



**RIC** 2019

## **RIC 2019**

### **TH38 – RECENT AND UPCOMING FEDERAL COURT DECISIONS THAT MAY IMPACT THE NRC’S REGULATORY PROGRAM**

Recent and Upcoming Federal Court Decisions  
Richard J. Pierce, Jr.  
March 14, 2019



## Recent and Upcoming Federal Court Decisions Richard J. Pierce, Jr.

### **Chevron and Auer**

- Additional qualifications on both.
- Decrease in deference to agencies.
- De facto substitution of Skidmore for Chevron and Auer.



## Recent and Upcoming Federal Court Decisions Richard J. Pierce, Jr.

### **Increased Access to Courts**

- Sackett, 566 U.S. 120, and Hawkes, 136 S.Ct. 1807.
- Future decision holding that guidance documents are reviewable if they have a significant practical effect.



A graphic element on the right side of the slide header. It features the letters "RIC" in a large, white, bold font, with "2019" in a smaller font to its right. The background of this graphic is a vibrant, abstract pattern of red and purple light rays radiating from a central point, creating a tunnel-like effect.

## Recent and Upcoming Federal Court Decisions Richard J. Pierce, Jr.

### **Increase in Mandatory N & C and in A & C Review**

- Fifth Circuit DACA/DAPA opinion, upheld 136 S.Ct. 2271.
- Christopher v. Smithkline, 567 U.S. 142.
- Encino I, 136 S.Ct. 2117.
- Reaction to extreme political polarity.