

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

Case No. _____

CENTER FOR ENERGY AND ECONOMIC DEVELOPMENT,)
a non-profit organization, on behalf of its member companies,)
)
Petitioner)
)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY)
)
Respondent.)

PETITION FOR REVIEW OF EPA REGIONAL HAZE RULE ANNEX

Pursuant to 42 U.S.C. §7607(b)(1) and Rule 15 of the Federal Rules of Appellate Procedure, Petitioner, Center for Energy and Economic Develop (“CEED”), a non-profit organization, on behalf of its members, hereby petitions the Court for judicial review of a final agency rulemaking by the Respondent, Marianne Lamont Horinko, as Acting Administrator of the United State Environmental Protection Agency (“EPA”), concerning the EPA’s Regional Haze Rule Annex Regulations published in the Federal Register on June 5, 2003, entitled: “Revisions to Regional Haze Rule to Incorporate Sulfur Dioxide Milestones and Backup Emissions Trading Program for Nine Western States and Eligible Indian Tribes Within the Geographic Area.” This Rulemaking is reported at 68 Federal Register 33764 and amends the provisions of 40 CFR Part 51. A copy of the Rulemaking is attached hereto as Exhibit 1.

CEED is a non-profit organization formed by the nation's coal-producing companies, railroads, a number of electric utilities, equipment manufacturers, and related organizations for the purpose of educating the public, including public-sector decision-makers, about the benefits of affordable, reliable and environmentally compatible coal-based electricity. Petitioner, CEED and its members' interests are impaired and adversely affected by this Rulemaking. Specifically, Petitioner seeks review of the provisions of this regulation on the grounds that the regulation is in excess of EPA's statutory authority and otherwise not in accordance with law.

Dated this 1st day of August, 2003.

Respectfully submitted,

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