

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

**UNION ELECTRIC CO. d/b/a
AMEREN MISSOURI,**

Petitioner,

v.

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

Respondents.

No. 23-1208

PROTECTIVE PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), and Federal Rule of Appellate Procedure 15(a), Petitioner Union Electric Co. d/b/a Ameren Missouri hereby petitions the United States Court of Appeals for the District of Columbia Circuit for review of the final action by Respondent United States Environmental Protection Agency entitled “Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards,” published at 88 Fed. Reg. 36,654 (June 6, 2023) (“Final Rule”), a copy of which is attached hereto.

This Court has jurisdiction over this Petition under 42 U.S.C. § 7607(b)(1). However, because the Final Rule is a “locally or regionally applicable” action and is not “based on a determination of nationwide scope or effect,” the United States Court of Appeals for the Eighth Circuit is the proper venue. 42 U.S.C. § 7607(b)(1); *Tex. Mun. Power Agency v. EPA*, 89 F.3d 858, 867 (D.C. Cir. 1996) (Section 7607(b)(1)’s circuit-selection provision prescribes venue). Accordingly, Petitioner has a pending petition for review in the Eighth Circuit. The Petition filed in this Court is filed solely to preserve Petitioner’s rights should venue be deemed improper in the Eighth Circuit.

Dated: August 4, 2023

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of August, 2023, I caused one copy of the foregoing Petition for Review to be served on each of the following by certified United States mail, return receipt requested:

The Honorable Michael S. Regan
Administrator
Office of the Administrator (1101A)
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

The Honorable Merrick Garland
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
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The Honorable Todd Sunhwaee Kim
Assistant Attorney General
Environmental and Natural Resources Division
U.S. Department of Justice
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/s/ Elbert Lin

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