

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

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STATE OF MISSISSIPPI, <u>et al.</u> ,		)	
		)	
Petitioners,		)	
		)	No. 08-1200 and consolidated cases
v.		)	(Ozone NAAQS Litigation)
		)	
UNITED STATES ENVIRONMENTAL		)	
PROTECTION AGENCY,		)	
		)	
Respondent.		)	
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**EPA's Status Report**

Respondent United States Environmental Protection Agency ("EPA") files this status report in accordance with the Court's order.

Petitioners challenge in these consolidated cases a regulation promulgated by EPA under the Clean Air Act entitled the "National Ambient Air Quality Standards for Ozone" (hereinafter "Ozone NAAQS Rule"), 73 Fed. Reg. 16,436 (March 27, 2008). In accordance with the Court's Order, dated January 21, 2010, these cases are being held in abeyance pending completion of EPA's ongoing rulemaking on reconsideration of the Ozone NAAQS Rule. In its notice filed on September 16, 2009, EPA stated its schedule for the rulemaking was to sign the Notice of Proposed Rulemaking by December 21, 2009, and to sign the Final Action by August 31, 2010.

On January 19, 2010, EPA's proposed rule on reconsideration was published in the Federal Register. 75 Fed. Reg. 2938. That comment period concluded on March 22, 2010, and EPA is continuing to review the comments received and take the steps necessary to reach and issue a final decision. EPA expects that this process will take approximately two months longer than initially estimate. Thus, EPA's current schedule is to sign a final rule on the reconsideration of the 2008 Ozone standard on or about the end of October 2010.

Respectfully submitted,

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Dated: August 20, 2010

CERTIFICATE OF SERVICE

I certify that, on August 20, 2010, I filed the attached motion through the Court's electronic filing system and that I caused a copy of the foregoing filing to be served by U.S. Mail, postage pre-paid, to the following counsel:

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