

Justices Turn Down California Nuclear Waste Cleanup Case

By Maya Earls and Sylvia Carignan2021-12-06T09:49:03000-05:00

- Holtec hired to bury spent nuclear waste near plant
- Ninth Circuit barred public advocacy group's injunction, other claims

A California public safety group's bid to stop Holtec International Inc.'s nuclear waste disposal practices at an old San Diego power plant was passed over by the U.S. Supreme Court on Monday.

Public Watchdogs sought to stop Holtec's work at the San Onofre Nuclear Generating Station, a decommissioned nuclear plant. But the U.S. Court of Appeals for the Ninth Circuit held the group couldn't assert injunctive relief and other claims against the Nuclear Regulatory Commission's private party licensee, including the company, it said in its petition for review.

The Ninth Circuit's opinion conflicts with the Supreme Court's holding that private parties can bring state-law claims, or seek state-law remedies, against NRC licensees even though nuclear safety is federally regulated, according to the group.

Southern California Edison Co., which operates the nuclear facility near San Diego, hired Holtec to move and bury spent nuclear fuel during the plant's decommissioning.

The NRC sent Holtec violation notices after its handling of waste canisters at San Onofre created unsafe situations. Although Public Watchdogs petitioned the agency to stop the company's work, the agency said its petition didn't meet its criteria for review.

Barnes & Thornburg LLP represented Public Watchdogs. Alston & Bird LLP represented Southern California Edison, San Diego Gas & Electric Co., and Sempra Energy.

The Justice Department represented the federal government.

The case is [Public Watchdogs v. S. Cal. Edison Co.](#) , U.S., No. 20-1676, 12/6/21 .

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