

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT  
MAR - 3 2003  
RECEIVED FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NEWMONT USA LIMITED, )  
dba Newmont Mining Corporation, )  
a Delaware corporation, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
UNITED STATES ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

No. 03-1051

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PETITION FOR REVIEW

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Pursuant to Section 307(b)(1) of the Clean Air Act (the "Act"), 42 U.S.C. § 4607(b)(1), Rule 15 of the Federal Rules of Appellate Procedure, and Circuit Rule 15, Newmont USA Limited, dba Newmont Mining Corporation ("Newmont"), petitions for review of a Final Rule promulgated by Respondent the United States Environmental Protection Agency ("EPA"), published December 31, 2002 and concerning the revision of

regulations governing the New Source Review programs mandated by parts C and D of title I of the Act. 67 FED. REG. 80186 (Dec. 31, 2002).

Dated: February 28, 2003.



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Denise W. Kennedy  
Robert T. Connery  
Marcy G. Glenn  
HOLLAND & HART LLP  
P.O. Box 8749  
Denver, Colorado 80201  
Telephone: (303) 295-8000  
Fax: (303) 295-8261

**ATTORNEYS FOR PETITIONER  
NEWMONT USA LIMITED**

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No. **03-1051**

**CORPORATE DISCLOSURE STATEMENT  
PURSUANT TO F.R.A.P 26.1 AND CIRCUIT RULE 26.1**

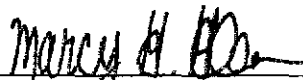
Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, Petitioner Newmont USA Limited d/b/a Newmont Mining Corporation (“Newmont”) hereby makes the following disclosures:

Newmont is a Delaware corporation and a wholly owned indirect subsidiary of Newmont Mining Corporation, a Delaware corporation.

Newmont owns and operates gold mining and processing facilities in the United States; these facilities are all subject to the New Source Review Final Rule published by Respondent the United States Environmental

Protection Agency ("EPA") on December 31, 2002. 67 FED. REG. 80186  
(Dec. 31, 2002). Newmont filed substantial comments with EPA on  
the proposed rule on which the Final Rule was based.

Dated: February 28, 2003.



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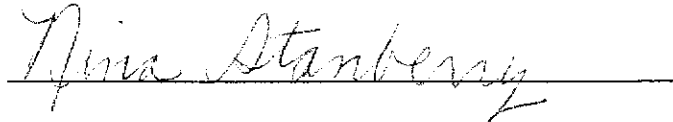
**ATTORNEYS FOR PETITIONER  
NEWMONT USA LIMITED**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of February, 2003, I mailed true and correct copies of the foregoing **CORPORATE DISCLOSURE STATEMENT PURSUANT TO F.R.A.P 26.1 AND CIRCUIT RULE 26.1** by placing copies thereof in the United States mail, first class postage prepaid, addressed to the following:

Norman Louis Rave, Jr.  
Lois Godfrey Wye  
United States Department of Justice  
Environmental & Natural Resource Division  
P.O. Box 23986  
L'Enfant Plaza Station  
Washington, D.C. 20026-3986

Carol S. Holmes  
United States Environmental Protection Agency  
Office of General Counsel  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

  
\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of February, 2003, I mailed true and correct copies of the foregoing **PETITION FOR REVIEW** by placing copies thereof in the United States mail, first class postage prepaid, addressed to the following:

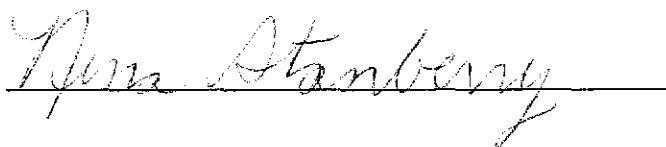
Norman Louis Rave, Jr.  
Lois Godfrey Wye  
United States Department of Justice  
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Washington, D.C. 20026-3986

Carol S. Holmes  
United States Environmental Protection Agency  
Office of General Counsel  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

I further certify that I have provided the Clerk of the Court with two copies of this **PETITION FOR REVIEW**, for the Clerk to serve on the following Respondents, in accordance with Federal Rule of Appellate Procedure 15(c):

Norman Louis Rave, Jr.  
Lois Godfrey Wye  
United States Department of Justice  
Environmental & Natural Resource Division  
P.O. Box 23986  
L'Enfant Plaza Station  
Washington, D.C. 20026-3986

Carol S. Holmes  
United States Environmental Protection Agency  
Office of General Counsel  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

A handwritten signature in cursive script, reading "Nina Stanberry", is written over a solid horizontal line.

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