

**United States Department of Transportation
Federal Aviation Administration**

SUPPORTING STATEMENT

Identification of Foreign-Registered Civil Unmanned Aircraft Operating in the United States

2120-XXXX

INTRODUCTION

The Department of Transportation (DOT) submits this draft Supporting Statement to the Office of Management and Budget (OMB) in preparation for requesting an approval for information collections related to the proposed rule titled “Remote Identification of Unmanned Aircraft Systems” (Remote Identification rule) (RIN 2120-AL31). This information collection would collect identifying information regarding foreign-registered civil unmanned aircraft operated in the airspace of the United States.

Part A. Justification

1. Circumstances that make collection of information necessary.

The FAA is integrating UAS operations into the airspace of the United States through a phased, incremental, and risk-based approach. An important next step in the integration process is the promulgation of regulatory requirements to enable the remote identification of UAS operating in the airspace of the United States. Remote identification of UAS is necessary to ensure public safety and the safety and efficiency of the airspace of the United States. Section 44809(f) of 49 U.S.C. provides that the Administrator is not prohibited from promulgating rules generally applicable to unmanned aircraft, including those unmanned aircraft eligible for the exception for limited recreational operations of unmanned aircraft. Among other things, this authority extends to rules relating to the registration and marking of unmanned aircraft and the standards for remotely identifying owners and operators of UAS and associated unmanned aircraft.

Remote identification will provide airspace awareness to the FAA, national security agencies, and law enforcement entities. This information could be used to distinguish compliant airspace users from those potentially posing a safety or security risk. The remote identification framework would provide UAS specific data, which may be used in tandem with new technologies and infrastructure to facilitate future, more advanced operational capabilities (such as detect-and-avoid and aircraft-to-aircraft communications that support beyond visual line of sight operations) and to develop the necessary elements for comprehensive UAS traffic management (UTM).

The Remote Identification rule proposes to require standard remote identification UAS and limited remote identification UAS be equipped to connect to the internet and transmit certain remote identification message elements through that internet connection to Remote ID USS throughout the operation of the UAS. Standard remote identification UAS would also be

required to broadcast remote identification message elements directly from the unmanned aircraft using radio frequency spectrum. Under the proposed rule, a Remote ID USS would be a person or entity qualified by the FAA to provide remote identification services to UAS.

A standard remote identification UAS must broadcast and transmit through an internet connection to a Remote ID USS the following remote identification message elements:

- (a) The identity of the UAS consisting of:
 - (1) A serial number assigned to the unmanned aircraft by the person responsible for the production of the standard remote identification unmanned aircraft system; or
 - (2) A session ID assigned by a Remote ID USS.
- (b) An indication of the latitude and longitude of the control station.
- (c) An indication of the barometric pressure altitude of the control station.
- (d) An indication of the latitude and longitude of the unmanned aircraft.
- (e) An indication of the barometric pressure altitude of the unmanned aircraft.
- (f) A time mark identifying the Coordinated Universal Time (UTC) time of applicability of a position source output.
- (g) An indication of the emergency status of the UAS.

A limited remote identification UAS must transmit the following remote identification message elements through an internet connection to a Remote ID USS:

- (a) The identity of the UAS consisting of:
 - (1) A serial number assigned to the unmanned aircraft by the person responsible for the production of the limited remote identification unmanned aircraft system; or
 - (2) A session ID assigned by a Remote ID USS.
- (b) An indication of the latitude and longitude of the control station.
- (c) An indication of the barometric pressure altitude of the control station.
- (d) A time mark identifying the Coordinated Universal Time (UTC) time of applicability of a position source output.
- (e) An indication of the emergency status of the unmanned aircraft system.

In § 89.101(b), the FAA is proposing to extend the operational requirements of part 89 to persons operating foreign civil unmanned aircraft in the United States. These persons would have to comply with the remote identification requirements in § 89.105, which means that these persons would only be able to operate foreign civil unmanned aircraft in the United States that qualify as standard remote identification UAS, limited remote identification UAS, or that have no remote identification equipment but are operated within an FAA-recognized identification area.

The FAA must be able to correlate the remote identification message elements transmitted or broadcast by foreign civil unmanned aircraft operated in the United States against information that helps FAA and law enforcement identify a person responsible for the foreign civil unmanned aircraft. Where unmanned aircraft are registered in a foreign jurisdiction, the FAA may not have access to information regarding the unmanned aircraft or its registered owner. Thus, the FAA is proposing to allow a person to operate foreign-registered civil unmanned aircraft in the United States only if the person submits a notice of identification to the Administrator. The notice would include the following information to allow FAA to associate an unmanned aircraft to a responsible person:

- (1) The name of the operator and, for an operator other than an individual, the name of the authorized representative providing the notice.
- (2) The physical address of the operator and, for an operator other than an individual, the physical address for the authorized representative. If the operator or authorized representative does not receive mail at a physical address, a mailing address must also be provided.
- (3) The physical address of the operator in the United States.
- (4) The telephone number(s) where the operator can be reached while in the United States.
- (5) The email address of the operator or, for an operator other than an individual, the email address of the authorized representative.
- (6) The aircraft manufacturer and model name.
- (7) The serial number of the aircraft.
- (8) The country of registration of the aircraft.
- (9) The registration number of the aircraft.

Once a person submits a notice of identification, the FAA would issue a confirmation of identification. A person operating a foreign-registered unmanned aircraft in the United States would have to maintain the confirmation of identification at the UAS' control station and would have to produce it when requested by the FAA or a law enforcement officer.

The holder of a confirmation of identification would have to ensure that the information provided under proposed § 89.130(a) remains accurate and is updated prior to operating a foreign registered civil unmanned aircraft system in the United States.

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

Operators of foreign-registered civil unmanned aircraft, as needed (prior to operating in the airspace of the United States) are mandated to report information to this collection. The FAA would use information provided by operators of foreign-registered civil unmanned aircraft operating in the airspace of the United States to identify those aircraft.

As described previously, the FAA would use the information collected to identify foreign-registered civil unmanned aircraft operating in the airspace of the United States.

The filing of the notice of identification and the issuance of a confirmation of identification would not have the effect of U.S. aircraft registration.

3. *Extent of automated information collection.*

The FAA is developing a fully automated, web-based system to collect information from owners or operators of foreign-registered civil unmanned aircraft.

4. Efforts to identify duplication. Describe efforts to identify duplication.

The FAA is responsible for the identification of all aircraft, manned and unmanned, operating in the airspace of the United States. Specifically, the remote identification of owners and operators of unmanned aircraft systems and associated unmanned aircraft is within the purview of the FAA, per Title 49, United States Code, 44809(f). No other Federal agency collects this information, thus there is no duplication.

The FAA emphasizes that the filing of the notice of identification and the issuance of a confirmation of identification would not have the effect of U.S. aircraft registration.

5. Efforts to minimize the burden on small businesses.

The information required to be collected from persons intending to operate foreign-registered civil unmanned aircraft in the airspace of the United States is minimal:

- (1) The name of the operator and, for an operator other than an individual, the name of the authorized representative providing the notice.
- (2) The physical address of the operator and, for an operator other than an individual, the physical address for the authorized representative. If the operator or authorized representative does not receive mail at a physical address, a mailing address must also be provided.
- (3) The physical address of the operator in the United States.
- (4) The telephone number(s) where the operator can be reached while in the United States.
- (5) The email address of the operator or, for an operator other than an individual, the email address of the authorized representative.
- (6) The aircraft manufacturer and model name.
- (7) The serial number of the aircraft.
- (8) The country of registration of the aircraft.
- (9) The registration number of the aircraft.

The FAA believes that the minimal nature of the information requested will significantly reduce any burden this notification system might impose particularly since the person filing a notice of identification for a foreign-registered unmanned aircraft will be able to operate the unmanned aircraft in the United States. This information collection is estimated to take 5 minutes per response for establishing and online account in the system for filing a notice of identification plus one additional minute per additional aircraft added to the account.

6. Impact of less frequent collection of information.

The FAA is proposing that operators of foreign-registered civil unmanned aircraft being operated in the airspace of the United States notify the FAA prior to operation of the unmanned aircraft. The holder of a confirmation of identification would have to ensure that the information provided under proposed § 89.130(a) remains accurate and is updated prior to operating a foreign registered civil unmanned aircraft system in the United States.

Thus, the information is only collected upon initial notification and any time thereafter that the information previously collected changes.

7. Special circumstances.

While the FAA is not requiring that the confirmation of identification provided to the person who submitted the notice of identification be retained for a specific period, the FAA is requiring that the confirmation be maintained at the unmanned aircraft system's control station and produced when requested by the FAA or a law enforcement officer.

8. Compliance with 5 CFR 1320.8.

The FAA will be providing this information collection for public comment in the Remote Identification of Unmanned Aircraft Systems notice of proposed rulemaking (RIN 2120-AL31). The public will have an opportunity to provide input concerning the proposed information collections outlined in the notice of proposed rulemaking.

9. Payments or gifts to respondents.

No gifts or payments are provided to respondents.

10. Assurance of confidentiality.

While the Privacy Act does not apply to this information collection, as information is being collected from persons who are not citizens or legal residents of the United States, the FAA will protect the privacy and confidentiality of the information collection. The information will not be

searchable or retrievable by the public.

11. Justification for collection of sensitive information.

This information collection does not collect information of a sensitive nature. Only basic identifying information in the form of name, physical and mailing addresses, telephone number(s), and email address are collected.

12. Estimate of burden hours for information requested.

The information collected for this supporting statement is very similar to FAA information collection 2120-0765, Small Unmanned Aircraft Registration System. Therefore, the FAA believes the time to collect information to provide notification will be a total of six minutes for one aircraft (five minutes to establish a notification account plus one additional minute per unmanned aircraft for which notification is required).¹

Table 1: Notice of Identification (Burden Hours)

Yr	Part 107 Respondents ²	Recreational Respondents ³	Minutes to Establish Account	Additional Minutes Per Aircraft	Total Minutes to Register Per Respondent	Burden Hours
1	4,198	3,367	5	1	6	757
2	4,316	3,461	5	1	6	778
3	4,436	3,558	5	1	6	799
Total	12,950	10,386	5	1	6	2,334

It is estimated that it would take an individual six minutes to log into a web portal to provide notice of identification for one unmanned aircraft. The opportunity cost of time for individuals intending to operate their UAS for other than recreational purposes is estimated to be \$1.48 per minute (for a total opportunity cost of \$8.16 per notification).⁴ Similarly, the opportunity cost of time for a recreational flyer to provide notification is \$0.237 per minute (for a total opportunity cost of \$1.42 per notification).⁵

¹ https://www.faa.gov/news/updates/media/2015-12-13_2120-AK82_RIA.pdf. See Page 13 of the Regulatory Impact Analysis of the Interim Final Rule Regulatory Evaluation for the Registration and Marking Requirements for Small Unmanned Aircraft. RIN 2120-AK82

² Source: FAA Unmanned Aircraft Registry. FAA Aerospace Forecast FY 2019-2039, Table 3, International GDP Forecasts by Travel Region (World) used to estimate respondents for year 2 and year 3.

³ Ibid.

⁴ The FAA estimates the wage earned by Part 107 operators to be similar to that of a fully burdened wage (compensation + benefits) of an FAA technical subject matter expert located in Washington, DC., which is \$92.72 per hour (\$1.55 per minute). Source:

https://employees.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/compensation/PayTables/. The total compensation includes benefits of 31.8% (based on Table A of the Employer Costs for Employee Compensation December 2018 news release https://www.bls.gov/news.release/archives/eccec_03192019.pdf).

⁵ Department of Transportation Departmental Guidance on Valuation of Travel Time in Economic Analysis, September 27, 2016. Table 4 Recommended Hourly Values of Travel Time Savings, Page 17. In constant dollars, the hourly value of time for personal travel is \$14.21 per hour (\$.237 per minute). This value is used as a proxy for the value of time of someone operating UAS for recreational operations.

Table 2: Notice of Identification (Cost Burden \$)

Yr	Part 107 Respondents	Part 107 Opportunity Cost of Time per Notification (\$9.30)	Recreational Flyer Respondents	Recreational Flyer Opportunity Cost of Time per Notification (\$1.42)	Total Cost Burden (\$)
1	4,198	\$39,041	3,367	\$4,788	\$43,829
2	4,316	\$40,139	3,461	\$4,922	\$45,060
3	4,436	\$41,255	3,558	\$5,059	\$46,314
Total	12,950	\$120,435	10,386	\$14,769	\$135,204

13. Estimate of total annual costs to respondents.

There are no capital or start up costs or operation and maintenance components affiliated with the information collection.

14. Estimate of cost to the Federal government.

To accommodate proposed changes requiring operators of foreign-registered civil unmanned aircraft to provide notice of identification, the FAA will update the website portal used for unmanned aircraft registration. The FAA cost is estimated to be a one-time cost of \$0.75 million in year 1. This cost is already included in the Supporting Statement for UAS Registration Additional Elements.

15. Explanation of program changes or adjustments.

As described previously, the FAA would use this new information collection to identify foreign-registered civil unmanned aircraft operating in the airspace of the United States.

The filing of the notice of identification and the issuance of a confirmation of identification would not have the effect of U.S. aircraft registration.

16. Publication of results of data collection.

The results of this information collection will not be published.

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.