

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 85-1150

September Term, 19⁸⁴

Natural Resources Defense Council, Inc.,

v. Petitioner

U.S. Environmental Protection Agency,
et al.,

Respondents

ORDER

On consideration of the motion filed by ☐ petitioner(s) ☐ intervenor(s) ☒ respondent(s) on July 8, 1985 ☒ to extend briefing time ☐ to proceed under Rule 30(c), deferred appendix, and no response in opposition having been received, it is

ORDERED that the instant motion is ☒ granted ☐ granted, in part ☐ denied ☐ dismissed.

Based upon this disposition, the briefing schedule ☐ shall remain as set forth in the order filed _____ ☒ is revised as follows:

Petitioner(s) brief and appendix	<u>N/A</u>
Intervenor(s) brief in support of petitioner(s)	<u>N/A</u>
Respondent(s) brief	<u>July 25, 1985</u>
Intervenor(s) brief in support of respondent(s)	<u>August 19, 1985</u>
Petitioner(s) reply brief, if any and joint appendix	<u>September 3, 1985</u>
Final Printed Briefs	<u>September 17, 1985</u>

This disposition will not affect the calendaring of the instant case(s).

United States Court of Appeals
For The District of Columbia Circuit

FILED JUL 11 1985

GEORGE A. FISHER
CLERK

For the Court:

GEORGE A. FISHER, Clerk

By:

Teresa L. Johnson
Teresa L. Johnson
Deputy Clerk

Special Advice: _____

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 85-1150

September Term, 19 86

Natural Resources Defense Council,
Inc.,
Petitioner

CALENDARED FOR: 4-29-87

v.

U.S. Environmental Protection Agency and
Lee Thomas, Administrator, U.S.
Environmental Protection Agency,
Respondents

United States Court of Appeals
For The District of Columbia Circuit

FILED MAR 04 1987

GEORGE A. FISHER
CLERK

O R D E R

It is ORDERED, by the Court, sua sponte, that the following
times are allotted for the oral argument of the above entitled case(s):

Petitioners	--	25 minutes
Respondents	--	25 minutes (respondents may share time with intervenor, if it so chooses)

For the Court:

GEORGE A. FISHER, Clerk

By:

Linda E. Jones
Linda E. Jones
Deputy Clerk

CMA 015393

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 85-1150

September Term, 1986

Natural Resources Defense Council, Inc.

v.

Environmental Protection Agency, et al.

United States Court of Appeals
For the District of Columbia Circuit

FILED JAN 28 1987

GEORGE A. FISHER
CLERK

BEFORE: EDWARDS and BORK, Circuit Judges; WRIGHT,
Senior Circuit Judge

ORDER

Upon consideration of petitioner's petition for rehearing, it is
ORDERED, by the Court, that the petition is denied.

Per Curiam

FOR THE COURT:
GEORGE A. FISHER, CLERK

BY: 
Robert A. Bonner
Chief Deputy Clerk

CMA 015394

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 85-1150

September Term, 19 86

Natural Resources Defense Council, Inc.

United States Court of Appeals
For the District of Columbia Circuit

v.

FILED JAN 28 1987

Environmental Protection Agency. et al.

GEORGE A. FISHER
CLERK

BEFORE: Wald, Chief Judge; Robinson, Mikva, Edwards, Ruth B. Ginsburg,
Bork, Starr, Silberman, Buckley, Williams and D. H. Ginsburg,
Circuit Judges

ORDER

Petitioner's suggestion for rehearing en banc was circulated to the full Court. The taking of a vote thereon was requested. A majority of the judges of the Court in regular active service have voted in favor of the suggestion. Accordingly, it is

ORDERED, by the Court en banc, that this matter will be reheard by the Court sitting en banc, and it is

FURTHER ORDERED, by the Court en banc, that the opinion and judgment of November 4, 1986 be, and the same hereby are, vacated.

A future order will govern further proceedings.

Per Curiam

FOR THE COURT:
GEORGE A. FISHER, CLERK

BY: *Robert A. Bonner*
Robert A. Bonner
Chief Deputy Clerk

CMA 015395

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 85-1150

September Term, 19 86

Natural Resources Defense Council, Inc.

v.

U.S. Environmental Protection Agency, et al.

United States Court of Appeals
For The District of Columbia Cir.

FILED FEB 27 1987

GEORGE A. FISHER
CLERK

BEFORE: Wald, Chief Judge; Robinson, Mikva, Edwards, Ruth B. Ginsburg,
Bork, Starr, Silberman, Buckley, Williams and D. H. Ginsburg,
Circuit Judges

ORDER

It is ORDERED, by the Court en banc, on its own motion, that the order of February 24, 1987 is amended as follows:

At page 2, delete

Briefs of respondent April 13, 1987
and intervenors

and substitute therefor

Briefs of respondent,
intervenor and amici
curiae April 13, 1987

Per Curiam

FOR THE COURT:
GEORGE A. FISHER, CLERK

BY: *Robert A. Bonner*
Robert A. Bonner
Chief Deputy Clerk

CMA 015396

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 85-1150

September Term, 19 86

Natural Resources Defense Council, Inc.

v.

United States Court of Appeals
For The District of Columbia Circuit

U.S. Environmental Protection Agency, et al.

FILED FEB 24 1987

GEORGE A. FISHER
CLERK

BEFORE: Wald, Chief Judge; Robinson, Mikva, Edwards, Ruth B. Ginsburg,
Bork, Starr, Silberman, Buckley, Williams and D. H. Ginsburg,
Circuit Judges

ORDER

It is ORDERED, by the Court en banc, on its own motion, that oral argument will be heard before the en banc court on Wednesday, April 29, 1987, at 10:00 a.m. It is

FURTHER ORDERED, by the Court en banc, that the parties submit 30 additional copies of their briefs previously filed, and 15 copies of the joint appendix, and do so on or before March 20, 1987. It is

FURTHER ORDERED, by the Court en banc, that the parties file new briefs on rehearing of no more than 30 pages, concerned with the following question:

Whether Section 112 of the Clear Air Act, 42 U.S.C.
Section 7412 (1982), permits the EPA Administrator
to consider cost and technological feasibility in
setting emission standards for hazardous pollutants.

The schedule for the filing of the new briefs is as follows:

CMA 015397

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 85-1150

September Term, 19 86

Briefs of Petitioner and
Environmental Defense Fund March 16, 1987

Briefs of respondent
and intervenors April 13, 1987 —

A future order will allocate the time at oral argument.

Per Curiam

FOR THE COURT:
GEORGE A. FISHER, CLERK

BY: *Robert A. Bonner*
Robert A. Bonner
Chief Deputy Clerk

CMA 015398