



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

Docket File

September 29, 1989

Docket No. 50-461

Mr. Dale L. Holtzscher
Acting Manager - Licensing and Safety
Clinton Power Station
P.O. Box 678
Mail Code V920
Clinton, IL 61727

Dear Mr. Holtzscher:

SUBJECT: ILLINOIS POWER COMPANY - 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 71-492-1289.

Sincerely,

Paul C. Shemanski

Paul C. Shemanski, Acting Director
Project Directorate III-2
Division of Reactor Projects - III
IV, V, and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
Amendment to Indemnity
Agreement

cc w/enclosure:
See next page

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JL PDC

Mr. Dale L. Holtzscher
Illinois Power Company

Clinton Power Station
Unit 1

cc:

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Senior Vice President
Clinton Power Station
P. O. Box 678
Clinton, Illinois, 61727

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Office of Nuclear Facility Safety
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U. S. Nuclear Regulatory Commission
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San Jose, California 95125

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Glen Ellyn, Illinois 60137

Chairman of DeWitt County
c/o County Clerk's Office
DeWitt County Courthouse
Clinton, Illinois 61727



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

Docket No. 50-461

Amendment to Indemnity Agreement No. B-91
Amendment No. 4

Effective March 27, 1989, Indemnity Agreement No. B-91, between Illinois Power Company, Western Illinois Power Cooperative, Inc., Soyland Power Cooperative, Inc., and the Nuclear Regulatory Commission, dated August 7, 1985, as amended, is hereby further amended as follows:

Item 1 of the Attachment to the indemnity agreement is deleted in its entirety and the following substituted therefor:

Item 1 - Licensees

Illinois Power Company
Soyland Power Cooperative, Inc.

FOR THE U.S. 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

Accepted _____, 1989

By _____
Illinois Power Company

By _____
Western Illinois Power
Cooperative, Inc.

Accepted _____, 1989

By _____
Soyland Power Cooperative, Inc.



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

Docket No. 50-461

Amendment to Indemnity Agreement No. B-91
Amendment No. 5

Effective July 1, 1989, Indemnity Agreement No. B-91, between Illinois Power Company, Soyland Power Cooperative, Inc., and the Nuclear Regulatory Commission, dated August 7, 1985, 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.

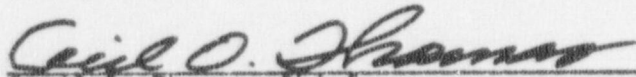
In paragraph 1, Article VIII, the amount "\$5,000,000" is deleted and the amount "\$63,000,000" is substituted therefor.

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., August 7, 1985, to 12 midnight, September 28, 1986, inclusive)
- \$160,000,000* (From 12:01 a.m., September 29, 1986, to 12 midnight, June 30, 1989 inclusive)
- \$200,000,000* (From 12:01 a.m., July 1, 1989)

FOR THE U.S. NUCLEAR REGULATORY COMMISSION



Cecil O. Thomas, Chief
Policy Development and Technical Support Branch
Program Management Policy Development
and Analysis Staff
Office Nuclear Reactor Regulation

Accepted _____, 1989

By _____
Illinois Power Company

Accepted _____, 1989

By _____
Spartan Power Cooperative, Inc.

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

September 29, 1989

Docket No. 50-461

Mr. Dale L. Holtzscher
Acting Manager - Licensing and Safety
Clinton Power Station
P.O. Box 678
Mail Code V920
Clinton, IL 61727

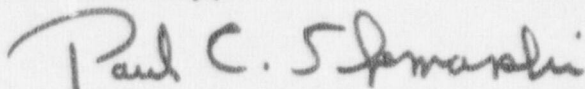
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Sincerely,



Paul C. Shemanski, Acting Director
Project Directorate III-2
Division of Reactor Projects - III
IV, V, and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
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Agreement

cc w/enclosure:
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9/29/89

P.S.
PDIII-2
PShemanski
9/29/89