

ORAL ARGUMENT NOT YET SCHEDULED

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

White Stallion Energy Center, LLC, et al.,)	
)	
Petitioners,)	No. 12-1272
)	
v.)	
)	
United States Environmental Protection Agency,)	
)	
Respondent.)	
_____)	

RESPONDENT'S STATUS REPORT

Pursuant to this Court's order of September 12, 2012, Respondent, the United States Environmental Protection Agency ("EPA") hereby provides the Court with its scheduled Status Report.

1. This action involves Petitions for Review of hazardous air pollutant ("HAP") emission standards for new coal- and oil-fired electric utility steam generating units ("EGUs"). 77 Fed. Reg. 9304 (Feb. 16, 2012). These standards were promulgated by EPA pursuant to Section 112(d) of the Clean Air Act, 42 U.S.C. § 7412(d).

2. By order dated June 28, 2012, this matter was severed from separate consolidated pending cases (Case No. 12-1100 et al.) that include challenges to EPA's emission standards for *existing* EGUs and challenges to EPA's threshold finding that it is "appropriate and necessary" to regulate EGUs under Section 112 of the Clean Air

Act. The Court's June 28, 2012, order also granted Petitioners' motion for expedited briefing schedule.

3. On July 20, 2012, Gina McCarthy, Assistant Administrator for the Environmental Protection Agency's Office of Air and Radiation, issued a letter announcing that EPA intended to reconsider certain issues related to the new source emission standards for EGUs. In that letter, the Agency stated that it would conduct notice and comment rulemaking on the issues for which it was granting reconsideration. It also stated its intent to expedite the reconsideration rulemaking and to complete the rulemaking by March of 2013. Also on July 20, EPA moved to hold this case in abeyance and lift the briefing schedule set forth in the June 28, 2012, order.

4. On September 12, 2012, this Court granted EPA's motion to hold the case in abeyance and directed EPA to file status reports at 30-day intervals, and a motion to govern within 30 days of EPA's final action in the administrative reconsideration proceeding.

5. EPA has made significant progress on the proposed reconsideration rule. The Agency has prepared a draft rulemaking package and is in the process of finalizing the draft preamble and regulatory text and associated technical support documents. EPA remains on track to complete the rulemaking by March of 2013.

Respectfully submitted,

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____/s/ Amanda Berman
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Attorneys for Respondent

DATED: October 12, 2012

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Status Report have been served through the Court's CM/ECF system on all registered counsel this 12th day of October, 2012.

DATED: October 12, 2012

/s/ Amanda Berman
Counsel for Respondent