

September 21, 1989

Docket No. 50-285

Mr. Kenneth J. Morris
Division Manager - Nuclear Operations
Omaha Public Power District
1623 Harney Street
Omaha, Nebraska 68102

Dear Mr. Morris:

SUBJECT: FORT CALHOUN STATION - AMENDMENT TO INDEMNITY AGREEMENT

Enclosed is an amendment to your indemnity agreement reflecting the changes to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," effective July 1, 1989. The amendments to Part 140 reflect the increase from \$160 million to \$200 million in the primary layer of nuclear energy liability insurance provided by American Nuclear Insurers and Mutual Atomic Energy Liability Underwriters. The amendments also conform to changes made to the Price-Anderson Act by "The Price-Anderson Amendments Act of 1988," which was enacted on August 20, 1988.

Please signify your acceptance of the amendment to your indemnity agreement in the space provided and return one signed copy to the Document Control Desk, ATTN: Ira Dinitz, Senior Insurance/Indemnity Specialist, U.S. Nuclear Regulatory Commission, Mail Stop 12E-4, Washington, D.C. 20555. If you have any questions about the foregoing, please contact Mr. Dinitz at 301-492-1289.

Sincerely,

/s/

Anthony Bournia, Project Manager
Project Directorate IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
Amendment to Indemnity
Agreement

cc w/enclosure:
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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Anthony Bournia

Anthony Bournia, Project Manager
Project Directorate IV
Division of Reactor Projects - III,
IV, V and Special Projects
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cc w/enclosure:
See next page

Mr. Kenneth J. Morris
Omaha Public Power District

Fort Calhoun Station
Unit No. 1

cc:

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Washington County Board
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Mr. Phillip Harrell, Resident Inspector
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Mr. G. R. Peterson, Manager
Fort Calhoun Station
P. O. Box 399
Fort Calhoun, Nebraska 68023



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

Docket No. 50-285

Amendment to Indemnity Agreement No. B-67
Amendment No. 8

Effective July 1, 1989, Indemnity Agreement No. B-67, between Omaha Public Power District and the Atomic Energy Commission, dated January 24, 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.

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 24, 1973, to 12 midnight, May 23, 1973, inclusive)
\$95,000,000	(From 12:01 a.m., May 24, 1973, to 12 midnight, February 28, 1974, inclusive)
\$110,000,000	(From 12:01 a.m., March 1, 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

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

Accepted _____, 1989

By Omaha Public Power District