

(d) Any costs of remedial action for which reimbursement is sought from excess funds determined by the Department to be available is subject to all requirements of this part except the per dry short ton limit on reimbursement established by paragraph (d) of § 765.11.

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

**PART 766—URANIUM ENRICHMENT DECONTAMINATION AND DE-COMMISSIONING FUND; PROCEDURES FOR SPECIAL ASSESSMENT OF DOMESTIC UTILITIES**

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AUTHORITY: 42 U.S.C. 2201, 2297g, 2297g-1, 2297g-2, 7254.

SOURCE: 59 FR 41963, Aug. 15, 1994, unless otherwise noted.

**Subpart A—General**

**§ 766.1 Purpose.**

The provisions of this part establish procedures for the Special Assessment of domestic utilities for the Uranium Enrichment Decontamination and Decommissioning Fund pursuant to sections 1801, 1802 and 1803 of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 *et seq.*).

**§ 766.2 Applicability.**

This part applies to all domestic utilities in the United States that purchased separative work units from the DOE between 1945 and October 23, 1992.

**§ 766.3 Definitions.**

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

*CPI-U* means the Consumer Price Index for all-urban consumers published by the Department of Labor.

*Commercial electricity generation* means the production of electricity for sale to consumers.

*DOE* means the United States Department of Energy and its predecessor agencies.

*Domestic utility* means any utility in the United States that has purchased SWUs produced by DOE for the purpose of commercial electrical generation during the period beginning in 1945 to October 23, 1992.

*Fund* means an account in the U.S. Treasury referred to as the Uranium Enrichment Decontamination and Decommissioning Fund, established by section 1801 of the Atomic Energy Act of 1954, as amended.

*Oak Ridge Operations Office* means the Oak Ridge Operations Office of the Department of Energy in Oak Ridge, Tennessee.

*Special Assessment* means the Special Assessment levied on domestic utilities for payments into the Fund.

*SWU* means a separative work unit, the common measure by which uranium enrichment services are sold.

*TESS* means the Toll Enrichment Services System, which is the database that tracks uranium enrichment services transactions of the DOE Oak Ridge Operations Office for the purpose of planning, toll transaction processing, customer invoicing and historical tracking of SWU deliveries.

*Use and burnup charges* mean lease charges for the consumption of SWUs and natural uranium.

**Subpart B—Procedures for Special Assessment**

**§ 766.100 Scope.**

This subpart sets forth the procedures for the Special Assessment of domestic utilities for funds to be deposited in the Fund.