

AMERICAN
NUCLEAR
INSURERS

Boehner

EDWARD H. BOEHNER
Vice President - Claims

BURT C. PROOM, CPCU
President and Chief Executive Officer

July 19, 1988

Mr. Jerome Saltzman
Assistant Director
State and Licensee Relations
Office of State Programs
U.S. Nuclear Regulatory Commission
Mail Stop AR5037
Washington, D.C. 200555

Re: Rodleigh W. and Harrietta W. Bey v.
Public Service Electric & Gas, et al.
Abstract #132

Dear Mr. Saltzman:

This is to advise that we have received a suit on the above-captioned matter, copy attached for your file. Rodleigh Bey alleges excessive exposure to radiation of an undetermined nature due to six incidents between 1979 and 1986 that are not more specifically described. We have no prior record of these alleged incidents nor indication of a claim prior to the institution of suit. Therefore, our investigation will commence.

We have referred the defense of Public Service Electric & Gas to the law firm of Budd, Larner, Gross, Picillo, Rosenbaum, Greenberg and Sade. Presently we are endeavoring to determine the status of the action against Rad Services, Inc., and Hydro-Nuclear Services, Inc. If appropriate, the law firm retained will also enter an Appearance on their behalf as well. The defense of this case is without waiver of our right to reserve or disclaim coverage for punitive damages in the event that the liability of the defendant's is independent of one another. Our information is that New Jersey law provides for insurability of punitive damages only where liability is vicarious in nature.

Following your review of the Complaint, should there be any question concerning our actions in response to this suit, please do not hesitate to contact me.

Very truly yours,
Edward H. Boehner
Edward H. Boehner
Vice President, Claims

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PDR ADOCK 05000272
PJ FDC

EB/mbt

Enclosure

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Attorney(s): BROWN & CONNERY

Office Address & Tel. No.: 360 Haddon Avenue, Westmont, NJ 08108 (609) 854-8900

Attorney(s) for Plaintiff(s)

Plaintiff(s)

RODLEIGH W. BEY and HARRIETTA W. BEY,
his wife,

vs.

Defendant(s)

PUBLIC SERVICE ELECTRIC & GAS COMPANY, RAD
SERVICES, INC., HYDRO-NUCLEAR SERVICES, INC.,
and "JOHN DOE COMPANIES", fictitious names
for defendants whose identity is not presently
known.

SUPERIOR COURT
OF NEW JERSEY

CAMDEN COUNTY

LAW DIVISION

Docket No. L-03548-88

CIVIL ACTION

Summons

**The State of New Jersey, to the Above Named Defendant(s): PUBLIC SERVICE ELECTRIC &
GAS COMPANY**

YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiff(s), and required to serve upon the attorney(s) for the plaintiff(s), whose name and office address appears above, an answer to the annexed complaint within 35 ~~30~~ days after the service of the summons and complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the complaint. You shall promptly file your answer and proof of service thereof in duplicate with the Clerk of the Superior Court, CN-971, Trenton, New Jersey 08625, in accordance with the rules of civil practice and procedure.

If you cannot afford to pay an attorney, call a Legal Services Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling a county lawyer referral service. These numbers may be listed in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Lawyer Referral Service toll-free 800-852-0127 (within New Jersey) or 201-249-5000 (from out of state). The phone numbers for the county in which this action is pending are: Lawyer Referral Service, (609) 964-4520, Legal Services Office (609) 964-8251.

Dated: May 3, 19 88

John M. Mayson / s.c.
Clerk of the Superior Court

Name of defendant to be served: Public Service Electric & Gas Company
Address for service: c/o Robert S. Smith
80 Park Plaza
Newark, NJ 07102

FILED
Office of the Superior Court Clerk
MAY 1988
by Deputy Clerk of the Superior Court
MICHAEL E. TORRES
CAMDEN COUNTY

BROWN & CONNERY
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P.O. Box 539
Westmont, NJ 08108
(609) 854-8900

L-02518-88

Attorneys for Plaintiffs

RODLEIGH W. BEY and
HARRIETTA W. BEY, his wife,

Plaintiffs,

vs.

PUBLIC SERVICE ELECTRIC &
GAS COMPANY, RAD SERVICES, INC.,
HYDRO-NUCLEAR SERVICES, INC.,
and "JOHN DOE COMPANIES",
fictitious names for defendants
whose identity is not presently
known,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CAMDEN COUNTY
DOCKET NO.

:
Civil Action

:
COMPLAINT AND
DEMAND FOR TRIAL BY JURY

Plaintiffs Rodleigh W. Bey and Harrietta W. Bey, residing at
39 Englewood Avenue, Millville, New Jersey, by way of complaint
against defendants say that:

FIRST COUNT

1. From time to time between 1979 and 1986, plaintiff
Rodleigh Bey was employed by various contractors who were hired
and invited by defendant Public Service Electric & Gas Company to
perform work in the Salem Nuclear Generating Facility located in
Salem County, New Jersey.

2. The aforesaid Salem Nuclear Generating Facility was and is owned in whole or part by defendant Public Service Electric & Gas Company.

3. Defendant RAD Services, Inc. is a business organization that provided radiation control or related services to Public Service Electric & Gas Company at the Salem Nuclear Generating Facility between 1979 and 1986.

4. Defendant Hydro-Nuclear Services, Inc. is a business organization that provided radiation control or related services to Public Service Electric & Gas Company at the Salem Nuclear Generating Facility between 1979 and 1986.

5. Defendants "John Doe Companies" are business organizations whose current identity is unknown which can be described as companies that provided services to Public Service Electric & Gas Company related to the operation, maintenance, repair and/or monitoring of its Salem Nuclear Generating plant between 1979 and 1986.

6. On approximately six occasions between 1979 and 1986 plaintiff Rodleigh W. Bey performed work at the Salem Nuclear Generating Facility and due to the negligent and careless conduct of defendants, Rodleigh W. Bey was caused to be exposed to excessive levels of radiation and radioactive dust.

7. Defendants, Public Service Electric & Gas Company, RAD Services, Inc., Hydro-Nuclear Services, Inc. and "John Doe Companies" were negligent, careless and reckless in allowing plaintiff to work in areas in which he was exposed to excessive

levels of radiation, in failing to test, inspect and adequately monitor the levels of radiation in said workplace, in failing to establish adequate procedures to protect workers and defendants were otherwise negligent.

8. The aforesaid actions of defendants were done in willful and wanton disregard of the health and safety of workers like the plaintiff herein.

9. Excessive levels of radiation and radioactive dust are inherently dangerous and ultrahazardous conditions for workers, like plaintiff Rodleigh W. Bey, who was caused to be exposed to and contaminated by such materials.

10. Defendant Public Service Electric & Gas Company, as owner of the aforesaid nuclear generating plant, is subject to strict liability for injuries and damages caused by the use and maintenance of said plant and the radiation and radioactive materials contained therein.

11. As a result of the aforesaid conduct on the part of Public Service Electric & Gas Company and the remaining defendants, Rodleigh W. Bey was caused to be exposed to levels of radiation and radioactive materials that resulted in contamination of his body with such materials and which caused the development of a malignancy of the thyroid which required extensive medical care and expense, caused plaintiff pain, suffering and considerable stress, worry and anxiety, increased plaintiff's risk of developing diseases in the future, will require plaintiff to undergo increased medical surveillance in the

future to detect this development of such diseases and plaintiff was otherwise damaged.

SECOND COUNT

1. Plaintiff repeats each and every allegation made in the First Count as though fully set forth herein.

2. At all relevant times mentioned herein, plaintiff Harrietta W. Bey was the spouse of plaintiff Rodleigh W. Bey.

3. As a result of the aforesaid conduct and fault of defendants and the injuries caused to Rodleigh W. Bey thereby, plaintiff Harrietta W. Bey was deprived of the services, aid, assistance and consortium of her husband.

WHEREFORE, plaintiffs Rodleigh W. Bey and Harrietta W. Bey demand judgment against defendants Public Service Electric & Gas Company, RAD Services, Inc., Hydro-Nuclear Services, Inc. and "John Doe Companies", jointly, severally and in the alternative, for such sums as will reasonably and adequately compensate them in accordance with the laws of the State of New Jersey and for exemplary damages, together with interest and the costs of bringing this suit.

BROWN & CONNERY
Attorneys for Plaintiffs

DATED: May 2, 1988

By: Michael J. Vassalotti
Michael J. Vassalotti

DEMAND FOR TRIAL BY JURY

Plaintiffs demand a trial by jury as to all issues raised in this action.

BROWN & CONNERY
Attorneys for Plaintiffs

By: Michael J. Vassalotti
Michael J. Vassalotti

CERTIFICATION PURSUANT TO R.4:5-1

This is to certify that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated. Further, at this time, there are no known other parties who should be joined in this action.

BROWN & CONNERY
Attorneys for Plaintiffs

DATED: May 2, 1988

By: Michael J. Vassalotti
Michael J. Vassalotti