

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8825
Summary Calendar

ALERT CITIZENS FOR ENVIRONMENTAL SAFETY, ET AL.,
Plaintiffs-Appellants,

versus

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY OF
TEXAS ET AL.,

Defendants-Appellees.

and

TEXAS UTILITIES ELECTRIC COMPANY AND HOUSTON
LIGHTING,

Intervenors-Defendants-
Appellees.

Appeal from the United States District Court
for the Western District of Texas
(P-93-CA-39)

(July 11, 1994)

Before GOLDBERG, JOLLY, and JONES, Circuit Judges.

PER CURIAM:¹

¹ Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal

This appeal involves an attempt by plaintiff-appellants to force the State of Texas to comply with the requirements of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (the "Act"), 42 U.S.C. § 2021b et seq.. Plaintiffs were denied relief in the district court on the grounds that they have failed to state a cause of action under the statute. The court relied upon the Supreme Court's analysis in Wilder v. Virginia Hospital Ass'n, 496 U.S. 498, 110 S. Ct. 2510, 110 L. Ed. 2d 455 (1990) to determine that plaintiffs here were not the intended beneficiaries of the statute and therefore did not possess an enforceable right under the Act. The district court thoroughly analyzed Congress' intent in enacting this legislation and found that the plaintiffs could not state a cause of action. Plaintiffs have failed to show error in the district court's decision under the strict standard for 42 U.S.C. § 1983 actions as imposed by the Court in Suter v. Artist M., -- U.S.--, 112 S. Ct. 1360, 118 L. Ed. 2d 1 (1992). For the preceding reasons, the district court's judgment is AFFIRMED.

profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.