

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

DEBRA ANN LIVINGSTON
CHIEF JUDGE

Date: December 30, 2020
Docket #: 20-4256
Short Title: Natural Resources Defense Coun v. United
States Department of En

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Agency #: 336B1
Agency: Department of Energy

DOCKETING NOTICE

A petition for review filed by Natural Resources Defense Council et al., in the above referenced case was docketed today as 20-4256. This number must appear on all documents related to this case that are filed in this Court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

YOUR CORRECT CONTACT INFORMATION: Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

CHANGE IN CONTACT INFORMATION: An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in CM/ECF must notify the Court of a change to the user's mailing address, business address, telephone number, or e-mail. To update contact information, a Filing User must access PACER's Manage

My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

CAPTION: In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether petitioner is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8503.

Case No. _____

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

NATURAL RESOURCES DEFENSE COUNCIL, INC.; SIERRA CLUB;
CONSUMER FEDERATION OF AMERICA; and MASSACHUSETTS
UNION OF PUBLIC HOUSING TENANTS,

Petitioners,

v.

U.S. DEPARTMENT OF ENERGY and DAN BROUILLETTE, in his official
capacity as Secretary of the United States Department of Energy,

Respondents.

**PETITION FOR REVIEW
of a final rule of the U.S. Department of Energy**

Gabriel Daly
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011
(212) 727-4671
gdaly@nrdc.org

Timothy Ballo
Earthjustice
1001 G Street, NW, Suite 100
Washington, DC 20001
(202) 667-4500 ext. 5209
tballo@earthjustice.org

Nancy S. Marks
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011
(212) 727-4414
nmarks@nrdc.org

*Counsel for Sierra Club, Consumer
Federation of America, and Massachusetts
Union of Public Housing Tenants*

*Counsel for Natural Resources
Defense Council*

Dated: December 29, 2020

PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 15, 5 U.S.C. § 702 et seq., and Section 336(b)(1) of the Energy Policy and Conservation Act, 42 U.S.C. § 6306(b)(1), the Natural Resources Defense Council, Sierra Club, the Consumer Federation of America, and the Massachusetts Union of Public Housing Tenants hereby petition this Court to review and set aside the final rule of the U.S. Department of Energy titled “Energy Conservation Program: Establishment of a New Product Class for Residential Dishwashers,” published in the Federal Register at 85 Fed. Reg. 68,723 on October 30, 2020.

A copy of the challenged final rule is attached to this petition as Exhibit A.

Dated: December 29, 2020

Respectfully submitted,

/s/ Gabriel Daly

Gabriel Daly
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011
(212) 727-4671
gdaly@nrdc.org

Nancy S. Marks
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011
(212) 727-4414
nmarks@nrdc.org

Counsel for Natural Resources Defense Council

Timothy Ballo
Earthjustice
1001 G Street, NW, Suite 100
Washington, DC 20001
(202) 667-4500 ext. 5209
tballo@earthjustice.org

*Counsel for Sierra Club, Consumer Federation of
America, and Massachusetts Union of Public
Housing Tenants*

FEDERAL RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Petitioners Natural Resources Defense Council, Inc. (NRDC), Sierra Club, Consumer Federation of America, and Massachusetts Union of Public Housing Tenants are non-profit organizations with no parent corporation and no outstanding stock shares or other securities in the hands of the public. Petitioners do not have any parent, subsidiary, or affiliate that has issued stock shares or other securities to the public. No publicly held corporation owns any stock in Petitioners.

Dated: December 29, 2020

/s/ Gabriel Daly
Gabriel Daly
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011
(212) 727-4671
gdaly@nrdc.org

Nancy S. Marks
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011
(212) 727-4414
nmarks@nrdc.org

Counsel for Natural Resources Defense Council

Timothy Ballo
Earthjustice
1001 G Street, NW, Suite 100
Washington, DC 20001
(202) 667-4500 ext. 5209
tballo@earthjustice.org

Counsel for Sierra Club, Consumer Federation of America, and Massachusetts Union of Public Housing Tenants