



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

Docket Nos. 50-321  
50-366

Amendment to Indemnity Agreement No. B-69  
Amendment No. 13

Effective July 1, 1989, Indemnity Agreement No. B-69, between Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia and the Atomic Energy Commission, dated August 2, 1973 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., August 2, 1973, to 12 midnight, August 5, 1974, inclusive) |
| \$110,000,000  | (From 12:01 a.m., August 6, 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 Oct 12, 1989

Accepted 10-30, 1989

By *W. S. Baint*  
Georgia Power Company

By *Tom Kelgore*  
Oglethorpe Electric Membership  
Corporation

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

Accepted Oct 30, 1989

Accepted 10/30, 1989

By *Donald L. Stokley*  
Municipal Electric  
Authority of Georgia

By *De Forest Barnett*  
City of Dalton, Georgia