B&W named in Tennessee lawsuit

Class action similar to filing here over Apollo nuclear plant

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A class-action lawsuit was filed in federal court in Tennessee this week seeking damages from Nuclear Fuel Services and its parent company, Babcock & Wilcox, for alleged “reckless” and “negligent” operation of the Erwin, Tenn., plant, leading to personal injuries and property damage.

It is similar to a successful lawsuit brought against B&W concerning its former nuclear materials processing plant in Apollo. The late Dallas attorney Fred Baron negotiated an $80 million settlement in 2008 and 2009 with B&W and the Atlantic Richfield Co. on behalf of 365 claimants with similar contamination allegations.

The companies always have maintained that their operations did not cause illness and damages.

The lawsuit against Nuclear Fuel Services was filed Monday in U.S. District Court in Greeneville.

The 40-page lawsuit outlines alleged injuries, property damage and emotional distress suffered by 19 plaintiffs as a result of “repeated releases of hazardous and radioactive substances” by NFS. Thirteen of the plaintiffs listed in the complaint, including one former NFS employee, allege they developed various forms of cancers because of the releases. Two of the plaintiffs allege the cancer deaths of relatives were caused by materials released from NFS.

A statement from Nuclear Fuels Services said that the company could not fully respond to specific allegations because some company officials have not been served the complaint yet.

But the company said it “firmly believes that its operations have not harmed anyone in the community and the company will vigorously defend itself against any lawsuit alleging otherwise.”

The company also said, “(W)e can state, as we have in the past, that we take our environmental, safety and health obligations seriously, and we are committed to conducting operations in full compliance with all applicable regulatory requirements.”

The class-action lawsuit includes “any person who lived or worked in the Erwin area between 1957 and the present and experienced property damage or was diagnosed with severe or fatal illnesses, including numerous types of cancer,” a release from the Motley Rice law firm announcing the lawsuit said.

“The plaintiffs claim they were exposed to radioactive, hazardous and toxic substances released into the nearby air, water and soil due to, among other charges, gross negligence on the part of NFS and numerous other named defendants.”

Motley Rice also is representing more than 80 plaintiffs in the Apollo and Parks area in a similar federal lawsuit, alleging that emissions and radioactive and chemical releases from two former nuclear fuel plants in Armstrong County caused loss of life, personal injury and property damage.

This is the second round of lawsuits for plaintiffs who didn’t become ill until after Baron stopped accepting new plaintiffs.

And one of the defendants in that case, Babcock & Wilcox, also is a defendant in the Nuclear Fuels Services case.

In fact, Leechburg environmental activist Patty Ameno, who brought Motley Rice to the Apollo area to represent residents in the civil action against B&W, worked with Erwin residents to bring Motley Rice in to represent the plaintiffs in the lawsuit there.

“The Erwin site, like Apollo and other nuclear production sites around the country, has citizens and activists who question health and safety,” she said.

Aside from Nuclear Fuel Services and B&W, other defendants named in the Erwin plant suit include W.R. Grace & Co. and NFS Holdings Inc.

According to the complaint, NFS has not been operated in compliance with state, local and federal laws, and each defendant named in the suit “engaged in a pattern of negligent, grossly negligent and reckless behavior in their operations, remediation and/or decommissioning of the facilities,” with this pattern of behavior being implemented with full knowledge of the hazards associated with radioactive and toxic substances.

The complaint does not specify how much compensation the plaintiffs are seeking.

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