

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 8th Order required 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 directed the parties file a motion or motions to govern further proceedings within 30 days of that notification. ECF No. 1884115.

On December 21, 2021, NHTSA signed a final rule repealing all regulatory text and appendices promulgated in NHTSA's portions of the One National Program Action. That rule was published in the Federal Register on December 29, 2021. 86 Fed. Reg. 74,236. On December 27, 2021, the United States filed a notice informing the Court of the signature of the NHTSA rule but indicating that EPA had not yet concluded its reconsideration. ECF No. 1928287. On January 26, 2022, the United States filed a motion to govern further proceedings requesting that the Court continue to hold the cases in abeyance until EPA concluded its reconsideration of its part of the One National Program Action. ECF No. 1932382. The Court granted that request on February 9, 2022, and ordered the Federal Parties to notify the Court and the other parties within seven days of EPA's action, with motions to govern due within 30 days of that notification. ECF No. 1934435.

EPA has now concluded its portion of the reconsideration and on March 9, 2022, signed a decision rescinding its portion of the One National Program Action. That decision was published in the Federal Register on March 14, 2022. 87 Fed. Reg. 14,332. Consistent with the Court's February 9th order, the parties will file a

motion or motions to govern proceedings in these consolidated cases within 30 days of this notice, or no later than April 14, 2022.

DATED: March 15, 2022

Respectfully submitted,

TODD KIM
Assistant Attorney General

/s/ Chloe H. Kolman

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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 388 words.

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/s/ Chloe H. Kolman

CHLOE H. KOLMAN

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2022, a copy of the foregoing Notice was served electronically through the Court's CM/ECF system on all counsel of record.

/s/ Chloe H. Kolman

CHLOE H. KOLMAN