

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NATIONAL RESOURCES DEFENSE
COUNCIL, INC., SIERRA CLUB,

Petitioners,

v.

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION, PETE BUTTIGIEG,
in his official capacity as SECRETARY OF
THE UNITED STATES DEPARTMENT
OF TRANSPORTATION,

Respondents.

Nos. 21-139

21-339

21-593

RESPONDENTS' STATUS REPORT

On April 6, 2021, this Court granted respondents' motion to hold these cases in abeyance pending the conclusion of the agency's review of the challenged rule. Respondents' abeyance motion stated that NHTSA is willing to provide regular status reports to the Court during the abeyance period, and proposed to do so every 30 days. *See* Abeyance Mot. at 7. NHTSA provided its last status report on July 7, 2021.

NHTSA continues to review the challenged rule pursuant to President Biden's January 20, 2021 Executive Order. As NHTSA has previously noted, it submitted a supplemental notice of proposed rulemaking to the Office of Information and Regulatory Affairs, which remains pending, *see* Office of Info. & Reg. Affairs, Office of Mgmt. & Budg., *List of Regulatory Actions Currently Under Review*,

<https://www.reginfo.gov/public/jsp/EO/eoDashboard.myjsp> (last visited August 6, 2021). Review of the interim final rule is ongoing, but will not be completed within the six-month time frame that NHTSA estimated in March 2021. *See* Resps.' Reply in Support of Cross-Motion to Hold Petition in Abeyance, at 1.

Respondents will provide a further status update to the Court in thirty days, on September 6, 2021.

Respectfully submitted,

H. THOMAS BYRON III

/s/ Courtney L. Dixon

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AUGUST 2021

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2021, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Courtney L. Dixon

Courtney L. Dixon