1. FY 2003 Individual Approved Claim Amounts and Payments (April 2003¹)

Licensee	FY 03 Individual Reimbursement Limits ²	Approved Claim Amounts After FRR	Final Approved Claims Plus Unpaid Claim Balances	Total Unpaid Claims Within Limits	FY 03 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments	Total Payments Through FY 03
Uranium									
American Nuclear Corp. Site	15,411,583.60						15,411,583.60	0.00	
<i>American Nuclear Corporation</i>		0.00	0.00	0.00	0.00	0.00			820,406.91
<i>State of Wyoming</i>		0.00	0.00	0.00	0.00	0.00			1,223,850.46
Atlantic Richfield Company	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	32,305,902.36
Utah/NRC Moab Escrow	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,694,190.01
Cotter Corporation	39,324.24	59,668.53	846,417.63	39,324.24	4,918.66	841,498.97	34,405.58	807,093.39	2,462,683.39
Dawn Mining Company	5,883,493.41	452,061.54	452,061.54	452,061.54	56,543.62	395,517.92	5,826,949.79	0.00	3,455,879.36
Homestake Mining Company	53,427,931.76	1,633,212.13	1,633,212.13	1,633,212.13	204,281.32	1,428,930.81	53,223,650.44	0.00	37,234,388.32
Pathfinder Mines Corporation	14,117,930.34	1,411,749.53	1,411,749.53	1,411,749.53	176,580.89	1,235,168.64	13,941,349.45	0.00	8,587,942.12
Petrotomics Company	3,110,811.68	57,892.31	57,892.31	57,892.31	7,241.14	50,651.17	3,103,570.54	0.00	2,643,697.72
Rio Algom Mining LLC ³	64,115,217.08	1,040,803.44	1,040,803.44	1,040,803.44	130,183.15	910,620.29	63,985,033.93	0.00	15,422,395.24
Tennessee Valley Authority	202,863.12	0.00	12,451,068.67	202,863.12	25,374.01	12,425,694.66	177,489.11	12,248,205.55	12,704,319.06
Umetco Minerals Corp.-CO	711,706.25	3,016,035.40	10,408,393.11	711,706.25	89,019.84	10,319,373.27	622,686.41	9,696,686.86	44,570,660.27
Umetco Minerals Corp.-WY	1,903,191.52	2,993,693.50	2,993,693.50	1,903,191.52	238,050.20	2,755,643.30	1,665,141.32	1,090,501.98	15,005,900.26
Western Nuclear, Inc.	452,665.65	337,110.84	597,605.00	452,665.65	56,619.17	540,985.83	396,046.48	144,939.35	28,348,222.08
Total Uranium		\$11,002,227.22	\$31,892,896.86	\$7,905,469.73	\$988,812.00	\$30,904,084.86		\$23,987,427.13	\$214,480,437.56
Thorium									
Kerr-McGee Chemical LLC	218,853,861.19	68,652,750.92	86,446,985.73	86,446,985.73	14,832,188.00	71,614,797.73	204,021,673.19	0.00	170,538,361.05
Total Thorium	\$218,853,861.19	\$68,652,750.92	\$86,446,985.73	\$86,446,985.73	\$14,832,188.00	\$71,614,797.73	\$204,021,673.19	\$0.00	\$170,538,361.05
Total Uranium and Thorium		\$79,654,978.14	\$118,339,882.59	\$94,352,455.46	\$15,821,000.00	\$102,518,882.59		\$23,987,427.13	\$385,018,798.61

¹ Reimbursements to the uranium licensees were issued in April 23, 2003, and the reimbursement to the thorium licensee was made in two installments consisting of \$14,001,518 on April 23, 2003, and \$830,670 on April 25, 2003.

² For uranium licensees, the Individual Uranium Reimbursement Limit = (Individual Federal Related Dry Short Tons of Tailings x Inflation Adjusted Statutory Per Dry Short Ton Limit) - Cumulative Amount of Reimbursements Paid to Individual Uranium Licensee. For 2003, the inflation-adjusted per dry short ton limit was \$7.9272665636 based on a calendar year CPI-U of 1.016 for 2002. For the thorium licensee, the Individual Thorium Reimbursement Limit is equal to the unpaid claim balance at the end of 2002 multiplied by the calendar year CPI-U for 2002.

³ Formerly Quivira Mining Company.

Exhibit D-2.— FY 2002 Individual Approved Claim Amounts and Payments (April and September 2002)¹

Licensee	FY 02 Individual Reimbursement Limits	Final Approved Claim Amounts	Final Approved Claims Plus Unpaid Claim Balances	Total Unpaid Claims Within Limits	FY 02 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments
Uranium								
American Nuclear Corp. Site	15,155,294.84						15,136,688.47	0.00
<i>American Nuclear Corporation</i>		13,228.94	13,228.94	13,228.94	13,228.94	0.00		
<i>State of Wyoming</i>		5,377.43	5,377.43	5,377.43	5,377.43	0.00		
Atlantic Richfield Company	36,644,151.40	0.00	0.00	0.00	0.00	0.00	36,644,151.40	0.00
Utah/NRC Moab Escrow ²	37,490,136.95	791,091.74	791,091.74	791,091.74	791,091.74	0.00	36,699,045.21	0.00
Cotter Corporation	66,943.01	0.00	853,692.11	66,943.01	66,943.01	786,749.10	0.00	786,749.10
Dawn Mining Company	6,012,325.45	275,018.33	275,018.33	275,018.33	275,018.33	0.00	5,737,307.12	0.00
Homestake Mining Company	53,493,210.09	1,489,814.38	1,489,814.38	1,489,814.38	1,489,814.38	0.00	52,003,395.71	0.00
Pathfinder Mines Corporation	14,642,686.32	879,547.97	879,547.97	879,547.97	879,547.97	0.00	13,763,138.35	0.00
Petrotomies Company	3,265,224.95	244,921.43	244,921.43	244,921.43	244,921.43	0.00	3,020,303.52	0.00
Rio Algom Mining LLC ³	63,908,085.27	1,043,378.89	1,043,378.89	1,043,378.89	1,043,378.89	0.00	62,864,706.38	0.00
Tennessee Valley Authority	345,340.92	0.00	12,796,409.59	345,340.92	345,340.92	12,451,068.67	0.00	12,451,068.67
Umetco Minerals Corporation-CO	1,211,562.19	2,323,448.67	8,603,919.90	1,211,562.19	1,211,562.19	7,392,357.71	0.00	7,392,357.71
Umetco Minerals Corporation-WY	2,840,892.50	1,200,237.06	1,200,237.06	1,200,237.06	1,200,237.06	0.00	1,640,655.44	0.00
Western Nuclear, Incorporated	770,588.40	399,707.43	1,031,082.56	770,588.40	770,588.40	260,494.16	0.00	260,494.16
Total Uranium		\$8,665,772.27	\$29,227,720.33	\$8,337,050.69	\$8,337,050.69	\$20,890,669.64	\$227,509,391.60	\$20,890,669.64
Thorium								
Kerr-McGee Chemical LLC	225,000,000.00	0.00	27,386,891.12	27,386,891.12	9,592,656.31	17,794,234.81	215,407,343.69	0.00
Total Thorium	\$225,000,000.00	\$0.00	\$27,386,891.12	\$27,386,891.12	\$9,592,656.31	\$17,794,234.81	\$215,407,343.69	\$0.00
Total Uranium and Thorium		\$8,665,772.27	\$56,614,611.45	\$35,723,941.81	\$17,929,707.00	\$38,684,904.45	\$442,916,735.29	\$20,890,669.64

¹Reimbursements to the uranium licensees were issued in April 2002, and the reimbursement to the thorium licensee was made in September 2002 following the enactment of P.L. 107-222.

²The Moab Mill Reclamation Trust assigned its FY 2002 Title X payments to the Trust Beneficiaries (U.S. Nuclear Regulatory Commission and the State of Utah).

³Formerly Quivira Mining Company.

Exhibit D-3A. Second FY 2001 Individual Approved Claim Amounts and Payments (April 2001)

Licensee	FY 01 Individual Reimbursement Limits After 1 st FY 01 Payments	Final Approved Claim Amounts	Final Approved Claims Plus Unpaid Claim Balances	Total Unpaid Claims Within Limits	2 nd FY 01 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments
Uranium								
American Nuclear Corp. Site	14,700,850.05						14,687,331.33	0.00
<i>American Nuclear Corporation</i>		13,518.72	13,518.72	13,518.72	13,518.72	0.00		
<i>State of Wyoming</i>		0.00	0.00	0.00	0.00	0.00		
Atlantic Richfield Company	34,766,134.37	0.00	0.00	0.00	0.00	0.00	34,766,134.37	0.00
Moab Mill Reclamation Trust	37,871,037.70	1,644,529.72 ¹	1,644,529.72 ¹	1,644,529.72 ¹	1,644,529.72	0.00	36,266,507.98	0.00
Cotter Corporation	78,615.02	162,327.26	932,307.13	78,615.02	78,615.02	853,692.11	0.00	853,692.11
Dawn Mining Company	5,958,075.98	194,608.51	194,608.51	194,608.51	194,608.51	0.00	5,763,467.47	0.00
Homestake Mining Company	53,636,441.69	2,568,268.63	2,568,268.63	2,568,268.63	2,568,268.63	0.00	51,068,173.06	0.00
Pathfinder Mines Corporation	15,461,823.52	1,423,111.90	1,423,111.90	1,423,111.90	1,423,111.90	0.00	14,038,711.62	0.00
Petrotomics Company	3,275,389.64	164,239.87	164,239.87	164,239.87	164,239.87	0.00	3,111,149.77	0.00
Quivira Mining Company	62,481,886.72	702,589.11	702,589.11	702,589.11	702,589.11	0.00	61,779,297.61	0.00
Tennessee Valley Authority	405,553.71	0.00	13,201,963.30	405,553.71	405,553.71	12,796,409.59	0.00	12,796,409.59
Umetco Minerals Corporation-CO	1,422,807.21	2,961,852.69	7,703,278.44	1,422,807.21	1,422,807.21	6,280,471.23	0.00	6,280,471.23
Umetco Minerals Corporation-WY	3,814,338.64	1,420,370.42	1,420,370.42	1,420,370.42	1,420,370.42	0.00	2,393,968.22	0.00
Western Nuclear, Incorporated	904,946.32	749,675.85	1,536,321.45	904,946.32	904,946.32	631,375.13	0.00	631,375.13
Total Uranium		\$12,005,092.68	\$31,505,107.20	\$10,943,159.14	\$10,943,159.14	\$20,561,948.06		\$20,561,948.06
Thorium								
Kerr-McGee Chemical LLC	10,846,103.51	38,232,994.63	38,232,994.63	10,846,103.51	10,846,103.51	0.00 ²	0.00	0.00
Total Thorium	\$10,846,103.51	\$38,232,994.63	\$38,232,994.63	\$10,846,103.51	\$10,846,103.51	\$0.00 ²	\$0.00	\$0.00
Total Uranium and Thorium		\$50,238,087.31	\$69,738,101.83	\$21,789,262.65	\$21,789,262.65	\$20,561,948.06		\$20,561,948.06

¹Amount includes \$1,183,954.92 for the Moab Mill Reclamation Trust on its approved FY 2001 claim.

²The total amount authorized under Title X for the thorium licensee (Kerr-McGee) at the time of the payment date was exhausted with the 2nd FY 2001 payment. The amount of approved thorium claims that exceeded the total authority at that time was \$27,386,891.12.

Exhibit D-3B. First FY 2001 Individual Approved Claim Amounts and Payments (December 2000)¹

Licensee	FY 01 Individual Reimbursement Limits ²	Unpaid Claim Balances	Total Unpaid Claim Balances Within Limits	1 st FY 01 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments
Uranium							
American Nuclear Corp. Site	14,346,036.94					14,151,293.58	0.00
<i>American Nuclear Corporation</i>		32,840.67	32,840.67	32,840.67	0.00		
<i>State of Wyoming</i>		161,902.69	161,902.69	161,902.69	0.00		
Atlantic Richfield Company	33,418,043.57	857,372.69	857,372.69	857,372.69	0.00	32,560,670.88	0.00
Moab Mill Reclamation Trust	36,799,938.66	412,853.20	412,853.20	412,853.20	0.00	36,387,085.46	0.00
Cotter Corporation	77,808.19	847,788.06	77,808.19	77,808.19	769,979.87	0.00	769,979.87
Dawn Mining Company	5,944,076.23	278,248.49	278,248.49	278,248.49	0.00	5,665,827.74	0.00
Homestake Mining Company	52,397,803.66	1,609,222.55	1,609,222.55	1,609,222.55	0.00	50,788,581.11	0.00
Pathfinder Mines Corporation	15,412,693.64	660,152.37	660,152.37	660,152.37	0.00	14,752,541.27	0.00
Petrochemicals Company	3,276,376.58	181,926.29	181,926.29	181,926.29	0.00	3,094,450.29	0.00
Quivira Mining Company	60,773,398.40	791,469.56	791,469.56	791,469.56	0.00	59,981,928.84	0.00
Tennessee Valley Authority	445,110.73	13,647,074.03	445,110.73	445,110.73	13,201,963.30	0.00	13,201,963.30
Umetco Minerals Corporation-CO	1,749,457.76	6,490,883.51	1,749,457.76	1,749,457.76	4,741,425.75	0.00	4,741,425.75
Umetco Minerals Corporation-WY	4,316,393.70	1,026,903.96	1,026,903.96	1,026,903.96	0.00	3,289,489.74	0.00
Western Nuclear, Incorporated	1,521,801.79	2,308,447.39	1,521,801.79	1,521,801.79	786,645.60	0.00	786,645.60
Total Uranium		\$29,307,085.46	\$9,807,070.94	\$9,807,070.94	\$19,500,014.52		\$19,500,014.52
Thorium							
Kerr-McGee Chemical LLC	30,605,419.85	20,115,958.04	20,115,958.04	20,115,958.04	0.00	10,489,461.81	0.00
Total Thorium	\$30,605,419.85	\$20,115,958.04	\$20,115,958.04	\$20,115,958.04	\$0.00	\$10,489,461.81	\$0.00
Total Uranium and Thorium		\$49,423,043.50	\$29,923,028.98	\$29,923,028.98	\$19,500,014.52		\$19,500,014.52

¹DOE made two payments in FY 2001: The first payments were issued in December 2000 and eliminated the backlog of unpaid approved claim balances that had accumulated through the FY 1999 claims. The second payments were issued in April 2001 and fully reimbursed licensees' approved FY 2000 claim amounts.

²Beginning in FY 2001, DOE adjusted the method for determining the individual per dry short ton limit to uranium licensees where: Individual Uranium Reimbursement Limit = (Individual Federal Related Dry Short Tons of Tailings x Inflation Adjusted Statutory Per Dry Short Ton Limit) - Cumulative Amount of Reimbursements Paid to Individual Uranium Licensee.

Exhibit D-4A. *Second FY 2000 Individual Approved Claim Amounts and Payments (September 2000)

Licensee	Maximum Reimbursement Ceilings After 1 st FY 00 Payments	Unpaid Claims	Total Unpaid Claims Within Ceilings	2 nd FY 00 Payments	Unpaid Claim Balances After Payments	Maximum Reimbursement Ceilings After Payments	Unpaid Claim Balances In Excess of Ceilings After Payments
Uranium							
American Nuclear Corp. Site	16,075,167.73					15,816,968.08	0.00
<i>American Nuclear Corporation</i>		76,382.33	76,382.33	43,541.66	32,840.67		
<i>State of Wyoming</i>		376,560.68	376,560.68	214,657.99	161,902.69		
Atlantic Richfield Company	37,773,902.05	1,994,116.60	1,994,116.60	1,136,743.91	857,372.69	36,637,158.14	0.00
Moab Mill Reclamation Trust	41,040,508.71	960,232.84	960,232.84	547,379.64	412,853.20	40,493,129.07	0.00
Cotter Corporation	308,849.34	1,023,847.28	308,849.34	176,059.22	847,788.06	132,790.12	714,997.94
Dawn Mining Company	7,014,888.58	647,163.07	647,163.07	368,914.58	278,248.49	6,645,974.00	0.00
Homestake Mining Company	60,085,897.85	3,742,803.37	3,742,803.37	2,133,580.82	1,609,222.55	57,952,317.03	0.00
Pathfinder Mines Corporation	17,918,785.15	1,535,412.56	1,535,412.56	875,260.19	660,152.37	17,043,524.96	0.00
Petrochemicals Company	3,875,869.53	423,132.48	423,132.48	241,206.19	181,926.29	3,634,663.34	0.00
Quivira Mining Company	67,913,529.58	1,840,836.08	1,840,836.08	1,049,366.52	791,469.56	66,864,163.06	0.00
Tennessee Valley Authority	1,499,061.46	14,501,612.32	1,499,061.46	854,538.29	13,647,074.03	644,523.17	13,002,550.86
Umetco Minerals Corporation-CO	5,729,215.48	9,756,816.31	5,729,215.48	3,265,932.80	6,490,883.51	2,463,282.68	4,027,600.83
Umetco Minerals Corporation-WY	6,372,040.74	2,388,420.18	2,388,420.18	1,361,516.22	1,026,903.96	5,010,524.52	0.00
Western Nuclear, Incorporated	5,489,089.85	5,369,092.49	5,369,092.49	3,060,645.10	2,308,447.39	2,428,444.75	0.00
Total Uranium		\$44,636,428.59	\$26,891,278.96	\$15,329,343.13	\$29,307,085.46		\$17,745,149.63
Thorium							
Kerr-McGee Chemical LLC	57,276,076.72	46,786,614.91	46,786,614.91	26,670,656.87	20,115,958.04	30,605,419.85	0.00
Total Thorium	\$57,276,076.72	\$46,786,614.91	\$46,786,614.91	\$26,670,656.87	\$20,115,958.04	\$30,605,419.85	\$0.00
Total Uranium and Thorium		\$91,423,043.50	\$73,677,893.87	\$42,000,000.00	\$49,423,043.50		\$17,745,149.63

*Congress provided two appropriations in FY 2000 to carry out the Title X reimbursement program: an initial appropriation of \$30 million and a supplemental appropriation of \$42 million for a total of \$72 million. Consequently, DOE issued two sets of payments in FY 2000. DOE allocated \$100,000 of the initial appropriations to DCAA for audit support costs.

Exhibit D-4B. *First FY 2000 Individual Approved Claim Amounts and Payments (April 2000)

Licensee	FY 00 Maximum Reimbursement Ceilings	Approved Claim Amounts	Approved Claims Plus Prior Years Unpaid Claim Balances	Total Unpaid Claims Within Ceilings	1 st FY 00 Payments	Unpaid Claim Balances After Payments	Maximum Reimbursement Ceilings After Payments	Unpaid Claim Balances in Excess of Ceilings After Payments
Uranium								
American Nuclear Corp. Site	16,258,981.31						16,075,167.73	0.00
<i>American Nuclear Corporation</i>		17,820.78	107,379.86	107,379.86	30,997.53	76,382.33		
<i>State of Wyoming</i>		7,097.68	529,376.73	529,376.73	152,816.05	376,560.68		
Atlantic Richfield Company	38,583,155.45	0.00	2,803,370.00	2,803,370.00	809,253.40	1,994,116.60	37,773,902.05	0.00
Moab Mill Reclamation Trust	41,430,190.89	267,004.58	1,349,915.02	1,349,915.02	389,682.18	960,232.84	41,040,508.71	0.00
Cotter Corporation	434,186.73	0.00	1,149,184.67	434,186.73	125,337.39	1,023,847.28	308,849.34	714,997.94
Dawn Mining Company	7,277,520.62	177,184.58	909,795.11	909,795.11	262,632.04	647,163.07	7,014,888.58	0.00
Homestake Mining Company	61,604,804.20	1,092,967.96	5,261,709.72	5,261,709.72	1,518,906.35	3,742,803.37	60,085,897.85	0.00
Pathfinder Mines Corporation	18,541,887.05	1,413,964.84	2,158,514.46	2,158,514.46	623,101.90	1,535,412.56	17,918,785.15	0.00
Petrochemicals Company	4,047,585.36	228,416.78	594,848.31	594,848.31	171,715.83	423,132.48	3,875,869.53	0.00
Quivira Mining Company	68,660,578.60	675,453.20	2,587,885.10	2,587,885.10	747,049.02	1,840,836.08	67,913,529.58	0.00
Tennessee Valley Authority	2,107,411.33	483,400.48	15,109,962.19	2,107,411.33	608,349.87	14,501,612.32	1,499,061.46	13,002,550.86
Umetco Minerals Corporation-CO	8,054,248.59	6,115,477.77	12,081,849.42	8,054,248.59	2,325,033.11	9,756,816.31	5,729,215.48	4,027,600.83
Umetco Minerals Corporation-WY	7,341,310.62	1,202,087.53	3,357,690.06	3,357,690.06	969,269.88	2,388,420.18	6,372,040.74	0.00
Western Nuclear, Incorporated	7,667,977.67	2,180,338.00	7,547,980.31	7,547,980.31	2,178,887.82	5,369,092.49	5,489,089.85	0.00
Total Uranium		\$13,861,214.18	\$55,549,460.96	\$37,804,311.33	\$10,913,032.37	\$44,636,428.59		\$17,745,149.63
Thorium								
Kerr-McGee Chemical LLC	76,263,044.35	35,539,771.03	65,773,582.54	65,773,582.54	18,986,967.63	46,786,614.91	57,276,076.72	0.00
Total Thorium	\$76,263,044.35	\$35,539,771.03	\$65,773,582.54	\$65,773,582.54	\$18,986,967.63	\$46,786,614.91	\$57,276,076.72	\$0.00
Total Uranium and Thorium		\$49,400,985.21	\$121,323,043.50	\$103,577,893.87	\$29,900,000.00	\$91,423,043.50		\$17,745,149.63

*Congress provided two appropriations in FY 2000 to carry out the Title X reimbursement program: an initial appropriation of \$30 million and a supplemental appropriation of \$42 million for a total of \$72 million. Consequently, DOE issued two sets of payments in FY 2000. DOE allocated \$100,000 of the initial appropriations to DCAA for audit support costs.

Exhibit D-5. FY 1999 Individual Approved Claim Amounts and Payments

Licensee	*FY 99 Maximum Reimbursement Ceilings	Approved Claim Amounts	Approved Claims Plus Prior Years Unpaid Claim Balances	Total Unpaid Claims Within Ceilings	FY 99 Payments	Unpaid Claim Balances After Payments	Maximum Reimbursement Ceilings After Payments	Unpaid Claim Balances In Excess of Ceilings After Payments
Uranium								
American Nuclear Corp. Site	16,220,990.53						15,908,983.67	
<i>American Nuclear Corporation</i>		14,167.87	135,229.74	135,229.74	45,670.66	89,559.08		0.00
<i>State of Wyoming</i>		550,703.59	788,615.25	788,615.25	266,336.20	522,279.05		0.00
Atlantic Richfield Company	39,182,176.85	327,336.41	4,232,948.56	4,232,948.56	1,429,578.56	2,803,370.00	37,752,598.29	0.00
Atlas Corporation	41,090,577.43	504,120.21	1,635,140.62	1,635,140.62	552,230.18	1,082,910.44	40,538,347.25	0.00
Cotter Corporation	641,487.52	62,428.60	1,365,831.95	641,487.52	216,647.28	1,149,184.67	424,840.24	724,344.43
Dawn Mining Company	7,494,456.41	428,336.53	1,106,205.28	1,106,205.28	373,594.75	732,610.53	7,120,861.66	0.00
Homestake Mining Company	62,404,523.28	1,558,362.93	6,294,591.65	6,294,591.65	2,125,849.89	4,168,741.76	60,278,673.39	0.00
Pathfinder Mines Corporation	18,522,429.70	508,712.05	1,124,232.70	1,124,232.70	379,683.08	744,549.62	18,142,746.62	0.00
Petrotomics Company	4,147,317.10	321,603.42	553,293.29	553,293.29	186,861.76	366,431.53	3,960,455.34	0.00
Quivira Mining Company	68,157,806.89	1,096,539.35	2,887,676.56	2,887,676.56	975,244.66	1,912,431.90	67,182,562.23	0.00
Tennessee Valley Authority	3,113,586.84	0.00	15,678,102.24	3,113,586.84	1,051,540.53	14,626,561.71	2,062,046.31	12,564,515.40
Umetco Minerals Corporation-CO	10,923,420.74	2,719,375.49	9,008,922.93	9,008,922.93	3,042,551.28	5,966,371.65	7,880,869.46	0.00
Umetco Minerals Corporation-WY	8,282,528.02	1,731,495.48	3,254,852.06	3,254,852.06	1,099,249.53	2,155,602.53	7,183,278.49	0.00
Western Nuclear, Incorporated	10,240,142.80	4,235,879.20	8,104,871.54	8,104,871.54	2,737,229.23	5,367,642.31	7,502,913.57	0.00
Total Uranium		\$14,059,061.13	\$56,170,514.37	\$42,881,654.54	\$14,482,267.59	\$41,688,246.78		\$13,288,859.83
Thorium								
Kerr-McGee Chemical LLC	90,039,106.53	21,184,990.62	45,651,543.92	45,651,543.92	15,417,732.41	30,233,811.51	74,621,374.12	0.00
Total Thorium	\$90,039,106.53	\$21,184,990.62	\$45,651,543.92	\$45,651,543.92	\$15,417,732.41	\$30,233,811.51	\$74,621,374.12	\$0.00
Total Uranium and Thorium		\$35,244,051.75	\$101,822,058.29	\$88,533,198.46	\$29,900,000.00	\$71,922,058.29		\$13,288,859.83

*Ceilings adjusted for Public Law 105-388 increases and the resultant shift for uranium licensees from preliminary to statutory per dry short ton limit.

Exhibit D-6. FY 1998 Individual Approved Claim Amounts and Payments

Licensee	FY 98 Maximum Reimbursement Ceilings	Prior Year Unpaid Claim Balances: Basis for FY 98 Payments	*Total FY 98 Payments	Unpaid Claim Balances After Payments	Maximum Reimbursement Ceilings After Payments	Unpaid Claim Balances in Excess of Ceilings After Payments
Uranium						
American Nuclear Corp. Site	14,484,304.39				14,141,318.83	
<i>American Nuclear Corporation</i>		236,731.88	115,670.01	121,061.87		0.00
<i>State of Wyoming</i>		465,227.21	227,315.55	237,911.66		0.00
Atlantic Richfield Company	34,975,881.65	7,637,275.99	3,731,663.84	3,905,612.15	31,244,217.81	0.00
Atlas Corporation	36,598,229.43	2,211,667.39	1,080,646.98	1,131,020.41	35,517,582.45	0.00
Cotter Corporation	724,355.91	1,657,332.25	353,928.90	1,303,403.35	370,427.01	932,976.34
Dawn Mining Company	7,054,009.00	1,325,546.55	647,677.80	677,868.75	6,406,331.20	0.00
Homestake Mining Company	56,493,741.94	9,261,515.07	4,525,286.35	4,736,228.72	51,968,455.59	0.00
Pathfinder Mines Corporation	16,464,420.37	1,203,627.21	588,106.56	615,520.65	15,876,313.81	0.00
Petrochemicals Company	3,702,757.49	453,060.73	221,370.86	231,689.87	3,481,386.63	0.00
Quivira Mining Company	60,497,343.97	3,502,500.67	1,711,363.46	1,791,137.21	58,785,980.51	0.00
Tennessee Valley Authority	3,360,149.19	17,319,911.08	1,641,808.84	15,678,102.24	1,718,340.35	13,959,761.89
Umetco Minerals Corporation-CO	11,788,437.26	12,049,518.01	5,759,970.57	6,289,547.44	6,028,466.69	261,080.75
Umetco Minerals Corporation-WY	7,865,396.22	2,978,865.83	1,455,509.25	1,523,356.58	6,409,886.97	0.00
Western Nuclear, Incorporated	10,771,635.30	7,565,667.33	3,696,674.99	3,868,992.34	7,074,960.31	0.00
Total Uranium	\$264,780,662.12	\$67,868,447.20	\$25,756,993.96	\$42,111,453.24	\$239,023,668.16	\$15,153,818.98
Thorium						
Kerr-McGee Chemical LLC	28,945,276.25	38,609,559.34	14,143,006.04	24,466,553.30	14,802,270.21	9,664,283.09
Total Thorium	\$28,945,276.25	\$38,609,559.34	\$14,143,006.04	\$24,466,553.30	\$14,802,270.21	\$9,664,283.09
Total Uranium and Thorium	\$293,725,938.37	\$106,478,006.54	\$39,900,000.00	\$66,578,006.54	\$253,825,938.37	\$24,818,102.07

* In FY 1998, DOE initiated a new Title X review and payment schedule. In FY 1998 the payments were made in two installments because the Administration had proposed that \$5 million of the \$40 million authorized for Title X be reallocated by Congress to other needs. Soon after the first payment was made, the \$5 million was released and was reimbursed to the licensees. Both FY 1998 payments were based on the prior year approved unpaid balances, and the FY 1998 approved claims were carried forward to FY 1999. This column includes the total of the two FY 1998 payments. Since the FY 1998 claims were not considered for reimbursement in FY 1998, they are not shown here. Both payments were based on the prior year unpaid balance or the maximum reimbursement ceiling, whichever was less for each licensee. In FY 1998 four licensees had a prior year unpaid claim that exceeded their maximum reimbursement ceiling, as shown in the column on the right side of the table.

Exhibit D-7. FY 1997 Individual Approved Claim Amounts and Payments

Licensee	FY 97 Maximum Reimbursement Ceilings Including P.L. 104-259 Increase	*Final Approved Claim Amounts	Final Approved Claims Plus Prior Years Unpaid Claim Balances	FY 97 Payments	Unpaid Claim Balances After Payments	Maximum Reimbursement Ceilings After Payments	Unpaid Claim Balances in Excess of Ceilings After Payments
Uranium							
American Nuclear Corp. Site	14,452,728.01					14,158,655.32	
<i>American Nuclear Corporation</i>		32,474.25	335,360.02	98,628.14	236,731.88		0.00
<i>State of Wyoming</i>		472,285.92	660,671.76	195,444.55	465,227.21		0.00
Atlantic Richfield Company	37,397,984.83	375,410.14	10,845,738.19	3,208,462.20	7,637,275.99	34,189,522.63	0.00
Atlas Corporation	36,706,044.60	885,909.74	3,142,316.65	930,649.26	2,211,667.39	35,775,395.34	0.00
Cotter Corporation	1,005,534.57	147,434.04	1,954,796.53	297,464.28	1,657,332.25	708,070.29	949,261.96
Dawn Mining Company	7,452,283.96	1,718,838.11	1,882,416.04	556,869.49	1,325,546.55	6,895,414.47	0.00
Homestake Mining Company	59,114,413.25	1,863,271.97	13,152,329.16	3,890,814.09	9,261,515.07	55,223,599.16	0.00
Pathfinder Mines Corporation	16,594,172.27	490,228.97	1,703,546.92	499,919.71	1,203,627.21	16,094,252.56	0.00
Petrotomics Company	3,809,842.13	148,016.88	643,394.07	190,333.34	453,060.73	3,619,508.79	0.00
Quivira Mining Company	60,608,608.55	989,749.50	4,973,920.59	1,471,419.92	3,502,500.67	59,137,188.63	0.00
Tennessee Valley Authority	4,664,483.47	14,680,444.98	18,699,791.24	1,379,880.16	17,319,911.08	3,284,603.31	14,035,307.77
Umetco Minerals Corporation-CO	16,364,443.25	2,079,653.08	16,890,562.18	4,841,044.17	12,049,518.01	11,523,399.08	526,118.93
Umetco Minerals Corporation-WY	8,939,997.48	1,914,146.35	4,230,303.96	1,251,438.13	2,978,865.83	7,688,559.35	0.00
Western Nuclear, Incorporated	13,775,412.09	5,292,366.25	10,811,621.65	3,245,954.32	7,565,667.33	10,529,457.77	0.00
Total Uranium	\$280,885,948.46	\$31,090,230.18	\$89,926,768.96	\$22,058,321.76	\$67,868,447.20	\$258,827,626.70	\$15,510,688.66
Thorium							
Kerr-McGee Chemical LLC	40,181,180.93	16,848,743.92	50,496,237.58	11,886,678.24	38,609,559.34	28,294,502.69	10,315,056.65
Total Thorium	\$40,181,180.93	\$16,848,743.92	\$50,496,237.58	\$11,886,678.24	\$38,609,559.34	\$28,294,502.69	\$10,315,056.65
Total Uranium and Thorium	\$321,067,129.39	\$47,938,974.10	\$140,423,006.54	\$33,945,000.00	\$106,478,006.54	\$287,122,129.39	\$25,825,745.31

* The total final approved claim amounts are shown in this column. In FY 1997 licensees' prorata reimbursements were based on the total of their FY 1997 approved claims and their unpaid claim balance from FY 1996. However, if a licensee's total was greater than its maximum reimbursement ceiling, its prorata reimbursement was determined on the basis of its maximum reimbursement ceiling. In FY 1997 four licensees had approved claims and prior year unpaid claims that exceeded their maximum reimbursement ceiling, as shown in the column on the right side of the table.

Exhibit D-8. FY 1996 Individual Approved Claim Amounts and Payments

Licensee	FY 96 Maximum Reimbursement Ceilings	Final Approved Claim Amounts ¹	Final Approved Claims Plus Prior Years Unpaid Claim Balances	Total FY 96 Payments ²	Unpaid Claim Balances After Payments	Maximum Reimbursement Ceilings After Payments	Unpaid Claim Balances in Excess of Ceilings After Payments
Uranium							
American Nuclear Corp. Site	11,202,438.55					11,005,835.27	
<i>American Nuclear Corporation</i>		46,696.94	499,489.05	196,603.28	302,885.77		0.00
<i>State of Wyoming</i>		188,385.84	188,385.84	0.00	188,385.84		0.00
Atlantic Richfield Company	30,961,408.61	2,993,461.69	17,266,622.66	6,796,294.61	10,470,328.05	24,165,114.00	0.00
Atlas Corporation	28,933,051.61	1,617,778.98	3,723,383.16	1,466,976.25	2,256,406.91	27,466,075.36	0.00
Cotter Corporation	896,090.11	59,396.26	2,160,071.44	352,708.95	1,807,362.49	543,381.16	1,263,981.33
Dawn Mining Company	5,732,243.45	0.00	269,756.43	106,178.50	163,577.93	5,626,064.95	0.00
Homestake Mining Company	49,039,623.52	7,263,070.29	18,616,789.25	7,327,732.06	11,289,057.19	41,711,891.46	0.00
Pathfinder Mines Corporation	12,992,998.81	570,773.22	2,000,883.18	787,565.23	1,213,317.95	12,205,433.58	0.00
Petrochemicals Company	3,024,146.51	89,005.69	816,926.75	321,549.56	495,377.19	2,702,596.95	0.00
Quivira Mining Company	47,664,297.38	1,606,888.24	6,570,298.13	2,586,127.04	3,984,171.09	45,078,170.34	0.00
Tennessee Valley Authority	3,785,651.61	0.00	5,509,412.05	1,490,065.79	4,019,346.26	2,295,585.82	1,723,760.44
Umetco Minerals Corporation-CO	13,281,230.65	3,310,417.42	20,038,518.35	5,227,609.25	14,810,909.10	8,053,621.40	6,757,287.70
Umetco Minerals Corporation-WY	7,293,132.24	644,344.48	3,819,576.54	1,503,418.93	2,316,157.61	5,789,713.31	0.00
Western Nuclear, Incorporated	12,511,490.00	3,900,548.52	9,639,327.58	4,120,072.18	5,519,255.40	8,391,417.82	0.00
Total Uranium	\$227,317,803.05	\$22,290,767.57	\$91,119,440.41	\$32,282,901.63	\$58,836,538.78	\$195,034,901.42	\$9,745,029.47
Thorium							
Kerr-McGee Chemical LLC	24,306,108.98	14,371,904.58	43,214,592.03	9,567,098.37	33,647,493.66	14,739,010.61	18,908,483.05
Total Thorium	\$24,306,108.98	\$14,371,904.58	\$43,214,592.03	\$9,567,098.37	\$33,647,493.66	\$14,739,010.61	\$18,908,483.05
Total Uranium and Thorium	\$251,623,912.03	\$36,662,672.15	\$134,334,032.44	\$41,850,000.00	\$92,484,032.44	\$209,773,912.03	\$28,653,512.52

¹ The total final approved claim amounts are shown in this column. In FY 1996 the payments were made in two installments. The first payments totaled about 80% of the authorized funding and were based on the prior year unpaid balance or the maximum reimbursement ceiling, whichever was less for each licensee. The remaining 20% of authorized funding was disbursed on the basis of the final review of FY 1996 claims. In FY 1996 four licensees had approved claims and prior year unpaid claims that exceeded their maximum reimbursement ceiling, as shown in the column on the right side of the table.

² This column includes the total of the two FY 1996 payments. It includes \$262,634.79 that was directly allocated to a licensee because of an underpayment in FY 1995.

Exhibit D-9. FY 1995 Individual Approved Claim Amounts and Payments

Licensee	FY 95 Maximum Reimbursement Ceilings	*Final Approved Claim Amounts	Final Approved Claims Plus FY 94 Unpaid Claim Balances	FY 95 Payments	Unpaid Claim Balances After Payments	Maximum Reimbursement Ceilings After Payments	Unpaid Claim Balances In Excess of Ceilings After Payments
Uranium							
American Nuclear Corp. Site	11,127,021.06					10,897,313.76	
<i>American Nuclear Corporation</i>		682,499.41	682,499.41	229,707.30	452,792.11		0.00
<i>State of Wyoming</i>							
Atlantic Richfield Company	37,047,580.00	6,314,712.30	21,202,639.21	6,929,478.24	14,273,160.97	30,118,101.76	0.00
Atlas Corporation	29,176,992.62	1,453,586.24	3,137,604.96	1,032,000.78	2,105,604.18	28,144,991.84	0.00
Cotter Corporation	1,294,876.44	1,947,024.00	2,523,868.63	423,193.45	2,100,675.18	871,682.99	1,228,992.19
Dawn Mining Company	5,707,076.38	0.00	400,720.50	130,964.07	269,756.43	5,576,112.31	0.00
Homestake Mining Company	53,216,032.00	7,271,875.95	16,865,837.03	5,512,118.07	11,353,718.96	47,703,913.93	0.00
Pathfinder Mines Corporation	13,333,408.11	127,606.10	2,124,414.17	694,304.21	1,430,109.96	12,639,103.90	0.00
Petrochemicals Company	3,305,199.95	397,135.75	1,091,344.25	363,423.19	727,921.06	2,941,776.76	0.00
Quivira Mining Company	49,206,833.96	5,389,575.96	7,804,195.82	2,840,785.93	4,963,409.89	46,366,048.03	0.00
Tennessee Valley Authority	5,470,377.40	0.00	7,297,248.97	1,787,836.92	5,509,412.05	3,682,540.48	1,826,871.57
Umetco Minerals Corporation-CO	19,191,767.07	2,750,592.56	23,000,382.93	6,272,282.00	16,728,100.93	12,919,485.07	3,808,615.86
Umetco Minerals Corporation-WY	8,636,030.31	578,983.98	4,716,775.76	1,541,543.70	3,175,232.06	7,094,486.61	0.00
Western Nuclear, Incorporated	14,626,108.15	1,523,006.03	8,194,177.09	2,455,398.03	5,738,779.06	12,170,710.12	0.00
Total Uranium	\$251,339,303.45	\$28,436,598.28	\$99,041,708.73	\$30,213,035.89	\$68,828,672.84	\$221,126,267.56	\$6,864,479.62
Thorium							
Kerr-McGee Chemical LLC	35,123,038.98	26,351,788.42	40,321,651.55	11,478,964.10	28,842,687.45	23,644,074.88	5,198,612.57
Total Thorium	\$35,123,038.98	\$26,351,788.42	\$40,321,651.55	\$11,478,964.10	\$28,842,687.45	\$23,644,074.88	\$5,198,612.57
Total Uranium and Thorium	\$286,462,342.43	\$54,788,386.70	\$139,363,360.28	\$41,691,999.99	\$97,671,360.29	\$244,770,342.44	\$12,063,092.19

* The total final approved claim amounts are shown in this column. In FY 1995 licensees' prorata reimbursements were based on their FY 1995 preliminary approved claims and their unpaid claim balance from FY 1994. However, if a licensee's total was greater than its Maximum Reimbursement Ceiling, the prorata reimbursement was determined on the basis of the maximum reimbursement ceiling. In FY 1995 four licensees had approved claims that exceeded their maximum ceiling, as shown in the column on the right side of the table. In the February 1996 report, the preliminary approved claim amounts were presented in this column.

Exhibit D-10. FY 1994 Individual Approved Claim Amounts and Payments

Licensee	FY 94 Maximum Reimbursement Ceilings	*Approved Claim Amounts	FY 94 Payments	Unpaid Claim Balances After Payments	Maximum Reimbursement Ceilings After Payments	Unpaid Claim Balances in Excess of Ceilings After Payments
Uranium						
American Nuclear Corp. Site	10,834,489.84				10,834,489.84	
<i>American Nuclear Corporation</i>		0.00	0.00	0.00	0.00	0.00
<i>State of Wyoming</i>						
Atlantic Richfield Company	43,480,647.90	22,294,981.82	7,407,054.91	14,887,926.91	36,073,592.99	0.00
Atlas Corporation	29,256,074.73	2,530,168.80	846,150.08	1,684,018.72	28,409,924.65	0.00
Cotter Corporation	1,549,892.96	865,903.67	289,059.04	576,844.63	1,260,833.92	0.00
Dawn Mining Company	5,761,665.58	605,349.68	204,629.18	400,720.50	5,557,036.40	0.00
Homestake Mining Company	56,145,487.52	13,922,474.89	4,328,513.81	9,593,961.08	51,816,973.71	0.00
Pathfinder Mines Corporation	13,983,478.71	2,997,416.18	1,000,608.11	1,996,808.07	12,982,870.60	0.00
Petrotomics Company	3,567,213.96	1,043,116.76	348,908.26	694,208.50	3,218,305.70	0.00
Quivira Mining Company	49,286,596.13	3,788,037.84	1,373,417.98	2,414,619.86	47,913,178.15	0.00
Tennessee Valley Authority	7,995,479.56	9,966,168.26	2,668,919.29	7,297,248.97	5,326,560.27	1,970,688.70
Umetco Minerals Corporation-CO	28,050,602.43	29,613,180.46	9,363,390.09	20,249,790.37	18,687,212.34	1,562,578.03
Umetco Minerals Corporation-WY	10,347,380.62	6,076,184.76	1,938,392.98	4,137,791.78	8,408,987.64	0.00
Western Nuclear, Incorporated	17,840,990.08	10,270,575.79	3,599,404.73	6,671,171.06	14,241,585.35	0.00
Total Uranium	\$278,100,000.02	\$103,973,558.91	\$33,368,448.46	\$70,605,110.45	\$244,731,551.56	\$3,533,266.73
Thorium						
Kerr-McGee Chemical LLC	41,200,000.00	20,970,214.66	7,000,351.53	13,969,863.13	34,199,648.47	0.00
Total Thorium	\$41,200,000.00	\$20,970,214.66	\$7,000,351.53	\$13,969,863.13	\$34,199,648.47	\$0.00
Total Uranium and Thorium	\$319,300,000.02	\$124,943,773.57	\$40,368,799.99	\$84,574,973.58	\$278,931,200.03	\$3,533,266.73

* The total final approved claim amounts are shown in this column. Licensees' prorata reimbursements were determined on the basis of their final approved claim amount or their maximum reimbursement ceiling, whichever is less. In FY 1994, two licensees had approved claims that exceeded their maximum ceiling, as shown in the column on the right of the table.

APPENDIX E.

TITLE X SITE REMEDIAL ACTION STATUS

FY 2003 Title X Site Remedial Action Status

SITE	LICENSE STATUS	*ESTIMATED COMPLETION DATE	REFERENCE
TITLE X LIABILITY COMPLETED			
Atlantic Richfield Co. Bluewater Mill Site Grants, NM	Licensee completed reclamation of the site in 1995, and the disposal cells were transferred to DOE in 1997 for long-term stewardship	Completed 9/97	U.S. Nuclear Regulatory Commission, "2002 Annual Update - Status of Decommissioning Program," SECY-02-0169, September 18, 2002. http://www.doegjpo.com/
Atlas Corp. Moab Mill Site Moab, UT	Licensee bankrupt. Trustee did some work. The site transferred to DOE on 10/25/01 for decommissioning & reclamation pursuant to P.L. 106-398.	DOE has no further Title X liability.	http://www.doegjpo.com/
CLEANUP COMPLETED BUT STILL ELIGIBLE FOR TITLE X REIMBURSEMENT			
Tennessee Valley Authority Edgemont Mill Site Edgemont, SD	Licensee completed remediation in 1989 and the disposal cell was transferred to DOE in 1996 for long-term stewardship.	Completed 6/96	Same as above
CLEANUP ONGOING/INCURRING COSTS ELIGIBLE FOR TITLE X REIMBURSEMENT			
American Nuclear Corp. Gas Hills Mill Site Gas Hills Uranium Mining District, WY	Licensee did not have assets to complete cleanup. State completing cleanup under NRC Confirmatory Order.	2005	U.S. Nuclear Regulatory Commission, "2002 Annual Update - Status of Decommissioning Program," SECY-02-0169, September 18, 2002
Cotter Corp. Canon City Mill Site Canon City, CO	Cleanup and monitoring under the Remedial Action Plan continuing with State and U.S. Environmental Protection Agency oversight. The site license allows for continued milling operations.	2011	http://www.cdphe.state.co.us/hm/cotter/cotterhom.htm
Dawn Mining Co. Ford Mill Site Ford, WA	Under the amended closure plan with the State, Dawn Mining is expected to close the mill site in 2013, six years earlier than the original closure date. Dawn has started demolishing the mill buildings, and contaminated soils at the site will be cleaned up.	2013	http://www.doh.wa.gov/Publicat/2001_News/01-27.html

SITE	LICENSE STATUS	*ESTIMATED COMPLETION DATE	REFERENCE
Homestake Mining Co. Grants Mill Site Grants, NM	Homestake continues to operate the ground water extraction/injection system to dewater the large tailings impoundment and clean up ground water contaminated by tailings seepage. It is estimated that de-watering of the large tailings impoundment will be completed in 2004. A final radon barrier will be installed once de-watering is completed.	2013	http://www.epa.gov/earth1r6/6sf/pdf/files/homestak.pdf
Kerr-McGee Chemical LLC West Chicago Mill Site West Chicago, IL	The bulk of excavation work has been completed, except for the cleanup of Kress Creek (a Superfund site), for which the U.S. Environmental Protection Agency and Kerr McGee have reached an agreement on the cleanup of thorium contamination. Groundwater remediation work may continue for several additional years beyond 2003.	2007	Licensee correspondence
Pathfinder Mines Corp. Lucky Mc Mill Site Riverton, WY	Tailings stabilization work ongoing. Pathfinder submitted a request to NRC on 12/05/02 requesting a licensee amendment to change the completion date for radon barrier placement to December 31, 2004, and to change the target completion date for the erosion protection placement to December 31, 2004, both of which represent a delay of two years. NRC approved application of Alternate Concentration Limits (ACL) for ground water in 2002, and the post-ACL approval ground water monitoring program was initiated in 3/03.	2005	http://www.nrc.gov/materials/fuel-cycle-fac/presentations/hardgrove.pdf Federal Register: March 4, 2003 (68 FR 10275)
Petrotomics Co. Shirley Basin Mill Site Shirley Basin, WY	Final status survey approved 5/01. ACL application approved by NRC. Site is in administrative closeout phase.	2003-2004	U.S. Nuclear Regulatory Commission, "2002 Annual Update - Status of Decommissioning Program," SECY-02-0169, September 18, 2002 http://www.nrc.gov/materials/fuel-cycle-fac/presentations/acl.pdf
Rio Algom Mining LLC Ambrosia Lake Mill Site Grants, NM	Stand-by. Decommissioning plan submitted 10/00. NRC awaiting plan revisions. ACL application is also under NRC review.	2007	Same as above

SITE	LICENSE STATUS	*ESTIMATED COMPLETION DATE	REFERENCE
Umetco Minerals Corp. East Gas Hills Mill Site Gas Hills Uranium Mining District, WY	Received regulator approval of ACL for ground water 3/02. Cover of third pile to be completed in 2004.	2005	Same as above
Umetco Minerals Corp. Uravan Mill Site Uravan, CO	Majority of work was finished in 2001. Remaining activities primarily include reclaiming and revegetating the land on the site; and collection and treatment of contaminated groundwater.	2005	http://www.cdphe.state.co.us/hm/rpuravan.asp
Western Nuclear, Inc. Split Rock Mill Site Jeffrey City, WY	Final status survey approved 5/00. On 3/07/03 WNI submitted its "Supplemental Groundwater Modeling Report," to NRC. WNI has proposed to use institutional controls and an alternate water supply on residential properties in lieu of active corrective measures to protect human health and the environment from site-derived ground-water contamination.	2004	U.S. Nuclear Regulatory Commission, "2002 Annual Update - Status of Decommissioning Program," SECY-02-0169, September 18, 2002 http://www.nrc.gov/materials/fuel-cycle-fac/presentations/acl.pdf NRC: SECY-03-0051 - Weekly Information Report - Week Ending March 28, 2003

*Estimated completion dates are subject to change.