

SCOTUS Opinion: Court Upholds Virginia Ban On Uranium Mining

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Virginia law flatly bans uranium mining in the Commonwealth. In [Virginia Uranium, Inc. v. Warren](#), a company sought to circumvent that state law by arguing that the federal [Atomic Energy Act](#) preempted Virginia's law, and put the Nuclear Regulatory Commission in charge of uranium mining. The company lost before the district court and the Fourth Circuit. The Supreme Court, noting the significance of the question presented, weighed in, and ultimately held, 6-3, that the Act did not preempt Virginia's ban on mining. The lead opinion, by Justice Gorsuch, and joined by Justices Thomas and Kavanaugh, held while the Act regulated how uranium mining could be conducted, it did not specifically allow or forbid mining, and criticized the notion that there was a preemptive purpose lurking beneath the Act's express language. Justice Ginsburg, joined by Justices Sotomayor and Kagan, reached the same result, but did not join Gorsuch's discussion regarding purpose, and focused instead on the conclusion that while the Act indicated preemption as to nuclear safety concerns, it did not speak to bans on mining. Chief Justice Roberts, joined by Justices Breyer and Kavanaugh, filed a dissent arguing that the majority's preemption decision was not before the Court; the real issue was whether a state could regulate a non-preempted field as a means for regulating a preempted field. A link to the opinion is [here](#).

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