

UNITED STATES COURT OF APPEALS FOR DISTRICT OF COLUMBIA

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MAR 31 2009

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

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FILED
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NAVISTAR, INC.

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
and LISA JACKSON, Administrator,

Respondents.

Case No. 1173337
09-1114

ORIGINAL

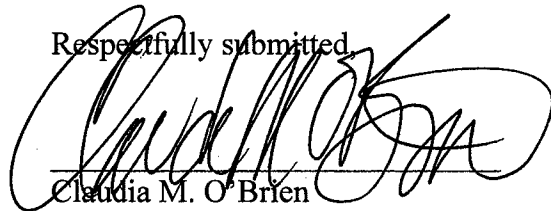
PETITION FOR REVIEW OF USEPA 2009 GUIDANCE

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), Navistar, Inc. ("Navistar") hereby petitions this Court for review of the final action taken by the United States Environmental Protection Agency ("EPA") in issuing its "Certification Requirements for Heavy-Duty Diesel Engines Using Selective Catalyst Reduction (SCR) Technologies," on February 18, 2009 ("2009 SCR Guidance"). Review of that final action by this Court entails, among other things, review of the following: (a) the 2009 SCR Guidance; (b) EPA's "Certification Procedure for Light-Duty and Heavy-Duty Diesel Vehicles and Heavy-Duty Diesel Engines Using Selective Catalyst Reduction (SCR) Technologies," issued on March 27, 2007 ("2007 SCR Guidance"), which is incorporated by reference in the 2009 SCR Guidance; and (c) the record for the 2009 SCR Guidance and the 2007 SCR Guidance. Copies of the 2009 SCR Guidance and the 2007 SCR Guidance are attached hereto as Exhibits A and B.

This Court has jurisdiction and is the proper venue for this matter pursuant to Section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b). EPA is the proper respondent under Federal Rule of Appellate Procedure 15(a). A filing fee of \$450 is being paid to the Clerk simultaneously with the filing of this Petition. Pursuant to Section 307(f) of the Clean Air Act, 42 U.S.C. § 7607(f), Navistar requests that this Court award Navistar its litigation costs, including reasonable attorney and expert witness fees and expenses.

Dated: March 31, 2009

Respectfully submitted,



Claudia M. O'Brien
Maureen E. Mahoney
LATHAM & WATKINS, L.L.P.
555 Eleventh Street, N.W.
Suite 1000
Washington D.C. 20004-1304
(202) 637-2200

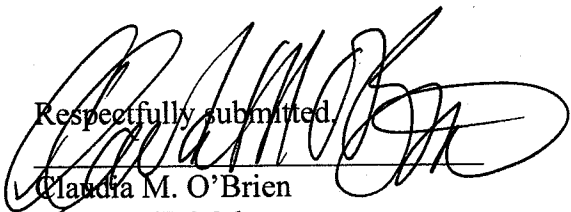
Laurence H. Levine
LAURENCE H. LEVINE LAW OFFICES
190 S. LaSalle St.
Suite 3120
Chicago, IL 60603
(312) 291-7010

Cary R. Perlman ("Of Counsel")
LATHAM & WATKINS L.L.P.
233 South Wacker Dr.
Suite 5800
Chicago, IL 60606-6401
(312) 876-7700

Attorney General Eric H. Holder
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530-0001

Dated: March 31, 2009

Respectfully submitted,



✓ Claudia M. O'Brien
Maureen E. Mahoney
LATHAM & WATKINS, L.L.P.
555 Eleventh Street, N.W.
Suite 1000
Washington D.C. 20004-1304
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Suite 5800
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(312) 876-7700