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AUTH. NAME AUTHOR AFFILIATION
SORENSEN, G.C. Washington Public Power Supply System
RECIP. NAME RECIPIENT AFFILIATION
DINITZ, I. NRC - No Detailed Affiliation Given

SUBJECT: Forwards executed Amend 2 to Indemnity Agreement B-94 for plant.

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WASHINGTON PUBLIC POWER SUPPLY SYSTEM

P.O. Box 968 • 3000 George Washington Way • Richland, Washington 99352

November 14, 1989

U.S. Nuclear Regulatory Commission
Document Control Desk
Attn: Mr. Ira Dinitz
Senior Insurance/Indemnity Specialist
Mail Stop 12E-4
Washington, DC 20555

Dear Mr. Dinitz:

Attached please find our signed copy of the revised indemnity agreement between Washington Public Power Supply System and the Nuclear Regulatory Commission.

Very truly yours,



G. C. Sorensen, Manager
Regulatory Programs (MD 280)

tlr

Attachment

cc: Mr. C. J. Bosted, Resident NRC Inspector (901A)
Mr. J. B. Martin, Region V NRC
Mr. N. S. Reynolds, Bishop, Cook, Purcell & Reynolds
Mr. R. B. Samworth, NRC
Mr. D. L. Williams, BPA (399)

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Docket No. 50-397

Amendment to Indemnity Agreement No. B-94
Amendment No. 2

Effective July 1, 1989, Indemnity Agreement No. B-94, between Washington Public Power Supply System and the Nuclear Regulatory Commission, dated August 25, 1982, as amended, is hereby further amended as follows:

The amount "\$160,000,000" is deleted wherever it appears and the amount "\$200,000,000" is substituted therefor.

The amount "\$124,000,000" is deleted wherever it appears and the amount "\$155,000,000" is substituted therefor.

The amount "\$36,000,000" is deleted wherever it appears and the amount "\$45,000,000" is substituted therefor.

Paragraph 1, Article I is modified to read as follows:

1. "Nuclear reactor," "byproduct material," "person," "source material," "special nuclear material," and "precautionary evacuation" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

The definition of "public liability" in paragraph 7, Article I is deleted, and the following is substituted therefor:

"Public liability" means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by a State or a political subdivision of a State, in the course or responding to a nuclear incident or precautionary evacuation), except (1) claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b) if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

Paragraph 4(c), Article II is revised to read as follows:

- (c) Any issue or defense based on any statute of limitations if suit is instituted within three years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof.

In paragraph 1, Article VIII, the amount "\$5,000,000" is deleted and the amount "\$63,000,000" is substituted therefor.

Item 2a of the Attachment to the indemnity agreement is deleted in its entirety and the following substituted therefor:

Item 2 - Amount of financial protection

- a. \$1,000,000 (From 12:01 a.m., August 25, 1982, to 12 midnight, December 19, 1983, inclusive)
- \$160,000,000* (From 12:01 a.m., December 20, 1983, to 12 midnight, June 30, 1989 inclusive)
- \$200,000,000* (From 12:01 a.m., July 1, 1989)

FOR THE UNITED STATES NUCLEAR REGULATORY COMMISSION

Cecil O. Thomas

Cecil O. Thomas, Chief
Policy Development and Technical Support Branch
Program Management, Policy Development
and Analysis Staff
Office of Nuclear Reactor Regulation

Accepted November 14, 1989

By *[Signature]*
Washington Public Power Supply
System

*and, as of August 1, 1977, the amount available as secondary financial protection.

