

Federal Aviation Administration

SUPPORTING STATEMENT

DroneZone: Operational Waivers under Part 107

2120-xxxx

INTRODUCTION

This Information Collection is submitted to the Office of Management and Budget (OMB) to request approval of a new Information Collection (IC). The information collected under this new Information Collection is currently authorized under Information Collection 2120-0768, “Waivers and ATC Authorization in Controlled Airspace under Part 107.” The FAA is improving the Web portal through which waiver requests are submitted, with robust enhancements to the portal for requesting waivers from operational sections of Part 107. As airspace waivers and operational waivers are vastly different from one another and are issued by different components of the FAA, the FAA has decided that it would be logical to create a separate IC for operational waivers. The request will allow the Federal Aviation Administration (FAA) to leverage automated means of collecting and processing operational waivers requested pursuant to 14 CFR Part 107.

Part A. Justification

1. Circumstances that make collection of information necessary.

Congress directed the Secretary of Transportation to determine which types of unmanned aircraft systems (UAS) may operate safely in the national airspace system (NAS) (See 49 U.S.C. § 44807). Based on such determinations, the FAA established requirements for the safe operation of UAS in the NAS.

Based on its consideration of the comments submitted in response to the notice of proposed rulemaking entitled Operation and Certification of Small Unmanned Aircraft Systems (80 FR 9544, February 23, 2015), and its experience with the certification, exemption, and Certificate of Waiver or Authorization process, the FAA issued the Operation and Certification of Small Unmanned Aircraft Systems final rule to enable certain small UAS operations to commence and accommodate technologies as they evolve and mature (81 FR 42064, June 28, 2016). This final rule is contained in Title 14 CFR. § 107.1, et seq.

Part 107 provides that the FAA may issue certificates of waiver that authorize certain operations that do not fulfill the requirements of Part 107. Title 14 C.F.R. § 107.200(a) provides:

The Administrator may issue a certificate of waiver authorizing a deviation from any regulation specified in § 107.205 if the Administrator finds that a proposed small UAS operation can safely be conducted under the terms of that certificate of waiver.

The web portal is an enterprise IT solution developed to consolidate several small UAS support systems into a central location. Respondents will establish a single account on the web portal where they will be able to conduct multiple activities, including requesting operational waivers.

Under 14 C.F.R. § 107.205, several operational restrictions codified in Part 107 may be waived. These waivers, which are referred to as “operational waivers”, may be requested via the web portal. Through the web portal, respondents will establish a single account where they will be able to conduct multiple activities, including requesting operational waivers pursuant to § 107.205. Part 107 respondents communicate directly with the FAA when using the web portal. When a respondent requests an operational waiver, the FAA will manually process the request and provide an approval or denial to the respondent via the web portal.

A waiver of any of the sections listed in § 107.205 constitutes an operational waiver except for a waiver of § 107.41 which constitutes an airspace waiver. To the extent a respondent seeks an operational waiver, the respondent will, via the web portal, provide the information required to make a safety determination, including the manner he or she will ensure the safety of the operation by mitigating any risks the operation presents. After an initial review, the FAA may also require the respondent submit additional information in support of his or her application. The respondent will be notified of approval or denial of requests for operational waivers via the web portal.

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

Respondents are small UAS operators seeking waivers from certain operational rules in part 107. The FAA uses information respondents submit via the web portal to determine whether each respondent can safely operate the small UAS under the terms of a waiver that authorizes deviation from specific provisions of Part 107. The FAA reviews and analyzes the information it collects from each respondent to determine the type and extent of the intended deviation from Part 107’s prescribed regulations. In general, the FAA will issue a certificate of waiver or authorization to the respondent (individuals and businesses) if the proposed operation does not create a hazard to persons on the ground or to other aircraft.

If the FAA did not collect this information, the FAA would not be able to grant certificates of waiver from the operational regulations listed in § 107.205 as the FAA uses the information to authorize (or deny) the requested operational waiver consistent with the FAA’s legal mandate to maintain a safe and efficient airspace.

This collection consists of reporting, and contains no recordkeeping or disclosure requirements.

3. Extent of automated information collection.

The web portal is partially automated. The submission of a request and response from FAA is automated; processing requires human analysis conducted by the FAA.

Requests for Part 107 operational waivers are collected via the web portal. The web portal is partially automated. The submission of a request and response from FAA is automated, but the review of each request the FAA receives via the web portal requires individual analysis that the FAA conducts.

4. Efforts to identify duplication.

The FAA is the only government entity that collects or requests information from respondents related to requests for waivers to regulations listed in § 107.205. The requested information will be stored in the shared LAANC and web portal data repository. The information is not located in any other Federal data repository nor accessible in other government systems.

5. Efforts to minimize the burden on small businesses.

The requested information is limited to the minimum information related to the requested waiver from the regulations listed in § 107.205 necessary to ensure the safe and efficient maintenance of the NAS. The FAA has ensured that no information other than that necessary to maintain a safe airspace has been requested. No exception can be provided to any Part 107 operator, including small businesses, from providing the requested information as the information is essential to ensuring operations meet an equivalent level of safety. If the respondent does not provide sufficient information to enable the FAA to approve or deny the request, the FAA will contact the respondent and request additional information.

6. Impact of less frequent collection of information.

The FAA has a statutory mandate to control and maintain a consistently high level of civil aviation safety. The information collections for operational waivers are necessary to ensure that each unique operation will be conducted safely. Without the information requested from respondents, the FAA would be unable to approve any operational waivers submitted under Part 107.

7. Special circumstances.

There are no special circumstances.

8. Compliance with 5 CFR 1320.8.

A Federal Register Notice published on April 10, 2020 (85 FR 20333) solicited public comment. Two comments were received, one from Airlines for America, and one from an individual. Both expressed support for this collection.

9. Payments or gifts to respondents.

No gifts or payments are provided to respondents.

10. Assurance of confidentiality

There is no assurance of confidentiality provided to respondents.

11. Justification for collection of sensitive information.

The only information collected that may be considered “sensitive in nature” is the personal information associated with the Part 107 operation (aircraft operator name, telephone number, email address, and optionally provided registration number). This personal information is limited to what is necessary for the FAA to contact Part 107 operators. Any records collected are covered by the Privacy Act and will be managed in accordance with the Department of

Transportation system of records notice (SORN) DOT/FAA 854 – Small Unmanned Aircraft Systems (sUAS) Waivers and Authorizations (84 FR 32512, July 8, 2019). The web portal’s Privacy Impact Assessment was completed on June 27, 2016.

12. Estimate of burden hours for information requested.

From January 1, 2019 – September 30, 2019, the FAA received 4,965 applications for operational waivers. At the current rate, the FAA would receive a total of 6,620 applications for calendar year 2019. This is a decrease from the number of applications received in 2018 (7,109). However, given the growth of UAS and to be conservative, the FAA will apply an estimate growth rate of 10% for operational waiver applications. FAA will use this growth rate due to the overall expected rise in UAS usage and that the historical record is still recent and the trends are not completely established. Using this estimated annual growth rate, the FAA estimates there will be 7,282 applications in 2020, 8,010 in 2021, and 8,811 in 2022. The FAA estimates that completing the operational waiver application form using the web portal will take 30 minutes (or .5 hours) per application. However, since the average respondent submits 1.3 waiver applications, the resulting average burden is 0.65 hour per respondent. See below Table 3 for a calculation of the total burden on respondents from 2020-2022 and the average annual burden while using the web portal.

Table 3. Burden on Respondents Submitting Operational Waivers Using Web Portal.

Period	Respondents	Burden (hours)
2020	7,282	7,282(.65) = 4,733 hours
2021	8,010	8,010(.65) = 5,207 hours
2022	8,811	6,609(.65) = 5,727 hours
Total	24,103	24,103(.65) = 15,667 hours
Annual	8,034	5,222

Small UAS operators are not confined to any one occupation. Therefore, 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 overhead costs such as rent, equipment and utilities.² $\$34.72 \times 1.17 = \mathbf{\$40.62}$ for a fully loaded wage rate.

The annual hourly burden of $5,222 \times 40.62$ results in an estimated annual cost to respondents of **\$212,118**.

13. Estimate of total annual costs to respondents.

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

There are no additional costs.

14. Estimate of cost to the Federal government.

The cost to the FAA of processing request for part 107 operational waivers consists of the retention of approximately 13 full-time contractors, at \$273,042.68 per year per contractor. The total annual cost for these contractors is therefore **\$3,549,559**.

In addition, the FAA has assigned approximately 6 federal FTEs to this task. They are Aviation Safety Inspectors (OPM occupational series 1825) or Aviation Safety Analysts (OPM occupational series 0301). The FAA assumes a mid-grade GS-13 salary, Rest of USA locality. Annual salary is \$103,396.³ The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100%.⁴ This results in a fully loaded salary of \$206,792. Multiplied by 6 FTEs, this results in a federal employee cost of **\$1,240,752**.

The combined FAA cost is therefore **\$4,790,311** per year.

15. Explanation of program changes or adjustments.

This is a new information collection request.

16. Publication of results of data collection.

No requirement exists for any of the information collected to be published for statistical use. The FAA, however, posts online the waiver decisions, as described in DOT/FAA 854 – Small Unmanned Aircraft Systems (sUAS) Waivers and Authorizations (84 FR 32512, Aug. 7, 2019) for information purposes to assist prospective respondents in completing their application for an operational waiver.

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.

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....”