

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-1093**September Term, 2014****EPA-78FR6674****Filed On:** July 21, 2015

Delaware Department of Natural Resources
and Environmental Control,

Petitioner

v.

Environmental Protection Agency,

Respondent

Electric Power Supply Association, et al.,
Intervenors

Consolidated with 13-1102, 13-1104

BEFORE: Garland, Chief Judge; Williams and Randolph, Senior Circuit
Judges

ORDER

Upon consideration of respondent's unopposed petition for panel rehearing, it is

ORDERED that the opinion, *Delaware Department of Natural Resources and Environmental Control v. EPA*, 785 F.3d 1 (D.C. Cir. 2015), be amended as follows:

Section VI., p. 18, delete the first sentence of the first ¶, and insert in lieu thereof:

We reverse the challenged rules that contain the 100-hour exemption for operation of emergency engines for purposes of emergency demand response under the National Emissions Standards, 40 C.F.R. § 63.6640(f)(2)(ii)-(iii), and the Performance Standards, 40 C.F.R. §§ 60.4211(f)(2)(ii)-(iii), 60.4243(d)(2)(ii)-(iii).

The Clerk is directed to issue the amended opinion and to amend the judgment issued May 1, 2015, to reflect this amendment.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk