

NO. 23-\_\_\_\_\_

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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LOUISIANA PUBLIC SERVICE COMMISSION

*Petitioner,*

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
AND MICHAEL S. REGAN, ADMINISTRATOR,  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

*Respondents.*



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**PETITION FOR REVIEW OF A FINAL RULE  
OF THE ENVIRONMENTAL PROTECTION AGENCY**

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In accordance with 42 U.S.C. § 7607(b)(1) and Federal Rule of Appellate Procedure 15, Petitioner the Louisiana Public Service Commission petitions this Court for review of Respondents United States Environmental Protection Agency and Administrator Michael S. Regan’s agency action promulgating a federal implementation plan (“FIP”) as to Louisiana regarding Louisiana's interstate-transport requirements under 42 U.S.C. § 7410(a)(2)(D)(i)(I) for the 2015 8-hour ozone national ambient air quality standards (“NAAQS”). The challenged action was included as part of the final rule titled “Federal ‘Good

Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards,” attached hereto and published at 88 Fed. Reg. 36,654 (June 5, 2023) (“Final Rule”). See Fed. R. App. P. 15(a)(2)(c) (reflecting that a petition for review may challenge only "part" of an agency order).

Jurisdiction and venue lie in this Court under 42 U.S.C. § 7607(b)(1). The challenged part of the Final Rule is an action “approving or promulgating [an] implementation plan under section 7410” that is “locally or regionally applicable” and is not “based on a determination of nationwide scope or effect.” 42 U.S.C. § 7607(b)(1).

The Final Rule was published in the Federal Register on June 5, 2023. Thus, this Petition is timely filed within 60 days of publication in the Federal Register. 42 U.S.C. § 7607(b)(1).

Petitioner requests that the Court declare unlawful and vacate the EPA's final action purporting to impose FIP requirements on Louisiana.

Respectfully Submitted,

/s/ Daria B. Diaz

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**CERTIFICATE OF SERVICE**

I caused a true and correct copy of this petition for review to be served on August 2, 2023, by United States first-class mail, on the following:

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