

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NATIONAL MINING ASSOCIATION)
and AMERICA’S POWER,)

Petitioners,)

v.)

Case No. _____

UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY and)
MICHAEL S. REGAN, in his official)
capacity as Administrator of the United)
States Environmental Protection)
Agency,)

Respondents.)

PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), Federal Rule of Appellate Procedure 15(a), and D.C. Circuit Rule 15(a)(1), Petitioners National Mining Association and America’s Power hereby petition this Court for review of the final action taken by Respondents United States Environmental Protection Agency and Michael S. Regan, Administrator, United States Environmental Protection Agency, published in the Federal Register at 89 Fed. Reg. 39,798 (May 9, 2024), and titled “New Source Performance Standards:

Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule.” A copy of the final rule is attached hereto as Exhibit A.

This Court has jurisdiction and is a proper venue for this action under 42 U.S.C. § 7607(b)(1). Petitioners will show that the final rule is in excess of the agency’s statutory authority and is otherwise arbitrary, capricious, an abuse of discretion, and not in accordance with law. *See* 5 U.S.C. § 706(2). Accordingly, Petitioners ask this Court to hold unlawful and set aside the final rule, and to order such other relief as might be appropriate. *See* 42 U.S.C. § 7607(d).

Dated: May 9, 2024

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Respectfully Submitted,

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CERTIFICATE OF FILING AND SERVICE

I certify that on May 9, 2024, I caused this Petition to be filed with the United States Court of Appeals for the D.C. Circuit.

I further certify that on May 9, 2024, a true and accurate copy of this Petition was served via certified mail, return receipt requested, on the following addresses:

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United States Environmental Protection Agency
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