United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-1272

September Term, 2012

EPA-77FR9304

Filed On: January 7, 2013

White Stallion Energy Center, LLC, et al.,

Petitioners

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Environmental Protection Agency,

Respondent

Utility Air Regulatory Group, et al., Intervenors

BEFORE: Tatel, Griffith, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the motion for a rulemaking deadline or for resumption of expedited briefing and consideration, the opposition thereto, and the reply; and the reports on abeyance status, it is

ORDERED that the motion be denied. EPA has represented to the court that it will complete the reconsideration proceeding by March 2013. To the extent petitioners' request for a rulemaking deadline is based on the period of delay prior to issuance of a proposed rule, it has become moot, as a proposed rule has now been published. To the extent the request for a rulemaking deadline is based on a claim of future delay in issuing a final rule, it is unripe for adjudication at this time. See Action on Smoking & Health v. Dep't of Labor, 28 F.3d 162, 164 (D.C. Cir. 1994); United Steelworkers of America, AFL-CIO-CLC v. Rubber Mfrs. Ass'n, 783 F.2d 1117, 1120 (D.C. Cir. 1986). Moreover, petitioners have not demonstrated that resumption of briefing is warranted.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Timothy A. Ralls Deputy Clerk