

ORAL ARGUMENT NOT YET SCHEDULED

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

)	
MURRAY ENERGY CORPORATION,)	
)	
Petitioner,)	
)	
v.)	Docket No. 16-1429
)	(consolidated under
U.S. ENVIRONMENTAL)	No. 16-1406)
PROTECTION AGENCY,)	
)	
Respondent.)	
)	

**NON-BINDING STATEMENT OF ISSUES BY
MURRAY ENERGY CORPORATION**

Murray Energy Corporation (“Murray”) submits this non-binding statement of issues in the above-captioned case:

1. Whether the Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS,” 81 Fed. Reg. 74504 (Oct. 26, 2016), sets limits on the emission of nitrogen oxides from coal-fueled electric generating units that are arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with the law.

Dated: January 23, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Non-Binding Statement of Issues by Murray Energy Corporation was filed with the Clerk of the United States Court of Appeals for the District of Columbia Circuit on January 23, 2017 using the Court's CM/ECF system, and that service will therefore be accomplished through notice sent by the CM/ECF system to all counsel of record for petitioners, respondents and other litigants registered in the CM/ECF system for Case No. 16-1406 and consolidated cases.

Dated: January 23, 2017

/s/ Peter S. Glaser
Peter S. Glaser