

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ALLIANCE OF AUTOMOBILE
MANUFACTURERS,

Petitioner,

v.

ENVIRONMENTAL PROTECTION
AGENCY;

No. 17-1086

E. SCOTT PRUITT, in his official capacity
as the Administrator of the U.S.
Environmental Protection Agency,

Respondents.

MOTION OF PETITIONER TO DISMISS ITS PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 42(b), Petitioner Alliance of Automobile Manufacturers (“Petitioner”) respectfully moves this Court to dismiss without prejudice its Petition for Review in the above-captioned case. In support of its motion, Petitioner states the following:

1. On January 12, 2017, the United States Environmental Protection Agency (“EPA”) issued its “Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation” (“Final Determination”). EPA explained

that the Final Determination was based on a “Mid-Term Evaluation” of federal greenhouse gas emission standards for Model Year 2022-2025 light duty vehicles as prescribed in a 2012 final rule, “2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas emissions and Corporate Average Fuel Economy Standards,” 77 Fed. Reg. 62,624 (Oct. 15, 2012).

2. On March 13, 2017, Petitioner filed a protective Petition for Review, which this Court docketed as case 17-1086.

3. On March 15, 2017, EPA issued a notice announcing its intention to reconsider its Final Determination in coordination with the National Highway Traffic and Safety Administration. “Notice of Intention to Reconsider the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles.” That notice states: “EPA intends to make a new Final Determination regarding the appropriateness of the MY 2022-2025 GHG standards no later than April 1, 2018.” Notice at 4 (Exhibit 1 hereto). EPA will thus further reconsider its evaluation of the Greenhouse Gas Emissions Standards for Model Years 2022-2025, and the Agency may change its conclusions about the appropriateness of those standards. Given EPA’s reconsideration, and to conserve the resources of the Court and the parties, petitioner no longer seeks immediate judicial review.

5. Counsel for Petitioner has conferred with counsel for Respondents, who have indicated that Respondents do not oppose dismissal of this action and stipulate that all parties will bear their own costs.

WHEREFORE, Petitioner respectfully requests that its motion be granted and that the Petition for Review be dismissed without prejudice, with each party to bear its own costs.

By /s/ Sarah M. Harris

Jonathan S. Martel
Sarah M. Harris
ARNOLD & PORTER KAYE
SCHOLER LLP
601 Massachusetts Ave., NW
Washington, D.C. 20001
Tel: (202) 942-4740
Fax: (202) 942-5999
Jonathan.Martel@apks.com

Attorneys for Petitioner

Dated: March 20, 2017

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certified that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 20, 2017.

/s/ Sarah M. Harris _____

Arnold & Porter Kaye Scholer LLP
Sarah.Harris@apks.com
601 Massachusetts Avenue, NW
Washington, DC 20001

Exhibit 1

News Releases from Headquarters

EPA to Reexamine Emission Standards for Cars and Light Duty Trucks -- Model Years 2022-2025

03/15/2017

Contact Information:

U.S. EPA Media Relations (press@epa.gov)

WASHINGTON— Today, Department of Transportation Secretary (DOT) Elaine Chao and U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt will revisit the previous administration’s rule that finalized standards to increase fuel economy to the equivalent of 54.5 mpg for cars and light-duty trucks by Model Year 2025.

“Today’s decision by the EPA is a win for the American economy,” said U.S. Department of Transportation Secretary Elaine L. Chao. “The Department of Transportation will re-open the Mid-Term evaluation process and work with the EPA to complete the review in a transparent, data-driven manner.”

“These standards are costly for automakers and the American people,” said EPA Administrator Scott Pruitt. “We will work with our partners at DOT to take a fresh look to determine if this approach is realistic. This thorough review will help ensure that this national program is good for consumers and good for the environment.”

The Midterm Evaluation process that is being revisited today, was established as a part of the 2012 final greenhouse gas emissions standards for model years 2017-2025. This requires EPA to determine no later than April 1, 2018, whether the 2022-2025 standards established are appropriate. The action the agency is taking today will ensure that deadline is met. If the agency believes that the final determination issued by the previous administration is not realistic, it would submit a new proposal for public comment.

Midterm Evaluation Process: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/midterm-evaluation-light-duty-vehicle-greenhouse-gas-ghg>

R036