

and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

AMENDMENTS

1961—Pub. L. 87-206 inserted proviso making provisions of section inapplicable to arrangements made by the Commission under a research and development program authorized by section 2292 of this title.

SUBCHAPTER XIX—REMEDIAL ACTION AND URANIUM REVITALIZATION

PART A—REMEDIAL ACTION AT ACTIVE PROCESSING SITES

§ 2296a. Remedial action program

(a) In general

Except as provided in subsection (b) of this section, 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 2092 or 2111 of this title 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) of this section 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 2296a-1 of this title 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 October 24, 1992, at the site of the activities of such licensee described in subsection (a) of this section, 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 2296a-2 of this title, when considered with the \$6.25 per dry short ton limit on reimbursement, exceeds the amount reimbursable to the licensees under subsection (b)(2) of this section.

(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) of this section 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 October 24, 1992, 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).

(Pub. L. 102-486, title X, §1001, Oct. 24, 1992, 106 Stat. 2946; Pub. L. 104-259, §3(a), Oct. 9, 1996, 110 Stat. 3173; Pub. L. 105-388, §11(a), Nov. 13, 1998, 112 Stat. 3484; Pub. L. 106-317, §1, Oct. 19, 2000, 114 Stat. 1277; Pub. L. 107-222, §1(a), Aug. 21, 2002, 116 Stat. 1336.)

CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

AMENDMENTS

2002—Subsec. (b)(2)(C). Pub. L. 107-222 substituted “\$365,000,000” for “\$140,000,000” and inserted at end “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.”

2000—Subsec. (b)(1)(B)(i). Pub. L. 106-317, §1(1), substituted “2007” for “2002”.

Subsec. (b)(1)(B)(ii). Pub. L. 106-317, §1(2), substituted “incurred by a licensee after December 31, 2007,” for “placed in escrow not later than December 31, 2002.”

Subsec. (b)(2)(E)(i). Pub. L. 106-317, §1(3), substituted “December 31, 2008” for “July 31, 2005”.

1998—Subsec. (b)(2)(C). Pub. L. 105-388 substituted “\$140,000,000” for “\$65,000,000”.

1996—Subsec. (b)(2)(A). Pub. L. 104-259, §3(a)(1), substituted “\$6.25” for “\$5.50”.

Subsec. (b)(2)(B). Pub. L. 104-259, §3(a)(2), substituted “\$350,000,000” for “\$270,000,000”.

Subsec. (b)(2)(C). Pub. L. 104-259, §3(a)(3), substituted “\$65,000,000” for “\$40,000,000”.

Subsec. (b)(2)(E). Pub. L. 104-259, §3(a)(4), (5), substituted “\$6.25” for “\$5.50” wherever appearing.

§ 2296a-1. Regulations

Within 180 days of October 24, 1992, the Secretary shall issue regulations governing reimbursement under section 2296a of this title. 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 therefor shall be made in a timely manner subject only to the limitations of section 2296a of this title.

(Pub. L. 102-486, title X, §1002, Oct. 24, 1992, 106 Stat. 2947.)

CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

§ 2296a-2. Authorization of appropriations

(a) In general

There is authorized to be appropriated \$715,000,000 to carry out this part. The aggregate amount authorized in the preceding sentence shall be increased annually as provided in section 2296a of this title, based upon an inflation index to be determined by the Secretary.

(b) Source

Funds described in subsection (a) of this section shall be provided from the Fund established under section 2297g of this title.

(Pub. L. 102-486, title X, §1003, Oct. 24, 1992, 106 Stat. 2947; Pub. L. 104-259, §3(b), Oct. 9, 1996, 110 Stat. 3174; Pub. L. 105-388, §11(b), Nov. 13, 1998, 112 Stat. 3485; Pub. L. 107-222, §1(b), Aug. 21, 2002, 116 Stat. 1336.)

CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-222 substituted “\$715,000,000” for “\$490,000,000”.

1998—Subsec. (a). Pub. L. 105-388 substituted “\$490,000,000” for “\$415,000,000”.

1996—Subsec. (a). Pub. L. 104-259 substituted “\$415,000,000” for “\$310,000,000”.

§ 2296a-3. Definitions

For purposes of this part:

(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 [42 U.S.C. 2011 et seq.], 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 11 e. (2) of the Atomic Energy Act of 1954,¹ (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 October 24, 1992, 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).

(Pub. L. 102-486, title X, §1004, Oct. 24, 1992, 106 Stat. 2947.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in par. (1)(A), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, which is classified principally to this chapter (§2011 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

The Uranium Mill Tailings Radiation Control Act of 1978, referred to in par. (3), is Pub. L. 95-604, Nov. 8, 1978, 92 Stat. 3021, as amended, which is classified principally to chapter 88 (§7901 et seq.) of this title. For complete classification of this act to the Code, see Short Title note set out under section 7901 of this title and Tables.

CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

¹ So in original. The comma probably should not appear.