

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

#### List of Subjects in 10 CFR Part 765

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

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

**Jessie Hill Roberson,**  
Assistant Secretary for Environmental Management.

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

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

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

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

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

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

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

#### § 765.3 Definitions.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

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

\* \* \* \* \*

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

#### § 765.21 Procedures for processing reimbursement claims.

\* \* \* \* \*

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

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

\* \* \* \* \*

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

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

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

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