

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

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AMERICAN LUNG ASSOCIATION,))
<i>et al.</i> ,))
))
<i>Petitioners,</i>))
))
v.)	No. 19-1140, and
)	consolidated cases
ENVIRONMENTAL PROTECTION))
AGENCY, <i>et al.</i> ,))
))
<i>Respondents.</i>))
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NOTICE OF FILING SECOND CORRECTED CERTIFIED INDEX

Under Federal Rule of Appellate Procedure 17(b)(1)(B), Respondents U.S. Environmental Protection Agency (EPA) and Andrew Wheeler, EPA Administrator, hereby give notice of the filing of the attached second corrected certified index to the administrative record for the rule entitled “Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations” (the ACE Rule). 84 Fed. Reg. 32,520 (July 8, 2019).

Included in the second corrected certified index are those documents that Public Health and Environmental Petitioners identified in their Motion to Complete the Record for Judicial Review. *See* Doc. Id No. 1809826. EPA has included these documents in the certified index in an effort to conserve judicial resources. Further, avoiding unnecessary motion practice allows for this matter to move forward expeditiously as EPA has requested. *See* EPA Mot. to Expedite, Doc. Id. No. 1803976.

The Agency does not concede here that the Clean Air Act, 42 U.S.C. § 7607(d)(4)(B)(i), requires such materials to be included as part of the record. Nor does EPA concede that it was required to respond to these documents in promulgating the ACE Rule under § 7607(d), as these documents were submitted outside of the comment period.¹ Finally, in including these documents in the record, EPA does not concede any defenses it may have under § 7607(d).

¹ Any obligations under § 7607(d) with respect to these documents can be addressed in the merits briefs for this case as appropriate. *See* § 7607(d)(8).

Respectfully submitted,

Dated: October 11, 2019

/s/ Meghan E. Greenfield
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CERTIFICATE OF SERVICE

I hereby certify, pursuant to Fed. R. App. P. 25(c), that the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a notification to the attorneys of record in this matter, who are registered with the Court's CM/ECF system.

/s/ Meghan E. Greenfield

Meghan E. Greenfield

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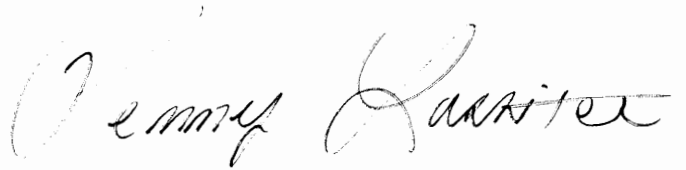
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SECOND CORRECTED CERTIFIED INDEX

I, Penny Lassiter, am the Director of the Sector Policies and Programs Division, Office of Air Quality Planning and Standards within the Office of Air and Radiation of the U.S. Environmental Protection Agency (EPA).

I certify that to the best of my knowledge and belief the attached corrected index lists the documents constituting the administrative record for the EPA final rules: “Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations,” 84 Fed. Reg. 32,520 (July 8, 2019).

In witness thereof, I have signed my name this 10th day of October, 2019 at
Durham, NC.

A handwritten signature in cursive script, appearing to read "Penny Lassiter".

**Penny Lassiter, Director
Sector Policies and Programs
Division
Office of Air Quality Planning
and Standards
United States Environmental
Protection Agency**

Certified Index for Repeal of "The Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations," 84 Fed. Reg. 32,520 (July 8, 2019).

October 11, 2019

Document ID	Document Title	Document Type	Attachment Count	Posted Date	Received Date	Post Mark Date
EPA-HQ-OAR-2017-0355-26699	Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations	RULES	N/A	7/8/2019	7/8/2019	N/A
EPA-HQ-OAR-2017-0355-26740	EPA's Responses to Public Comments on the EPA's Proposed Revisions to Emission Guideline Implementing Regulations. June 2019	SUPPORTING & RELATED MATERIALS	N/A	7/8/2019	6/19/2019	N/A
EPA-HQ-OAR-2017-0355-26741	EPA's Responses to Public Comments on the EPA's Proposed Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units. June 2019	SUPPORTING & RELATED MATERIALS	10	7/8/2019	6/19/2019	N/A
EPA-HQ-OAR-2017-0355-26742	EPA's Responses to Public Comments on the EPA's Repeal of Carbon Dioxide Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units. June 2019	SUPPORTING & RELATED MATERIALS	9	7/8/2019	6/19/2019	N/A
EPA-HQ-OAR-2017-0355-26743	Regulatory Impact Analysis for the Repeal of the Clean Power Plan, and the Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units	SUPPORTING & RELATED MATERIALS	N/A	7/8/2019	6/27/2019	N/A
EPA-HQ-OAR-2017-0355-0001	Review of the Clean Power Plan	NOTICES	N/A	8/11/2017	8/11/2017	N/A

Certified Index for Repeal of "The Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations," 84 Fed. Reg. 32,520 (July 8, 2019).

Document ID	Document Title	Document Type	Attachment Count	Posted Date	Received Date	Post Mark Date
EPA-HQ-OAR-2017-0355-0002	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	PROPOSED RULES	N/A	10/16/2017	10/16/2017	N/A
EPA-HQ-OAR-2017-0355-0008	AEO2015 Resource Costs T116 Formatted 4 Cases	SUPPORTING & RELATED MATERIALS	N/A	10/16/2017	10/12/2017	N/A
EPA-HQ-OAR-2017-0355-0009	AEO2016 Resource Costs T116 Formatted	SUPPORTING & RELATED MATERIALS	N/A	10/16/2017	10/12/2017	N/A
EPA-HQ-OAR-2017-0355-0010	AEO2017 Resource Costs T116 Formatted	SUPPORTING & RELATED MATERIALS	N/A	10/16/2017	10/12/2017	N/A
EPA-HQ-OAR-2017-0355-0011	CPP Final RIA 2015	SUPPORTING & RELATED MATERIALS	N/A	10/16/2017	10/12/2017	N/A
EPA-HQ-OAR-2017-0355-0012	CPP Repeal RIA Exec Summary 100417 clean	SUPPORTING & RELATED MATERIALS	N/A	10/16/2017	10/12/2017	N/A
EPA-HQ-OAR-2017-0355-0013	CPP Repeal RIA Exec Summary 100417 RLSO	SUPPORTING & RELATED MATERIALS	N/A	10/16/2017	10/12/2017	N/A
EPA-HQ-OAR-2017-0355-0014	Critical Assumptions and Description of Table 116 091517	SUPPORTING & RELATED MATERIALS	N/A	10/16/2017	10/12/2017	N/A