

No.

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

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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.

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

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**PETITION FOR REVIEW**

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BILL LOCKYER, Attorney General of the  
State of California

RICHARD M. FRANK

Chief Assistant Attorney General

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Senior 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  
Deputy Attorney General

MARC N. MELNICK  
Deputy Attorney General

Attorneys for Petitioner State of California

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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 (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), 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,

BILL LOCKYER, Attorney General  
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