

## **Federal Aviation Administration**

### **SUPPORTING STATEMENT**

#### **FAADroneZone: Operational Waivers under Part 107**

2120-0796

#### **Changes in this submission**

In Question 12, the employer costs for employee compensation for civilian workers was updated per the 2023 U.S. Bureau of Labor Statistics report. Additionally, the number of responses is significantly lower than the estimate in the initial submission in 2020. The burden estimates in the present supporting statement are based on real-world data, namely, the waiver requests received during calendar year 2023.

In Question 14, the annual salary for FAA employees was updated per the OPM.gov 2023 salary table. Also, because the number of responses per year has proved to be considerably lower than the total estimated in the initial submission, the burden on the FAA is lower as well.

#### **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 part 107.

Section 107.200(a) of part 107 provides that the FAA may issue certificates of waiver that authorize certain operations that do not fulfill the requirements of part 107, stating:

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.

Under 14 CFR § 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 FAADroneZone web portal. The web portal is an enterprise information technology (IT) solution

developed to consolidate several small UAS support systems into a central location. 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 additional information requests, approval of requests, 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 FAADroneZone 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 because 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 collection of information is automated and managed through 'form-fillable' interfaces within the existing FAADroneZone web portal. The 'form-fillable' interface provides the applicant with a clear understanding of what information is needed for the waiver they are requesting.

Collected information allows FAA personnel to analyze the waiver application and the extent of information collected will be limited to that which is necessary to complete an individual analysis of the waiver request. Collecting information in this manner streamlines the application process.

## **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 FAADroneZone web portal data repositories. The

information is not located in any other Federal data repository nor is it accessible in other government systems.

At times, the applicant for an operational waiver may provide similar information to that which may be requested for an airspace authorization. While some information requested may be similar, the FAA notes that the information requested under these two information collections are adjudicated by different offices and are analyzed using different criteria.

#### **5. Efforts to minimize the burden on small businesses.**

The requested information is limited to the minimum required that pertains to the requested waiver from one or more regulation(s) listed in § 107.205. The FAA has ensured no information other than that necessary to maintain a safe airspace has been requested. No exception can be provided to any part 107 applicant, 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.

Using the FAA DroneZone online application portal for information collection is deliberate and driven by the need to make the application process as transparent and simple as possible. Utilizing a 'form-field' type of interface, provides an applicant with a simple, step-by-step process intended to reduce the burden on small business and individuals.

This effort also reduces the workload on FAA personnel as they only receive complete applications for analysis. None of the information requested requires the applicant have specialized skills or in-depth knowledge of UAS to be successful.

#### **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 timely collection of information for operational waivers is necessary to analyze and 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 Title 5, Code of Federal Regulations (5 CFR) 1320.8.**

A Federal Register Notice published on January 4, 2024 (89 FR 501) solicited public comment. Three comments were received; one from Small UAV Coalition, one from Drone Service Providers Alliance, and one from an anonymous individual.

Small UAV Coalition referenced an Information Collection (IC) Docket No. FAA-2023-2372, published December 6, 2023 and a second IC, Docket No. FAA-2023-2554, published on January 4, 2024. Small UAV Coalition is seeking confirmation that the average burden per

response in both proceedings relates to the burden on applicants and not the FAA, and clarification of the purposes and applicability of the two information collection notices and the basis for the estimates of number of respondents and average time burden.

The FAA confirms that the average burden per response in both proceedings relates to the burden on applicants, not the FAA, and clarifies that Docket No. FAA-2023-2554 applies to information collected by FAA Form 7711–2 (OMB control number 2120-0027), not by the FAA DroneZone public portal.

The purpose of Docket No. FAA-2023-2554 was the renewal of an Information Collection using FAA Form 7711–2 for a wide variety of operational purposes. It applies to requests for certificates of waiver when intending to operate under the provisions of parts 91, 101, and 105. Applications under part 107 were also referenced, but Docket No. FAA-2023-2372 was later submitted as an Information Collection renewal and exclusively covers applications requesting certificates of waiver under 107, using the online FAA DroneZone public portal.

Drone Service Providers Alliance commented about the accuracy of the estimated burden hours of 0.65 hours per response, with the assumption that it represents the burden on the FAA and is used as the rubric for staffing of waiver analysts. That is not the case, however. The FAA clarifies that 0.65 represents the estimated burden on each applicant per application, not the burden on the FAA.

Drone Service Providers Alliance also recommended the FAA share a summary of waiver approvals and denials, provide more detail in the Waiver Safety Explanation Guidelines and Guiding Questions (WSEGs), and establish an advisory committee to “close the theory/reality gap in the waiver process.” The FAA appreciates and will consider each recommendation as we continue to evaluate ways to improve the waiver application process.

An anonymous commentor expressed support for the waiver process but also concern over the amount of time the process can take. The FAA notes the valid concern and is exploring ways in which the process could be improved, including adding additional analysts.

#### **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, responsible person name, telephone number, physical mailing address, email address, and optionally provided UAS model and registration number(s)). 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 (DOT) system of records notice (SORN) DOT/FAA 854 – Small Unmanned Aircraft Systems (sUAS) Waivers and Authorizations (84 FR 32512, July 8, 2019).

**12. Estimate of burden hours for information requested.**

The FAA estimates that completing an operational waiver application form using the FAADroneZone web portal will take applicants an average of .9 hours per application. The exact time required, however, will vary based on the level of complexity of the individual application. Calculations in table below are based on waiver applications received in 2023.

Total Burden Summary Table

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
# of Respondents	3565		
# of Responses per respondent	1		
Time per Response	0.65 hrs.		
Total # of responses	3565		
Total burden (hours)	2317		

Small UAS operators are not confined to any one occupation; therefore, the FAA is using a general private sector wage, including benefits, of **\$45.42** per hour, provided by the Bureau of Labor Statistics.<sup>1</sup> In addition, the FAA uses a 17 percent estimate for overhead costs such as rent, equipment, and utilities.<sup>2</sup> The FAA will use  $\$45.42 \times 1.17$  for a fully loaded wage rate of **\$53.14**.

The annual hourly burden of 2317 results in an estimated annual cost to respondents of **\$123,125**.

**13. Estimate of total annual costs to respondents.**

There are no additional costs.

**14. Estimate of cost to the Federal government.**

The cost to the FAA of processing requests for part 107 operational waivers consists of the retention of approximately four full-time equivalent (FTE) contractors, at \$178,653, per year per contractor. The total annual cost for these contractors is therefore \$714,614.

<sup>1</sup> <https://www.bls.gov/news.release/ecec.nr0.htm> Employer costs for employee compensation for civilian workers averaged \$45.42 per hour worked in December 2023, the U.S. Bureau of Labor Statistics reported today. Wages and salaries averaged \$31.29, while benefit costs averaged \$14.13.

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

In addition, the FAA has four (4) federal FTEs assigned to the task of waiver analysis. They are Aviation Safety Inspectors (Office of Personnel Management (OPM) occupational series 1825). The FAA assumes a mid-grade GS-14 salary, Rest of USA locality. Annual salary is \$131,911.<sup>3</sup> The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100 percent.<sup>4</sup> This results in a fully loaded salary of \$263,822. Multiplied by four (4) FTEs, this results in a federal employee cost of \$1,055,288.

The combined FAA cost is therefore **\$1,769,902** per year.

**15. Explanation of program changes or adjustments.**

In Question 12, the employer costs for employee compensation for civilian workers was updated per the 2023 U.S. Bureau of Labor Statistics report.

In Question 14, the annual salary for FAA employees was updated per the OPM.gov 2023 salary table. Moreover, the FAA cost is lower than in the initial submission, as the FAA is now working with real-work data rather than estimates.

**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 the waiver decisions—as described in 84 FR 32512, August 7, 2019—online 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.

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<sup>3</sup> <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/RUS.aspx>

<sup>4</sup> U.S. Department of Health and Human Services, “Guidelines for Regulatory Impact Analysis” (2016), <https://aspe.hhs.gov/reports/guidelines-regulatory-impact-analysis>