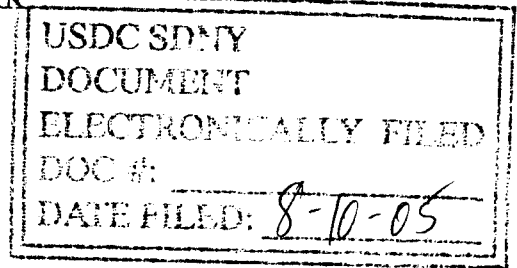


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



NATURAL RESOURCES DEFENSE)
COUNCIL, INC., *et al.*,)
)
Plaintiffs,)
)
v.)
)
NORMAN Y. MINETA,)
SECRETARY OF TRANSPORTATION, *et al.*,)
)
Defendants.)
_____)

No. 04-5380 (VM)
ECF Case

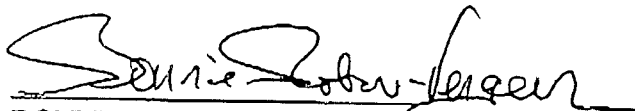
STIPULATED ORDER OF DISMISSAL

Plaintiffs brought this action pursuant to the Administrative Procedure Act to challenge the final rule issued by the National Highway Traffic Safety Administration ("NHTSA") extending for four years (2005-2008) the dual-fuel incentive established by the Alternative Motor Fuels Act of 1988. *See* 69 Fed. Reg. 7689 (2004). On August 8, 2005, President Bush signed into law the Energy Policy Act of 2005, H.R. 6, H.R. Conf. Rep. No. 109-190 (2005) (Public Law No. not yet available). Section 772 of the Energy Policy Act amends 49 U.S.C. § 32905 to extend the dual-fuel incentive to 2010, with the possibility of a regulatory extension by NHTSA to 2014.

The parties agree that because Congress has codified the extension that NHTSA had decreed by regulation, plaintiffs' challenge to NHTSA's action is now moot.

Accordingly, it is hereby ORDERED that this case is DISMISSED as moot, without costs or attorney's fees to any party.

Dated: August 10, 2005



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VICTOR A. MARRERO
United States District Judge

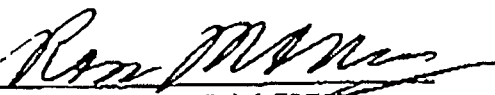
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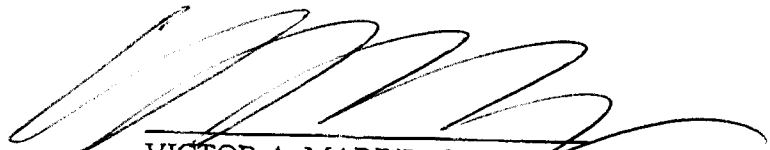
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VICTOR A. MARRERO
United States District Judge

2

SO ORDERED: *The Clerk of Court is directed to close this case and the pending motions (docket nos. 18 and 23) and objections (docket no. 30).*
8-16-05
DATE VICTOR MARRERO, U.S.D.J.