

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**WHITE STALLION ENERGY** )  
**CENTER, LLC, *ET AL.*,** )

**Petitioners,** )

) **No. 12-1100 (and**  
) **consolidated cases)**

**v.** )

**UNITED STATES ENVIRONMENTAL** )  
**PROTECTION AGENCY,** )

**Respondent.** )

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**UTILITY AIR REGULATORY GROUP** )

**Petitioner,** )

) **No. 12-1166 (and**  
) **consolidated case**  
) **No. 12-1366)**

**v.** )

**UNITED STATES ENVIRONMENTAL** )  
**PROTECTION AGENCY,** )

**Respondent.** )

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**MOTION OF ECO POWER SOLUTIONS (USA) CORPORATION  
FOR VOLUNTARY DISMISSAL OF ITS PETITION FOR REVIEW**

Pursuant to Federal Rule of Appellate Procedure 42 and Rules 42 and 27(g) of this Court, Eco Power Solutions (USA) Corporation (“Eco Power”) respectfully moves for voluntary dismissal without costs of its petition for review of the final

action of the respondent United States Environmental Protection Agency published in the Federal Register at 77 Fed. Reg. 9304 (Feb. 16, 2012) and titled “National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units.”

Eco Power’s petition for review was docketed in Case No. 12-1170. On April 19, 2012, this Court consolidated Case No. 12-1170 with Case No. 12-1100 (and other consolidated cases) (Doc. 1369559). On August 24, 2012, this Court severed the NSPS issues in Case Nos. 12-1170 and 12-1185, assigned them to a new docket, No. 12-1366, Eco Power Solutions (USA) Co. v. EPA, and consolidated Case No. 12-1366 with Case No. 12-1166, Utility Air Regulatory Group v. EPA (Doc. 1391295).

In the process of preparing for briefs in Case Nos. 12-1100 and 12-1166, we have concluded that one of Eco Power’s key issues is moot. As to the remaining issues, Eco Power has determined that its resources will be better spent on the further development and marketing of its technology, rather than on the continuation of this litigation.

We have conferred with counsel for the Respondent, the State of Texas and the Utility Air Regulatory Group. All indicate that they either do not oppose or take no position on this motion for voluntary dismissal without costs.

October 10, 2012

Respectfully submitted,

/s/ Norman W. Bernstein

Norman W. Bernstein

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Corporation*

**CERTIFICATE OF SERVICE**

I, Norman W. Bernstein, a member of the Bar of this Court, hereby certify that on October 10, 2012, I electronically filed the foregoing Motion of Eco Power Eco Power Solutions (USA) Corporation for Voluntary Dismissal of Its Petition for Review with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system.

I further certify that I served the foregoing motion on all registered counsel through the Court's CM/ECF system. Pursuant to Circuit Rule 27(b), I have caused four copies of the foregoing motion to be served by Federal Express to the Clerk of the Court.

/s/ Norman W. Bernstein  
Norman W. Bernstein