

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

FREEPORT-MCMORAN MIAMI
INC.,

Petitioner,

v.

No. 24-1245

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, and MICHAEL S. REGAN,
in his official capacity as
Administrator, United States
Environmental Protection Agency,

Respondents.

PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 15, this Court’s Rule 15, and section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), Freeport-McMoRan Miami Inc. hereby petitions this Court for review of the final rule of respondent United States Environmental Protection Agency (“EPA”) under the Clean Air Act published on May 13, 2024, at 89 Fed. Reg. 41,648, entitled “National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review.” A copy of the final rule is attached as Exhibit A.

This Court has jurisdiction and is a proper venue for this action pursuant to 42 U.S.C. § 7607(b)(1). This petition for review is timely filed under the Clean Air Act. It has been filed with this Court within sixty (60) days of May 13, 2024, the date on which the final rule was promulgated.

Dated: July 12, 2024

Respectfully submitted,

/s/ Ronald J. Tenpas

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Counsel for Freeport-McMoRan Miami Inc.

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RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, petitioner Freeport-McMoRan Miami Inc. (“FMMI”) hereby makes the following disclosures:

1. FMMI is a Delaware corporation headquartered in Phoenix, Arizona. It owns and operates a copper smelting facility located in Gila County, Arizona, near the town of Miami, that is regulated under the U.S. Environmental Protection Agency rule that is the subject of this petition for review. FMMI is an indirect, wholly owned subsidiary of Freeport-McMoRan Inc., which is a publicly traded

corporation organized under the laws of the State of Delaware and headquartered in Phoenix, Arizona, whose securities are listed on the New York Stock Exchange (NYSE:FCX). Freeport-McMoRan Inc. has no parent companies, and no publicly held company has a 10% or greater ownership interest in Freeport-McMoRan Inc.

2. FMMI's full chain of intermediate parent companies is as follows. FMMI is a direct wholly owned subsidiary of Cyprus Climax Metals Company, which is a direct wholly owned subsidiary of Cyprus Metals Company. Cyprus Metals Company is a direct wholly owned subsidiary of Cyprus Amax Minerals Company, which is a direct wholly owned subsidiary of Freeport Minerals Corporation. Freeport Minerals Corporation is a direct wholly owned subsidiary of Freeport-McMoRan Inc. (NYSE:FCX). Freeport-McMoRan Inc. has no parent companies, and no publicly held company has a 10% or greater ownership interest in Freeport-McMoRan Inc.

Dated: July 12, 2024

Respectfully submitted,

/s/ Ronald J. Tenpas

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Counsel for Freeport-McMoRan Miami Inc.

CERTIFICATE OF SERVICE

Pursuant to Rules 15(c) and 25(d) of the Federal Rules of Appellate Procedure and Circuit Rule 15(a), I hereby certify that on July 12, 2024, I caused one copy of the foregoing Petition for Review and Rule 26.1 Disclosure Statement to be served on each of the following by certified U.S. Mail, return receipt requested:

The Honorable Michael S. Regan
Administrator
Office of the Administrator (1101A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
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Correspondence Control Unit
Office of General Counsel (2311)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
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Dated: July 12, 2024

Respectfully submitted,

/s/ Ronald J. Tenpas
Ronald J. Tenpas

*Counsel for Freeport-McMoRan Miami
Inc.*