

## ORAL ARGUMENT NOT YET SCHEDULED

UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT

Union of Concerned Scientists, et al.,

Petitioners,

v.

National Highway Traffic Safety  
Administration, et al.,

Respondents.

No. 19-1230 and  
consolidated cases**Respondents' Motion to Govern**

Respondents move to keep these consolidated cases in abeyance until reconsideration of the challenged action is complete. Save for petitioner Advanced Energy Economy (Case Nos. 19-1249 and 20-1175), who did not respond to Respondents' inquiry, no petitioner in these cases opposes this motion. And no intervenor opposes this motion. *See also* State and Local Government Petitioners' Mot. to Govern (Jan. 26, 2022) (seeking similar relief); Mot. of Intervenor States to Continue Holding Case in Abeyance (Jan. 21, 2022) (same).

Last February, the Court put these cases in abeyance pending reconsideration by Respondents NHTSA and EPA of the challenged action. Per

Curiam Order (Feb. 8, 2021). That action, known as the SAFE I Rule, was jointly promulgated by NHTSA and EPA. 84 Fed. Reg. 51,310 (Sept. 27, 2019).

In ordering these cases into abeyance, the Court directed Respondents to file 90-day status reports and to notify it within 7 days of any agency action resulting from the reconsideration. Per Curiam Order (Feb. 8, 2021). The Court also ordered the parties to file motions to govern within 30 days of that notice. *Id.*

NHTSA concluded reconsideration of its part of the SAFE I Rule when it signed a final rule in December. Notice (Dec. 27, 2021);<sup>1</sup> *see* 86 Fed. Reg. 74,236 (Dec. 29, 2021). EPA's reconsideration, however, remains ongoing. Respondents ask that these cases remain in abeyance until EPA concludes reconsideration of its part of the joint SAFE I Rule, with a motion to govern due 30 days after that action.

Submitted on January 26, 2022.

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<sup>1</sup> The notice inadvertently said the signature date is December 20. It is in fact December 21.

