



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

AUG 14 1978

Docket Nos. 50-269  
50-270  
50-287

Duke Power Company  
ATTN: A. C. Theis  
Senior Vice President  
422 South Church Street  
Charlotte, North Carolina 28242

Gentlemen:

We are enclosing herewith an amendment to your indemnity agreement reflecting a change in 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements." The amendment to Part 140, which was effective on August 1, 1977, adds a new "Article VIII" to § 140.92. This article establishes procedures that the Commission would utilize to recover retrospective premiums paid by the Government on behalf of defaulting licensees.

We would appreciate your indicating your acceptance of the amendment to your indemnity agreement in the space provided and returning one signed copy to the undersigned.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerome Saltzman".

Jerome Saltzman, Chief  
Antitrust & Indemnity Group  
Nuclear Reactor Regulation

Enclosure:  
Amendment to Indemnity Agreement

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ccp

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AMENDMENT TO INDEMNITY AGREEMENT NO. B-44

AMENDMENT NO. 12

Effective August 1, 1977, Indemnity Agreement No. B-44, between Duke Power Company, and the Atomic Energy Commission, dated March 24, 1970, as amended, is hereby further amended by adding a new Article VIII to read as follows:

"ARTICLE VIII

- "1. If the licensee fails to pay assessed deferred premiums, the Commission reserves the right to pay those premiums on behalf of the licensee and to recover the amount of such premiums from the licensee.
- "2. The Commission shall require the immediate submission of financial statements by those licensees who indicate, after an assessment of the retrospective premium by the insurance pools, that they will not pay the assessment. Such financial statements shall include, as a minimum, exhibits indicating internally generated funds from operations and accumulated retained earnings. Subsequent submission of financial statements by such licensees may be requested by the Commission, as required.
- "3. If premiums are paid by the Commission as provided in paragraph 1, payment by the Commission shall create a lien in the amount paid in favor of the United States upon all property and rights to property, whether real or personal, belonging to such licensee. The lien shall arise at the time payment is made by the Commission and shall continue until the liability for the amount (or a judgment against the licensee arising out of such liability) is satisfied or becomes unenforceable. The Commission will issue a certificate of release of any such lien if it finds that the liability for the amount has been fully satisfied or has become legally unenforceable.

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"4. If the Commission determines that the licensee is financially able to reimburse the Commission for a deferred premium payment made in its behalf, and the licensee, after notice of such determination by the Commission fails to make such reimbursement within 120 days, the Commission will take appropriate steps to suspend the license for 30 days. The Commission may take any further action as necessary if reimbursement is not made within the 30-day suspension period including, but not limited to, termination of the operating license."

FOR THE UNITED STATES NUCLEAR REGULATORY COMMISSION

/s/ JEROME SALTZMAN

Jerome Saltzman, Chief  
Antitrust and Indemnity Group  
Office of Nuclear Reactor Regulation

Accepted \_\_\_\_\_, 1978

By \_\_\_\_\_  
DUKE POWER COMPANY

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