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 AUTH.NAME AUTHOR AFFILIATION
 CONWAY,W.F. Arizona Public Service Co. (formerly Arizona Nuclear Power
 RECIP.NAME RECIPIENT AFFILIATION
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SUBJECT: Forwards Amend 10 to Indemnity Agreement B-95.

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Arizona Public Service Company

P.O. BOX 53999 • PHOENIX, ARIZONA 85072-3999

WILLIAM F. CONWAY
EXECUTIVE VICE PRESIDENT
NUCLEAR

161-02699-WFC/JRP
December 18, 1989

Docket Nos. 50-528/529/530

Document Control Desk
U. S. Nuclear Regulatory Commission
Mail Station 12E-4
Washington, D. C. 20555

Attention: Ira Dinitz

Dear Sir:

Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2, and 3
Amendment to Indemnity Agreement No. B-95
Amendment No. 10
File: 89-056-026

Enclosed please find one executed copy of the Amendment to Indemnity Agreement No. B-95 Amendment No. 10 between Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Los Angeles Department of Water and Power, Southern California Edison Company, Public Service Company of New Mexico, Southern California Public Power Authority, and the U. S. Nuclear Regulatory Commission for your review and files.

Should you have any questions, please call J. R. Provasoli at (602) 340-4160.

Sincerely,



WFC/JRP/jle

Enclosure

cc: O. M. DeMichele
T. L. Chan
M. J. Davis
J. R. Martin
T. J. Polich

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

Docket Nos. 50-528, 50-529, 50-530

Amendment to Indemnity Agreement No. B-95
Amendment No. 10

Effective July 1, 1989, Indemnity Agreement No. B-95, between Arizona Public Service Company, Southern California Edison Company, Salt River Project Agricultural Improvement and Power District, Public Service Company of New Mexico, El Paso Electric Company, Southern California Public Power Authority, Los Angeles Department of Water and Power and the Nuclear Regulatory Commission dated January 26, 1983 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.

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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., January 26, 1983, to 12 midnight, December 30, 1984 inclusive) |
| \$160,000,000* | (From 12:01 a.m., December 31, 1984, 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 11-13, 1989

Accepted 11-13, 1989

By William F. Crenshaw
Arizona Public Service
Company

By Arnold B. Bay
Southern California Edison Company

Accepted Nov. 13,, 1989

Accepted 11-13, 1989

By Donald H. Levine
Salt River Project
Agricultural Improvement
and Power District

By J. L. Goodman
Public Service Company of New Mexico

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

THE UNITED STATES OF AMERICA
DO hereby certify that the within and foregoing is a true and correct copy of the original as the same appears on the records of the Department of the Interior.

WITNESSED my hand and the seal of the Department of the Interior at Washington, D.C., this 1st day of January, 1900.

JOHN W. FOSTER,
Secretary of the Interior.

100,000,000

AND I hereby certify that the within and foregoing is a true and correct copy of the original as the same appears on the records of the Department of the Interior.

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THE UNITED STATES OF AMERICA

DO hereby certify that the within and foregoing is a true and correct copy of the original as the same appears on the records of the Department of the Interior.

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THE UNITED STATES OF AMERICA

DO hereby certify that the within and foregoing is a true and correct copy of the original as the same appears on the records of the Department of the Interior.

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THE UNITED STATES OF AMERICA

DO hereby certify that the within and foregoing is a true and correct copy of the original as the same appears on the records of the Department of the Interior.

THE UNITED STATES OF AMERICA

Accepted 11/13, 1989

By *[Signature]*
El Paso Electric Company

Accepted Nov 13, 1989

By *Edna A. Castro*
Southern California Public Power
Authority

Accepted Nov 13, 1989

By *Edna A. Castro*
Los Angeles Department of Water
and Power

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