

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

NOTICE

On February 8, 2021, the Court granted a motion filed by Respondents National Highway Traffic Safety Administration (“NHTSA”) and the United States Environmental Protection Agency (“EPA”), et al. (collectively “Federal Agencies”), to hold these cases in abeyance pending the Federal Agencies’ implementation of an Executive Order directing the Federal Agencies to immediately review and potentially rescind or revise the joint agency action at issue in this case, the One National Program Action, 84 Fed. Reg. 51,310 (Sept. 27, 2019). The Court’s February 8 Order requires the Federal Agencies to file status reports at 90-day intervals and to notify the Court and the parties within 7 days of

any agency action resulting from the review of the One National Program Action (or any determination that no action will be taken), and directs the parties file a motion or motions to govern further proceedings within 30 days of that notification. ECF No. 1884115.

EPA has not concluded its reconsideration proceeding. However, on December 20, 2021, NHTSA signed a final rule repealing all regulatory text and appendices promulgated in NHTSA's portions of the One National Program Action. NHTSA's final rule is scheduled for Federal Register publication on December 29, 2021.

DATED: December 27, 2021

Respectfully submitted,

TODD KIM

Assistant Attorney General

/s/ Daniel R. Dertke

CHLOE H. KOLMAN

DANIEL R. DERTKE

SUE CHEN

Environmental Defense Section

U.S. Department of Justice

P.O. Box 7611

Washington, D.C. 20044

(202) 514-0994 (Dertke)

daniel.dertke@usdoj.gov

OF COUNSEL:

HUNTER B. OLIVER

Trial Attorney, Litigation and Enforcement

National Highway Traffic Safety Administration

1200 New Jersey Ave, S.E., W41-326
Washington, D.C. 20590

WINIFRED OKOYE
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

I hereby certify that this document complies with the word limit of Fed. R. App. P. 27(d)(2) and 32(c)(1), excluding the parts of the document exempted by Fed. R. App. P. 32(f), because this document contains 197 words.

I also hereby certify that this document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document was prepared in a proportionally spaced typeface using Microsoft Word 2013 in 14 point Times New Roman font.

/s/ Daniel R. Dertke

DANIEL R. DERTKE

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2021, a copy of the foregoing Notice was served electronically through the Court's CM/ECF system on all counsel of record.

/s/ Daniel R. Dertke

DANIEL R. DERTKE