

ORAL ARGUMENT NOT YET SCHEDULED
**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

TRUCK TRAILER
MANUFACTURERS ASS'N, INC.,

Petitioner,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY; SCOTT
PRUITT, in his official capacity
as Administrator, U.S. Environmental
Protection Agency; NATIONAL
HIGHWAY TRAFFIC SAFETY
ADMINISTRATION; and JACK
DANIELSON, in his official capacity as
Acting Deputy Administrator, National
Highway Traffic Safety Administration,

Respondents, and

CALIFORNIA AIR RESOURCES
BOARD, et al,

Intervenors.

No. 16-1430 (consolidated with
No. 16-1447)

RESPONDENTS' MOTION TO CONTINUE ABEYANCE

As directed by the Court's August 1, 2017, order, Respondents U.S.

Environmental Protection Agency et al. respectfully submit this motion to govern

further proceedings in these consolidated cases and request a 30-day extension of the abeyance period. Counsel for Respondents has conferred with counsel for the parties: Petitioner Racing Enthusiasts and Suppliers Coalition does not oppose this motion; and Petitioner Truck Trailer Manufacturers Association (Trailer Petitioner) takes no position pending review of the motion. Before filing this motion, Counsel for Respondents was unable to obtain responses from Intervenors,¹ who may file their own responses to this motion.

Petitioners seek review of the action “Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2,” 81 Fed. Reg. 73,478 (Oct. 25, 2016) (the Rule). The petitions for review were filed on December 22, 2016 (No. 16-1430) and December 27, 2016 (No. 16-1447). The Rule was promulgated by the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) on behalf of the U.S. Department of Transportation under the Clean Air Act and the Energy Policy and Conservation Act, as amended by the Energy Independence and Security Act. A briefing schedule has not been established.

¹ Intervenors are the California Air Resources Board, State of Connecticut, State of Iowa, State of Massachusetts, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, Center for Biological Diversity, Environmental Defense Fund, Natural Resources Defense Council, Sierra Club, and the Union of Concerned Scientists.

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Certificate of Service

I certify that on August 17, 2017, I filed the foregoing with the Court's CMS/ECF system, which will send notice to each party.

 /s/ Sue Chen

SUE CHEN