



Federal Aviation Administration

Memorandum

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To: Ross Rutledge, Policy Analyst, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB)

From: Charles Trippe, Chief Counsel, AGC-1 *CT*

Subject: OMB Emergency Clearance for Revision of Information Collection Request 2120-0768 Part 107 Waivers and Authorizations

Summary

The FAA seeks emergency clearance from OMB to revise its existing information collection 2120-0768, Part 107 Waivers and Authorizations. The FAA will keep in place existing PRA 2120-7168 and creating this ePRA to address a new, more efficient method for accepting and processing authorizations under Part 107. This revision would allow the FAA to collect information from members of the public to facilitate the processing of airspace authorization requests through the new Low Altitude Authorization and Notification Capability (LAANC). In addition, non-substantive changes to the existing PRA 2120-7168 will be made to collect existing information via a new web service hosted by the FAA, known as DroneZone. These non-substantive changes are being made to enhance customer experience and to refine data elements so that the FAA may provide a better service to the public. If the FAA does not receive emergency approval, the volume of airspace authorization requests and the delay in processing those requests will lead to a significant safety hazard.

Pursuant to 5 CFR §1320.13, emergency processing is appropriate where 1) the collection of information is needed prior to the expiration of time periods established under the Paperwork Reduction Act and that collection is essential to the mission of the Agency; and 2) the Agency cannot reasonably comply with the normal clearance procedures because public harm is reasonably likely to result if normal clearance procedures are followed. Here, the LAANC system is scheduled to be ready for pilot deployment on October 15, 2017. The collection of information for airspace authorization requests is essential to the safety mission of the FAA, and public harm is reasonably likely to result if LAANC is delayed because 1) the current volume of Part 107 authorization requests has created delays in manual processing that are leading to noncompliant operations, 2)

the lengthy time period for authorization approval has led to operators calling air traffic controller facilities for airspace authorization, thereby distracting controllers and creating a safety risk. Both of these issues would be alleviated by the near real-time automated approvals generated by LAANC.

Planned Information Collection is Necessary and Essential to the Mission of the Agency

Under the operating rules set out for Unmanned Aircraft System (UAS) operations under 14 C.F.R. Part 107, “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).” [14 C.F.R §107.41.] Since the promulgation of Part 107, the FAA has received an extremely high volume of airspace authorization requests for UAS operations. From September, 2016 to July, 2017 the Agency has received 20566 processed 14334 and has over 6,000 authorizations in the processing queue. Requests have steadily increased over time, and the FAA expects the queue will exceed 25,000 pending authorizations within the next 6 months. The volume of these authorization requests has dramatically increased the time between submission and approval of those authorization requests. Currently, airspace authorization requests may be in queue sixty to ninety days before receiving a response. Using the LAANC system, the FAA will be able to grant near-real time authorizations for the vast majority of operations.

The FAA’s core mission is to provide the safest, most efficient aerospace system in the world. Implementation of the LAANC system is vital to the safety of the National Airspace System because it would 1) encourage compliance with 14 CFR §107.41 by speeding up the time to process authorization requests 2) reduce distraction of controllers working in the Tower, 3) increase consistency and efficiency in authorization approvals and denials through automation, and 4) increase public access and capacity of the system to grant authorizations.

LAANC will incentivize compliance by reducing the time to receive approval or denial for an airspace request to seconds as opposed to months. Emergency PRA approval is necessary to get LAANC implemented as quickly as possible to mitigate the number of non-compliant operations. Today there are an average of 250 safety reports a month, or approximately 1,500 over a six-month period, associated with a potential risk between manned aircraft and a UAS. FAA estimates a minimum of 30% reduction in noncompliant operations would result in 450 fewer safety reports over the next six months. If emergency approval is not granted, the increase in non-compliant operations increases the likelihood of mid-air collisions.

Today Air Traffic Controllers routinely receive calls from UAS operators seeking approval to operate. These calls generally create distractions for ATC management and in some cases can impact the controllers managing manned traffic. Recently, a Part 107 UAS operator began calling the Tucson ATC facility 10 times a day seeking approval to operate. As of July 28th, there are over 6,000 airspace authorizations pending approval in the legacy system; if each proponent called ATC once per day for an update that would result in 1,080,000 phone calls over 6 months. LAANC would significantly reduce these distractions by providing a near real time means for receiving airspace access that would not pose a distraction for air traffic control. Emergency PRA approval is necessary to reduce the current risk to safety caused by the potential for controller distraction.

LAANC will increase safety in emergency scenarios. [because we get them in electronic format and they can be organized in a file system, it makes it more efficient, effective operational system; better mechanisms to inform operators] The new authorization process will give ATC the first opportunity to know about the majority of UAS operating in their airspace in a quick, centralized and organized manner. LAANC will provide an efficient method of contacting operators. In addition, LAANC is expected to drastically increase safety during emergency scenarios where ATC would need to inform UAS operators or manned aircraft operators of any known traffic in a given area (i.e. medical evacuations, manned aircraft emergency landing, etc.) by allowing push notifications to be sent to operators through the LAANC applications.

Finally, the current process for airspace authorization requires each request to be manually reviewed and approved by a subject matter expert. The subjective review process is performed by over ten individuals processing these requests at any given moment. LAANC will improve consistency and efficiency of the process by automating the approval process. In some instances, the authorization requests that are approved may be extremely complex. Under the existing process for reviewing authorization requests, operators are given a rudimentary scanned map of their operating area which may be difficult or impractical to comply with. LAANC would significantly reduce the risk of an operator not knowing where they are approved to fly by providing a “moving map” that would allow operators to know exactly where they are in their approved area of operation. This type of interface is being designed by industry partners and will be provided as a service to the public.

In addition to these safety considerations, near real-time airspace approvals through LAANC will have added economic benefits by increasing access to airspace in a safe and efficient manner. The current delay in processing can negatively affect small businesses who require the airspace authorization in order to operate; LAANC would eliminate that delay and so encourage economic growth and small businesses.

In addition, the FAA is in the process of implementing an improved electronic portal to increase efficiency in the authorization approval process. That process is expected to help reduce the queue of authorizations and enable the FAA to continue to provide a public facing mechanism for operators to request more complex authorizations. We are

making non-substantive changes to the website. It will be now be branded as DroneZone and will improve the external customer experience. It's expected that operations that are relatively simple will go through LAANC's automated approval process while more complex operations that require a more thorough review by FAA subject matter experts (SME) will go through the FAA's electronic portal.

Public Harm is Likely to Result if Emergency Processing is Not Granted

The delay in processing such a large volume of authorizations creates a public harm that will only worsen the longer LAANC implementation is delayed. 107 operators will either attempt to obtain approval through other methods such as calling air traffic facilities (thereby distracting controllers) or operators will choose to be noncompliant and fly without any authorization. Emergency processing is appropriate because the delay would increase the safety risk by introducing more noncompliant UAS to the airspace and increase controller distraction.

A recent FAA study conducted by MITRE showed that the current turnaround time for airspace authorizations is increasing the number of non-compliant UAS operations. Non-compliant operations have resulted in nearly 250 Mandatory Occurrence Reports (MORs) involving a manned aircraft and a UAS every month. The majority of these report extremely hazardous situations, such as a near mid-air collision or a UAS operation at unsafe altitudes. The majority of these reports occurred in class B, C, D, and surface E airspace, the safety critical areas around the Nation's most congested airports. LAANC would mitigate this hazard by incentivizing a new way to receive near real time authorizations for Part 107 commercial operators.

Currently, UAS operators who become impatient with the process are frequently choosing to seek approval to operate by contacting Air Traffic Controllers in the Tower. This serves as a distraction that poses a significant safety risk to the airspace. In addition, the current process calls for electronically scanning authorization forms and sending them to local ATC via email. In addition, approved authorizations are currently collected through forms that are scanned and sent to ATC via email, which makes it difficult to search and retrieve pertinent information when it's needed.

To avoid the continued harm that would result from a delay in the availability of the LAANC authorization system, it is imperative that the FAA receive approval from OMB to conduct this information collection no later than October 15, 2017. We have reviewed the requirements for emergency clearance outlined in 5 C.F.R. 1320.13 and believe that the situation meets the criteria outlined therein.

Therefore, the FAA is requesting the revision of OMB information collection 2120-0768, Part 107 Waivers and Authorizations, to add the new form for airspace authorization requests. In addition, FAA is requesting a non-substantive change to its electronic portal

providing an efficient mechanism for operators to enter authorization requests. Appendix A contains the revised supporting statement for this information collection, describing the information being collected and estimating the burdens for the public and the Government

Attachments