

SUPPORTING STATEMENT

Certificate of Waivers under 14 CFR 91.903. OMB 2120-XXXX

This is to request the Office of Management and Budget for a three-year approval for an existing collection without control entitled Certificate of Waivers under 14 CFR § 91.903. The request will allow the Federal Aviation Administration to leverage a web portal to use automated means of collecting and processing certificate of waiver requests under 14 CFR § 91.903.

1. Circumstances that make collection of information necessary.

Title 14, Part 91 of the Code of Federal Regulations prescribes the rules governing the operation of aircraft within the United States. Included in this is the operation of unmanned aircraft systems (UAS), commonly known as drones, by both civil and public aircraft operators. 14 CFR § 91.903 allows for operators of aircraft to apply for a certificate of waiver authorizing the operator to deviate from the rules listed in § 91.905 if the proposed operation can be conducted safely.

The FAA has developed a web portal to allow UAS operators to apply for Part 91 certificate of waivers requests only. Prior to granting a certificate of waiver from any of the regulations listed in § 91.905, the FAA must evaluate the proposed operation and determine if the proposed operation may be conducted safely. The information requested is the minimum information necessary for the FAA to make this decision.

Users are also required to fill out an Access Request Form when first signing up to use the web portal. This form asks for contact information, the type of user, and the type of operations that the user will perform. The FAA asks for this information to ensure that only UAS operators who will require use of the site have access to it.

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

Respondents are UAS operators who seek to deviate from the requirements of Part 91 of Title 14. Respondents access the web portal through the FAA website and provide the requested information to enable the FAA to make determination whether the requested operation can be conducted safely.

Respondents are required to provide the following:

- Name, phone number, mailing address, email address, name of organization

- A description of the UAS to include manufacturer, model, and serial number
- A description of any avionics and lights on the UAS
- A title to the proposed operation
- Make a series of declarations related to whether or not they are a public operator, a member of the government, and agreement to the jurisdiction of the United States, that information provided is accurate, and that the Freedom of Information Act applies
- Details on the proposed operation including start and end date, what flight rules will apply, whether the operation is a day, night, or lights out operation
- An operation summary or description of special circumstances regarding the operation
- A flight operations Area/Plan including the city, county, state, and area of responsibility and to include specific information related to the waypoints, latitude, longitude, and floor and ceiling altitude
- Specific operation information including cruise speed, gross takeoff weight, launch method, recovery method, type of collision avoidance system used, manner of ATC communication.
- Attachments to include Airworthiness Documentation, Emergency & Contingencies Attachments, and Spectrum Analysis Approval
- Flight aircrew qualification of Pilots and Observers including a description of training and certifications and declarations regarding private written, private certified, instrument, commercial, air transport, whether a unique trained pilot, whether DoD certified/trained, if have other certified training, whether trained on Part 91 requirements, medical certification class, a description of currency status and duty time restrictions, ether single UAS controlled and the number of UAS controlled, and information related to the type of visual surveillance used.

The Access Request Form requires the user to provide the following mandatory information: date, name, whether a public or civil entity, telephone number, email address, whether a contractor for a public entity, if a contractor the contractor must submit a signed letter from the authorizing agency for public requests, the country and state where the operations will take place, and a reason why the user is using a UAS.

Information for access request is collected only during the time of signup. If this information collection was not conducted, FAA would not be able to grant certificates of waiver for the above-mentioned activities. In addition to other disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside Department of Transportation (DOT) as a routine use pursuant to 5 U.S.C. 552a(b)(3).

3. Extent of automated information collection.

The collection of information for certificate of waiver applications under Title 14 CFR Part 91

involves automated, electronic collection techniques. These techniques were adopted for multiple reasons. First, an electronic process is critical to timely FAA processing and response to waiver requests. Second, an electronic process introduces standard inputs following a known process. Finally, manual processing of certificate of waiver requests is unsustainable for large numbers of requests.

Certificate of waiver requests currently occur at <https://caps.faa.gov>. Information collected in CAPS is collected without an existing control number. Beginning in 2024, the collection of information will be through the FAA DroneZone Web Portal at <https://faadronezone-access.faa.gov/#/>. When transitioned to FAA Drone Zone Web Portal, the burden to respondents will be the same as under the current method. The layout of the website will be different to users, but the information collected is almost exactly the same with some minor differences in information related to visual observers and information requested regarding the flight location. The only material difference will be the URL location.

4. Efforts to identify duplication.

The FAA is the only government entity that is collecting this information. There will only be duplication if a respondent voluntarily decides to submit both a paper request and a request through the FAA web portal. This system attempts to identify duplicative efforts by requiring the respondent to identify if there are any other pending requests or when user creates duplicative account with same information such as email address. For the paper submission, FAA utilize the form FAA 7711-2 Application for Certificate of Waiver or Authorization and is assigned Office of Management and Budget (OMB) number 2120-0027. Information submitted in the paper form is then entered into the web portal for processing and response to the respondent.

5. Efforts to minimize the burden on small businesses.

The requested information is limited to the minimum needed for the FAA to evaluate and either approve or deny the certificate of waiver request. The FAA is legally mandated to maintain a safe and efficient airspace. Therefore, no exception can be provided to any user. Use of the web portal should streamline the respondent's experience and make it easier than the paper form, which should reduce the burden on small businesses. Individuals or small entities may receive, upon request, specific assistance from FAA personnel.

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 requested for certificate of waiver requests is necessary to ensure that each unique operation will be conducted safely. As these requests from waivers involve deviating from established rules of flying, if the FAA did not collect this information from respondents, then the respondents would be unable conduct their desired operations.

7. Special circumstances.

There are no special circumstances for this information collection.

8. Compliance with 5 CFR 1320.8.

A Federal Register Notice published on **June 12, 2023** solicited public comment (88 FR 38121). The FAA received one comment from Commercial Drone Alliance (“CDA”) for the collection of information associated with Certificates of Waivers under 14 CFR 91.903. Comments received from CDA emphasized the importance of enabling large-scale operations of Unmanned Aircraft Systems (UAS) in a safe and secure manner. CDA also suggested FAA streamline the waiver process and approval of other aviation operations permission, and for FAA to consider expanding the list of rules that can be waived to support safe UAS operations. However, comments received from CDA were out of scope of the 60-Day federal notice published, which was specific to the collection and burden associated with processing of Waivers or Authorization for 14 CFR 91 UAS operations.

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 .

There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested .

There were 1478 number of certificate of waiver applications submitted in 2022 of which 1432 were public operators and 46 were civil operators. The FAA expects there to be continued interest by operators in applying for certificate of waiver applications to deviate from the requirements of Part 91. As the overall trend of UAS is on the up and this is expected to continue, the FAA estimates that year-over-year increases will be 7% each year. The FAA estimates that the typical user will take two hours to complete the certificate of waiver application through the web portal.

Table 1 – Estimated Burden Hours and Respondents Submitting Part 91 Certificate of Waiver Requests

| Year | Public Users | Civil Users | Combined |
|-------------|------------------------|--------------------|-----------------|
| 2023 | 1,532*2hrs/app = 3,064 | 56*2hr/app = | 3,176 hours |

| | | | |
|----------------|------------------------------|-------------------------|--------------|
| | hours | 112 hours | |
| 2024 | 1,639*2hrs/app = 3,278 hours | 60*2hrs/app = 120 hours | 3,398 hours |
| 2025 | 1,754*2hrs/app = 3,508 hours | 64*2hrs/app – 128 hours | 3,636 hours |
| Total | 9,850 hours | 360 hours | 10,210 hours |
| Average | 3,284 hours | 120 hours | 3,404 hours |

Users will also need to complete the Access Request Form the first time that they use the site. Users are only required to complete the Access Request Form one time. Based on historical information, the FAA anticipates that there will be 800 new users in 2023. Using the same estimate as for the total number of respondents submitting applications for waivers of certificates, the FAA will apply a year over year increase of 7% for users completing the Access Request Form. The FAA estimates that it will take a respondent 15 minutes to complete the Access Request Form.

Table 2 – Estimated Burden Hours and Respondents Submitting Access Request Form

| Year | Number of Respondents for New accounts | Burden Time | Burden Hours |
|----------------|---|--------------------|---------------------|
| 2023 | 800 | .25 hours | 200 |
| 2024 | 856 | .25 hours | 214 |
| 2025 | 916 | .25 hours | 229 |
| Total | 2,572 | .25 hours | 643 |
| Average | 857 | .25 hours | 214 |

The FAA estimates that the average respondent will take two hours to fill out the required information with 7% increase in number of responded year-over-year. Based on the number applications received in the 2022.

Since respondents can be public aircraft operators or the individual members of the aviation public or organizations from all walks of life, the FAA is 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 **\$40.23** 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

¹ <https://www.bls.gov/news.release/ecec.nr0.htm>; “Private industry employers spent an average of \$40.23 per hour worked for total employee compensation in March 2023. Wages and salaries averaged \$28.37 per hour worked and accounted for 70.5 percent of these costs, while benefit costs averaged \$11.86 and accounted for the remaining 29.5 percent.”

utilities.² $\$40.23 \times 1.17 = \47.07 for a fully loaded wage rate.

As discussed above in Question 12, the FAA estimates that the total average burden hours will be 3,403 hours for completing the certificate of waiver application and 214 hours for completing the Access Request Form for a total annual burden of 3,618 hours. At \$47.07 per burden hour, the FAA estimates the annual burden to respondents be **\$170,313 (\$160,226 for certificate of waiver applicants and \$10,087 for Access Request Form applicants)**

13. Estimate of additional annual costs to respondents.

There are no additional operational or maintenance cost to the respondents.

14. Estimate of cost to the Federal government.

The FAA uses both contractors and federal employees to process Public and Civil Part 91 certificate of waiver or authorizations. The FAA estimates there will be the equivalent of 7.25 FTE federal employees and 8.0 FTE contractors for 2023. The federal employees are expected to remain constant in 2024 and 2025, but the FAA does expect that contractor support to increase by 1.0 FTE in 2023 and another 2.0 FTE in 2024. The cost of federal employees is expected to be \$175,000 per FTE per year and \$168,000 per FTE per year for contractor support. As part of this estimate, the FAA will apply the 4.1% annual increase per the Office of Personnel’s Salary Table for 2023. The FAA will apply a 2% per year increase for the contractor support.

Table 3 – Estimate Cost to Process Public and Civil Part 91 Certificate of Waivers

| | 2023 | 2024 | 2025 | Total |
|-------------------|---|---|--|--------------------|
| Contractors | 8 contractors x \$168,000 = \$1,344,000 | 9 contractors x \$171,360 = \$1,542,240 | 11 contractors x \$174,787 =\$1,922,657 | \$4,808,897 |
| Federal Employees | 7.75 employees x \$175,000= \$1,356,250 | 7.75 employees \$182,175= \$1,411,856 | 7.75 employees \$189,644= \$1,469,741 | \$4,237,847 |
| Total | \$2,700,250 | \$2,954,096 | \$3,392,398 | \$9,046,744 |

System Sustainment and Maintenance

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

The estimated cost of system sustainment and maintenance for both systems is captured in Table 1. Cost for sustainment and maintenance is expected to grow by 25% based on previous years' data and planned changes to system and due to the estimated increase number of respondents.

Table 4 – Estimated System Sustainment and Maintenance Cost

| | 2023 | 2024 | 2025 |
|-----------------------------------|-----------|-----------|-----------|
| Total Web portal Sustainment Cost | \$306,250 | \$382,813 | \$477,766 |

Total System Sustainment and Maintenance cost will be \$1,166,229. Added to the Total Personnel cost of \$9,046,744 makes a total government cost of **\$10,212,973**

15. Explanation of program changes or adjustments.

This is a new information collection.

16. Publication of results of data collection.

The FAA will not be publishing any data related to this request to collect information.

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.