



June 12, 2025

Clifton Cislak, Clerk
U.S. Court of Appeals for the D.C. Circuit
333 Constitution Ave. N.W.
Washington, D.C. 20001
By electronic filing

SUBJECT: *Beyond Nuclear v. U.S. Nuclear Regulatory Commission*,
No. 24-1318 (oral argument not yet scheduled)

Dear Mr. Cislak:

In its June 6, 2025 letter, the Nuclear Regulatory Commission (“NRC”) argues that *Seven County Infrastructure Coalition v. Eagle County*, No. 23-975 (U.S. May 29, 2025), “appl[ies] squarely to this case.” But *Seven County*’s holdings are inapposite.

In *Seven County*, the Supreme Court upheld an environmental impact statement (“EIS”) by the Surface Transportation Board (“STB”) for a proposed railroad line that failed to analyze the indirect environmental impacts of separate activities potentially enabled by construction of the line over which the STB had no regulatory control. The Court ruled that “[s]o long as the EIS addresses environmental effects from the project at issue,” reviewing courts should “defer to agencies’ decisions about where to draw the line – including (i) how far to go in considering indirect environmental effects from the project at hand and (ii) whether to analyze environmental effects from other projects separate in time or place from the project at hand.” *Id.*, slip op. at 11.

Unlike *Seven County*, this case does not concern “indirect impacts” or “other projects separate in time or place.” Petitioners seek consideration of environmental impacts caused *directly* by proposed NRC decisions to re-license nuclear reactors. The “environmental effects at issue” – the reasonably foreseeable exacerbation of reactor accident risks by the aging of safety equipment and climate change – flow from extended reactor operation and lie entirely within NRC’s regulatory control.

Further, unlike the STB’s EIS, NRC’s Generic Environmental Impact Statement (“GEIS”) did not satisfy the Supreme Court’s pre-condition for judicial deference: to fully address “environmental effects from the project at issue.” *Id.* Nowhere did



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the GEIS address the environmental risks of extended nuclear reactor operation under renewed NRC licenses as aggravated by climate change and aging of safety equipment. Instead, the GEIS concluded those direct impacts are “outside the scope” of the GEIS. JA212, 221. Nothing in *Seven County* calls for deference to NRC’s legal errors in refusing to consider concededly reasonably foreseeable “environmental effects” stemming directly from “the project at issue.” *See* Pets. Opening Brief at 40-49; *New York v. NRC*, 681 F.3d 471 (D.C. Cir. 2012); 42 U.S.C. § 4332(2)(C)(i).

Respectfully submitted,

/s/Diane Curran

/s/Caroline Leary
Environmental Working Group

Counsel for Petitioners

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure Rule 32(a)(7)(C) and Circuit Rule 32(a)(2)(C), I certify that the attached letter to Clifton Cislak is proportionately spaced, has a typeface of Times New Roman, 14 points, and contains 347 words. This figure includes the body of the letter but excludes all material before and after, *i.e.*, the salutation and signature lines.

_____/signed electronically by/____

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