

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

---

INDEPENDENT PILOTS ASSOCIATION )

*Petitioner,* )

v. )

FEDERAL AVIATION ADMINISTRATION, )

Respondent. )

---

No. 11-1483

**STATUS REPORT**

Pursuant to this Court’s June 8, 2012 order, the Federal Aviation Administration (“FAA”) respectfully provides this status report. The Court’s June 8 Order remanded the record in this case to the FAA, held this appeal in abeyance and directed the FAA “to file status reports at 60-day intervals, beginning August 7, 2012.” The FAA sought this remand order so that the FAA could correct errors in the record, issue an initial supplemental regulatory evaluation concerning the application of the new regulations to all-cargo operations and reopen the administrative record for further comments on that issue.

The FAA is well into the process of assessing and drafting the supplemental regulatory evaluation. Upon completion of this process, the FAA will publish the

draft supplemental regulatory evaluation for notice and comment. This is consistent with the approach set forth in the FAA's motion to remand and to hold this appeal in abeyance. As this Court directed, the FAA will provide another status update no later than October 9, 2012.

Respectfully submitted,

*/s/ Michael Jay Singer*

MICHAEL JAY SINGER

(202) 514-5432

[Michael.Singer@usdoj.gov](mailto:Michael.Singer@usdoj.gov)

*/s/ Mark W. Pennak*

MARK W. PENNAK

(202) 514-1673

Mark.Pennak@usdoj.gov

*Attorneys*

*Appellate Staff*

*Civil Division, Room 7326*

*Department of Justice*

*Washington, D.C. 20530-0001*

## CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2012, I served the Status Report upon the following named counsel by electronic service through the ECF process:

W. Eric Pilsk

Thomas R. Devine

Kaplan, Kirsch & Rockwell, LLP

1001 Connecticut Ave., N.W.

Washington, D.C.

Counsel for Petitioner

Jeffrey A. Rosen

Aditya Barmzai

Aaron L. Nielson

Kirkland & Ellis LLP

655 Fifteenth St., N.W.

Washington, D.C. 20005

Counsel for Intervenor

*/s/ Mark W. Pennak*

Mark W. Pennak

Counsel for Respondent, the FAA