

BEFORE THE  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

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Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the matter	)	Docket Nos. 50-352
	)	
Philadelphia Electric Company	)	50-353
	)	
(Limerick Generating Station,	)	
Units 1 and 2)	)	

AFFIDAVIT OF VINCENT S. BOYER, SENIOR VICE  
PRESIDENT, NUCLEAR POWER, PHILADELPHIA  
ELECTRIC COMPANY REGARDING CONTENTIONS V-3a and 3b

Vincent S. Boyer, being duly sworn according to the law, deposes  
and says:

1. My name is Vincent S. Boyer. I am Senior Vice President,  
Nuclear Power, Philadelphia Electric Company.

2. Table 2.2-2, Figure 2.2-4 and Section 9.5.4.3 (specifically  
page 9.5-34) of the Final Safety Analysis Report for the Limerick Generating  
Station were prepared under my direction and supervision. This Table and  
Figure deal with the pipelines at the Limerick site and this Section dis-  
cusses the exposure of the diesel oil storage tanks and piping of the Lim-  
erick facility to sources of ignition.

3. The statements and matters therein are true and correct  
to the best of my knowledge, information and belief.

4. Attached hereto is a true and correct copy of an agreement  
between Philadelphia Electric Company and Arco Pipeline Company dated October

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PDR ADOCK 05000352  
G PDR

THIS AGREEMENT made this 27th day of October , A.D. 1982 by and between PHILADELPHIA ELECTRIC COMPANY, a corporation of the Commonwealth of Pennsylvania, hereinafter called ELECTRIC, of the first part, and ARCO PIPE LINE COMPANY, a corporation of the State of Delaware, with its principal offices in the City of Independence, State of Kansas, hereinafter called ARCO, of the second part.

WHEREAS, ELECTRIC is the owner of premises situate in the Township of Limerick, County of Montgomery, Commonwealth of Pennsylvania, more particularly described in four (4) Indentures dated November 27, 1964, October 20, 1969, January 26, 1970 and May 25, 1970 and recorded in the Office for the Recording of Deeds &c., in and for the County of Montgomery, aforesaid, in Deed Book Nos. 3661, 3576, 3584 and 3595, pages 661, 88, 857 and 871 &c., respectively; AND

WHEREAS, said premises were acquired UNDER and SUBJECT to three (3) easements for a pipe line or lines granted to Keystone Pipe Line Company and one (1) easement granted to Atlantic Pipe Line Company dated December 8, 1954, April 4, 1955, July 11, 1955 and January 18, 1956 and recorded in the Office, aforesaid, in Deed Book Nos. 2533, 2561, 2648 and 2656, pages 103, 206, 503 and 543 &c., respectively; AND

WHEREAS, said Keystone Pipe Line Company and Atlantic Pipe Line Company merged into ARCO PIPE LINE COMPANY; AND

WHEREAS, ELECTRIC'S Limerick Generating Station Site is located on the above recited premises and in order to comply with a Nuclear Regulatory Commission request pertaining to the construction of the Generating Station, ELECTRIC requested that ARCO agree to modify said easements to prohibit the shipping of propane in and through the pipe line or lines traversing said premises; AND

27, 1982 relating to the use of the Arco pipeline which crosses the Limerick site.

Sworn to and subscribed before me  
this 6th day of Oct 1982.

Vincent S. Boyer  
Vincent S. Boyer

Patricia D. Scholl  
Notary Public

PATRICIA D. SCHOLL  
Notary Public, Philadelphia, Philadelphia Co.  
My Commission Expires February 10, 1986

WHEREAS, the third abovementioned easement provides in Clause 4 thereof, "The said party of the second part agrees at its expense to take up and relocate said pipe line within property of the said party of the first part at any time or times when required to do so by the said party of the first part, etc." and ARCO requests that ELECTRIC agree to modify said easement to permit ARCO permanent status for its pipe line at this location; AND

NOW, THEREFORE, WITNESSETH in consideration of the mutual covenants herein and for other good and valuable consideration, and intending to be legally bound hereby, the parties hereto agree as follows:

1. ARCO agrees to prohibit the shipping of propane in and through the pipe line or lines traversing ELECTRIC'S Limerick Generating Station Site.
2. ELECTRIC agrees to the deletion of Clause 4 of the third abovementioned easement thereby eliminating the request of relocation by ARCO.
3. Except as herein provided, all other covenants and conditions of the four (4) abovementioned easements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused their respective common or corporate seals to be hereunto affixed, duly attested, the day and year first above written.

ATTEST:

*H. L. [Signature]*  
Secretary

PHILADELPHIA ELECTRIC COMPANY

BY: *[Signature]*  
Vice President

ARCO PIPE LINE COMPANY

BY: *[Signature]*  
Gail M. Stout, Vice President

ATTEST:

*[Signature]*  
Secretary  
(J. H. Keeley)

Approved as to Form
<i>[Signature]</i>
Legal Department

STATE OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

On this, the 22nd day of NOVEMBER

1982, before me,

JUDITH V. FRANKLIN

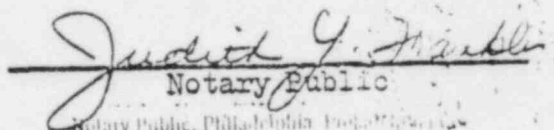
, the undersigned officer,

personally appeared C.V. MYERS

, who acknowledged himself to

be a Vice President of PHILADELPHIA ELECTRIC COMPANY, a corporation, and that he as such Vice President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
Notary Public  
Notary Public, Philadelphia, Pennsylvania  
My Commission Expires July 1, 1983

STATE OF KANSAS )

COUNTY OF MONTGOMERY )

On this, the 27th day of October

1982, before me,

Mildred L. Russell

, the undersigned officer,

personally appeared Gail M. Stout

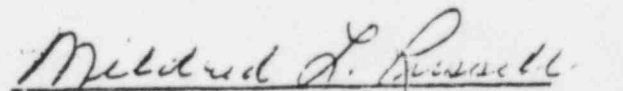
, who acknowledged himself to be the

Vice President of ARCO PIPE LINE COMPANY, a corporation, and that he as such Vice President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires

February 7, 1984.

  
Notary Public, Montgomery  
County, Kansas.  
(Mildred L. Russell)

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )  
 )  
Philadelphia Electric Company ) Docket Nos. 50-352  
 ) 50-353  
(Limerick Generating Station, )  
Units 1 and 2) )

CERTIFICATE OF SERVICE

I hereby certify that copies of:

1. Applicant's Memorandum In Support Of Its Motion For Summary Disposition Of Contentions V-3a And V-3b, dated October 7, 1983;
2. Applicant's Statement Of Material Facts As To Which There Is No Genuine Issue To Be Heard With Regard To Contentions V-3a And V-3b, dated October 7, 1983;
3. Applicant's Motion For Summary Disposition Of Contentions V-3a And V-3b, dated October 7, 1983;
4. Affidavit Of John D. Walsh In Support Of Motion For Summary Disposition Of Contentions V-3a And V-3b, dated October 6, 1983;
5. Affidavit Of Vincent S. Boyer, Senior Vice President, Nuclear Power, Philadelphia Electric Company Regarding Contentions V-3a And V-3b, dated October 6, 1983,

in the captioned matter have been served upon the following by deposit in the United States mail this 7th day of October, 1983:

\* Judge Lawrence Brenner (2)  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

\* Hand Delivery



- \* Judge Richard F. Cole  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555
- \* Judge Peter A. Morris  
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Board  
U.S. Nuclear Regulatory  
Commission  
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- Atomic Safety and Licensing  
Appeal Panel  
U.S. Nuclear Regulatory  
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Washington, D.C. 20555
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- \*\* Mr. Robert L. Anthony  
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\* Hand Delivery

\*\* Federal Express - Saturday Delivery

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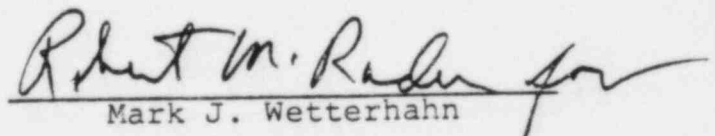
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