

50-293

# AN AMERICAN NUCLEAR INSURERS

BURT C. PROOM, CPCU  
President

JOHN E. HARWARD  
Vice President - Claims

February 8, 1983

Mr. Jerome Saltzman  
Assistant Director  
State and Licensee Relations  
Office of State Programs  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Subject: Abstract #99  
Boston Edison Company  
Re: Michael A. Caputo, et al.  
D/O: February 25, 1980

Dear Mr. Saltzman:

Receipt of a copy of the complaint, filed in the captioned suit, was our first notice of this incident and we have attached a copy of the Summons and Complaint for your file.

We have commenced an investigation and requested pertinent information from Boston Edison Company relative to the alleged incident at their Pilgrim nuclear facility on February 25, 1980, and radiation exposures resulting from that incident.

Very truly yours,

*J. E. Harward*  
J. E. Harward  
Vice President, Claims

JEH/pbj  
Enclosure

M001

8302170361 830208  
PDR ADOCK 05000293  
J PDR

TO PLAINTIFFS ATTORNEY ( ) PLEASE CIRCLE TYPE OF ACTION ( ) SOLVED: -  
TORT - MOTOR VEHICLE TORT - CONTRACT -  
EQUITABLE RELIEF - OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
DEPARTMENT  
OF THE  
TRIAL COURT  
CIVIL ACTION

MIDDLESEX ss  
[seal]

No 83-3

Michael A. Caputo et al Plaintiff(s)

v.

Boston Edison Company Defendant(s)

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Chester L. Tennyson, Jr.,  
plaintiff's attorney, whose address is 9 Park St., Boston, Mass. 02108  
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 East Cambridge  
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, James P. Lynch, Jr., Esquire, at East Cambridge  
the third day of January,  
in the year of our Lord one thousand nine hundred and eighty-three

A true copy, Attest:

16 1983  
[Signature] County

[Signature] Clerk

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.

NOTE TO DEFENDANT - You need not appear personally to answer the complaint. But if you claim to have a defense, only a copy of your answer, copy of your answer, must be filed with the court and also filed with the Clerk of the Court.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Superior Court Department  
Of The Trial Court  
Civil Action  
No. 83-3

.....  
MICHAEL A. CAPUTO,  
HELENA CAPUTO,  
ELISE A. CAPUTO ,PPA.  
NICOLA M. CAPUTO PPA,  
CHRISTINA CAPUTO PPA,  
ANTHONY M. CAPUTO  
PLAINTIFFS

V.

BOSTON EDISON COMPANY  
DEFENDANT  
.....

RECEIVED  
JAN 13 1935

CLAIM DEPARTMENT

COMPLAINT  
JURY TRIAL  
DEMANDED

1. The plaintiff Michael A. Caputo resides in Scituate, Massachusetts county of Plymouth.
2. The plaintiff Helena Caputo is the wife of Michael A. Caputo and resides in Scituate, Massachusetts county of Plymouth.
3. The plaintiff Elise A. Caputo is a minor who brings this action through her mother and next friend Helena Caputo and resides in Scituate, Massachusetts county of Plymouth.
4. The plaintiff Nicola M. Caputo is a minor who brings this action through her mother and next friend Helena Caputo and resides in Scituate ,Massachusetts county of Plymouth.

5. The plaintiff Christina Caputo is a minor who brings this action through her mother and next friend Helena Caputo and resides in Scituate, Massachusetts County of Plymouth.
6. The plaintiff Anthony M. Caputo is a minor who brings this action through his mother and next friend Helena Caputo and resides in Scituate, Massachusetts County of Plymouth.
7. The defendant Boston Edison Company is a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts which has a usual place of business in Everett, Massachusetts County of Middlesex.

COUNT I: CLAIM OF MICHAEL A. CAPUTO

- D/O
- ✓ 1. On or about February 25, 1980, the defendant herein owned and was in control of a Nuclear Power Electric Generating Station in Plymouth, Massachusetts known as Pilgrim Station.
  2. On or about February 25, 1980 the defendant so negligently, and in willful, wanton and reckless disregard of the safety and well being of Michael A. Caputo operated and controlled the said Pilgrim Station so as to cause the said Michael A. Caputo to suffer serious physical injuries some or all of which may be permanent in nature.
  3. As a further result of the aforesaid conduct on the part of the defendant herein, the plaintiff Michael A. Caputo was caused to suffer great physical pain, mental anguish and ✓ severe emotional distress which the defendant knew or should have known was the likely result of its conduct and the said Michael A. Caputo will continue to suffer same for an indefinite time in the future all to his great detriment and loss.
  4. As a further result of the aforesaid conduct on the part of the defendant herein, the plaintiff Michael A. Caputo has been obliged to expend various and divers sums of money in and about an effort to cure himself of the ills he has suffered and will continue to do so for an indefinite time in the future all to his great detriment and loss.

5. As a further result of the aforesaid conduct on the part of the defendant herein, the plaintiff Michael A. Caputo has suffered a great loss in his earnings and earning capacity and will continue to do so for an indefinite time in the future all to his great detriment and loss.

COUNT II: CLAIM OF HELENA CAPUTO

1. The plaintiff Helena Caputo is and at all times material hereto was the wife of the plaintiff Michael A. Caputo.
2. The plaintiff hereby restates and incorporates by reference herein the allegations hereinabove set forth in Count I.
3. As a result of the aforesaid conduct on the part of the defendant herein, the plaintiff Helena Caputo has been and will be for an indefinite time in the future deprived of her husband's support, society and companionship and has been caused to suffer severe emotional distress all to her great detriment and loss.

COUNT III: CLAIM OF ELISE A. CAPUTO

1. The plaintiff Elise A. Caputo is the daughter of Michael A. Caputo and is and was at all times material hereto a minor and dependent upon the said Michael A. Caputo not only for support but also in filial needs of guidance and comfort.
2. The plaintiff herein hereby restates and incorporates by reference herein the allegations hereinabove set forth in Count I.
3. As a result of the aforesaid conduct on the part of the defendant herein, Elise A. Caputo has been and will be for an indefinite time in the future deprived of her father's support, guidance, companionship and society and has been caused to suffer severe emotional distress all to her great detriment and loss.

COUNT IV: CLAIM OF NICOLA M. CAPUTO

1. The plaintiff Nicola M. Caputo is the daughter of Michael A. Caputo and is and was at all times material hereto a minor and dependent upon the said Michael A. Caputo not only for support but also in filial needs of guidance and comfort.
2. The plaintiff herein hereby restates and incorporates by reference herein the allegations hereinabove set forth in Count I.
3. As a result of the aforesaid conduct on the part of the defendant herein, Nicola M. Caputo has been and will be for an indefinite time in the future deprived of her father's support, guidance, companionship and society and has been caused to suffer severe emotional distress all to her great detriment and loss.

COUNT V: CLAIM OF CHRISTINA CAPUTO

1. The plaintiff Christina Caputo is the daughter of Michael A. Caputo and is and was at all times material hereto a minor and dependent upon the said Michael A. Caputo not only for support but also in filial needs of guidance and comfort.
2. The plaintiff herein hereby restates and incorporates by reference herein the allegations hereinabove set forth in Count I.
3. As a result of the aforesaid conduct on the part of the defendant herein, Christina Caputo has been and will be for an indefinite time in the future deprived of her father's support, guidance, companionship and society and has been caused to suffer severe emotional distress all to her great detriment and loss.

COUNT VI: CLAIM OF ANTHONY M. CAPUTO

1. The plaintiff Anthony M. Caputo is the son of Michael /

Caputo and is and was at all times material hereto a minor and dependent upon the said Michael A. Caputo not only for support but also in filial needs of guidance and comfort.

2. The plaintiff herein hereby restates and incorporates by reference herein the allegations hereinabove set forth in Count I.
3. As a result of the aforesaid conduct on the part of the defendant herein, Anthony M. Caputo has been and will be for an indefinite time in the future deprived of his father's support, guidance, companionship and society and has been caused to suffer severe emotional distress all to his great detriment and loss.

WHEREFORE, the plaintiffs demand a trial by jury and judgment and compensatory and punitive damages of the defendant plus interests and costs.

By their attorney,

Chester L. Tennyson Jr.  
9 Park Street  
Boston, Massachusetts 02108  
(617) 523-2722

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Superior Court Department  
Of The Trial Court  
Civil Action  
No. 53 - 3

.....  
MICHAEL A. CAPUTO ET AL  
PLAINTIFFS'

V.

BOSTON EDISON COMPANY  
DEFENDANT  
.....

MICHAEL A. CAPUTO'S  
FIRST SET OF  
INTERROGATORIES TO THE  
DEFENDANT

1. Please identify the person answering these interrogatories by full name, residential and business addresses and title of position held with the defendant.
2. Please identify by full name and address the person or entity which owned the Nuclear Power Generating Station known as Pilgrim Station in Plymouth, Massachusetts from January 1, 1980 through January 1, 1981.
3. Please describe fully and in complete detail the nature of the work being performed by employees of Graver Energy Systems, Inc. in the so called Torus area during February 1980 and state the dates between which employees of the said Graver Energy Systems, Inc. were located in said area.
4. Please state the full name and address of the individual and his or her employer who was responsible for reading dosimeters and TLD badges of the employees of Graver Energy Systems, Inc. from February 8, 1980 through February 25, 1980.



- ✓ 5. Please state the readings obtained from the dosimeter and TLD badge of Michael A. Caputo on each occasion that such readings were obtained during 1980 at Pilgrim Station.
6. If any employee of the defendant had any conversation with the plaintiff Michael A. Caputo in any way relating to readings obtained from his dosimeter and/TLD badge, please describe each such conversation fully and in complete detail stating everything that was said, stating the date, time and place of each such conversation and identifying all speakers and persons present by full name, address and occupation.
7. Please describe fully and in complete detail all tests and analyses that were performed on the dosimeter and T. L. D. badge worn by Michael A. Caputo on or about February 25, 1980 including in your answer the full name, residential and business address and title of position with the defendant of each person performing each such test or analysis.
8. Please identify by full name, residential and business address, and telephone number all persons who have knowledge of facts in any way relating to the allegations set forth in plaintiffs' complaint and state the substance of what each person claims to know.
9. Please identify by full name, residential and business address, occupation and qualifications in detail each person the defendant expects to call as an expert witness at the trial of this action; state the subject matter on which each such expert is expected to testify ; the substance of all facts and opinions to which each such expert is expected to testify and a summary of the grounds for each such opinion.

By his attorney,

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Chester L. Tennyson, Jr.  
9 Park Street  
Boston, Massachusetts 02108  
(617) 523-2722

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Superior Court Department  
Of The Trial Court  
Civil Action  
No. 85-3

.....  
MICHAEL A. CAPUTO ET AL  
PLAINTIFFS'

V.

BOSTON EDISON COMPANY  
DEFENDANT  
.....

FIRST REQUEST FOR THE  
PRODUCTION OF DOCUMENTS

Now come the plaintiffs in the above-entitled action and pursuant to M.R. Civ.P. 34 (B) request that the defendant produce for inspection, photocopying, photographing, and recording at the office of Chester L. Tennyson Jr., 9 Park Street, Boston, Massachusetts 02108, within forty-five (45) days of service hereof, the following:

1. All medical reports in any way relating to Michael A. Caputo.
- ✓ 2. All records in any way relating to the radiation exposure of Michael A. Caputo at any time, including but not limited to exposure evaluations, dosimeter readings, film badge or TLD readings or examinations, exposure tests and related documents.
- ✓ 3. All radiation work permits and related documents with reference to the construction project in the Torus area

being undertaken by employees of Graver Energy Systems, Inc., on or about February 8 through 25, 1980.

4. All reports, notes and memoranda of the ALARA Group in any way relating to the Torus area of Pilgrim Station.
5. All plans and diagrams showing the Torus area of Pilgrim Station as it existed on February 8, 1980.
6. All statements of the plaintiff Michael A. Caputo whether such statements are written or oral and subsequently reduced to writing, recorded or otherwise transcribed.
- ✓ 7. All statements of witnesses in any way relating to the incident alleged in plaintiffs' complaint whether such statements are written or oral and subsequently reduced to writing, recorded or otherwise transcribed.
8. All statements of all persons who have knowledge of facts discoverable under M.R. Civ. P. 26 in any way relating to the incident alleged in plaintiffs' complaint whether such statements are written or oral and subsequently reduced to writing, recorded or otherwise transcribed.

By their attorney,

Chester L. Tennyson, Jr.  
9 Park Street  
Boston, Massachusetts 02108  
(617) 523-2722