

JUSTIFICATION FOR OMB APPROVAL OF CERTIFICATE OF WAIVER OR AUTHORIZATION

OMB #2120-0027

1. Explain the circumstances that make the information collection necessary.

This request for OMB clearance describes the public reporting burden imposed on persons that have a need to deviate from the provisions of the Code of Federal Regulations (CFR) that govern use of airspace within the United States. The request also describes the burden within the United States, and the burden associated with authorizations to make parachute jumps and operate unmanned aircraft (including moored balloons, kites, unmanned rockets, and unmanned free balloons) and small unmanned aircraft systems operating under 14 CFR part 107.

This paperwork burden directly supports the Department of Transportation Strategic Goal on Safety. Specifically, the goal is to promote the public health and safety by working toward the elimination of transportation related deaths, injuries, and property damage.

Part A of Subtitle VII of the Revised Title 49 United States Code authorizes the reporting burden associated with this request for revision and extension of clearance.

Title 14 CFR Part 91, General Operating and Flight Rules, Part 101, Moored Balloons, Kites, Unmanned Rockets and Manned Free Balloons, Part 107, Operation and Certification of Small Unmanned Aircraft Systems, and Part 105, Parachute Operations, implement the provisions of Part A of Subtitle VII of the Revised Title 49 United States Code which relate to the use of navigable airspace. Each of these Parts prescribes regulations that govern use of navigable airspace.

CFR Part 91, General Operating and Flight Rules (14 CFR 91) prescribes regulations governing the operations of powered aircraft and gliders in the navigable airspace. This Part also prescribes procedures that enable persons to deviate from requirements of this regulation.

CFR Part 101, Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons 14 (CFR 101) prescribes regulations governing the operations of these aircraft in the navigable airspace. This Part also prescribes procedures that enable persons to deviate from requirements of this regulation.

CFR Part 105, Parachute Jumping (14 CFR 105) prescribes regulations governing sport parachute jumping in the navigable airspace of the United States. This Part also prescribes procedures for obtaining authorizations to make jumps.

Title 14 CFR part 107 provides aircraft, remote pilot, and operating requirements and limitations for small unmanned aircraft systems. It also provides for the option to apply for a certificate of waiver. This certificate of waiver will allow a small UAS operation to deviate from certain provisions of part 107 if the proposed operation can safely be conducted under the terms of a certificate of waiver.

2. Indicate how, by whom, and for what purpose the information is to be used.

The information collected by FAA Form 7711-2, Application for Certificate of Waiver or Authorization, is reviewed and analyzed by FAA to determine the type and extent of the intended deviation from prescribed regulations. A certificate of waiver or authorization to deviate is generally issued to the applicant (individuals and businesses) if the proposed operation does not create a hazard to person, property, other aircraft, and includes the operation of unmanned aircraft. Applications for certificates of waiver to the provisions of Parts 91 and 101 are made by using FAA Form 7711-2. Application for authorization to make parachute jumps (other than emergency or military operations) under Part 105, Section 105.15 (airshows and meets) also uses FAA Form 7711-2. Application for other types of parachute jumping activities are submitted in various ways; e.g., in writing, in person, by telephone, etc.

Persons authorized to deviate from provisions of Part 101 are required to give notice of actual activities. Persons operating in accordance with the provisions of Part 101 are also required to give notice of actual activities. In both instances, the notice of information required is the same. Therefore, the burden associated with applications for certificates of waiver or authorization and the burden associated with notices of actual aircraft activities are identified and included in this request for clearance.

Regarding operation of small unmanned aircraft systems under part 107, to obtain a certificate of waiver, an applicant will have to submit a request containing a complete description of the proposed operation and a justification, including supporting data and documentation as necessary that establishes that the proposed operation can safely be conducted under the terms of a certificate of waiver. The FAA expects that the amount of data and analysis required as part of the application will be proportional to the specific relief that is requested.

If this information collection was not conducted, FAA would not be able to grant certificates of waiver or authorization for the above mentioned activities. Additionally, the FAA would be unable to control and maintain the consistently high level of civil aviation safety we enjoy.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

There presently is no other method contemplated to replace the information collected by the FAA Form 7711-2. In order to satisfy the intent of the Government Paperwork Elimination Act (GPEA), applicants may electronically request applications to conduct operations or an activity. The form is used to determine whether to authorize individuals or groups to conduct operations in deviation from normal FAA rules. Most of the activity associated with this information collection must be physically verified (airmen certificates, aircraft inspections, etc.) by aviation safety inspectors prior to its approval. The United States cannot risk having unknown people operating, in deviation from its normal regulations, within its critical infrastructure. Electronic signature and submission technology will be considered as that technology becomes available.

4. Describe efforts to identify duplication. Show specifically why any similar information already available can be used for the purpose described in Item 2 above.

Since the information collection involves unique requests for certificate of waiver or authorization to deviate from a standard, duplication is unlikely. All information gathered is compiled for a specific reason, from a specific source and relates to a unique and specific requirement and situation.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The collection of information is obtained only when necessary to fulfill the requirements of the CFRs. Individuals or small entities may receive, upon request, specific assistance from FAA personnel located in Headquarters, Washington, DC or in district offices around the country.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

All records and information, whether gathered on a scheduled basis, on demand, or as required by regulation, is done so for the accomplishment of a specific regulatory requirement necessary to maintain a high degree of safety in aviation. These requirements were carefully thought out prior to implementation and to delay the collection and documentation of this information might well create possible hazards in the airspace system.

The operators are only asked pertinent safety information necessary to make a factual determination that the proposed aviation activity would not be detrimental to public safety. The burdens are minimized because only those operators, who wish to deviate from a standard, are required to submit the minimum information to determine whether the proposed operation can safely be conducted under the terms of a certificate of waiver.

7. Explain any special circumstances that would cause an information collection to be

conducted in a manner inconsistent with 5 CFR 1320.5(d)(2)(i)-(viii).

The guidelines specified in 5 CFR 1320.5(d)(2)(i)-(viii) are being complied with in the collection of information required by the Federal Aviation Regulations.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data; frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, or reported.

The revision of this information collection addresses the certificate of waiver for operations under 14 CFR part 107. In the notice of proposed rulemaking, Operation and Certification of Small Unmanned Aircraft Systems (80 FR 9543, February 23, 2015) the FAA sought comment as to whether the final rule should include some type of waiver authority (such as a letter of deviation or a waiver) to better accommodate these new technologies.

9. Explain any decision to provide any payment or gift to or respondents, other than remuneration of contractors' grantees.

No payment or gifts are made to respondents.

10. Describe any assurance or confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

There is no confidentiality requested or provided.

11. Provide additional justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Since most of the respondents are individual members of the aviation public from all walks of life, we are unable to set an accurate dollar figure on their time. However, assuming a cost of \$23./burden hour, a section by section breakdown of the applicable sections of the CFR's listed below provides the requested information.

Our estimate for the public reporting identified in this clearance request is 13,946 hours. A summary of the burden is exhibited below:

CFR Part 91

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| <u>Section 91.113</u> | 300 hours |
| <u>Section 91.311</u> | 516 hours |
| <u>Section 91.313</u> | 95 hours |

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|-----------------------------------|--------------|
| <u>Section 91.903</u> | 850 hours |
| <u>CFR Part 101</u> | |
| <u>Section 101.3</u> | 2,000 hours |
| <u>Section 101.15, 25, and 37</u> | 400 hours |
| <u>CFR Part 105</u> | |
| <u>Section 105.15</u> | 600 hours |
| <u>Section 105.19, 21, and 23</u> | 9,000 hours |
| Total estimated annual reporting | 13,761 hours |

Note: 14 CFR 107.205. The FAA expects that the amount of data and analysis required as part of the waiver of deviation will be proportional to the specific relief that is requested. Similarly, the FAA anticipates that the time required to make a determination regarding waiver requests will vary based on the complexity of the request. The FAA does not have data to quantify the increase in reports that will result from the enactment of Part 107.

The reporting requirements and estimated burden associated with FAR Parts 91, 101, and 105 and 107 are listed below (section by section):

CFR PART 91, GENERAL OPERATING AND FLIGHT RULES

Section 91.113, Right-of-way rules: Except water operations, says that when weather conditions permit, regardless of whether an operation is conducted under instrument flight rules or visual flight rules, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft. When a rule of this section gives another aircraft the right-of-way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it unless well clear. Since unmanned aircraft have no pilot onboard the aircraft, an Authorization can be granted if the operation is safely mitigated to an adequate level of flight safety and the protection of persons and property on the surface (e.g., limitations, location, time periods, type aircraft) must be specified and included as part of the Authorization. Applicants for a Certificate of Waiver or Authorization for unmanned aircraft flight under this Part must submit a Form 7711-2.

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| Estimated annual applications for Certificate of Waiver or Authorization | 300 |
| <u>Average hours per application</u> | <u>1.0</u> |
| Estimated annual public reporting burden | 300 hrs. |

Section 91.311, Towing: Other than gliders, says that no person may tow anything with an aircraft (except gliders) unless that person has a Certificate of Waiver or Authorization issued by the Administrator. Applicants for a Certificate of Waiver or Authorization under this section must submit FAA Form 7711-2.

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| Estimated annual applications for Certificates of Waiver of Authorization | 516 |
| <u>Average hour per request</u> | <u>1.0</u> |
| Estimated annual public reporting burden | 516 hrs. |

Section 91.313, Restricted and aircraft operating limitations, says that no person may operate a restricted category civil aircraft over a densely populated area, in a congested airway, or near a busy airport conducting passenger transportation operations unless that person has a Certificate of Waiver or Authorization issued by the Administrator. Applicants for a Certificate of Waiver or Authorization under this section must submit FAA Form 7711-2.

Estimated annual applications for Certificates of Waiver or Authorization 95
Average hours per request 1.0
Estimated annual public reporting burden 95 hrs.

Section 91.903, Waivers (to Subpart B - Flight Rules), says the Administrator may issue a certificate of waiver or authorizations for the operation of aircraft in deviation of any flight rule in Subpart B. This includes the operation of unmanned aircraft. Subpart B prescribes flight rules governing the operations of aircraft within the United States. Applications for a Certificate of Waiver or Authorization under this section must submit FAA Form 7711-2.

Estimated annual application for Certificates of Waiver or Authorization (to Subpart B) 850
Average hours per request 1.0
Estimated annual public reporting burden 850 hrs.

CFR PART 101, MOORED BALLOONS, KITES, UNMANNED ROCKETS, AND UNMANNED FREE BALLOONS.

Section 101.3 Waivers, says that no person may conduct an operation that requires a deviation from the provisions of this Part unless that person has a Certificate of Waiver or Authorization issued by the Administrator. Applicants for a Certificate of Waiver or Authorization under this Part must submit Form 7711-2.

Estimated annual applications for Certificate of Waiver or Authorization 500
Average hours per application 4
Estimated annual public reporting burden 2000 hrs.

Section 101.15, 101.25, and 101.37, Notice requirements, say that persons conducting operations under the provisions of these sections shall give notice to FAA within 6 to 48 hours before the actual activity starts (advance time of notice depends on type of activity). Section 101.37 also requires notice after the activity has been completed.

Estimated annual notices 800
Average hours per notices .5
Estimated annual public reporting burden 400 hrs.

CFR PART 105, PARACHUTE JUMPING

Section 105.15, Jumps over or into congested areas or open air assembly of person, says that no person may make a parachute jump over or into a congested area of a city, town, settlement; or an open air assembly of persons (airshows or meets) unless a Certificate of Waiver or Authorization has been issued by the Administrator for that jump. Applicants for a Certificate of Waiver or Authorization under this section must submit FAA Form 7711-2.

Estimated annual applications for Certificate of Waiver or Authorization 600
Average hours per application 1.0
Estimated annual public reporting burden 600 hrs.

Section 105.19, Jumps in or into Class D airspace with functioning control towers operated by the United States (generally within five miles of the airport), says that no person may make a parachute jump in or into Class D airspace unless that person has authorization from the controlling facility. Most applicants desiring authorization to jump into Class D airspace submit verbal requests. Some submit written requests. In both instances, each applicant under this section must submit the information required by Section 105.25. Refer to Section 105.23 for estimated burden.

Section 105.21, Jumps in or into Class A Airspace, (designated airspace), says that no person may make a parachute jump in or into a Class A airspace unless that person has authorization from the nearest air traffic control facility. Most applicants for authorization to jump into a Class A airspace area submit verbal requests. Some submit written requests. In both instances, each applicant under this section must submit the information required by Section 105.25. Refer to Section 105.23 for estimated burden.

Section 105.23, Jumps into other airspace, says that no person may make a parachute jump in or into other airspace unless that person notifies the nearest FAA facility at least 1 hour before the intended jump. Each person notifying FAA of an intended jump must provide the information required by Section 105.25.

Estimated annual requests for authorizations and notices of jumps (Section 105.19, 105.21, and 105.23) 18,000
Average hours per request or notice .5
Estimated annual public reporting burden 9,000 hrs.

The cost to the respondents is difficult because applicants for waivers come from different walks of life. For non-part 107 operations, we have based an estimate on \$23.00 an hour for applicants times 13,646 equals \$313,858.00.

CFR PART 107, SMALL UNMANNED AIRCRAFT OPERATIONS

Section 107.200 provides for the issuance of certificates of waiver. Section 107.205 lists the

sections of part 107 from which waiver authority may be requested. Applicants for a Certificate of Waiver or Authorization under the sections listed below must submit FAA Form 7711-2.

107.25 - Operation from a moving vehicle or aircraft is prohibited unless the operation is over a sparsely populated area. However, no waiver of this provision will be issued to allow the carriage of property of another by aircraft for compensation or hire.

107.29 – Daylight-only operations (30 minutes before official sunrise to 30 minutes after official sunset, local time). Will allow small UAS operations to be conducted during civil twilight if the small unmanned aircraft has lighted anti-collision lighting visible for at least 3 statute miles. The nighttime-operations prohibition in this rule will also be waivable.

107.31 – Visual line of sight aircraft operations only. However, no waiver of this provision will be issued to allow the carriage of property of another by aircraft for compensation or hire.

107.33 – Visual observer requirements for (1) the remote pilot in command, the person manipulating the flight controls of the small unmanned aircraft system, and the visual observer must maintain effective communication with each other at all times. (2) the remote pilot in command must ensure that the visual observer is able to see the unmanned aircraft in a manner specified in part 107 (3) The remote pilot in command, the person manipulating the flight controls of the small unmanned aircraft system, and the visual observer must coordinate to do the following: (a) Scan the airspace where the small unmanned aircraft is operating for any potential collision hazard; and (b) Maintain awareness of the position of the small unmanned aircraft through direct visual observation.

107.35 – States that a person may not operate or act as a remote pilot in command or visual observer in the operation of more than one unmanned aircraft at the same time.

107.37(a) – States that each small unmanned aircraft must yield the right-of-way to all aircraft, airborne vehicles, and launch and reentry vehicles. Yielding the right-of-way means that the small unmanned aircraft must give way to the aircraft or vehicle and may not pass over, under, or ahead of it unless well clear.

107.39 – States that no person may operate a small unmanned aircraft over a human being unless that human being is (a) Directly participating in the operation of the small unmanned aircraft; or (b) Located under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft.

107.41 – Operation in certain airspace. States that no person may operate a small unmanned aircraft in specified controlled airspace unless that person has prior authorization from the Air Traffic Control (ATC) facility having jurisdiction over that airspace.

107.51 – Operating limitations for small unmanned aircraft. This regulation lists specific

operating limitations such as airspeed, altitude, visibility limits, etc.

We do not have information on the number of waivers that will be requested or their level of complexity, however we can assume that at least 10 applications will be filed. The application for certificate of waiver is a minimum of three pages and it is estimated to take 0.75 hours to complete.

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| Estimated annual applications | 10 |
| <u>Average hours per request or notice</u> | <u>.75</u> |
| Estimated annual public reporting burden | 7.5 |

13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the collection of information.

We estimate that there will be no additional start-up costs for this revision. No special equipment is required for persons to submit waiver requests under 14 CFR part 107.

14. Provide estimates of annualized cost to the Federal Government.

The cost to the federal government is estimated to be \$684,590.40. That figure was determined by the following method:

Applications and Hours by Regulation

| <u>Regulation</u> | <u>Applications</u> | <u>Hours</u> | |
|----------------------|---------------------|-----------------|--------------|
| 91.113 | 300 applications | 2 hours | 600 |
| 91.311 | 516 applications | 2 hours | 1,032 |
| 91.313 | 95 applications | 3 hours | 285 |
| 91.903 | 950 applications | 2 hours | 1,900 |
| 101.3 | 500 applications | 4 hours | 2,000 |
| 101.15,101.25,101.37 | 800 applications | .5 hours | 400 |
| 105.15 | 600 applications | 2 hours | 1,200 |
| 105.19,105.21,105.23 | 18,000 applications | <u>.3 hours</u> | <u>5,400</u> |
| | Totals | 21,761 | 12,817 |

Approximately 80% of the total cost is government labor done by technical specialists at \$50.00 per hour, and 20% is by clerical labor at \$40.00 per hour. Other expenses such as general and administrative costs, overhead costs, and other indirect costs are estimated to amount to approximately 15% of the direct labor cost. Based on the above, the annualized cost to the Federal government is as follows:

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| Estimated total annual labor burden | 12,817 hours |
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|--------------------------------------|-------------------|
| Technical labor (12,817 X .8 X \$50) | 512,680.00 |
| Clerical labor (12,817 X .2 X \$40) | <u>102,536.00</u> |
| | \$615,216.00 |
| Other Expenses (\$615,216 X .15) | <u>92,282.40</u> |
| | \$707,498.40 |

15. Explain reasons for any program changes or adjustments.

The revision of this information collection is in response to the notice of proposed rulemaking, Operation and Certification of Small Unmanned Aircraft Systems.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used.

There is no requirement for any of the information collected pursuant the CFRs to be published for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not seeking approval to exclude the expiration date.

18. Explain each exception to the certification statement identified in Item 19, "Certification for the Paperwork Reduction Act Submissions," of OMB Form 83-1.

There are no exceptions.