

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

1173331

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

MAR 31 2009

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DISTRICT OF COLUMBIA CIRCUIT
FILED
MAR 31 2009
CLERK
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NAVISTAR, INC.

Petitioner,

v.

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

Respondents.

Case No. _____

ORIGINAL

PETITION FOR REVIEW OF USEPA 2001 STANDARD

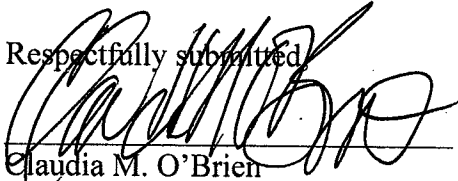
Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), Navistar, Inc. (“Navistar”) hereby petitions this Court for review of the final action taken by the United States Environmental Protection Agency (“EPA”) in issuing its 2001 rulemaking entitled “Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements,” 66 Fed. Reg. 5002 (January 18, 2001) (“2001 Standard”). Review of the 2001 Standard is appropriate and timely now because the EPA’s “Certification Requirements for Heavy-Duty Diesel Engines Using Selective Catalyst Reduction (SCR) Technologies,” dated February 18, 2009 (“2009 SCR Guidance”), constitutes new grounds for review and/or constitutes a reexamination of USEPA’s former choice which materially amends and reopens the 2001 Standard. Review of that reopened 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; (c) the 2001 Standard; and (d) the record for the 2009 SCR Guidance, the 2007 SCR Guidance and the 2001 Standard. Copies of the 2009 SCR Guidance, the 2007 SCR Guidance and the 2001 Standard are attached hereto as Exhibits A, B and C.

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



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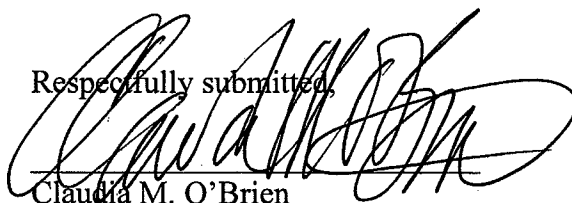
CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Local Rule 26.1, Navistar, Inc. respectfully submits this disclosure of interests.

Navistar, Inc., formerly known as International Truck and Engine Corporation, is a Delaware corporation with its principal place of business located in Warrenville, Illinois. Navistar is a leading manufacturer of mid-range diesel engines, medium-duty diesel trucks, heavy-duty diesel trucks, and severe service vehicles. Navistar, Inc. is a wholly owned subsidiary of Navistar International Corporation, a publicly traded corporation. There are no other publicly traded companies that own 10% or more of Navistar, Inc. or any of its parent companies.

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CERTIFICATE OF SERVICE

Pursuant to Rules 15 and 25 of the Federal Rules of Appellate Procedure and 40 C.F.R. 23.12, I hereby certify that I have this day served a date-stamped copy of the foregoing Corporate Disclosure Statement by hand upon the Administrator and Acting General Counsel of the Environmental Protection Agency:

Administrator Lisa Jackson
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

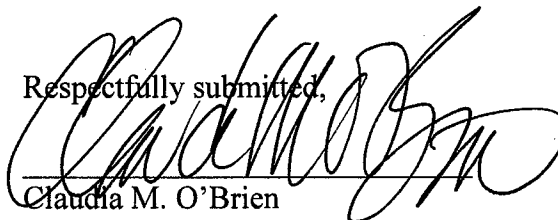
Patricia K. Hirsch, Esq.
Correspondence Control Unit
Office of General Counsel (2311)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Attorney for Respondent U.S. EPA

A copy of the Corporate Disclosure Statement was also served by first class mail upon:

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

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