

No.

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

STATE OF CALIFORNIA
by and through GRAY DAVIS, GOVERNOR OF THE STATE OF CALIFORNIA,
the CALIFORNIA AIR RESOURCES BOARD,
and BILL LOCKYER, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

Petition for Review of Decision
of the United States Environmental Protection Agency

PETITION FOR REVIEW

BILL LOCKYER, Attorney General of the
State of California

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Chief Assistant Attorney General

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Attorneys for Petitioner State of California

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), petitioner State of California by and through Gray Davis, Governor of the State of California, the California Air Resources Board, and Bill Lockyer, Attorney General of the State of California, hereby petitions the Court to review a final action of the United States Environmental Protection Agency (“US EPA”). This final agency action was issued by US EPA on August 28, 2003, in the form of a memorandum from US EPA General Counsel Robert E. Fabricant to US EPA Acting Administrator Marianne L. Horinko. A copy of this final agency action, which was not published in the Federal Register, is attached to this petition.

DATED: October 23, 2003

Respectfully submitted,

BILL LOCKYER, Attorney General
of the State of California
RICHARD M. FRANK
Chief Assistant Attorney General
MARY E. HACKENBRACHT
Senior Assistant Attorney General
NICHOLAS STERN
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PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), petitioner State of California by and through Gray Davis, Governor of the State of California, the California Air Resources Board, and Bill Lockyer, Attorney General of the State of California, hereby petitions the Court to review a final action of the United States Environmental Protection Agency (“US EPA”). This final agency action denied a petition for rulemaking that had sought the regulation of greenhouse gas emissions, including carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and hydrofluorocarbons (HFCs), from new motor vehicles and engines. This final agency action was issued by US EPA on August 28, 2003, and was subsequently published at 68 Fed. Reg. 52922 (Sept. 8, 2003). This final agency action relies in part on a separate final agency action, an August 28, 2003 memorandum from US EPA General Counsel Robert E. Fabricant to US EPA Acting Administrator Marianne L. Horinko, which is also being challenged in a separate and concurrently-filed petition for review.

DATED: October 23, 2003

Respectfully submitted,

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