Document #1588884

Filed: 12/1 4/2000 STATES USUAL TOP COLUMBIA CIRCUIT FILED DEC 1 4 2015

DEC 1 4 ZU15

RECEIVED

IN THE UNITED STATES COURT OF APPEALS CLERK

FOR THE DISTRICT OF COLUMBIA CIRCUIT

THE NORTH AMERICAN COAL CORPORATION

Petitioner,

15-145. No.

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and REGINA McCARTHY, Administrator, United States Environmental Protection Agency

Respondents.

PETITION FOR REVIEW

ORIGINAL Pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure, Circuit Rule 15, Section 307(b)(l) of the Clean Air Act, 42 U.S.C. § 7607(b)(l), and Section 702 of the Administrative Procedure Act, 5 U.S.C. § 702, Petitioner The North American Coal Corporation ("NACoal") seeks review of the United States Environmental Protection Agency's ("EPA") final rule entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating

Filed: 12/14/2015

Units," 80 Fed. Reg. 64662 (Oct. 23, 2015) ("Final Rule"). This Petition is timely filed within 60 days of the date of publication of the Final Rule in the Federal Register. See 42 U.S.C. § 7607(b)(1). This Court has jurisdiction and is a proper venue for this action. See id.

The Final Rule is arbitrary, capricious, and an abuse of EPA's discretion. The Final Rule exceeds the limitations of EPA's statutory authority and the United States Constitution. NACoal respectfully requests that this Court set aside the Final Rule, and order such other relief as this Court deems appropriate.

A copy of the Final Rule is attached to this Petition as Exhibit A.

Respectfully submitted.

Charles T. Wehland*

*Counsel of Record

Brian J. Murray

JONES DAY

77 West Wacker Drive, Suite 3500

Chicago, Illinois 60601-1692

p: (312) 782-3939

f: (312) 782-8585

ctwehland@jonesday.com

bjmurray@jonesday.com

Counsel for Petitioner The North American Coal Corporation

December 14, 2015