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FACIL:50-315 Donald C. Cook Nuclear Power Plant, Unit 1, Indiana & 05000315
50-316 Donald C. Cook Nuclear Power Plant, Unit 2, Indiana & 05000316
AUTH.NAME AUTHOR AFFILIATION
KEARNEY,R.B. American Electric Power Service Corp.
RECIP.NAME RECIPIENT AFFILIATION
DINITZ,I. NRC - No Detailed Affiliation Given

SUBJECT: Forwards Amend 11 to Indemnity Agreement B-61.

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[Signature]

American Electric Power
Service Corporation
1 Riverside Plaza
Columbus, OH 43215
614 223 1000

Writer's Direct Dial No.

(614) 223-1698



A. Joseph Dowd
Senior Vice President
and General Counsel

John F. DiLorenzo, Jr.
Vice President, Secretary
and Associate General Counsel

John B. Shinnock
Jeffrey P. White
Edward J. Brady
Thomas S. Ashford
Assistant General Counsel

Earl Goldhammer
Tax Counsel

Michael R. Luis
Assistant Tax Counsel

Robert W. Harmon
Rachel B. Kearney
Jeffrey D. Cross
Senior Attorneys

Marvin I. Resnik
Kevin F. Duffy
Senior Rate Counsel

James R. Bacha
Rate Counsel

Kenneth E. McDonough
Real Estate Counsel

Kevin D. Mack
Bradford R. Signet
Timothy A. King
Barbara A. Belville
Ann B. Graf
David R. Gallo
John M. Adams, Jr.
Attorneys

Mr. Ira Dinitz
Senior Insurance/Indemnity Specialist
U. S. Nuclear Regulatory Commission
Mail Stop 12E-4
Washington, D. C. 20555

October 26, 1989

Re: D. C. Cook Nuclear Plant
Amendment to Indemnity Agreement

Dear Mr. Dinitz:

As we discussed by telephone today, the amendment to the indemnity agreement should reflect the licensee's current name: Indiana Michigan Power Company. Indiana & Michigan Electric Company changed its name to Indiana Michigan Power Company on September 10, 1987. The corporate entity named "Indiana and Michigan Power Company" is no longer in existence.

I have marked-up the amendment to the indemnity agreement to reflect this change.

Thank you for your assistance.

Very truly yours,

Rachel B. Kearney
Rachel B. Kearney

RBK/baw

Mool
11/1

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PDR ADOCK 05000315
J PNU



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

Docket Nos. 50-315
50-316

All references to "Indiana and Michigan Power Company" and "Indiana and Michigan Electric Company" shall be changed to read "Indiana Michigan Power Company."

Amendment to Indemnity Agreement No. B-61
Amendment No. II

Effective July 1, 1989, Indemnity Agreement No. B-61, between Indiana and Michigan Company, Indiana and Michigan Electric Company, and the Atomic Energy Commission, dated May 26, 1972 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., May 26, 1972, to 12 midnight, October 24, 1974, inclusive) |
| \$110,000,000 | (From 12:01 a.m., October 25, 1974, to 12 midnight, March 20, 1975, inclusive) |
| \$125,000,000 | (From 12:01 a.m., March 21, 1975, to 12 midnight, April 30, 1977 inclusive) |
| \$140,000,000* | (From 12:01 a.m., May 1, 1977, to 12 midnight, April 30, 1979 inclusive) |
| \$160,000,000* | (From 12:01 a.m., May 1, 1979, 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 _____, 1989

By _____
Indiana and Michigan Power
Company

Accepted _____, 1989

By _____
Indiana and Michigan Electric
Company

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

