

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

THE COUNCIL ON)
GOVERNMENTAL RELATIONS,)

Petitioner,)

v.)

FEDERAL AVIATION)
ADMINISTRATION,)

Respondent)
)
)

Case No. _____

PETITION FOR REVIEW

Pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure and 49 U.S.C. § 46110, the Council on Governmental Relations (“COGR”) respectfully petitions this Court for review of an order of the Federal Aviation Administration (“FAA”) titled “Interpretation of the Special Rule for Model Aircraft,” 79 Fed. Reg. 36,172 (June 25, 2014) (“Order”). A copy of the Order is attached as Exhibit 1. This Petition is being timely filed with the Court within sixty days of the issuance and effective date of the Order.

COGR is an association of 188 U.S. research universities and their affiliated

academic medical centers and research institutes that concerns itself with the impact of federal regulations, policies, and practices on the performance of research and other sponsored activities conducted at its member institutions. COGR communicates the viewpoint and concerns of its members and fosters productive relationships between the research community and federal policymakers, advocating for innovation and change that avoid unnecessary regulatory burden.

Model aircraft have long been used by Petitioner's members without any aviation regulatory restrictions. Petitioner has standing under 49 U.S.C. § 46110(a) to apply for review of the Order because of its own and its members' substantial interest in the FAA's new directive that science, education, and research endeavors involving model aircraft are subject to, in violation of, or prohibited by, aviation regulations. The Order poses a grave threat to science, research, education, and technological innovation across the United States by purporting to regulate, restrict, or even completely prohibit, use of model aircraft technology by universities, colleges, and research institutions, their faculty, and their students.

The Order has been attached by the FAA to a newly issued national enforcement policy, effective July 14, 2014, that it has circulated to its employees

nationwide. A copy of the policy is attached as Exhibit 2.

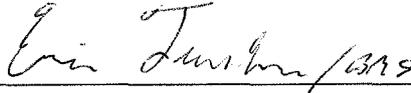
As a result of the Order, the FAA has imposed, and will continue to impose, direct and immediate hardship on day-to-day university affairs, including the faculty's ability to teach, research and explore science curricula. A decision by this Court setting aside and vacating the Order will remedy those harms. As will be set out more specifically in briefing that will follow, the Petition should be granted, and the Order should be set aside, vacated, and/or reversed because the Order is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; in excess of statutory jurisdiction, authority, or limitations; and without observance of procedure required by law.

Date: August 22, 2014

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