

BURT C. PROOM, CPCU
President

OFFICE OF THE GENERAL COUNSEL
Joseph Marrone
Vice President and General Counsel

September 20, 1979

Mr. Jerome Saltzman
Deputy Chief
Office of Antitrust & Indemnity
Directorate of Licensing
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

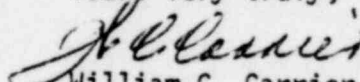
Re: Three Mile Island

Dear Jerry:

Attorney John J. O'Brien, Jr. has filed an additional suit in the United States Middle District Court for Pennsylvania.

I enclose complaint filed in the suit captioned: Allan Kille and Judith Kille, husband and wife and David Kille and Susan Kille, minors, by their parents and guardians Allen Kille and Judith Kille versus Metropolitan Edison Company et. al. Civil action number 79-1106.

Yours very truly,


William C. Carrier
Claims Counsel

WCC/pbs
Enclosure

CC. Harvey E. Martini & Kirke Sauer, Claim Committee Chairmen

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ALLAN KILLE and
JUDITH KILLE, Husband and Wife
and DAVID KILLE and
SUSAN KILLE, Minors, by their
parents and guardians
ALLAN KILLE and JUDITH KILLE

Plaintiffs

v.

METROPOLITAN EDISON CO.,
BABCOCK & WILCOX COMPANY,
J. RAY McDERMOTT & COMPANY, INC.,
GENERAL PUBLIC UTILITIES,
JERSEY CENTRAL POWER AND LIGHT
CO. and CATALYTIC, INC.

Defendants

CIVIL ACTION NO. 79-1106

RECEIVED

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W. C. CARRIER

CIVIL ACTION

JURY TRIAL DEMANDED

ANSWER OF GENERAL PUBLIC UTILITIES CORP.,
METROPOLITAN EDISON COMPANY, AND JERSEY CENTRAL
POWER AND LIGHT COMPANY TO COMPLAINT

Defendants, General Public Utilities Corp. ("GPU"), Metropolitan Edison Company ("MetEd") and Jersey Central Power & Light Company ("Jersey Central"), by their attorneys, answer the Complaint as follows:

1. Answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 1.

2. Admit the averments of Subparagraphs (a) through (f) of Paragraph 2.

3. Deny that jurisdiction may be based upon 28 U.S.C. §2210, except admit that plaintiff's action is an action "arising under" federal law within the meaning of 28 U.S.C. §1337. Answering defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments of Paragraph 3.

4. Admit that Jersey Central and GPU have been served in the manner authorized by the cited rule and statutes, and deny that said service was proper on MetEd. Answering defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments of Paragraph 4 concerning the other defendants.

5. Deny each and every averment of Paragraph 5 as to the answering defendants. As to the other defendants, no answer is required.

6. Deny each and every averment of Paragraph 6 as to the answering defendants, except admit that the Governor of Pennsylvania recommended that certain categories of persons living within five miles of Three Mile Island temporarily leave their homes for a point more than five miles away from Three Mile Island. As to the other defendants, no answer is required.

7. Deny each and every averment of Paragraph 7 as to the answering defendants except admit that Catalytic furnished certain maintenance services at the direction and request of MetEd and GPU pursuant to a certain contract between Catalytic and MetEd relating to the Three Mile Island facility and Babcock & Wilcox participated in the design and construction of the nuclear reactor and steam generators at Three Mile Island Unit No. 2, though not the entire facility, and MetEd provided operators for Three Mile Island Unit No. 2. As to the other defendants, no answer is required.

8. Deny each and every averment of Paragraph 8 as to the answering defendants. As to the other defendants, no answer is required.

9. Deny each and every averment of Paragraph 9 as to the answering defendants. As to the other defendants, no answer is required.

10. Deny each and every averment of Paragraph 10 as to the answering defendants. As to the other defendants, no answer is required.

11. Deny each and every averment of Paragraph 11 as to the answering defendants, except admit that MetEd

operated Three Mile Island No. 2 but deny that its operations were unreasonably dangerous or resulted in harm to third parties. As to the other defendants, no answer is required.

12. Deny each and every averment of Paragraph 12 as to the answering defendants. As to the other defendants, no answer is required.

13. Deny each and every averment of Paragraph 13 as to the answering defendants. As to the other defendants, no answer is required.

14. Deny each and every averment of Paragraph 14.

15. Deny each and every averment of Paragraph 15.

16. Deny each and every averment of Paragraph 16.

17. Deny each and every averment of Paragraph 17.

18. No answer is required.

FIRST AFFIRMATIVE DEFENSE

19. The Complaint fails to state a claim on which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

20. Any award of punitive damages in this case would violate federal policy as declared in the Price-Anderson Act amendments to the Atomic Energy Act, 42 U.S.C. §2201 et seq., especially 42 U.S.C. §2210.

WHEREFORE, answering defendants demand that the Complaint be dismissed with prejudice, and that they be

awarded their costs.

PEPPER, HAMILTON & SCHEETZ

Fred Speker

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CERTIFICATE OF SERVICE

AND NOW, September 12, 1979, I hereby certify that true and correct copies of the foregoing Answer were served by United States Mail, postage prepaid at Harrisburg, Pennsylvania, addressed to John J. O'Brien, Jr., 1250 Suburban Station Building, 1617 J. F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103; Jameson & Milspaw, 100 Chestnut Street, Suite 206, Harrisburg, Pennsylvania 17101; Hepford, Zimmerman & Swartz, 111 North Front Street, P. O. Box 889, Harrisburg, Pennsylvania 17109; Bailey & Broder, 350 5th Avenue, New York, New York 10001; Barry A. Roth, 120 South Street, Harrisburg, Pennsylvania 17101; Handler & Weiner, Suite 1005, 240 North Third Street, Payne-Shoemaker Building, P. O. Box 1177, Harrisburg, Pennsylvania 17108; Meisenhelder & Associates, 11 East Market Street, York, Pennsylvania 17401; Stock & Leader, 35 South Duke Street, York, Pennsylvania 17401; Krank, Gross & Casper, 338 Park City Center, Lancaster, Pennsylvania 17601; David Berger, 1622 Locust Street, Philadelphia, Pennsylvania 19103; Beasley, Hewson & Casey, 21 South 12th Street, 5th Floor, Philadelphia, Pennsylvania 19107; Barrack, Rodos & McMahon, 2000 Market Street, Philadelphia, Pennsylvania 19103; Cohen, Shapiro, Polisher, Shiekman & Cohen, PSFS Building, 22nd Floor, 12 South 12th Street, Philadelphia, Pennsylvania 19107 and Adler, Barish, Daniels, Levin & Creskoff, Rohm & Haas Building, 2nd Floor, 6th and Market Streets, Philadelphia, Pennsylvania 19106, attorneys for plaintiffs.

PEPPER, HAMILTON & SCHEETZ

BY: *Fred Speaker*
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