

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 19-1140****September Term, 2020****EPA-84FR32520****Filed On:** February 22, 2021

American Lung Association and American Public  
Health Association,

Petitioners

v.

Environmental Protection Agency and Jane  
Nishida, Acting Administrator,

Respondents

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AEP Generating Company, et al.,  
Intervenors  
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Consolidated with 19-1165, 19-1166, 19-1173,  
19-1175, 19-1176, 19-1177, 19-1179, 19-1185,  
19-1186, 19-1187, 19-1188

**BEFORE:** Millett, Pillard, and Walker, Circuit Judges

**ORDER**

Upon consideration of respondents' unopposed motion for a partial stay of issuance of the mandate, it is

**ORDERED** that the motion be granted. The Clerk is directed to withhold issuance of the mandate with respect to the vacatur of the Clean Power Plan Repeal Rule until the EPA responds to the court's remand in a new rulemaking action. It is

**FURTHER ORDERED** that the Clerk is directed to issue a partial mandate in the normal course as to the vacatur of the ACE Rule and the vacatur of the challenged timing provisions within the implementing regulations. It is

**FURTHER ORDERED** that respondents file status reports at 90-day intervals, beginning 90 days from the date of this order. Respondents are further directed to notify the court promptly upon completion of the agency rulemaking so that the remainder of the mandate may issue.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk