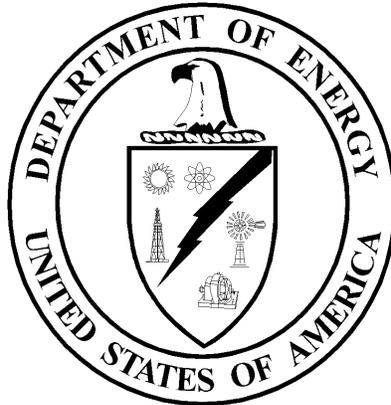


United States Department of Energy



FISCAL YEAR 2009 & 2010 STATUS REPORT

REIMBURSEMENTS TO LICENSEES OF ACTIVE URANIUM AND THORIUM PROCESSING SITES

TITLE X OF THE ENERGY POLICY ACT OF 1992

MARCH 2010



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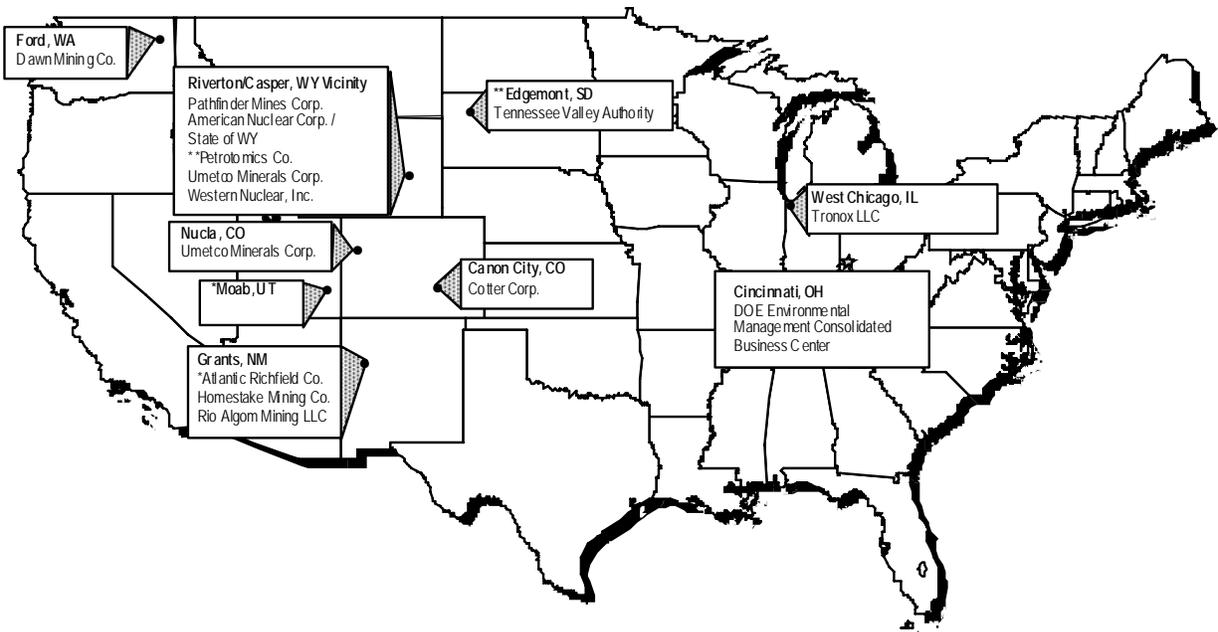
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1. PREFACE

This report summarizes U.S. Department of Energy (DOE) activities for fiscal year (FY) 2009 and for the first half of FY 2010 on reimbursements to licensees of active uranium and thorium processing sites under Title X of the Energy Policy Act of 1992 (Title X). This annual report includes the activities from the first half of FY 2010 because the payment schedule was accelerated about three months due to the availability of funding from the American Recovery and Reinvestment Act of 2009 to reimburse all eligible claim amounts. **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**. 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). The revised 10 CFR Part 765 is included as **Appendix C**.

Exhibit 1.

Eligible Licensees and Site Locations



*There is no further Title X liability at the Moab mill site, formerly owned by Atlas Corp.; the Atlantic Richfield Company (ARCO)-Bluewater mill site; and the Petrotonics Shirley Basin 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 Petrotonics site was completed and transferred to DOE for long-term stewardship in 2005, and the final reimbursement was paid to Petrotonics in 2009.

**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, a portion of its costs that exceed the per dry short ton limit under Title X becomes eligible for reimbursement each year there is an inflation adjustment to that limit.

2. FY 2009 & FY 2010 MAJOR ACTIVITIES

DOE conducted the following activities in FY 2009:

- Completed the final review of claims received in FY 2008 and the preliminary review of claims received in FY 2009.
- Accepted claim submissions totaling \$35.0 million before review and application of the Federal reimbursement ratios.
- Made reimbursements totaling \$31.871 million on prior-years unpaid approved claim balances and on approved claim amounts received in FY 2008.
- Adjusted the reimbursement ceilings for inflation and amounts paid.

DOE conducted the following activities in the first half of FY 2010:

- Completed the final review of claims received in FY 2009.
- Made reimbursements totaling \$13.754 million on approved claim amounts received in FY 2009.
- Adjusted the reimbursement ceilings for 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 2010.

2.1 Review Results for Claims Received in FY 2008

From May 2008 through February 2009, DOE and the Defense Contract Audit Agency (DCAA) reviewed claims submitted by six uranium licensees (seven sites) and the thorium licensee in FY 2008. Licensees' claims totaled \$53.2 million before review and application of the Federal reimbursement ratios. Of this amount, DOE approved \$49.8 million and disallowed \$3.4 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 \$23.1 million (includes amounts that exceeded the per dry short ton limit on reimbursement to uranium licensees), as shown in **Appendix D, Exhibit D-16**.

2.2 Claims Received in FY 2009

DOE issued a Federal Register Notice on December 23, 2008, (73 FR 78769) establishing May 1, 2009, as the closing date for the acceptance of claims in FY 2009. Six uranium licensees (seven sites) and the thorium licensee submitted claims totaling \$35.0 million before application of the Federal reimbursement ratios, with the uranium licensee claims totaling \$21.7 million (includes amounts in excess of the per dry short ton limit on reimbursement) and the thorium licensee claim totaling \$13.3 million.

From May 2009 through January 2010, DOE and the Defense Contract Audit Agency (DCAA) reviewed these claims. Of the amounts above, DOE approved \$34.2 million and disallowed \$0.855 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

\$14.97 million (includes amounts that exceeded the per dry short ton limit on reimbursement to uranium licensees), as shown in **Appendix D, Exhibit D-17**.

2.3 FY 2009 Payments

Congress appropriated a total of \$80 million in FY 2009 for the Title X program: \$10 million was provided in the FY 2009 appropriation for DOE and \$70 million was provided by the American Recovery and Reinvestment Act of 2009 (ARRA). From the ARRA funds \$400,000 was reserved for DCAA audit support to Title X, and \$350,000 was reserved DOE administrative oversight of ARRA-related activities.

The Oak Ridge Operations Office issued the FY 2009 reimbursements to the uranium licensees totaling \$14,181,497.14 on April 29, 2009. Because of bankruptcy proceedings involving the thorium licensee, the thorium reimbursement was deferred at the request of the United States Department of Justice (DOJ). The thorium reimbursement of \$17,689,057.46 was transferred to the DOJ on September 3, 2009, and placed into escrow as a potential offset against the thorium licensee's liabilities to the federal government.

2.4 FY 2010 Payments

Because Title X funding was provided by the American Recovery and Reinvestment Act of 2009, the review and reimbursement of claims received in FY 2009 was accelerated by approximately three months. The Oak Ridge Operations Office issued the FY 2010 reimbursements totaling \$13,753,789.12 on January 22, 2010. This included the thorium licensee reimbursement which was transferred to the Department of Justice, as was done in FY 2009.

Appendix D, Exhibit D-16 shows the FY 2009 payments and other reimbursement information for each licensee. **Appendix D, Exhibit D-17** shows the FY 2010 payments and other reimbursement information for each licensee. **Exhibit 2** summarizes the application of the FY 2009 appropriations through March of 2010.

Exhibit 2. Application of FY 2009 Appropriations through March 2010

	Expenditures	Appropriations
FY 2009 Appropriation		\$10,000,000
American Recovery & Reinvestment Act		\$70,000,000*
DCAA Audit Reserve	(\$400,000)	
ARRA Administration	(\$350,000)	
FY 2009 Reimbursements	(\$31,870,555)	
FY 2010 Reimbursements	(\$13,753,789)	
TOTALS	<hr/> (\$46,374,344)	\$80,000,000
Balance Following FY 2010 Reimbursements		\$33,625,656

*A total of \$70,000,000 was appropriated. Of that amount \$68,950,000 was apportioned in FY-2009 for Title X reimbursements, \$350,000 was apportioned in FY-2009 for Program Direction/Technical Support, and the remaining balance of \$700,000 was released for Title X use in February of 2010.

2.5 Claims Receipt in FY 2010

In FY 2010, DOE will accept two claims from each eligible licensee. Following the payments in January 2010, approximately \$23.6 million of the American Recovery and Reinvestment Act funds provided for Title X were unexpended. Recovery Act funds must be obligated or spent by the end of FY 2010. In order to avoid the loss of those funds, remaining funds will be obligated against the total amount of claims submitted during FY 2010.

DOE issued a Federal Register Notice on December 28, 2009, (74 FR 68598) establishing April 30, 2010, as the closing date for acceptance of the first claim, and August 24, 2010, as the closing date for acceptance of the second claim. The first claim to be submitted will be the final FY 2010 claim for new costs incurred through 2009. Payment of those claims will be no later than the end of April 2011. The second claim will be a partial FY 2011 claim for any additional costs incurred prior to the submission date for that claim. The closing date for submission of final FY 2011 claims will be on or about April 29, 2011. The partial and final FY 2011 claims will be audited together and payment will be no later than the end of April 2012.

2.6 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 change in the average monthly Consumer Price Index for All Urban Consumers (CPI-U) for 2008 was 3.8 percent. 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 2009 were:

- Individual Uranium Per Dry Short Ton Limit = \$9.48
- Remaining Uranium Reimbursement Ceiling = \$167,609,710.31
- Remaining Thorium Reimbursement Ceiling = \$60,897,545.04

The change in the average monthly CPI-U for 2009 was -0.3 percent. This was the first time since the enactment of Title X this figure was less than one. Section 1001(b)(2)(D) of Title X directs that the above amounts be increased annually based upon inflation. Since the inflation index used by the Department was less than one for 2009, there was no basis to increase those amounts.

Therefore, the Individual Uranium Dry Short Ton Limit was not increased in 2010; and the Remaining Uranium and Thorium Reimbursement Ceilings were not increased based upon the CPI-U change and were reduced based upon the reimbursements made on January 22, 2010. As of March 2010, these amounts were:

- Individual Uranium Per Dry Short Ton Limit = \$9.48
- Remaining Uranium Reimbursement Ceiling = \$161,191,483.03
- Remaining Thorium Reimbursement Ceiling = \$53,561,983.20

The total approved reclamation costs at four Title X sites exceed the Uranium Dry Short Ton Limit. In FY 2009, all approved costs at those four sites were reimbursed up to that Limit. Since the Uranium Dry Short Ton Limit was not increased in FY 2010, those four sites were not eligible for reimbursements in FY 2010.

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

2.7 Plans for Subsequent Remedial Action

Section 1001(b) (1) (B)(ii) of Title X directs that reimbursement of any remedial action costs incurred after December 31, 2007, must be in accordance with a plan for subsequent decontamination, decommissioning, reclamation and other remedial action (Plan) approved by DOE (see **Appendix B**). Implementation of this requirement is described in the Title X regulation (see **Appendix C; 10 CFR Part 765.30 and 765.31**). The regulation provides the basic procedures for licensees to prepare and submit these Plans and for DOE to approve them. Supplemental guidance was provided to assist the licensees in understanding this requirement and to prepare these Plans in a consistent manner to assist DOE in the review and approval of the Plans.

By the end of December 2006, the Department had received a Plan from each of the 10 licensees eligible to submit a Plan. Those Plans were reviewed by DOE during 2007. Comments were provided to several of the licensees to obtain clarification or additional information, and those licensees provided the additional information required by 10 CFR 765.30. During June through August of 2007, DOE provided written approval to each of the 10 licensees that submitted a Plan.

Approval of each Plan established a maximum dollar amount that each licensee would be eligible to claim for costs incurred after calendar year 2007. **Exhibit 4** summarizes the approved cost estimates in those Plans, the remaining amounts that could be claimed, and the remaining Title X liability for each licensee following the payments made in January 2010.

- The 1st column in **Exhibit 4** shows, for each licensee submitting a Plan, the federal share of the maximum reimbursements for remedial action costs at each site per 10 CFR 765.30. Each amount includes all approved amounts through the claims approved in early 2008, and each licensee's estimated cost of remedial action in 2008 through the completion of cleanup and closure of their site.
- The 2nd column shows for each licensee the maximum amount for which they are eligible to submit claims in the future. **Appendix E** provides a table showing this value for FY 2007 through FY 2010, and how it was calculated each year. In general, it is calculated each year by subtracting from the previous year's value the final approved claim amount for that year and adjusting the remaining amount based on the change in the average CPI-U for that year.
- The 3rd column shows for each licensee the total remaining Title X liability following the January 2010 payments. These amounts are the same as the numbers in the 2nd column, except for licensees with total costs in excess of the Uranium Dry Short Ton Limit, these amounts also include previously approved amounts but in excess of the limit. The amount for the thorium licensee is the remaining thorium reimbursement authority as discussed in Section 2.6.

The amounts in the 2nd column will be adjusted after the claims submitted in early 2010 are approved, by subtracting the amounts approved for work performed in 2009. The resulting amount will be the maximum amount that each licensee will be eligible to be reimbursed for work performed in 2010 and beyond. Each year that amount will be reduced by the approved claim amount for that claim year, and the remaining amount will be adjusted for inflation using the change in the Consumer Price Index for Urban Consumers. That process will be continued annually until the remedial action is completed and the licensee has submitted their last claim, or the approved amount is reduced to zero.

Exhibit 3. Total Annual Reimbursements and Adjustments of Reimbursement Ceilings

	CPI-U Change	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	\$251,339,303.43	\$35,123,038.98	\$286,462,342.41	\$5.05	\$5.82
FY 1995 Payments		(\$30,213,035.89)	(\$11,478,964.10)	(\$41,691,999.99)		
Ceiling after FY 1995 Payments		\$221,126,267.54	\$23,644,074.88	\$244,770,342.42		
1996 Inflation Adjustments	1.028	\$227,317,803.03	\$24,306,108.98	\$251,623,912.01	\$5.19	\$5.98
FY 1996 Payments		(\$32,282,901.63)	(\$9,567,098.37)	(\$41,850,000.00)		
Ceiling after FY 1996 Payments		\$195,034,901.40	\$14,739,010.61	\$209,773,912.01		
1997 Inflation Adjustments	1.03	\$200,885,948.44	\$15,181,180.93	\$216,067,129.37	\$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		\$258,827,626.68	\$28,294,502.69	\$287,122,129.37	\$6.10	\$6.91
1998 Inflation Adjustments	1.023	\$264,780,662.09	\$28,945,276.25	\$293,725,938.34	\$6.24	\$7.07
FY 1998 Payments		(\$25,756,993.96)	(\$14,143,006.04)	(\$39,900,000.00)		
Ceiling after FY 1998 Payments		\$239,023,668.13	\$14,802,270.21	\$253,825,938.34		
1999 Inflation Adjustments	1.016	\$242,848,046.82	\$15,039,106.53	\$257,887,153.35		\$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		\$228,365,779.23	\$74,621,374.12	\$302,987,153.35		
2000 Inflation Adjustments	1.022	\$233,389,826.37	\$76,263,044.35	\$309,652,870.72		\$7.34
FY 2000 Payments		(\$26,242,375.50)	(\$45,657,624.50)	(\$71,900,000.00)		
Ceiling after FY 2000 Payments		\$207,147,450.87	\$30,605,419.85	\$237,752,870.72		
1st FY 2001 Payments		(\$9,807,070.94)	(\$20,115,958.04)	(\$29,923,028.98)		
Ceiling after 1st FY 2001 Payments		\$197,340,379.93	\$10,489,461.81	\$207,829,841.74		

Title X: FY 2009 & FY 2010 Status Report

	CPI-U Change	Uranium Licensees	Thorium Licensee	Totals	¹Uranium Preliminary Dry Short Ton Limit	Uranium Statutory Dry Short Ton Limit
2001 Inflation Adjustments 2nd FY 2001 Payments³	1.034	\$204,049,952.85 (\$10,943,159.14)	\$10,846,103.51 (\$10,846,103.51)	\$214,896,056.36 (\$21,789,262.65)		\$7.59
Ceiling after 2nd FY 2001 Payments		\$193,106,793.71	\$0	\$193,106,793.71		
2002 Inflation Adjustments P.L. 107-222 Ceiling Increase FY 2002 Payments	1.028	\$198,513,783.93 \$0 (\$8,337,050.69)	\$0 \$225,000,000.00 (\$9,592,656.31)	\$198,513,783.93 \$225,000,000.00 (\$17,929,707.00)		\$7.80
Ceiling after FY 2002 Payments		\$190,176,733.24	\$215,407,343.69	\$405,584,076.93		
2003 Inflation Adjustments FY 2003 Payments	1.016	\$193,219,560.97 (\$988,812.00)	\$218,853,861.19 (\$14,832,188.00)	\$412,073,422.16 (\$15,821,000.00)		\$7.93
Ceiling after FY 2003 Payments		\$192,230,748.97	\$204,021,673.19	\$396,252,422.16		
2004 Inflation Adjustments FY 2004 Payments	1.023	\$196,652,056.20 (\$6,049,464.11)	\$208,714,171.67 (\$44,449,635.89)	\$405,366,227.87 (\$50,499,100.00)		\$8.11
Ceiling after FY 2004 Payments		\$190,602,592.09	\$164,264,535.78	\$354,867,127.87		
1st FY 2005 Payment		(\$6,755,338.98)	(\$49,265,451.48)	(\$56,020,790.46)		
Ceiling after 1st FY 2005 Payments		\$183,847,253.11	\$114,999,084.30	\$298,846,337.41		
2005 Inflation Adjustments 2nd FY 2005 Payments	1.027	\$188,811,128.94 (\$6,552,547.18)	\$118,104,059.58 (\$16,386,662.36)	\$306,915,188.52 (\$22,939,209.54)		\$8.33
Ceiling after FY 2005 Payments		\$182,258,581.76	\$101,717,397.22	\$283,975,978.98		
2006 Inflation Adjustments FY 2006 Payments	1.034	\$188,455,373.54 (\$7,652,986.96)	\$105,175,788.73 (\$12,047,013.04)	\$293,631,162.27 (\$19,700,000.00)		\$8.61
Ceiling after FY 2006 Payments		\$180,802,386.58	\$93,128,775.69	\$273,931,162.27		
2007 Inflation Adjustments FY 2007 Payments	1.032	\$186,588,062.95 (\$8,127,048.65)	\$96,108,896.51 (\$11,472,951.35)	\$282,696,959.46 (\$19,600,000.00)		\$8.89
Ceiling after FY 2007 Payments		\$178,461,014.30	\$84,635,945.16	\$263,096,959.46		

	CPI-U Change	Uranium Licensees	Thorium Licensee	Totals	Uranium Statutory Dry Short Ton Limit
2008 Inflation Adjustments	1.028	\$183,457,922.70	\$87,005,751.62	\$270,463,674.32	
FY 2008 Payments		(\$8,321,884.70)	(\$11,296,115.30)	(\$19,618,000.00)	\$9.14
Ceiling After FY-08 Payment		\$175,136,038.00	\$75,709,636.32	\$250,845,674.32	
2009 Inflation Adjustments	1.038	\$181,791,207.45	\$78,586,602.50	\$260,377,809.95	
FY 2009 Payments		(\$14,181,497.14)	(17,689,057.46)	(\$31,870,554.60)	\$9.48
Ceiling After FY-09 Payment		\$167,609,710.31	\$60,897,545.04	\$228,507,255.35	
2010 Inflation Adjustments (None)	1.000	\$167,609,710.31	\$60,897,545.04	\$228,507,255.35	\$9.48
FY 2010 Payments		(\$6,418,227.28)	(\$7,335,561.84)	(\$13,753,789.12)	
Ceiling After FY-10 Payment		\$161,191,483.03	\$53,561,983.20	\$214,753,466.23	
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Total Inflation Adjustments through January 2010		\$89,730,915.59	\$29,042,792.97	\$118,773,708.56	
Total Payments through January 2010		\$278,539,432.56	\$340,480,809.77	\$619,020,242.33	
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.

Exhibit 4. Maximum Federal Share of Remedial Action Costs in Approved Plans for Subsequent Remedial Action and Remaining Title X Liability after FY 2010 Payments

Licensee	Federal Share of Total Costs in Approved Plans for Subsequent Remedial Action ¹	Maximum Federal Share of Future Reimbursable Claims after FY 2010 Payments ²	Maximum Federal Share of Remaining Title X Program Liability after FY 2010 Payments ³
Licensees Submitting Plans			
State of Wyoming (ANC Site)	2,820,674.07	755,000.44	755,000.44
Cotter Corporation	6,220,297.23	2,916,521.83	3,339,823.09
Dawn Mining Company	18,056,205.96	9,882,490.06	9,882,490.06
Homestake Mining Company	132,143,076.35	86,070,464.48	86,070,464.48
Pathfinder Mines Corporation	11,037,356.70	327,024.68	327,024.68
Rio Algom Mining Company	47,107,063.51	8,614,706.54	8,614,706.54
Umetco Minerals Corporation-CO	87,924,859.06	14,370,252.70	34,419,670.51
Umetco Minerals Corporation-WY	26,518,489.35	2,640,430.46	6,682,978.66
Western Nuclear, Incorporated	33,430,218.28	1,831,147.49	1,831,147.49
Tronox Incorporated	401,391,628.45	63,504,181.14	⁴ 53,561,983.20
Subtotal	\$ 766,649,868.96	\$190,912,219.82	\$205,485,289.15
Completed Site with Remaining Title X Liability			
Tennessee Valley Authority	N/A	N/A	9,719,624.46
Licensees with No Remaining Federal Liability			
Atlantic Richfield Company	N/A	N/A	
Moab Site Licensees	N/A	N/A	
Petrotomics Company	N/A	N/A	
Total	\$ 766,649,868.96	\$190,912,219.82	\$215,204,913.61

Notes:

1: Federal Share of Total Costs in Approved Plans for Subsequent Remedial Action is the total estimated cost for each site submitting a Plan multiplied by the Federal Reimbursement Ratio for each site. (The amounts are in current dollars, for the years claimed, for work performed prior to 2007; and in constant 2007 dollars for estimated costs in 2007 and beyond.)

2: Maximum Federal Share of Future Claims after FY 2010 Payments is the maximum total amount that each licensee is eligible to claim in future claims. The table in **Appendix E** shows these amounts for Fiscal Years 2007 through 2010 and how it was calculated each year. (The amounts are in constant 2009 dollars.)

3: Maximum Federal Share of Remaining Title X Program Liability is the sum of the column to the left and the approved costs for uranium licensees that exceed the dry short ton ceiling. (The amounts are in constant 2009 dollars, except approved costs in excess of the uranium dry short ton limit are in current dollars for the years claimed.)

4: The Maximum Federal Share of Remaining Title X Program Liability for the thorium licensee is the remaining thorium reimbursement ceiling shown in **Section 2.6**. Since the thorium reimbursement ceiling is less than the amount that could be submitted by the thorium licensee in future claims, that ceiling is the current limit on thorium reimbursement liability.

3. REIMBURSEMENT SUMMARY

Exhibit 5 summarizes the total amounts claimed, adjusted, disallowed, and reimbursed for FY 1994 through FY 2010, and **Exhibit 6** presents the total reimbursements made to individual licensees during FY 1994 through FY 2010.

During FY 1994 through FY 2009, licensees submitted \$1.46 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 \$62.0 million because the costs did not meet the 10 CFR Part 765 reimbursement criteria; and approved \$1.398 billion, of which the Federal share was \$653 million after application of the Federal reimbursement ratios. Through FY 2010, reimbursements to all uranium and thorium licensees totaled \$619 million.

The remedial action status of the fourteen Title X sites is summarized in **Appendix F**. As of March 2010:

- Ten sites were continuing remedial activities and incurring costs eligible for Title X reimbursement:
 - Five of the sites are planning to complete remedial action no later than 2012.
 - Five of the sites are planning to complete remedial action after 2012.
- Three sites (ARCO-Bluewater mill site, TVA-Edgemont mill site, and Petrotomics-Shirley Basin 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 and the Petrotomics Company.
 - Some TVA costs exceed the dry short ton limit, and therefore TVA is still eligible for Title X reimbursement as a result of annual inflation adjustments to that limit.
- 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.

Exhibit 5. 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	\$157,124,487.88	\$0.00	(\$491,101.00)	\$156,633,386.88	\$79,654,978.14	\$17,929,707.00
FY 2003	\$77,147,888.17	\$0.00	(\$7,621,720.00)	\$69,526,168.17	\$33,760,205.01	\$15,821,000.00
FY 2004	\$50,746,774.59	\$26,174.00	(\$1,518,545.00)	\$49,254,403.59	\$23,859,320.07	\$50,499,100.00
FY 2005	\$46,812,683.96	\$0.00	(\$844,576.16)	\$45,968,107.80	\$21,367,403.34	\$78,960,000.00
FY 2006	\$56,482,207.99	\$0.00	(\$3,149,255.00)	\$53,332,952.99	\$23,610,469.76	\$19,700,000.00
FY 2007	\$57,676,613.39	\$0.00	(\$2,559,864.00)	\$55,116,749.39	\$24,889,654.47	\$19,600,000.00
FY 2008	\$53,167,981.98	\$0.00	(\$3,397,457.00)	\$49,770,524.98	\$23,099,950.05	\$19,618,000.00
FY 2009	\$35,027,424.25	\$0.00	(\$855,291.00)	\$34,172,133.25	\$14,965,536.51	\$31,870,554.60
FY 2010	TBD*	TBD*	TBD*	TBD*	TBD*	\$13,753,789.12
Total	\$1,460,531,480.95	(\$508,622.90)	(\$61,995,469.08)	\$1,398,027,388.97	\$653,089,860.41	\$619,020,242.33

* To Be Determined (TBD) pending the completion of DOE's review of claims submitted by April 30, 2010.

Exhibit 6. Total Reimbursements to Individual Licensees through FY 2010

Licensee	Total Payments FY 1994 through FY 2010
<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 Corp.) \$2,994,444.74 (Moab Mill Reclamation Trust) \$791,091.74 (Trust Beneficiaries: Utah/NRC)
Petrotomics Company Shirley Basin Mill Site Shirley Basin, WY	\$2,850,428.21
<i>Cleanup Completed But Still Eligible For Title X Reimbursement</i>	
Tennessee Valley Authority Edgemont Mill Site Edgemont, SD	\$15,410,389.26
<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: \$1,273,036.19
Cotter Corporation Canon City Mill Site Canon City, CO	\$2,987,244.69
Dawn Mining Company Ford Mill Site Ford, WA	\$8,559,760.56
Homestake Mining Company Grants Mill Site Grants, NM	\$49,295,259.57
Tronox LLC (formerly Kerr-McGee Chemical LLC) West Chicago Mill Site West Chicago, IL	\$340,480,809.77
Pathfinder Mines Corporation Lucky Mc Mill Site Riverton, WY	\$10,722,304.02
Rio Algom Mining LLC (formerly Quivira) Ambrosia Lake Mill Site Grants, NM	\$38,943,127.97
Umetco Minerals Corporation Uravan Mill Site Uravan, CO	\$54,064,387.18
Umetco Minerals Corporation East Gas Hills Mill Site Gas Hills Uranium Mining District, WY	\$19,943,414.53
Western Nuclear, Incorporated Split Rock Mill Site Jeffrey City, WY	\$31,669,581.10
Total	\$619,020,242.33

4. PLANNED FY 2010 ACTIVITIES

DOE plans the following activities in the second half of FY 2010:

- Accept and process two new claims for reimbursement from each licensee.
- Initiate the review and audit of the new claims received by April 30, 2010.
- Obligate American Recovery and Reinvestment Act funds against the two sets of claims received during FY 2010.

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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 change in the average monthly 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 change in the average monthly 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.

$$\text{Individual Uranium Remaining Reimbursement Limit} = (\text{Individual Federal Related Dry Short Tons of Tailings} \times \text{Inflation Adjusted Statutory Per Dry Short Ton Limit}) - \text{Cumulative Amount of Reimbursements Paid to Individual Uranium Licensee}$$

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 change in the average monthly 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 change in the monthly average CPI-U, 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
Petrotoomics 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
Tronox LLC West Chicago Mill Site West Chicago, IL	0.032	0.058	.552

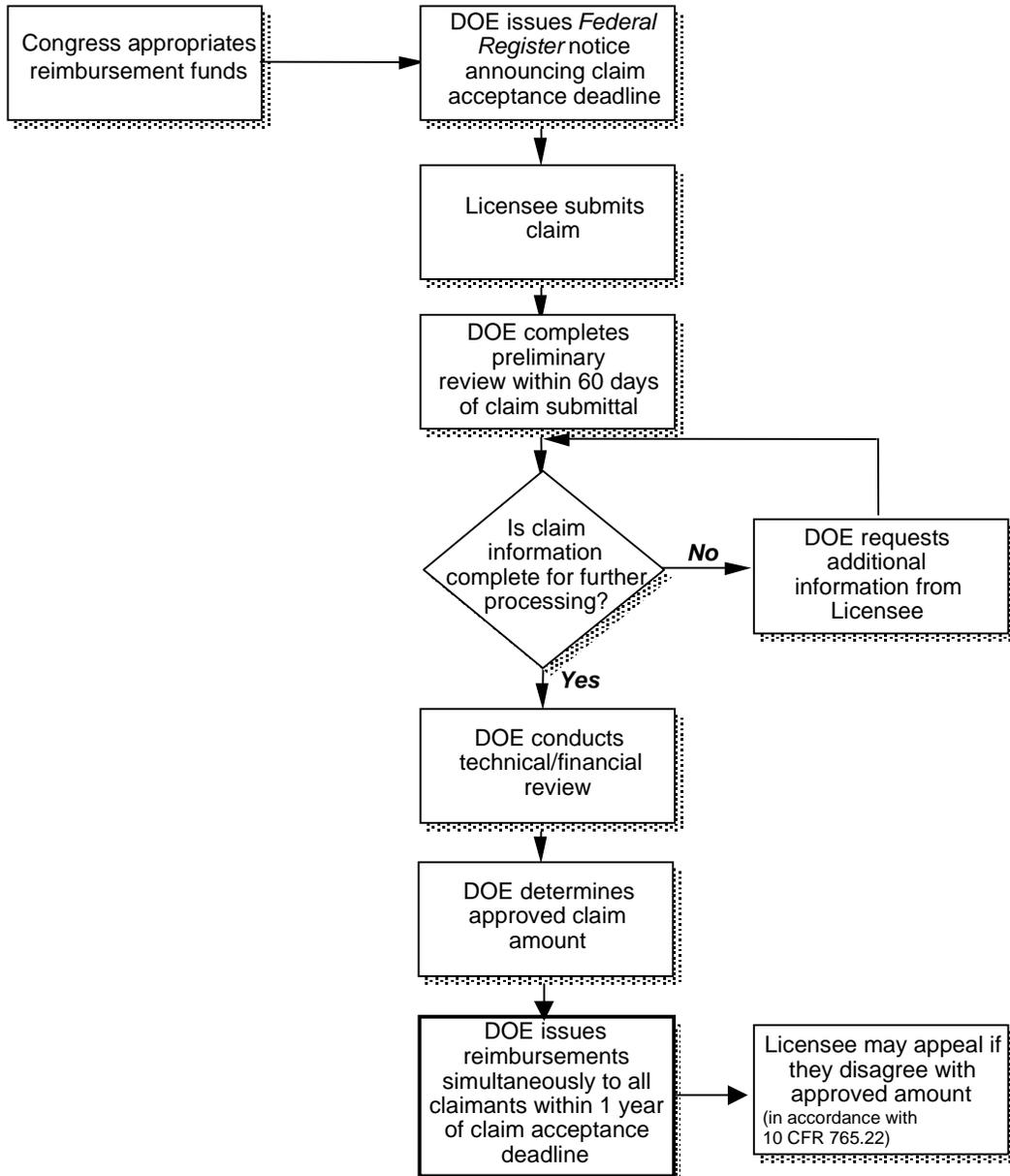
Exhibit A-3

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

Responsibility for the Title X Program is assigned to the Environmental Management Consolidated Business Center (CBC). The claim review and audit function is performed by CBC staff located in Denver, Colorado. Legal and administrative support is provided by CBC staff located at the main CBC office in Cincinnati, Ohio. Assistance is provided by 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). The current administrative framework is summarized in **Exhibit A-5**. From 1994 through the second quarter of FY 2006, execution of the Title X program was performed by staff at the DOE National Nuclear Security Administration Service Center, Environmental Programs Department, in Albuquerque, New Mexico.

Exhibit A-5 Administrative Framework

DOE Office of Environmental Management (Washington, DC)

- **Program Oversight & Support**

DOE Office of Environmental Management Consolidated Business Center

- **Review and Audit of Claims (Denver, Colorado)**
- **Legal and Administrative Support (Cincinnati, Ohio)**

DOE Oak Ridge Operations Office (Oak Ridge, Tennessee)

- **Payment Transfer**

Defense Contract Audit Agency [DCAA] (Irving, TX)

- **Financial Audit Support**

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.

REVISED 10 CFR

PART 765

The following document is the revised 10 CFR Part 765, shown in entirety, resulting from the June 3, 2003, rulemaking. 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/).

<http://frwebgate5.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=024846273129+19+2+0&WAIAction=retrieve>

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

Subpart A—General

Sec.

765.1 Purpose.

765.2 Scope and applicability.

765.3 Definitions.

Subpart B—Reimbursement Criteria

765.10 Eligibility for reimbursement.

765.11 Reimbursable costs.

765.12 Inflation index adjustment procedures.

Subpart C—Procedures for Submitting and Processing Reimbursement Claims

765.20 Procedures for submitting reimbursement claims.

765.21 Procedures for processing reimbursement claims.

765.22 Appeals procedures.

765.23 Annual report.

Subpart D—Additional Reimbursement Procedures

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

765.31 Designation of funds available for subsequent remedial action.

765.32 Reimbursement of excess funds.

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

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

Subpart A—General

§ 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.

§ 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]

§ 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

§ 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.

§ 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]

§ 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 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.

§ 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]

§ 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]

§ 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

§ 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]

§ 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]

§ 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 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]

APPENDIX D.
INDIVIDUAL APPROVED CLAIM AMOUNTS
AND PAYMENTS: FY 1994 – FY 2010

Exhibit D-1. 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 <i>American Nuclear Corporation State of Wyoming</i>	10,834,489.84	0.00	0.00	0.00	10,834,489.84	0.00
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.

Exhibit D-2. 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
Petrotomics 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-3. 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
Petrotomics 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-4. 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-5. 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
Petrotomics 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-6. 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-7A. *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
Petrotomics 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-7B. *Second FY 2000 Individual Approved Claim Amounts and Payments (September 2000)

Licensee	Maximum Reimbursement Ceilings After 1st FY 00 Payments	Unpaid Claims	Total Unpaid Claims Within Ceilings	2nd 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
Petrotomics 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-8A. First FY 2001 Individual Approved Claim Amounts and Payments (December 2000¹)

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
Petrotomics 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-8B. 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-9. FY 2002 Individual Approved Claim Amounts Payments (April and September 2002¹)

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
Petrotomics 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-10. 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-11. FY 2004 Individual Approved Claim Amounts and Payments (February 2004¹)

Licensee	FY 04 Individual Reimbursement Limits ⁴	Approved Claim Amounts After FRR	Final Approved Claims Plus Unpaid Claim Balances	Total Unpaid Claims Within Limits	FY 04 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments	Total Payments Through FY 04
Uranium									
American Nuclear Corp. Site	15,813,067.95						15,808,843.25	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>		8,942.34	8,942.34	8,942.34	4,224.70	4,717.64			1,228,075.16
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	91,838.62	0.00	841,498.97	91,838.62	43,387.97	798,111.00	48,450.65	749,660.35	2,506,071.36
Dawn Mining Company	6,040,454.86	484,437.44	879,955.36	879,955.36	415,723.56	464,231.80	5,624,731.30	0.00	3,871,602.92
Homestake Mining Company	55,304,185.33	1,465,273.31	2,894,204.12	2,894,204.12	1,367,329.42	1,526,874.70	53,936,855.91	0.00	38,601,717.74
Pathfinder Mines Corporation	14,459,523.16	657,075.27	1,892,243.91	1,892,243.91	893,966.24	998,277.67	13,565,556.92	0.00	9,481,908.36
Petrotomics Company	3,235,757.71	0.00	50,651.17	50,651.17	23,929.49	26,721.68	3,211,828.22	0.00	2,667,627.21
Rio Algom Mining LLC ⁵	65,811,404.80	950,923.10	1,861,543.39	1,861,543.39	879,462.17	982,081.22	64,931,942.63	0.00	16,301,857.41
Tennessee Valley Authority	473,770.69	0.00	12,425,694.66	473,770.69	223,826.85	12,201,867.81	249,943.84	11,951,923.97	12,928,145.91
Umetco Minerals Corp.-CO	1,662,133.38	5,074,886.15	15,394,259.42	1,662,133.38	785,253.48	14,609,005.94	876,879.90	13,732,126.04	45,355,913.75
Umetco Minerals Corp.-WY	2,048,575.28	2,247,679.00	5,003,322.30	2,048,575.28	967,822.98	4,035,499.32	1,080,752.30	2,954,747.02	15,973,723.24
Western Nuclear, Inc.	1,057,164.66	399,959.00	940,944.83	940,944.83	444,537.25	496,407.58	612,627.41	0.00	28,792,759.33
Total Uranium		\$11,289,175.61	\$42,193,260.47	\$12,804,803.09	\$6,049,464.11	\$36,143,796.36		\$29,388,457.38	\$220,529,901.67
Thorium									
Kerr-McGee Chemical LLC	208,714,171.67	22,471,029.40	94,085,827.13	94,085,827.13	44,449,635.89	49,636,191.24	164,264,535.78	0.00	214,987,996.94
Total Thorium	\$208,714,171.67	\$22,471,029.40	\$94,085,827.13	\$94,085,827.13	\$44,449,635.89	\$49,636,191.24	\$164,264,535.78	\$0.00	\$214,987,996.94
Total Uranium and Thorium		\$33,760,205.01	\$136,279,087.60	\$106,890,630.22	\$50,499,100.00	\$85,779,987.60		\$29,388,457.38	\$435,517,898.61

⁴ 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 2004, the inflation adjusted per dry short ton limit was \$8.1095936946 based on a calendar year CPI-U of 1.023 for 2003. For the thorium licensee, the Individual Thorium Reimbursement Limit is equal to the unpaid claim balance at the end of 2003 multiplied by the CPI-U for 2003.

⁵ Formerly Quivira Mining Company.

Exhibit D-12A. First FY 2005 Payments (January 2005¹)

Licensee	Initial FY 2005 Individual Reimbursement Limits	Unpaid Claim Balances from Prior Years	Total Unpaid Claims Within Limits	First FY 2005 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments	Total Payments Through First FY 2005 Payment
Uranium								
American Nuclear Corp. Site	15,808,843.25					15,804,125.61	0.00	
<i>American Nuclear Corporation</i>		0.00	0.00	0.00	0.00			820,406.91
<i>State of Wyoming</i>		4,717.64	4,717.64	4,717.64	0.00			1,232,792.80
Atlantic Richfield Company	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	9,694,190.01
Cotter Corporation	48,450.65	798,111.00	48,450.65	48,450.65	749,660.35	0.00	749,660.35	2,554,522.01
Dawn Mining Company	5,624,731.30	464,231.80	464,231.80	464,231.80	0.00	5,160,499.50	0.00	4,335,834.72
Homestake Mining Company	53,936,855.91	1,526,874.70	1,526,874.70	1,526,874.70	0.00	52,409,981.21	0.00	40,128,592.44
Pathfinder Mines Corporation	13,565,556.92	998,277.67	998,277.67	998,277.67	0.00	12,567,279.25	0.00	10,480,186.03
Petrotomics Company	3,211,828.22	26,721.68	26,721.68	26,721.68	0.00	3,185,106.54	0.00	2,694,348.89
Rio Algom Mining LLC ³	64,931,942.63	982,081.22	982,081.22	982,081.22	0.00	63,949,861.41	0.00	17,283,938.63
Tennessee Valley Authority	249,943.84	12,201,867.81	249,943.84	249,943.84	11,951,923.97	0.00	11,951,923.97	13,178,089.75
Umetco Minerals Corp.-CO	876,879.90	14,609,005.94	876,879.90	876,879.90	13,732,126.04	0.00	13,732,126.04	46,232,793.65
Umetco Minerals Corp.-WY	1,080,752.30	4,035,499.32	1,080,752.30	1,080,752.30	2,954,747.02	0.00	2,954,747.02	17,054,475.54
Western Nuclear, Inc.	612,627.41	496,407.58	496,407.58	496,407.58	0.00	116,219.83	0.00	29,289,166.91
Total Uranium		\$36,143,796.36	\$6,755,338.98	\$6,755,338.98	\$29,388,457.38		\$29,388,457.38	\$227,285,240.65
Thorium								
Kerr-McGee Chemical LLC ²	164,264,535.78	49,265,451.48	49,265,451.48	² 49,265,451.48	0.00	114,999,084.30	0.00	\$264,253,448.42
Total Thorium	\$164,264,535.78	\$49,265,451.48	\$49,265,451.48	\$49,265,451.48	0.00	\$114,999,084.30	0.00	\$264,253,448.42
Total Uranium and Thorium		\$85,409,247.84	\$56,020,790.46	\$56,020,790.46	\$29,388,457.38		\$29,388,457.38	\$491,538,689.07

¹ Reimbursements to the licensees were issued on January 24, 2005, for all outstanding approved prior year claims within the individual reimbursement limits for each licensee.

² The reimbursement to the thorium licensee was reduced by \$370,739.76 as a result of additional disallowed costs that were identified during a reaudit of overhead costs in their 2000 and 2001 claims.

³ Formerly Quivira Mining Company.

Exhibit D-12B. FY 2005 Individual Approved Claim Amounts and Second FY 2005 Payments (March 2005¹)

Licensee	FY 2005 Individual Reimbursement Limits After 1st Payment	Approved Claim Amounts After FRR	Final Approved Claims Plus Unpaid Claim Balances	Total Unpaid Claims Within Limits	Second FY 2005 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments	Total Payments Through FY 2005
Uranium									
American Nuclear Corp. Site	16,286,273.39						16,286,273.39	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			1,232,792.80
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	68,972.10	21,727.87	771,388.22	68,972.10	67,637.53	703,750.69	1,334.57	702,416.12	2,622,159.54
Dawn Mining Company	5,416,900.52	960,248.31	960,248.31	960,248.31	941,668.10	18,580.21	4,475,232.42	0.00	5,277,502.82
Homestake Mining Company	54,908,522.70	1,150,341.66	1,150,341.66	1,150,341.66	1,128,083.26	22,258.40	53,780,439.44	0.00	41,256,675.70
Pathfinder Mines Corporation	13,189,560.81	52,180.37	52,180.37	52,180.37	51,170.72	1,009.65	13,138,390.09	0.00	10,531,356.75
Petrotomics Company	3,343,851.84	0.00	0.00	0.00	0.00	0.00	3,343,851.84	0.00	2,694,348.89
Rio Algom Mining LLC ³	66,143,174.01	1,886,295.62	1,886,295.62	1,886,295.62	1,849,796.97	36,498.65	64,293,377.04	0.00	19,133,735.60
Tennessee Valley Authority	355,808.43	0.00	11,951,923.97	355,808.43	348,923.76	11,603,000.21	6,884.67	11,596,115.54	13,527,013.51
Umetco Minerals Corp.-CO	1,248,285.43	2,086,977.60	15,819,103.64	1,248,285.43	1,224,131.88	14,594,971.76	24,153.55	14,570,818.21	47,456,925.53
Umetco Minerals Corp.-WY	460,470.84	863,064.22	3,817,811.24	460,470.84	451,561.01	3,366,250.23	8,909.83	3,357,340.40	17,506,036.55
Western Nuclear, Inc.	910,165.27	499,233.82	499,233.82	499,233.82	489,573.95	9,659.87	420,591.32	0.00	29,778,740.86
Total Uranium		\$7,520,069.47	\$36,908,526.85	\$6,681,836.58	\$6,552,547.18	\$30,355,979.67		\$30,226,690.27	\$233,837,787.83
Thorium									
Kerr-McGee Chemical LLC ²	118,104,059.58	16,709,990.36	16,709,990.36	² 16,709,990.36	16,386,662.36	323,328.00	101,717,397.22	0.00	280,640,110.78
Total Thorium	\$118,104,059.58	\$16,709,990.36	\$16,709,990.36	\$16,709,990.36	\$16,386,662.36	\$323,328.00	\$101,717,397.22	\$0.00	\$280,640,110.78
Total Uranium and Thorium		\$24,230,059.83	\$53,618,517.21	\$23,391,826.94	\$22,939,209.54	\$30,679,307.67		\$30,226,690.27	\$514,477,898.61

¹ Partial reimbursements to the licensees were issued on March, 29, 2005, for the claims submitted in 2004 within the individual reimbursement limits for each licensee. Partial reimbursements were made because the remaining FY 2005 funds were not sufficient to pay all eligible, approved costs.

² The approved claim amount for the thorium licensee was reduced by \$115,370.76 as a result of additional disallowed costs that were identified during a reaudit of overhead costs in their 1994 through 1999 claims.

³ Formerly Quivira Mining Company.

Exhibit D-13. FY 2006 Individual Approved Claim Amounts and Payments (April 2006¹)

Licensee	FY 2006 Individual Reimbursement Limits	Approved Claim Amounts After FRR	Final Approved Claims Plus Unpaid Claim Balances	Total Unpaid Claims Within Limits	FY 2006 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments	Total Payments Through FY 2006
Uranium									
American Nuclear Corp. Site	16,909,815.47						16,909,815.47	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			1,232,792.80
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	90,533.37	0.00	703,750.69	90,533.37	79,426.35	624,324.34	11,107.02	613,217.32	2,701,585.89
Dawn Mining Company	4,806,825.42	631,640.65	650,220.86	650,220.86	570,449.02	79,771.84	4,236,376.40	0.00	5,847,951.84
Homestake Mining Company	57,011,701.35	1,290,439.84	1,312,698.24	1,312,698.24	1,151,650.87	161,047.37	55,860,050.48	0.00	42,408,326.57
Pathfinder Mines Corporation	13,943,161.49	101,147.57	102,157.22	102,157.22	89,624.14	12,533.08	13,853,537.35	0.00	10,620,980.89
Petrotomics Company	3,549,150.66	0.00	0.00	0.00	0.00	0.00	3,549,150.66	0.00	2,694,348.89
Rio Algom Mining LLC ²	67,129,898.87	3,328,432.90	3,364,931.55	3,364,931.55	2,952,107.52	412,824.03	64,177,791.35	0.00	22,085,843.12
Tennessee Valley Authority	467,037.21	0.00	11,603,000.21	467,037.21	409,739.11	11,193,261.10	57,298.10	11,135,963.00	13,936,752.62
Umetco Minerals Corp.-CO	1,638,510.24	1,592,119.44	16,187,091.20	1,638,510.24	1,437,490.88	14,749,600.32	201,019.36	14,548,580.96	48,894,416.41
Umetco Minerals Corp.-WY	604,418.01	532,260.72	3,898,510.95	604,418.01	530,265.45	3,368,245.50	74,152.56	3,294,092.94	18,036,302.00
Western Nuclear, Inc.	1,447,368.61	483,017.49	492,677.36	492,677.36	432,233.62	60,443.74	1,015,134.99	0.00	30,210,974.48
Total Uranium		\$7,959,058.61	\$38,315,038.28	\$8,723,184.06	\$7,652,986.96	\$30,662,051.32		\$29,591,854.22	\$241,490,774.79
Thorium									
Tronox LLC ³	105,175,788.73	13,408,344.73	13,731,672.73	13,731,672.73	12,047,013.04	1,684,659.69	93,128,775.69	0.00	292,687,123.82
Total Thorium	\$105,175,788.73	\$13,408,344.73	\$13,731,672.73	\$13,731,672.73	\$12,047,013.04	\$1,684,659.69	\$93,128,775.69	\$0.00	\$292,687,123.82
Total Uranium and Thorium		\$21,367,403.34	\$52,046,711.01	\$22,454,856.79	\$19,700,000.00	\$32,346,711.01		\$29,591,854.22	\$534,177,898.61

¹ Partial reimbursements to the licensees were issued on April 18, 2006, for prior year unpaid claim balances and the claims submitted in 2005 within the individual reimbursement limits for each licensee. Partial reimbursements were made because the FY 2006 funds were not sufficient to pay all eligible, approved costs.

² Formerly Quivira Mining Company.

³ Formerly Kerr-McGee Chemical LLC.

Exhibit D-14. FY 2007 Individual Approved Claim Amounts and Payments (April 2007¹)

Licensee	FY 2007 Individual Reimbursement Limits	Approved Claim Amounts After FRR	Final Approved Claims Plus Unpaid Claim Balances	Total Unpaid Claims Within Limits	FY 2007 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments	Total Payments Through FY 2007
Uranium									
American Nuclear Corp. Site	17,516,613.96						17,507,237.27	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>		12,182.91	12,182.91	12,182.91	9,394.69	2788.22			1,242,187.49
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	97,913.19	0.00	624,324.34	97,913.19	75,504.43	548,819.91	22,408.76	526,411.15	2,777,090.32
Dawn Mining Company	4,559,074.90	988,193.30	1,067,965.14	1,067,965.14	823,546.86	244,418.28	3,735,528.04	0.00	6,671,498.70
Homestake Mining Company	59,004,638.55	1,357,076.60	1,518,123.97	1,518,123.97	1,170,680.75	347,443.22	57,833,957.80	0.00	43,579,007.32
Pathfinder Mines Corporation	14,636,721.93	58,957.29	71,490.37	71,490.37	55,128.83	16,361.54	14,581,593.10	0.00	10,676,109.72
Petrotomics Company	3,748,942.65	156,079.32	156,079.32	156,079.32	120,358.45	35,720.87	3,628,584.20	0.00	2,814,707.34
Rio Algom Mining LLC ²	66,938,227.65	3,812,947.21	4,225,771.24	4,225,771.24	3,258,646.28	967,124.96	63,679,581.37	0.00	25,344,489.40
Tennessee Valley Authority	505,107.72	0.00	11,193,261.10	505,107.72	389,506.98	10,803,754.12	115,600.74	10,688,153.38	14,326,259.60
Umetco Minerals Corp.-CO	1,772,073.31	2,452,236.33	17,201,836.65	1,772,073.31	1,366,510.34	15,835,326.31	405,562.97	15,429,763.34	50,260,926.75
Umetco Minerals Corp.-WY	653,687.10	1,181,262.66	4,549,508.16	653,687.10	504,081.96	4,045,426.20	149,605.14	3,895,821.06	18,540,383.96
Western Nuclear, Inc.	2,014,370.50	398,215.78	458,659.52	458,659.52	353,689.08	104,970.44	1,660,681.42	0.00	30,564,663.56
Total Uranium		\$10,417,151.40	\$41,079,202.72	\$10,539,053.79	\$8,127,048.65	\$32,952,154.07		\$30,540,148.93	\$249,617,823.44
Thorium									
Tronox LLC ³	96,108,896.51	13,193,318.36	14,877,978.05	14,877,978.05	11,472,951.35	3,405,026.70	84,635,945.16	0.00	304,160,075.17
Total Thorium	\$ 96,108,896.51	\$13,193,318.36	\$14,877,978.05	\$14,877,978.05	\$11,472,951.35	\$3,405,026.70	\$84,635,945.16	\$0.00	\$304,160,075.17
Total Uranium and Thorium		\$23,610,469.76	\$55,957,180.77	\$25,417,031.84	\$19,600,000.00	\$36,357,180.77		\$30,540,148.93	\$553,777,898.61

¹ Partial reimbursements to the licensees were issued in two payments on April 13 and April 26, 2007, for prior year unpaid claim balances and the claims submitted in 2006 within the individual reimbursement limits for each licensee. Partial reimbursements were made because the FY 2007 funds were not sufficient to pay all eligible, approved costs.

² Formerly Quivira Mining Company.

³ Formerly Kerr-McGee Chemical LLC.

Exhibit D-15. FY 2008 Individual Approved Claim Amounts and Payments (April 2008¹)

Licensee	FY 2008 Individual Reimbursement Limits	Approved Claim Amounts After FRR	Final Approved Claims Plus Unpaid Claim Balances	Total Unpaid Claims Within Limits	FY 2008 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments	Total Payments Through FY 2008
Uranium									
American Nuclear Corp. Site <i>American Nuclear Corporation State of Wyoming</i>	18,055,192.56	0.00	0.00	0.00	0.00	0.00	18,053,254.98	0.00	\$820,406.91
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	100,794.74	84,635.72	633,455.63	100,794.74	70,043.87	563,411.76	30,750.87	532,660.89	\$2,847,134.19
Dawn Mining Company	4,026,924.79	558,790.61	803,208.89	803,208.89	558,162.69	245,046.20	3,468,762.10	0.00	\$7,229,661.39
Homestake Mining Company	60,673,520.82	1,795,255.18	2,142,698.40	2,142,698.40	1,488,995.34	653,703.06	59,184,525.48	0.00	\$45,068,002.66
Pathfinder Mines Corporation	15,288,808.78	29,832.76	46,194.30	46,194.30	32,101.16	14,093.14	15,256,707.62	0.00	\$10,708,210.88
Petrotomics Company	3,808,996.36	0.00	35,720.87	35,720.87	24,823.00	10,897.87	3,784,173.36	0.00	\$2,839,530.34
Rio Algom Mining LLC ²	66,172,255.35	4,447,211.53	5,414,336.49	5,414,336.49	3,762,508.91	1,651,827.58	62,409,746.44	0.00	\$29,106,998.31
Tennessee Valley Authority	519,972.83	0.00	10,803,754.12	519,972.83	361,337.42	10,442,416.70	158,635.41	10,283,781.29	\$14,687,597.02
Umetco Minerals Corp.-CO	1,824,224.68	3,874,067.71	19,709,394.02	1,824,224.68	1,267,682.87	18,441,711.15	556,541.81	17,885,169.34	\$51,528,609.62
Umetco Minerals Corp.-WY	672,924.84	941,971.06	4,987,397.26	672,924.84	467,626.22	4,519,771.04	205,298.62	4,314,472.42	\$19,008,010.18
Western Nuclear, Inc.	2,562,991.08	307,547.98	412,518.42	412,518.42	286,665.64	125,852.78	2,276,325.44	0.00	\$30,851,329.20
Total Uranium		\$12,039,312.55	\$44,991,466.62	\$11,975,382.68	\$8,321,884.70	\$36,669,581.92		\$33,016,083.94	\$257,939,708.14
Thorium									
Tronox LLC ³	87,005,751.62	12,850,341.93	16,255,368.63	16,255,368.63	11,296,115.30	4,959,253.33	75,709,636.32	0.00	315,456,190.47
Total Thorium	\$87,005,751.62	\$12,850,341.93	\$16,255,368.63	\$16,255,368.63	\$11,296,115.30	\$4,959,253.33	\$75,709,636.32	\$0.00	\$315,456,190.47
Total Uranium and Thorium		\$24,889,654.48	\$61,246,835.25	\$28,230,751.31	\$19,618,000.00	\$41,628,835.25		\$33,016,083.94	\$573,395,898.61

¹ Partial reimbursements to the licensees were issued on April 25, 2008, for prior year unpaid claim balances and the claims submitted in 2007 within the individual reimbursement limits for each licensee. Partial reimbursements were made because the FY 2008 funds were not sufficient to pay all eligible, approved costs.

² Formerly Quivira Mining Company.

³ Formerly Kerr-McGee Chemical LLC.

Exhibit D-16. FY 2009 Individual Approved Claim Amounts and Payments (April 2009¹)

Licensee	FY 2009 Individual Reimbursement Limits	Approved Claim Amounts After FRR	Final Approved Claims Plus Unpaid Claim Balances	Total Unpaid Claims Within Limits	FY 2009 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments	Total Payments Through FY 2009
Uranium									
American Nuclear Corp. Site	18,817,730.88						18,792,364.23	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>		24,516.01	25,366.65	25,366.65	25,366.65	0.00			\$1,269,491.72
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	140,110.50	0.00	563,411.76	140,110.50	140,110.50	423,301.26	0.00	423,301.26	\$2,987,244.69
Dawn Mining Company	3,875,302.19	422,428.40	667,474.60	667,474.60	667,474.60	0.00	3,207,827.59	0.00	\$7,897,135.99
Homestake Mining Company	63,146,121.55	1,614,852.33	2,268,555.39	2,268,555.39	2,268,555.39	0.00	60,877,566.16	0.00	\$47,336,558.05
Pathfinder Mines Corporation	16,243,374.52	0.00	14,093.14	14,093.14	14,093.14	0.00	16,229,281.38	0.00	\$10,722,304.02
Petrotomics Company	4,035,874.10	0.00	10,897.87	10,897.87	10,897.87	0.00	4,024,976.23	0.00	\$2,850,428.21
Rio Algom Mining LLC ²	65,887,382.75	4,485,842.77	6,137,670.35	6,137,670.35	6,137,670.35	0.00	59,749,712.40	0.00	\$35,244,668.66
Tennessee Valley Authority	722,792.24	0.00	10,442,416.70	722,792.24	722,792.24	9,719,624.46	0.00	9,719,624.46	\$15,410,389.26
Umetco Minerals Corp.-CO	2,535,777.56	3,238,784.86	21,680,496.01	2,535,777.56	2,535,777.56	19,144,718.45	0.00	19,144,718.45	\$54,064,387.18
Umetco Minerals Corp.-WY	935,404.35	151,133.48	4,670,904.52	935,404.35	935,404.35	3,735,500.17	0.00	3,735,500.17	\$19,943,414.53
Western Nuclear, Inc.	3,535,176.31	432,228.08	723,354.49	723,354.49	723,354.49	0.00	2,811,821.82	0.00	\$31,574,683.69
Total Uranium		\$10,369,785.93	\$47,204,641.48	\$14,181,497.14	\$14,181,497.14	\$33,023,144.34		\$33,023,144.34	\$272,121,205.28
Thorium									
Tronox LLC ³	78,586,602.50	12,729,804.13	17,689,057.46	17,689,057.46	17,689,057.46	0.00	60,897,545.04	0.00	333,145,247.93
Total Thorium	\$78,586,602.50	\$12,729,804.13	\$17,689,057.46	\$17,689,057.46	\$17,689,057.46	\$0.00	\$60,897,545.04	\$0.00	\$333,145,247.93
Total Uranium and Thorium		\$23,099,590.06	\$64,893,698.94	\$31,870,554.60	\$31,870,554.60	\$33,023,144.34		\$33,023,144.34	\$605,266,453.21

¹ Reimbursements to the uranium licensees were issued on April 29, 2009, for prior year unpaid claim balances and the claims submitted in 2008 within the individual reimbursement limits for each licensee. The thorium reimbursement was made on September 3, 2009.

² Formerly Quivira Mining Company.

³ Formerly Kerr-McGee Chemical LLC.

Exhibit D-17. FY 2010 Individual Approved Claim Amounts and Payments (January 2010¹)

Licensee	FY 2010 Individual Reimbursement Limits	Approved Claim Amounts After FRR	Final Approved Claims Plus Unpaid Claim Balances	Total Unpaid Claims Within Limits	FY 2010 Payments	Unpaid Claim Balances After Payments	Individual Reimbursement Limits After Payments	Unpaid Claim Balances in Excess of Limits After Payments	Total Payments Through FY 2010
Uranium									
American Nuclear Corp. Site	18,792,364.23						18,788,819.76	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>		3,544.47	3,544.47	3,544.47	3,544.47	0.00			\$1,273,306.19
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	0.00	0.00	423,301.26	0.00	0.00	423,301.26	0.00	423,301.26	\$2,987,244.69
Dawn Mining Company	3,207,827.59	662,624.57	662,624.57	662,624.57	662,624.57	0.00	2,545,203.02	0.00	\$8,559,760.56
Homestake Mining Company	60,877,566.16	1,958,701.52	1,958,701.52	1,958,701.52	1,958,701.52	0.00	58,918,864.64	0.00	\$49,295,259.57
Pathfinder Mines Corporation	16,229,281.38	0.00	0.00	0.00	0.00	0.00	16,229,281.38	0.00	\$10,722,304.02
Petrotomics Company	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$2,850,428.21
Rio Algom Mining LLC ²	59,749,712.40	3,698,459.31	3,698,459.31	3,698,459.31	3,698,459.31	0.00	56,051,253.09	0.00	\$38,943,127.97
Tennessee Valley Authority	0.00	0.00	9,719,624.46	0.00	0.00	9,719,624.46	0.00	9,719,624.46	\$15,410,389.26
Umetco Minerals Corp.-CO	0.00	904,699.36	20,049,417.81	0.00	0.00	20,049,417.81	0.00	20,049,417.81	\$54,064,387.18
Umetco Minerals Corp.-WY	0.00	307,048.03	4,042,548.20	0.00	0.00	4,042,548.20	0.00	4,042,548.20	\$19,943,414.53
Western Nuclear, Inc.	2,811,821.82	94,897.41	94,897.41	94,897.41	94,897.41	0.00	2,716,924.41	0.00	\$31,669,581.10
Total Uranium		\$7,629,974.67	\$40,653,119.01	\$6,418,227.28	\$6,418,227.28	\$34,234,891.73		\$34,234,891.73	\$278,539,432.56
Thorium									
Tronox LLC ³	60,897,545.04	7,335,561.84	7,335,561.84	7,335,561.84	7,335,561.84	0.00	53,561,983.20	0.00	340,480,809.77
Total Thorium	\$60,897,545.04	\$7,335,561.84	\$7,335,561.84	\$7,335,561.84	\$7,335,561.84	\$0.00	\$53,561,983.20	\$0.00	\$340,480,809.77
Total Uranium and Thorium		\$14,965,536.51	\$47,988,680.85	\$13,753,789.12	\$13,753,789.12	\$34,234,891.73		\$34,234,891.73	\$619,020,242.33

¹ Reimbursements to the licensees were issued on January 22, 2010, for the claims submitted in 2009 within the individual reimbursement limits for each licensee.

² Formerly Quivira Mining Company.

³ Formerly Kerr-McGee Chemical LLC.

APPENDIX E.

STATUS OF LICENSEES' REMAINING COSTS ELIGIBLE FOR FUTURE CLAIMS

Licensee	Federal Share of Total Costs in Approved Plans for Subsequent Remedial Action ¹	Maximum Federal Share of Potential Future Claims End of FY 2007 ²	Maximum Federal Share of Potential Future Claims End of FY 2008 ³	Maximum Federal Share of Potential Future Claims End of FY 2009 ⁴	Maximum Federal Share of Potential Future Claims End of FY 2010 ⁵
Uranium					
State of Wyoming (ANC Site)	2,820,674.07	755,291.45	755,291.45	758,544.91	755,000.44
Cotter Corporation	6,220,297.23	2,894,387.00	2,809,751.28	2,916,521.83	2,916,521.83
Dawn Mining Company	18,056,205.96	11,140,288.98	10,581,498.37	10,545,114.63	9,882,490.06
Homestake Mining Company	132,143,076.35	88,216,625.81	86,421,370.63	88,029,166.00	86,070,464.48
Pathfinder Mines Corporation	11,037,356.70	344,885.44	315,052.68	327,024.68	327,024.68
Rio Algom Mining Company	47,107,063.51	20,795,449.15	16,348,237.62	12,313,165.85	8,614,706.54
Umetco Minerals Corporation-CO	87,924,859.06	21,828,606.00	17,954,538.29	15,274,952.06	14,370,252.70
Umetco Minerals Corporation-WY	26,518,489.35	3,932,679.19	2,990,708.13	2,947,478.49	2,640,430.46
Western Nuclear, Incorporated	33,430,218.28	2,760,584.28	2,453,036.30	1,926,044.90	1,831,147.49
Total Uranium	\$365,258,240.51	\$152,668,797.30	\$140,629,484.75	\$135,038,013.35	\$127,408,038.68
Thorium					
Tronox Incorporated	401,391,628.45	93,826,526.58	80,976,184.65	70,839,742.98	63,504,181.14
Total Thorium	\$401,391,628.45	\$93,826,526.58	\$80,976,184.65	\$70,839,742.98	\$63,504,181.14
Total Uranium and Thorium	\$766,649,868.96	\$246,495,323.88	\$221,605,669.40	\$205,877,756.33	\$190,912,219.82

Notes:

1. Federal share of total costs in Plans for Subsequent Remedial Action approved by DOE in 2007.
2. Total amount each licensee would be eligible to claim after FY 2007. It is the number in column to the left minus all amounts approved through FY 2007.
3. Total amount each licensee would be eligible to claim after FY 2008. It is the number in column to the left minus final amount approved in FY 2008.
4. Total amount each licensee would be eligible to claim after FY 2009. It is the number in column to the left minus final amount approved in FY 2009 multiplied by 1.038 (CPI-U increase for 2008).
5. Total amount each licensee would be eligible to claim after FY 2010. It is the number in column to the left minus final amount approved in FY 2010.

APPENDIX F.
TITLE X SITE REMEDIAL ACTION STATUS

FY 2010 Title X Site Remedial Action Status

SITE	LICENSE STATUS	*ESTIMATED COMPLETION DATE	REFERENCE
<i>TITLE X LIABILITY COMPLETED</i>			
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/
Petrotomics Co. Shirley Basin Mill Site Shirley Basin, WY	The license was terminated and the disposal cell transferred to DOE in 2005 for long-term stewardship.	Completed 6/05	Licensee
<i>CLEANUP COMPLETED BUT STILL ELIGIBLE FOR TITLE X REIMBURSEMENT</i>			
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
<i>CLEANUP ONGOING/INCURRING COSTS ELIGIBLE FOR TITLE X REIMBURSEMENT</i>			
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. Reclamation of tailings pond #1 is expected to begin in 2009 or 2010.	2015	Licensee's Plan for Subsequent Remedial Action
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. Closure date is dependant upon achieving compliance with groundwater requirements. The site license allows for continued milling operations.	2027	Licensee's Plan for Subsequent Remedial Action

SITE	LICENSE STATUS	*ESTIMATED COMPLETION DATE	REFERENCE
Dawn Mining Co. Ford Mill Site Ford, WA	Under the amended closure plan with the State, Dawn Mining is expected to complete physical remediation in 2013. Dawn has demolished the mill buildings, and contaminated soils at the site will be cleaned up. Evaporation pond operations continue.	2016	Licensee's Plan for Subsequent Remedial Action
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. A final radon barrier will be installed once de-watering is completed. The licensee is working with the regulator for approval to build a new evaporation pond.	2017	Licensee
Tronox 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 Tronox have reached an agreement on the cleanup of thorium contamination. In early 2009 the licensee declared bankruptcy. In 2010 it is expected cleanup responsibility for the site will be transferred to a trustee. Kress Creek completion will need to be rescheduled. Groundwater cleanup and/or monitoring will continue until license termination.	2048	Licensee's Plan for Subsequent Remedial Action
Pathfinder Mines Corp. Lucky Mc Mill Site Riverton, WY	Remedial action construction is essentially complete. NRC has approved the Construction/Completion Report. The DOE Office of Legacy Management in Grand Junction, Colorado has prepared a draft Long-Term Surveillance plan. Work continues toward site transfer to DOE, anticipated during 2010.	2010	Licensee's Plan for Subsequent Remedial Action
Rio Algom Mining LLC Ambrosia Lake Mill Site Grants, NM	Surface reclamation activities, consolidation of contaminated materials, and ground water corrective actions are continuing. Upon NRC approval to discontinue ground water corrective actions, the remaining surface reclamation and the demolition of the remaining support buildings will be completed.	2012	Licensee

SITE	LICENSE STATUS	*ESTIMATED COMPLETION DATE	REFERENCE
Umetco Minerals Corp. East Gas Hills Mill Site Gas Hills Uranium Mining District, WY	Physical Remediation of the site has been completed, and a groundwater compliance strategy has been approved. The Department of Energy Office of Legacy Management has prepared a draft Long-Term Surveillance Plan.	2010	Licensee
Umetco Minerals Corp. Uravan Mill Site Uravan, CO	Physical remedial action has been completed, and a groundwater compliance strategy has been approved.	2012	Licensee
Western Nuclear, Inc. Split Rock Mill Site Jeffrey City, WY	Physical remediation of the site is complete. WNI is working with the NRC and the DOE Office of Legacy Management to achieve final closure and license termination.	2010	Licensee

*Estimated completion dates are subject to change.