




Federal Aviation Administration

Memorandum

Date: FEB 27 2017
To: Ross Rutledge, Desk Officer Office of Management and Budget (OMB)
From:  Teri L. Bristol, Chief Operating Officer, Air Traffic Organization, AJO-0
Subject: OMB Emergency Clearance from OMB for ATC Authorization Tool

Summary

The Federal Aviation Administration (FAA) seeks emergency clearance from the Office of Management and Budget (OMB) for a 30-day extension of OMB control number 2120-0768.

Discussion

The FAA seeks approval for emergency processing of this submission of authorization to collect information from operators of small unmanned aircraft systems (UAS) seeking authorization from the FAA to operate their small UAS in controlled airspace.

One component of the national airspace system is called controlled airspace. Controlled airspace is airspace of defined dimensions within which air traffic control (ATC) service is provided to instrument flight rules (IFR) and to visual flight rules (VFR) flight in accordance with the airspace classification. The FAA designates controlled airspace based on critical considerations such as high volume of air traffic, flights conducted under instrument flight rules, or security concerns.

Because of the critical considerations underlying operations in controlled airspace, part 107 prohibits operation of a small UAS in controlled airspace unless the operator has received prior authorization from the FAA.¹ This type of regulatory framework is consistent with longstanding agency practice for numerous other flight operations, such as manned-aircraft operations conducted under 14 CFR part 91, moored balloon, kite,

¹ This restriction only applies to Class B, C, and D airspace, as well as the lateral boundaries of the surface area of Class E airspace designated for an airport. Part 107 does not directly address operations in Class A controlled airspace because an operator cannot enter Class A airspace while in compliance with the other operational restrictions in part 107.

unmanned rocket, and unmanned free balloon operations conducted under 14 CFR part 101, and parachute jumping operations conducted under 14 CFR part 105.

To provide the public with a mechanism to easily apply for FAA authorization, the agency created an electronic application system. OMB approved FAA's information collection request for this system in August 2016 and assigned it OMB control number 2120-0768. This control number will expire on February 28, 2017. Due to the change in presidential administrations, FAA was unable to publish a Federal Register notice in a timely manner to provide a 30-day comment period upon renewal of this control number. The FAA has forwarded the 30-day notice to the Office of the Federal Register but does not expect it to be published prior to February 28. The FAA seeks an emergency 30-day extension of OMB control number 2120-0768 so that the agency has an opportunity to submit a renewal for this information collection request without the disruption caused by an expired OMB control number.

Accordingly, the FAA is seeking emergency clearance for this information collection pursuant to 5 CFR § 1320.13. The information collection is needed prior to the time periods established in 5 CFR part 1320 and is essential to the FAA's mission of providing a safe and efficient aerospace system. The agency cannot comply with the normal Paperwork Reduction Act clearance procedures because doing so would disrupt the collection of information currently conducted under OMB control number 2120-0768 as this control number will expire prior to publication of the 30-day Federal Register notice. This would cause public harm by adversely affecting the FAA's ability to continue to consider of requests for authorization to operate in controlled airspace.

To ensure that the FAA has the continued capability to expeditiously review requests to operate small UAS in controlled airspace, it is imperative that the FAA receive a 30-day extension from the OMB for OMB control number 2120-0768.