

## NUCLEAR HAZARDS INDEMNITY AGREEMENT

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- a) **Applicability.** Paragraphs (a) through (k) of 48 C.F.R. 952.250-70, Nuclear Hazards Indemnity Agreement (AUG 2016 ) are incorporated in this Agreement by reference to the extent this Agreement involves a risk of public liability as that term is defined at 42 U.S.C. § 2014.
- b) **Concurrent Nuclear Safety Requirements.**
  - (i) Based on the authority granted under 42 U.S.C. § 2282a, the U.S. Department of Energy (DOE) is authorized to impose civil monetary penalties on any Seller indemnified under the Atomic Energy Act of 1954, as amended (PAAA) who is in violation of DOE Nuclear Safety Requirements as defined at 10 C.F.R. § 820.2.
  - (ii) DOE's regulations at 10 C.F.R. § 820 provide the procedural rules and processes to investigate violations of the DOE Nuclear Safety Requirements and enforce those requirements by imposing an appropriate remedy, including the payment of civil penalties. Therefore, a Seller indemnified under the provisions of 48 C.F.R. 952.250-70 cited herein is subject to the DOE Nuclear Safety Requirements and enforcement actions and penalties in the event of violations of those requirements, while concurrently indemnified under PAAA.
- c) **Hold Harmless.** Seller will indemnify, defend, and hold harmless the Company, and its directors, officers, and employees from any liability assessed under the DOE's nuclear safety enforcement program in accordance with 10 C.F.R. Part 820 arising out of the activities of the Seller, its subcontractors, suppliers, agents, employees, and their officers or directors.
- d) **Flowdown.** Seller will flow down the requirements of this clause to lower-tier subcontracts that involve a risk of public liability as that term is defined at 42 U.S.C. § 2014.