BOSTON EDISON
Executive Offices
800 Boylston Street
Boston, Massachusetts 02199

William S. Stowe
Assistant General Counsel
(617) 424-2544
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November 21, 1994

Director of Nuclear Regulatory Regulation
Nuclear Regulatory Commission
Washington, DC 20555

Re: Dennis J. and Kellie M. Miranda v. Boston Edison Company
Suffolk Superior Court
Civil Action No. 94-4612C

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

Dear Sir:

Pursuant to 10 CFR § 140.6(a), notification is hereby provided of the above-captioned action which appears to constitute a claim that is reportable in accordance with that section. A copy of the summons and complaint is enclosed.

At the present time, we have only just received this complaint and have no further information regarding this matter.

Please contact the undersigned if there are any questions regarding this notification.

Very truly yours,

William S Stowe

Enclosures

cc: R. V. Fairbank, Jr.

Ltr Encl
Add: OGC 1 1

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Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. 94-4612C

Dennis J. and Kellie M. Miranda, Plaintiff(s)

v.

The Boston Edison Company, Defendant(s)

SUMMONS

To the above-named Defendant: The Boston Edison Company

You are hereby summoned and required to serve upon David C. Strouss, Esq. Thornton, Early & Naumes plaintiff's attorney, whose address is 60 State St., 6th Fl., Boston, MA 02109, 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 X. STEAMAN~~ Irwin, J. Esquire, at Boston, the _____ day of _____, in the year of our Lord one thousand nine hundred and _____.

Michael Joseph Donovan

Clerk/Magistrate

A true copy, Attest:

1/15/94 Deputy Sheriff, Suffolk County

NOTICE TO DEFENDANT — You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

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

FORM CIV.P. 1 3RD REV 20M 7-92

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 94-4612C

DENNIS J. AND KELLIE M. MIRANDA,
Plaintiffs

v.

THE BOSTON EDISON COMPANY,
Defendant

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS

COMPLAINT

INTRODUCTION

1. This is an action to recover damages for personal injury suffered by the plaintiff Dennis Miranda as a result of exposure to radiation while employed by various contracting firms repairing, maintaining and renovating the Pilgrim Nuclear Power Plant, a nuclear reactor owned and operated by The Boston Edison Company. Plaintiff Kellie M. Miranda brings this complaint for her loss of consortium.

PARTIES

2. Plaintiff, Dennis J. Miranda resides at 37R Tremont Street, Carver, Massachusetts 02330.

3. Plaintiff, Kellie M. Miranda is the wife of Dennis Miranda who resides at 37R Tremont Street, Carver, Massachusetts 02330.

4. Defendant, The Boston Edison Company is a corporation organized pursuant to the laws of the Commonwealth with its

principal place of business in Boston, Massachusetts.

Boston Edison Company was the owner, operator and licensee of the Pilgrim Nuclear Power Plant, Plymouth, Massachusetts at all relevant times.

FACTUAL BASIS FOR CLAIM

5. The plaintiff Dennis Miranda was employed as a laborer at the Pilgrim Nuclear Power Plant at various times from October 1981 until May 1986. The plaintiff worked for contractors engaged by the defendant to repair, maintain and renovate the nuclear reactor.

6. The plaintiff's duties included decontamination work on the refuel floor in the reactor building at the Pilgrim nuclear power plant. While performing his duties, the plaintiff was exposed to excessive and hazardous levels of radiation.

7. At all relevant times it was the responsibility of the defendant to provide a safe work environment and to protect contractors and employees of the contractors from the hazards of exposure to radiation. Boston Edison failed to provide a safe workplace and to protect workers from excessive and hazardous radiation.

8. As a direct and proximate result of defendant's unsafe work practices and dangerous conditions created therein at the Pilgrim nuclear power plant, plaintiff suffered an astrocytoma (glial brain tumor) in September 1992.

COUNT I: Negligence

9. Plaintiff Dennis Miranda repeats the allegations set forth in Paragraphs 1 through 8 and incorporates them by reference as if stated fully herein.

10. At all relevant times, Defendant knew of the hazards to humans of radiation exposure and knew or should have known of the hazardous conditions posed to plaintiff and other workers at the Pilgrim Nuclear Power plant.

11. The defendant was negligent in failing to provide a safe work environment and to protect the plaintiff from excessive and hazardous radiation at the Pilgrim Nuclear power plant, failing to adequately warn the plaintiff of the hazards posed by exposure to ionizing radiation, failing to adequately monitor the plaintiff's radiation exposure, and failing to inspect the premises for radiation hazards.

12. As a direct and proximate result of Defendant's negligent acts and omissions set forth above, Plaintiff suffered severe personal injury, resulting in a significant reduction in his life expectancy, great mental and physical pain and suffering, lost wages and earning capacity, loss of enjoyment of life and substantial medical expenses.

WHEREFORE, Plaintiff demands compensatory damages plus interest and costs.

COUNT II: NUISANCE

13. Plaintiff repeats the allegations set forth in Paragraphs 1 through 12 and incorporates them by reference as if stated fully herein.

14. The defendant owned, maintained and controlled an ultra-hazardous substance known as radioactive nuclear material at its premises at the Pilgrim Nuclear Power Plant.

15. The ownership, maintenance and control of radioactive material, and the release of said material in the form of ionizing radiation constituted a hazardous situation and a nuisance.

16. As a direct and proximate result of this nuisance, Plaintiff suffered severe personal injury, resulting in a significant reduction in life expectancy, great mental and physical pain and suffering, lost wages and earning capacity , loss of enjoyment of life and substantial medical expenses.

WHEREFORE, Plaintiff demands compensatory damages plus interest and costs.

COUNT III: STRICT LIABILITY IN TORT ABNORMALLY DANGEROUS ACTIVITIES

17. Plaintiff Dennis Miranda repeats the allegations set forth in Paragraphs 1 through 16 and incorporates them by reference as if stated fully herein.

18. The activity carried on by the defendant at its premises at the pilgrim Nuclear Power Plant including operating, maintaining, refueling, repairing and renovating the nuclear reactor was abnormally dangerous and ultrahazardous.

19. Defendant's abnormally dangerous activity caused Plaintiff to suffer severe personal injury resulting in significant reduction in life expectancy, great physical and mental pain and suffering, lost wages and earning capacity, loss of enjoyment of life and substantial medical expenses.

WHEREFORE, Plaintiff demands compensatory damages plus interest and costs.

COUNT IV: LOSS OF CONSORTIUM

20. Plaintiff Kellie M. Miranda repeats the allegations set forth in Paragraphs 1 through 12 and incorporates them by reference as if stated fully herein.

21. Kellie Miranda, who at all relevant times has been married to Dennis Miranda, states that as a proximate result of Dennis J. Miranda's injury caused by Defendant's wrongful conduct as alleged above, she has been deprived of his full services, society and consortium, her comfort and happiness have been impaired, and she has suffered mental anguish.

WHEREFORE, Plaintiff demands compensatory damages plus interest and costs.

THE PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.

The Plaintiffs,
By Their Attorneys,

David C. Strouss
B.B.O. NO. 546253
David J. McMorris
BBO No. 338970
Thornton, Early and Naumes
60 State Street, 6th Floor
Boston, MA 02109
(617) 720-1333

Dated: August 23, 1994

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT Suffolk Division	DOCKET NUMBER

PLAINTIFF(S)	DEFENDANT(S)
Dennis J. Miranda Kellie M. Miranda	Boston Edison Company
ATTORNEY(S) FIRM NAME, ADDRESS AND TEL.) David C. Strouss Thornton, Early & Naumes 60 State St., Boston, MA 02109 (617) 720-1333 Board of Bar Overseers # (Required) 546253	ATTORNEY(S) (if known)

ORIGIN CODE AND TRACK DESIGNATION

Place an ☒ in one box only:

- ☒ 1. F01 Original Complaint
- ☐ 2. F02 Removal to Sup. Ct. c 231, s. 104 (F)
- ☐ 3. F03 Retransfer to Sup. Ct. c 231, s. 102C (X)
- ☐ 4. F04 District Ct. Appeal c231, s. 97 (X)
- ☐ 5. F05 Reactivated after Rescript; Relief from judgment/order (Mass. R Civ. P. 60 (X)
- ☐ 6. E10 Summary process appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See Reverse Side)

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
B04	Other Negligence	(F)	☒ Yes ☐ No

1. PLEASE GIVE A CONCISE STATEMENT OF THE FACTS: (Required in ALL Types of Actions)

This case arises out of Plaintiff, Dennis Miranda's exposure to ionizing radiation while working for various contractors at the defendant's Pilgrim Nuclear Power Plant, resulting in his suffering a glial brain tumor. The plaintiff claims negligence, nuisance and strict liability for abnormally dangerous activity and his wife claims loss of consortium.

2. IN A CONTRACT ACTION (CODE A) OR A TORT ACTION (CODE B) STATE, WITH PARTICULARITY, MONEY DAMAGES WHICH WOULD WARRANT A REASONABLE LIKELIHOOD THAT RECOVERY WOULD EXCEED $25,000:

Plaintiff underwent a craniotomy resecting a tumor from his brain and requiring hospitalization from 9/15/92 until 9/30/92, and subsequent medical care including several MRI's, with costs in excess of $50,000.00. Plaintiff also has suffered extensive physical and emotional harm and pain and suffering, as well as his wife suffering loss of consortium. WHEREFORE, plaintiffs believe there is a reasonable likelihood that recovery will exceed $25,000.00.

3. PLEASE IDENTIFY, BY CASE NUMBER, NAME AND DIVISION, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT.

D. C. Strouss

SIGNATURE OF ATTORNEY OF RECORD OR PLAINTIFF

DATE 8/23/94

OFFICE USE ONLY — DO NOT WRITE BELOW THIS LINE

DISPOSITION

A. Judgment Entered
- ☐ 1. Before jury trial or non-jury hearing
- ☐ 2. During jury trial or non-jury hearing
- ☐ 3. After jury verdict
- ☐ 4. After court finding
- ☐ 5. After post trial motion

B. No Judgment Entered
- ☐ 6. Transferred to District Court under G.L. c.231, s.102C.

Disposition Date _____

RECEIVED
BY:
DATE

DISPOSITION ENTERED
BY:
DATE

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF SUFFOLK
THE SUPERIOR COURT

CIVIL DOCKET# SUCV94-04612

RE: **Miranda et al v Boston Edison Company**

TO: David C Strouss
Thornton, Early & Naumes
60 State Street
6th floor
Boston MA 02109

TRACKING ORDER - F TRACK

You are hereby notified that this case is on the fast (F) track as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION	DEADLINE
Service of process made and return filed with the Court	11/21/94
Response to the complaint filed (also see MRCP 12)	01/20/95
All motions under MRCP 12, 19, and 20 filed	01/20/95
All motions under MRCP 15 filed	01/20/95
All discovery requests and depositions completed	06/19/95
All motions under MRCP 56 filed and heard	07/19/95
Final pre-trial conference held and firm trial date set	08/18/95
Case disposed	10/17/95

The final pre-trial deadline is <u>not the scheduled date of the conference</u>. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to Superior Court session C sitting at Suffolk.

Dated: 08/24/94

Michael Joseph Donovan, Clerk of Courts

BY:
Kevin G Murphy, Asst Clerk
Location: Rm 304 (Boston)
Telephone: 617-725-8124