

**Department of Transportation
Federal Aviation Administration**

SUPPORTING STATEMENT
Waivers and ATC Authorization in Controlled Airspace under Part 107
2120-0768

INTRODUCTION

This information collection is submitted to the Office of Management and Budget (OMB) to request an approval for the information collection currently titled “ATC Authorization in Controlled Airspace under Part 107.” The Department of Transportation (DOT) requests approval for a renewal of this information collection approval that will include expanding the information collection to encompass requests for Waivers under 14 CFR Part 107, Subpart D, which are currently approved as Information Collection 2120-0027, which covers waivers issued by the FAA under Part 91. In this information collection, DOT does not intend to affect those waivers in any way. As a result, DOT requests approval for information collections for Part 107 waivers and airspace authorizations within Information Collection 2120-0768. DOT seeks to amend the title of this information collection to reflect accurately the scope of the approval.

Part A. Justification

1. Circumstances that make collection of information necessary.

In 2012, Congress passed the FAA Modernization and Reform Act of 2012 (Public Law 112-95). Section 333 of Public Law 112-95 directed the Secretary to determine which types of unmanned aircraft systems (UAS), as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, and operation within visual line of sight do not create a hazard to users of the national airspace system (NAS) or the public or pose a threat to national security. Based on such determinations, the statute required the FAA to establish requirements for the safe operation of these systems in the NAS, prior to completion of the UAS comprehensive plan and rulemakings required by section 332 of Public Law 112-95.

Based on its consideration of the comments submitted in response to the notice of proposed rulemaking entitled Operation and Certification of Small Unmanned Aircraft Systems (80 FR 9543, February 23, 2015), and its experience with the certification, exemption, and Certificate of Waiver or Authorization process, the FAA issued the Operation and Certification of Small Unmanned Aircraft Systems final rule to enable certain small UAS operations to commence upon adoption of this rule and accommodate technologies as they evolve and mature (81 FR 42063, June 28, 2016).

The final rule contains section 107.41, which states that:

§ 107.41 Operation in certain airspace.

No person may operate a small unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an

airport unless that person has prior authorization from Air Traffic Control (ATC).

The FAA established the ATC Authorization in Controlled Airspace and Waivers under 14 CFR Part 107, Subpart D portal to allow a remote pilot in command to request FAA authorization for a small unmanned aircraft to operate in Class B, C, D, and the lateral boundaries of the surface area of Class E airspace designated for an airport. The portal also facilitates the collection of information in furtherance of requests for waivers of certain sections of part 107.¹ The person applying for a waiver or authorization will submit information electronically to the FAA regarding the operation to be conducted. Information will include contact information for the remote pilot in command, the date and time of the operation, as well as its anticipated duration, and the airspace for which the request is submitted. If the remote pilot in command or responsible person wishes to receive approval for the same operation on a number of dates/times, the request will permit multiple dates/times to be listed to reduce the number of submissions required.

To the extent an applicant seeks a waiver that does not include a request for authorization to operate in controlled airspace, the applicant will complete a form on the portal that requests information that is distinct from the information needed to obtain an airspace authorization, such as the make and model of the small unmanned aircraft to be used in the operation. The applicant must also describe the manner in which he or she will ensure the safety of the operation by mitigating any risks the operation presents. After an initial review, the FAA may also require the applicant submit additional information in support of his or her application. This information collection is described in the Supporting Statement for information collection 2120-0027. After analyzing the types of responses for these information collections, DOT concludes requesting a single control number to cover both airspace authorization requests and waiver requests promotes efficiency in the review and approval process and ensures consistency in the FAA's handling and disposition of the requests. The portal will direct applicants to respond to the appropriate questions, based on whether the applicant seeks an airspace authorization, a waiver, or both.

To ensure timely responses and consistency in response, and to allow for overall coordination within the ATC system, the submitted information will be transmitted to FAA in a centralized manner. This process ensures coordination across facilities, and enhances overall FAA awareness of small UAS operations in other than Class G airspace.

The applicant will be notified of approval or denial of requests for airspace authorizations or waivers via email. A waiver approval may include common and special provisions imposed on the activity conducted under the certificate of waiver. Depending on the waiver, these provisions (i.e., conditions and limitations) may involve documentation requirements. Additionally, as mentioned above, in some cases, when the FAA seeks additional information to clarify the scope or substance of requests, the FAA may contact the applicant for additional information before approving or denying a request. Provision of an electronic response will facilitate more timely responses and will also be less time-consuming for FAA personnel than handling paper mail/fax, telephone or in-person requests.

2. How, by whom, and for what purpose is the information used.

The FAA uses the aforementioned portal to determine whether the remote pilot can safely conduct the proposed small UAS operation in controlled airspace (Class B, C, D, and Class E

¹ See 14 CFR § 107.205, which lists nine sections for which the FAA may issue waivers to authorize deviations from the prohibitions provided in those sections.

surface areas), and/or whether the remote pilot can safely operate the small UAS under the terms of a waiver that authorizes deviation from a particular regulation. In this regard, the FAA reviews and analyzes the information it collects through the Certificate of Waiver or Authorization to determine the type and extent of the intended deviation from prescribed regulations. In general, the FAA will issue a certificate of waiver or authorization to deviate to the applicant (individuals and businesses) if the proposed operation does not create a hazard to persons, property, other aircraft, and includes the operation of unmanned aircraft. To obtain such a certificate of waiver, an applicant must submit a request containing a complete description of the proposed operation and a justification, including supporting data and documentation as necessary that establishes the operation will not endanger the NAS or people on the ground. The FAA expects the amount of data and analysis required as part of the application will be proportional to the specific relief the applicant requests.

If the FAA did not collect this information, the FAA would not be able to grant certificates of waiver or authorization for the above mentioned activities, in accordance with 14 CFR § 107.200. Additionally, the FAA would be unable to control and maintain the consistently high level of civil aviation safety the agency is compelled to guarantee pursuant to its statutory obligations.²

3. Extent of automated information collection.

The FAA collects requests and associated information regarding both airspace authorizations and waivers under Part 107 in an electronic portal. The portal is divided into two avenues for entry of the information. When an applicant seeks a waiver that also includes an airspace authorization under Part 107, the waiver form portion of the portal will provide the ability to enter airspace authorization request information (such as latitude and longitude) upon such selection. For applicants who seek an airspace authorization alone, the portal will provide a set of questions specific only to airspace authorization requests. The FAA has reviewed carefully the questions on both the waiver and airspace authorization sides of the portal to ensure applicants are aware of the required information, and to ensure applicants are only required to enter the information the agency has determined to be necessary for disposition of the request.

The FAA recognizes the merit in collecting the above-described information in an electronic format. In particular, an electronic process is critical to timely FAA headquarters processing and response to requests for airspace authorizations because operators requesting authorizations will be located across the United States. As the FAA explained in its Small UAS Operation and Certification final rule,³ staff at individual air traffic control towers and facilities does not always have the resources or necessary information available to them for determining the appropriate manner of disposing of a small UAS request for airspace authorization. The electronic portal, therefore, enables the FAA to respond efficiently to airspace waiver and authorization requests because all requests proceed to staff at FAA headquarters. In addition, the electronic process ensures consistency in the input of information, which further enables the process for responding to the requests in a consistent, efficient manner.

4. Efforts to identify duplication.

² See, e.g., 49 U.S.C. §§ 40103 and 44701; Pub. L. 112-95 § 333.

³ 81 FR 42143 (stating, “[r]equests for ... authorization via air traffic control radio communication frequencies will not be accepted because they may interfere with the separation of aircraft”).

The information collection specific to ATC Authorizations under the final small UAS rule is unique to each remote pilot in command and not applicable to the remote pilot in command community at large at this time. Each request is reviewed based on its individual operating needs and capabilities, which could be in various combinations of each, thus creating a unique information profile for every remote pilot in command requesting access to controlled airspace. However, the portal that collects information for waiver and airspace authorization requests could request some duplicate data elements. Such duplication is minimal, as it will only consist of questions to identify the responsible person and remote pilot, the location of the operation, and whether the applicant has already submitted a waiver. Based on the FAA's experience since receiving applications for waivers beginning on August 29, 2016, the FAA has determined such minimal duplication is necessary, as it will enable the FAA's offices to receive information directly from the applicant in the most expeditious manner. Such swift receipt will enable the FAA to respond efficiently to applications. In addition, the volume of applications that will be subject to such duplication will be small; the FAA's 2016 data shows applicants who requested both an airspace authorization *and* a waiver amount to only 7.7 % of all requests.

5. Efforts to minimize the burden on small businesses.

An automated approach to information collection is deliberate and driven by the highly dynamic and short term nature of operations conducted by this community of remote pilots in command. As described above, the information collection is automated to ensure the collection process as efficient and least burdensome as possible for remote pilots in command who conduct flight of short duration that are not complex.

The information the FAA will collect is the minimal information required to make a determination to approve/deny the operation. If the operator does not provide sufficient information to make a determination on the request, the FAA will contact the operator and request additional information to make a decision. Additionally, an applicant must obtain a waiver in order to deviate from the operating restrictions of part 107.

6. Impact of less frequent collection of information.

An applicant is required to request authorization prior to operating in controlled airspace. If the frequency of the collection of information is reduced such that an applicant does not submit the request for authorization prior to operating, that person will have no means by which to obtain authorization to operate in controlled airspace or by which to receive permission to operate with a waiver pursuant to 14 CFR § 107.200.

7. Special circumstances.

There are no special circumstances for this information collection.

8. Compliance with 5 CFR 1320.8.

DOT published 60-day and 30-day notices in the *Federal Register* to request comments from the public concerning this information collection. See 81 FR 66119 (Sept. 26, 2016).

9. Payments or gifts to respondents.

No gifts or payments are provided for waivers or ATC Authorization/Permission in Controlled airspace.

10. Assurance of confidentiality.

There is no confidentiality requested or provided.

11. Justification for collection of sensitive information.

This information collection does not collect information of a sensitive nature. The FAA will only collect basic identifying information such as, name, physical and mailing address (if different than physical address), and email address.

12. Estimate of burden hours for information requested.

From September 2016 to December 2016, the FAA received 6502 requests. Of these requests, 4226 were for authorizations, and 1773 were for waivers. 503 of the requests were combination Waiver/Authorization requests. Based on this data, the FAA estimates it will receive approximately 19,000 requests per year. The FAA estimates that completion of either form on the portal will take 0.5 hour to complete. Therefore, the FAA estimates the annual time burden to be approximately 10,000 hours.

Authorizations 4226 (4 months) x .5 = 211.3 hours

Waivers 1773 (4 months) x .5 = 88.65 hours

Authorizations and Waivers 503 (4 months) x 1.0 = 50.3 hours

6502 request (1st quarter statistics) x (3) months = Approximately 19,506 request a year

350.25 hours (1st quarter statistics) x (3) months = Approximately 10,507.5 estimated burden hours per year.

13. Estimate of total annual costs to respondents.

We estimate that there will be no additional start-up costs for this collection. No special equipment is required for persons to submit air traffic control (ATC) authorization or waiver requests under 14 CFR Part 107.

14. Estimate of cost to the Federal government.

The Air Traffic Organization (ATO) will add full-time equivalent (FTE) employees to analyze the authorizations (and waivers if applicable). ATO anticipates that an initial learning curve for remote pilots may drive calls to air traffic facilities even when no authorization is required. As time passes, it is expected that there will be a reduction in the calls not requiring authorization or waivers as well as a reduction in actual call time.

Table 1
ATO FTE Employees Supporting the Airspace Authorizations and Waiver Request Process

ATO	2017	2018	2019
Temporary Support Specialist	16	0	0
Support Specialists	15	5	5
Cumulative	31	36	41

To provide a conservative cost estimate for the FAA to add additional ATO FTEs to support the Part 107 rulemaking, including Authorizations and Waivers, the FAA uses wages that are at the top of the pay for the applicable job series.

Table 2
Wage for ATO FTEs by Job Series

	Wages	Total Compensation
ATO Facilities Support Specialists	\$84.98	\$84.98

Presented in Table 3 below are the FAA’s costs to add FTEs employees in support of the Part 107 final rule over the 3-year analysis period. The costs are calculated by multiplying the number of FTEs by job series shown in Table 1 by the column labeled “Total Compensation” in Table 2.

Table 3
ATO Costs to Hire Full-Time Equivalent Employees

ATO	2017	2018	2019	Total
Facilities Support Specialists	\$263,438	\$305,928	\$348,418	\$917,784
Cumulative	\$5,435,632	\$5,741,560	\$6,089,978	\$17,267,170

The FAA’s Flight Standards Service (AFS) will add FTE employees to analyze the waivers. AFS anticipates that as time passes, the volume and duration of calls requiring waivers will decrease.

Table 4
AFS FTE Contract Employees Supporting the Airspace Authorizations and Waiver Request Process

AFS	2017	2018	2019
Contract Support Specialist	5	5	5
Contract Supervisor	1	1	1

Table 5
Contract Wage for AFS FTEs by Job Series

AFS	Wages	Total Compensation
Contract Support Specialists	\$84.98	\$84.98
Contract Supervisor	\$85.84	\$85.84

To provide a conservative cost estimate for the FAA to add additional AFS FTEs to support the Part 107 rulemaking, including Authorizations and Waivers, the FAA uses wages that are at the top of the pay for the applicable job series.

Table 6
Total AFS Costs to Hire Full-Time Equivalent Employees

AFS	2017	2018	2019
Contract Support Specialist	\$883,792	\$883,792	\$883,792
Contract Supervisor	\$178,547	\$178,547	\$178,547
Cumulative	\$1,062,339	\$1,062,339	\$1,062,339

Presented in Table 6 are the FAA’s costs to add AFS FTEs contract employees in support of the Part 107 final rule over the 3-year analysis period. The costs are calculated by multiplying the number of FTEs by job series shown in Table 4 by the column labeled “Total Compensation” in Table 5 by 40 hour work week (2080 hours a year).

Table 7
AFS FTE FAA Employees Supporting the Airspace Authorizations and Waiver Request Process

AFS	2017	2018	2019
Temp Support Specialist	3.5	5	5
Support Specialist	6.5	6.5	6.5
Supervisor	1	1	1

Table 8
Wage for AFS FTEs by Job Series

AFS	Wages	Total Compensation
Temp Support Specialists	\$102,013	\$102,013
Support Specialists	\$102,013	\$102,013
Supervisor	\$124,741	\$124,741

To provide a conservative cost estimate for the FAA to add additional AFS FTEs to support the Part 107 rulemaking, including Authorizations and Waivers, the FAA uses wages that are at the top of the pay for the applicable job series.

Table 9
Total AFS Costs to Hire Full-Time Equivalent Employees

FAA Employees	2017	2018	2019
Temporary Support Specialist	\$357,045	\$510,065	\$510,065
Support Specialists	\$663,084	\$663,084	\$663,084
Supervisors	\$124,741	\$124,741	\$124,741
Cumulative	\$1,144,870	\$1,144,870	\$1,114,870

Presented in Table 9 are the FAA's costs to add AFS FTEs contract employees in support of the Part 107 final rule over the 3-year analysis period. The costs are calculated by multiplying the number of FTEs by job series shown in Table 6 by the column labeled "Total Compensation" in Table 8.

Table 10
The FAA estimates the cost to the federal government to be \$23,888,797 for a three year period.

	2017	2018	2019	Total
ATO	\$5,435,632	\$5,741,560	\$6,089,978	\$17,267,170
AFS FAA Employees	\$1,144,870	\$1,144,870	\$1,144,870	\$3,434,610
AFS Contractors	\$1,062,339	\$1,062,339	\$1,062,339	\$3,187,017
Cumulative	\$7,642,841	\$7,948,769	\$8,297,187	\$23,888,797

15. Explanation of program changes or adjustments.

The FAA collects this information in accordance with the Operation and Certification of Small Unmanned Aircraft Systems Final Rule, 81 FR 42064 (June 28, 2016) from individuals wishing to conduct small unmanned aircraft operations in Class B, C, D, and the lateral surfaces of Class E airspace and/or request a waiver of a regulation listed in 14 CFR § 107.205. The FAA uses the information it collects to approve or disapprove requests for airspace authorizations and/or waivers. The portal for collecting this information will consist of two forms, which will distinguish between waivers and airspace authorizations. To the extent a waiver request includes an airspace authorization request, the form will provide instructions for completing additional information, such as information relevant to the exact location of the proposed operation that will enable the FAA to respond to the request. The format of two distinct forms will provide the FAA with the ability to review the requests and dispose of them in the most efficient manner possible.

16. Publication of results of data collection.

No requirement exists for any of the information collected to be published for statistical use. The FAA, however, posts online the waiver decisions, as described in DOT/FAA System of Records Notice 854 (Requests for Waivers and Authorizations under 14 CFR Part 107), 81 FR 50789 (Aug. 2, 2016).

17. Approval for not displaying the expiration date of OMB approval.

The FAA is not seeking approval not to display the date of expiration of this information collection.

18. Exceptions to certification statement.

There are no exceptions to the certification statement for this information collection.