



BOSTON EDISON
Executive Offices
800 Boylston Street
Boston, Massachusetts 02199

William S. Stowe
Assistant General Counsel

(617) 424-2544

April 4, 1991

Dr. Thomas R. Murley, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Notification of Claim

Dear Mr. Murley:

Pursuant to the requirements of 10 CFR 140.6, this letter serves as notification that a claim on behalf of Donna F. Scott and Lee Roy Scott has been filed against Boston Edison Company arising out of or in connection with its operation of Pilgrim Nuclear Power Station. A copy of the Summons and Complaint is attached for your information.

Should there be any questions concerning this notification, please contact me.

Very truly yours,

WSS/clb
Enclosure

cc: John Dietrich, Licensing Division Manager

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U.S. Nuclear Regulatory Commission
April 4, 1991
Page 2

cc without enclosure:

Mr. R. Eaton, Project Manager
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation
Mail Stop: 14D1
U.S. Nuclear Regulatory Commission
1 White Flint North
11555 Rockville Pike
Rockville, MD 20852

U.S. Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, PA 19406

Senior NRC Resident Inspector
Pilgrim Nuclear Power Station

Commonwealth of Massachusetts

DATE OF SERVICE

4/2/91

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SUFFOLK, ss.



SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. 91-0083

Donna F. Scott and Lee Roy Scott, Plaintiff(s)

v.

Boston Edison Company, Defendant(s)

SUMMONS

TRUE COPY ATTEST
D. H. Sullivan
COMPTROLLER

To the above-named Defendant:

You are hereby summoned and required to serve upon Joseph S. Ayoub, Jr., Esq.
Goldstein & Manello

plaintiff's attorney, whose address is 265 Franklin St., Boston, MA 02110, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, ROBERT L. STEADMAN, Esquire, at Boston, the second day of April, in the year of our Lord one thousand nine hundred and ninety-one.

Michael Joseph Donovan
Clerk/Magistrate

NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) TORT - (2) MOTOR VEHICLE TORT - (3) CONTRACT - (4) EQUITABLE RELIEF - (5) OTHER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
C.A. No.

91-0083

DONNA F. SCOTT and LEE ROY SCOTT,

Plaintiffs

v.

BOSTON EDISON COMPANY,

Defendant

COMPLAINT AND JURY DEMAND

1. By this action the Plaintiff, Donna F. Scott, and her husband, Lee Roy Scott, seek to recover damages of the Defendant, Boston Edison Company, Inc., for its negligence in the ownership and operation of the Pilgrim Nuclear Power Plant, which negligence has resulted in the chronic granulocytic leukemia of Donna Scott.

PARTIES, JURISDICTION AND VENUE

2. The Plaintiff, Donna F. Scott ("Mrs. Scott"), is a person with a usual place of residence at 21987 Kingshill, Mission Viejo, CA.

3. The Plaintiff, Lee Roy Scott ("Mr. Scott"), is a person with a usual place of residence at 21987 Kingshill, Mission Viejo, CA.

4. The Defendant, Boston Edison Company Inc. ("Boston Edison") is a corporation duly organized and existing pursuant to the laws of Massachusetts, having an usual place of business at 800 Boylston Street, Boston, Suffolk County, Massachusetts.

GENERAL ALLEGATIONS

5. From on or about May, 1974 to on or about July, 1981, Mrs. Scott lived at 32 Woodridge Road in Duxbury, Massachusetts.

6. At all times material herein, Boston Edison was a Massachusetts corporation engaged in the manufacture, distribution and retail sale of electric energy.

7. At all times material herein, Boston Edison, as part of its manufacturing process, owned, operated, and controlled a nuclear reactor located in Plymouth County, Massachusetts, known as the Pilgrim Nuclear Power Plant ("the Pilgrim Plant").

8. In connection with its ownership and operation of the Pilgrim Plant, the Defendant Boston Edison, at all times material, owned, maintained and controlled certain ultra-hazardous and abnormally dangerous substances known as radioactive nuclear materials.

9. As a result of the negligence of Boston Edison in its ownership, maintenance and controls of the Pilgrim Plant, the open discharge of radioactive material occurred, causing widespread contamination of the Pilgrim Plant and the

surrounding area.

10. During the time that Mrs. Scott lived in Duxbury, her residence in Duxbury was approximately 6 miles from the Pilgrim Plant, and her place of employment was in close proximity to the Pilgrim Plant as well.

11. On or about January, 1988 Mrs. Scott was diagnosed with chronic granulocytic leukemia.

12. Upon information and belief, Mrs. Scott's leukemia was a direct and proximate result of the negligence of Boston Edison in that, inter alia, it allowed contamination of the Pilgrim Plant and the surrounding area, including, without limitation, the area in which Mrs. Scott worked and lived.

COUNT I

(Negligence)

13. The Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 12 set forth herein.

14. The foregoing conduct of Boston Edison constitutes negligence on its part as a direct and proximate result of which Mrs. Scott has been greatly harmed and damaged.

COUNT II

(Loss of Consortium)

15. The Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 14 set forth herein.

16. On May 6, 1984, Lee Roy Scott married Donna Scott and has been from that time and is presently her lawful husband.

17. As a direct and proximate result of negligence of Boston Edison, Mr. Scott's rights to the consortium, care, comfort and society of Mrs. Scott were interfered with, to his great damage.

COUNT III

(Strict Liability)

18. The Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 17 set forth herein.

19. That the activity carried on at the premises of the Pilgrim Plant of the Boston Edison was an ultra-hazardous and abnormally dangerous undertaking.

20. The said ultra-hazardous and abnormally dangerous activity of Boston Edison proximately caused Mrs. Scott's injuries. Further, Mrs. Scott's injuries were the direct result of the strict liability in tort of the Boston Edison's ultra-hazardous and abnormally dangerous activities.

RELIEF SOUGHT

WHEREFORE, the Plaintiffs demand judgment against the Defendant as follows:

1. With respect to Count I, that the Court award to Donna Scott damages, in an amount to be proven at trial, on account

of the negligence of Boston Edison, together with interest, costs and attorneys' fees.

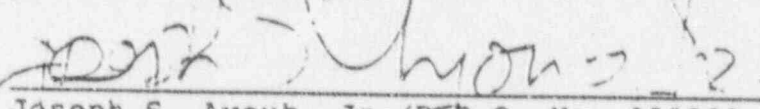
2. With respect to Count II, that the Court award to Lee Roy Scott damages, in an amount to be proven at trial, on account of his loss of consortium of Mrs. Scott, together with interest, costs and attorneys' fees.

3. With respect to Count III, that the Court award to Donna Scott damages, in an amount to be proven at trial, on account of the strict liability of Boston Edison, together with interest, costs and attorneys' fees.

4. That the Court enter such order as may be required to effectuate the foregoing and award such other and further relief as it deems meet and just.

DONNA F. SCOTT and LEE ROY SCOTT,

By their attorneys,


Joseph S. Ayoub, Jr. / B.B.O. No. 02A900
GOLDSTEIN & MANELLO
285 Franklin Street
Boston, MA 02110
(617) 439-8900

Dated: January 4, 1991.

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