

Docket No. 50-261

DEC 10 1971

Carolina Power and Light Company
ATTN: Mr. C. D. Barham, Jr.
Associate General Counsel
336 Fayetteville Street
Raleigh, North Carolina 27602

Gentlemen:

We are enclosing herewith an amendment to your indemnity agreement reflecting the recent amendment to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," effective December 14, 1971 (36 FR 21580, November 11, 1971).

The amendment to Part 140, a copy of which is also enclosed, clarifies that a licensee's workers who are employed at an indemnified site exclusively in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission, and who are not employed in connection with the possession, storage, use or transfer of special nuclear material at the facility, will maintain their rights under the waivers of defenses provisions of the facility form of nuclear liability insurance and of the indemnity agreement. The amendment sets forth the provisions of a new endorsement to the facility form of nuclear liability insurance policy furnished as financial protection and provides for amendment to the AEC indemnity agreement forms.

We will appreciate your executing the amendment to your indemnity agreement in the space provided and returning one signed copy. If you have any questions about the foregoing, please let us know.

Sincerely,

(Signed) Lyall Johnson

Lyall Johnson, Director
Division of State and
Licensee Relations

Enclosures:

1. Amendment to Indemnity Agreement
2. Amendment to 10 CFR Part 140

CRESS	OFFICE ▶	SLR	SLR				
T3061, R01							
T3062, R02	SURNAME ▶	JSaltzman:dlp	LJohnson				
11/17/71	DATE ▶	11/30/71	11/5/71				

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AMENDMENT TO INDEMNITY AGREEMENT NO. B-43

AMENDMENT NO. 2


Effective December 14, 1971, Indemnity Agreement No. B-43 between Carolina Power and Light Company and the Atomic Energy Commission, dated December 4, 1969, as amended, is hereby further amended as follows:

Article II is amended by adding the following proviso at the end of subparagraph 5(c):

"Provided, however, that with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

- (1) the claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and
- (2) no operating license has been issued by the AEC with respect to the nuclear reactor, and
- (3) the claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility."

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION


Lyall Johnson, Director
Division of State and Licensee Relations

Accepted _____, 1971

By _____

OFFICE ▶

SURNAME ▶

DATE ▶

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