

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).

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, 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.

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

The respondents to this collection are airmen and aircraft operators, and responding to the collection is required to obtain or retain a benefit. This collection consists only of reporting, and does not include any recordkeeping or disclosure requirements. Responses are submitted as needed. 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.

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).

There are no special circumstances.

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 FAA published a 60-day Federal Register notice and request for comment on March 31, 2020 (85 FR 17940). The FAA received one comment.

An individual wrote: “For Part 107 waivers and other COAs for UAS of all sizes, we have no

issue with the information being collected/requested. The only issue is the COA Online system. It is extremely user UNfriendly. In this day of smooth operator interfaces with online portals, this system is a dinosaur. Not allowing a user to start an application, save and come back, cutting and pasting, all of these are easy-to-implement user interface requirements. This lack of ease of use adds tens of hours and frustration to any COA application, especially in organizations filing multiple COAs. Thank you.”

FAA Response: The FAA thanks the commenter for his input, and wishes to assure the public that it is continuously striving to improve methods of information collection, including by introducing automation and electronic submission of information.

AUVSI also submitted a comment, commending the FAA for its continual improvements and enhancements to its system of waivers of part 107 operations, and expresses AUVSI’s hope for continued collaboration with FAA in the improvement of the UAS waiver process. AUVSI also expressed its hope that the FAA will engage in rulemaking to obviate the need for waivers to conduct certain operations.

FAA Response: The FAA appreciates AUVSI’s input, and as AUVSI will be aware, the FAA is continually improving the automation of the waiver application system for unmanned aircraft. As far as rulemaking is concerned, the FAA appreciates AUVSI’s input on the matter. However, rulemaking is beyond the scope of this ICR, so the FAA is unable to respond.

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 respondents are individual members of the aviation public from all walks of life, we are not using a particular occupation or title to determine the economic cost of their time. Instead, the FAA is using a general private sector wage, including benefits, of **\$34.72** per hour, provided by the Bureau of Labor Statistics.¹ In addition, the FAA uses a 17 percent estimate for

¹ <https://www.bls.gov/news.release/ecec.nr0.htm>; “Private industry employers spent an average

overhead costs such as rent, equipment and utilities.² $\$34.72 \times 1.17 = \40.62 for a fully loaded wage rate.

The reporting requirements and estimated burden associated with FAR Parts 91, 101, and 105 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.

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.

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.

of \$34.72 per hour worked for total employee compensation in December 2019, the U.S. Bureau of Labor Statistics reported today. Wages and salaries averaged \$24.36 per hour worked and accounted for 70.1 percent of these costs, while benefit costs averaged \$10.37 and accounted for the remaining 29.9 percent.”

² <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>

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.

Section	Reporting Hours	Recordkeeping Hours	Hours per Response	Number of Responses
91.113	300		1	300
91.311	516		1	516
91.313	95		1	95
91.903	850		1	850
101.3	2000		4	500
101.15,25,37	400		.5	800
105.15	600		1	600
105.23	9000		.5	18000
Total	13,761		1.25 average	21,661

The total estimated annual cost to respondents is 13,761*\$40.62=**\$558,972**

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

There are no additional costs.

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

The FAA estimates that the total estimated annual cost to the Federal Government is **\$1,140,252**. For Aviation Safety Inspectors, the FAA assumes a GS-13, step 5 salary, Rest of USA locality. Annual salary is \$103,396,³ divided by 2,080 hours for an hourly rate of \$49.70. The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100%.⁴ This results in a fully loaded wage of \$99.42 per hour.

The hourly rate for clerical labor is based on an annual salary of a Miscellaneous Clerk and Assistant, GS 7 Step 5, Rest of USA locality. Annual salary is \$49,016,⁵ divided by 2,080 hours for an hourly rate of \$23.57. The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100%.⁶ This results in a fully loaded wage of \$47.14 per hour.

Applications and Hours by Regulation

Section	Applications	Hours per	Hours
91.113	300	2	600
91.311	516	2	1032
91.313	95	3	285
91.903	950	2	1900
101.3	500	4	2000
101.15,25,37	800	.5	400
105.15	600	2	1200
105.23	18000	.3	5400

³ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/RUS.pdf>

⁴ U.S. Department of Health and Human Services, “Guidelines for Regulatory Impact Analysis” (2016), https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf. On page 30, HHS states, “As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages....”

⁵ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/RUS.pdf>

⁶ U.S. Department of Health and Human Services, “Guidelines for Regulatory Impact Analysis” (2016), https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf. On page 30, HHS states, “As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages....”

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Approximately 80% of the total cost is government labor done by technical specialists at \$99.42 per hour, and 20% is by clerical labor at \$47.14 per hour. Based on the above, the annualized cost to the Federal government is as follows:

Estimated total annual labor burden	12,817 hours
Technical labor (12,817*.8*\$99.42)	1,019,413
Clerical labor (12,817*.2*\$47.14)	<u>120,839</u>
	\$1,140,252

15. Explain reasons for any program changes or adjustments.

The FAA costs for this ICR have increased slightly, because a different load factor was used, and the wage rates were updated to 2020. In addition, this ICR no longer includes waivers under part 107, *Small Unmanned Aircraft Systems*, because that burden is now covered by 2120-0768.

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.