

BOSTON EDISON COMPANY
GENERAL OFFICES 800 BOYLSTON STREET
BOSTON, MASSACHUSETTS 02199

BECO. Ltr. #79-127

G. CARL ANDRONINI
SUPERINTENDENT
NUCLEAR OPERATIONS DEPARTMENT

July 2, 1979

Mr. Harold R. Denton
Director of Nuclear Reactor Regulations
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

License No. DPR-35
Docket No. 50-293

Notification of a Claim

Dear Mr. Denton:

This letter notifies the Nuclear Regulatory Commission, pursuant to 10 CFR Part 140.6, that a claim has been filed against Boston Edison arising out of or in connection with the operation of Pilgrim Station Unit #1. The complaint is attached for your information. Should there be any further questions on this subject, please contact us at your convenience.

Very truly yours,

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COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Superior Court
No.

Lily A. Gutasukas, Administratrix
of the Estate of Alfred D. Gutasukas
and individually,
Plaintiff

v.

Boston Edison Company and General
Electric Corporation,
Defendants

COMPLAINT
PLAINTIFF DEMANDS
TRIAL BY JURY

PARTIES

1. The Plaintiff is the duly appointed administratrix of the Estate of Alfred D. Gutasukas, Plymouth Probate Court Number 128657 and is an individual who resides at 439 Pleasant Street, Bridgewater, Plymouth County, Massachusetts.

2. The Defendant Boston Edison Company (hereinafter referred to as Boston Edison) is a duly organized Massachusetts utility company with an usual place of business at 800 Boylston Street, Boston, Suffolk County, Massachusetts.

3. The Defendant General Electric Corporation is a duly organized Connecticut corporation with an usual place of business at Fairfield, Connecticut.

STATEMENT OF FACTS

4. In February 1976 and at all time material

hereto Plaintiff Lily A. Gutauskas and Alfred D. Gutauskas were husband and wife.

5. In 1973 Defendant General Electric was engaged in the manufacture, distribution and sale of fuel rods for use in nuclear power plants and did so manufacture and sell said fuel rods to Defendant Boston Edison for use in the Pilgrim I nuclear power facility at Plymouth, Massachusetts.

6. Defendants General Electric and Boston Edison knew or should have known that said fuel rods were in a defective condition and were likely to cause the emission of substantial amounts of radiation into the air in sufficient quantities to cause harm to people who were exposed to such radiation.

7. On February 11, 12 and 13, 1976, the Plaintiff Alfred D. Gutauskas was employed by Crouse Company, Inc., of Linfield, Pennsylvania, an independent contractor, to perform work at the Pilgrim I plant on which dates Plaintiff Alfred D. Gutauskas was exposed to high levels of radiation which resulted in his death on August 21, 1976, from widespread cancer.

8. Between February and August 1976 Plaintiff Alfred D. Gutauskas was prevented from transacting his

business, suffered agonizing pain, both mental and physical, and incurred expenses for medical attention and hospitalization.

9. Plaintiff Lily A. Gutasukas lost the support, comfort and companionship of her husband, Plaintiff Alfred D. Gutasukas, as a result of his injuries.

COUNT ONE

10. Defendant Boston Edison was guilty of the following acts of negligence, all of which proximately caused and contributed to the injuries and death of Alfred D. Gutasukas:

(a) in providing an unsafe workplace to the employee of an independent contractor;

(b) in violating the high standard of care required in the use of dangerous substances;

(c) in permitting Alfred D. Gutasukas to enter an area of known contamination;

(d) in failing to warn Alfred D. Gutasukas of the dangers of radiation exposure.

WHEREFORE, Plaintiff Lily A. Gutasukas, administratrix, demands judgment against Defendant Boston Edison Company in the sum of Five Million Dollars plus interest and costs.

COUNT TWO

11. Defendant Boston Edison was guilty of willful,

wanton and reckless conduct amounting to gross negligence in permitting Alfred D. Gutasukas to be exposed to harmful amounts of radiation when it knew or should have known that harm was likely to result.

WHEREFORE, Plaintiff Lily A. Gutasukas, administratrix, demands judgment against Defendant Boston Edison Company and punitive damages in the sum of Ten Million Dollars.

COUNT THREE

12. As a result of the negligence of Defendant Boston Edison, Plaintiff Lily A. Gutasukas suffered the loss of the support, comfort and companionship of her husband, Alfred D. Gutasukas.

WHEREFORE, Plaintiff Lily A. Gutasukas, administratrix, demands judgment against Defendant Boston Edison Company in the sum of One Million Dollars.

COUNT FOUR

13. In connection with the manufacture, distribution and sale of the fuel rods herein described, Defendant General Electric was guilty of the following acts of negligence, all of which proximately caused and contributed to the injuries of Alfred D. Gutasukas:

(a) in manufacturing and selling fuel rods in a defective condition so that they leaked radiation under

normal use;

(b) in failing to recall and/or take appropriate steps to repair or replace the fuel rods.

WHEREFORE, the Plaintiff Lily A. Gutauskas, administratrix, demands judgment against Defendant General Electric in the sum of Five Million Dollars, plus interest and costs.

COUNT FIVE

14. Defendant General Electric was guilty of willful, wanton and reckless conduct amounting to gross negligence in its manufacturing and selling defective fuel rods which it knew or should have known were likely to cause harm and in its subsequent failure to repair the fuel rods after it did know that they were leaking radiation into the air.

WHEREFORE, Plaintiff Lily A. Gutauskas, administratrix, demands judgment against Defendant General Electric and punitive damages in the sum of Ten Million Dollars.

COUNT SIX

15. As a result of the negligence of Defendant General Electric, Plaintiff Lily A. Gutauskas suffered the loss of the support, comfort and companionship of her

husband, Alfred D. Gutasukas.

WHEREFORE, Plaintiff Lily A. Gutasukas administra-
trix, demands judgment against Defendant General Elec-
trix in the sum of One Million Dollars.

PLAINTIFF DEMANDS TRIAL BY JURY.

By her attorneys,

Wendy S. Harrison

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