

**Department of Transportation
Federal Aviation Administration**

Supporting Statement A

Unmanned Aircraft Flight Restrictions

RIN: 2120-AL33

OMB: 2120-XXXX

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 a NEW information collection for the Notice of Proposed Rulemaking (NPRM) titled “*Designation – Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility*” (RIN: 2120-AL33). This proposed rule establishes the process for eligible facilities to apply for an unmanned aircraft flight restriction (UAFR).

FAA proposes to require a fixed site facility to provide information about their facility, such as contact information, property boundaries, critical infrastructure data that may contain protected critical infrastructure information (PCII), historical unmanned aircraft activity, actions taken to reduce unmanned aircraft risks, and information on any environmentally sensitive areas. This information is critical for FAA to accurately assess whether to grant or deny a request for a UAFR designation.

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.**

Congress directed the Secretary of Transportation to establish a process to allow applicants to petition the Administrator of the FAA to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.¹ This information collection will enable FAA to review applications for UAFRs and Special UAFRs.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

FAA will use the information collected to assess whether an applicant demonstrates that a UAFR or Special UAFR is necessary for aviation safety, protection of people and property on the ground, national security, or homeland security. FAA will also use the information to balance the

¹ Pub. L. 114-190, Sec. 2209, 130 Stat. 623 (July 15, 2016).

safety and security concerns Congress identified in section 2209 with the national policy objectives of ensuring the public right of transit, preserving airspace efficiency, and integrating UAS into the NAS. FAA may also share this information with Sector Risk Management Agencies (SRMAs) as necessary to conduct a security assessment.

FAA will collect the following:

- User Account: The applicant must submit the fixed site facility's industry classification (e.g., chemical facility, energy production facility, etc.). FAA will also request contact information of the operator, proprietor, or designated representative to establish a point of contact with the fixed site facility.
- Proposed UAFR Boundaries: The applicant must submit the proposed lateral and vertical boundaries of the requested UAFR. For Special UAFRs, applicants must submit this information, in addition to a designated using agency and activation periods.
- UAS Security Response Plan: The applicant must submit data and documentation, such as graphical representations and descriptions of the existing fixed site facility's security perimeter, identification of potential facility vulnerabilities and consequences associated with unauthorized unmanned aircraft activity, and efforts taken to minimized impacts including incident response plans.
- Demonstration of need: The applicant must submit data and documentation describing existing unmanned aircraft activity over the facility, the nature of the facility's assets, the vulnerabilities of these assets to unmanned aircraft, and potential consequences or effects if an unmanned aircraft exploited a vulnerability (intentionally or unintentionally).
- Externalities: The applicant must submit data and documentation describing the costs, disruptions, or other negative effects to users of the airspace, including known traffic circumnavigating the facility; and any efforts the operator or proprietor of the fixed site facility has taken or would take to reduce or limit those costs, disruptions, or other negative effects.
- Environmental Impact: The applicant must submit site-specific information about requested sensitive land uses.
- Annual Reporting: Once the UAFR is designated, the operator or proprietor must report UAS activity over the facility in a form and manner acceptable to the Administrator annually.

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.

DOT is offering in the NPRM to permit electronic submission. The web portal is designed to provide an end-to-end solution (application, processing, and publication) for UAFRs. All workflow processes will be embedded in the FAA web portal, known as the UAFR-Utility, which will also serve as the data repository for UAFR case file retention.

4. Describe efforts to identify duplication.

FAA currently does not collect information from fixed site facilities. FAA has determined, despite other Federal agencies requesting similar information, that information requested by FAA from fixed sites is not duplicative due to the statutory mandate of Section 2209 of FESSA 2016.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This collection will likely impact some small businesses. FAA is creating a web-based platform, user guides, and help desk to minimize the burden to small entities.

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.

The *Designation – Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility* proposed rule is critical for FAA to meet its statutory obligation. FAA is requesting the aforementioned information to meet those statutory requirements.

FAA is creating a web-based platform. The platform will require applicants and commenters to create a User Account. The User Account will retain all the information included in the fixed site facility's request to reduce the need to re-enter information on subsequent applications. If the information collection is not conducted, FAA will not meet the statutory requirements of section 2209 of FESSA², section 369 of FAARA³, and section 929 of the FAA Reauthorization Act of 2024.⁴

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

(a) requiring respondents to report information to the agency more often than quarterly;

FAA requires fixed site facility operators or proprietors to submit accurate and current data both during the application process and after a UAFR is granted, as outlined in proposed § 74.20. This process mandates that any changes to the initially submitted information must be reported within 5 business days of the operator becoming aware of it.

The frequency of reporting is driven by FAA's obligation to ensure the safety and efficiency of the NAS. Inaccurate or outdated information could compromise FAA's ability to maintain

² Pub. L. 114-190, Sec. 2209, 130 Stat. 623 (July 15, 2016).

³ Pub. L. 115-254, Sec. 576; 132 Stat. 3186 (October 5, 2018).

⁴ Pub. L. 118-63, Sec. 929 (May, 2024).

safety, efficiency, and equitable access to the NAS. FAA acknowledges the burden of frequent updates and aims to mitigate this by only requiring annual updates on existing unmanned aircraft traffic patterns once the UAFR is active.

Otherwise, FAA only requires notification when a material change occurs that could affect the continued necessity of the restriction. Specifically, material changes, such as when a facility shuts down, are necessary to allow FAA to modify or cancel restrictions as needed.

This balance ensures that FAA maintains up-to-date situational awareness without imposing undue reporting burdens on operators.

(b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; N/A

(c) requiring respondents to submit more than an original and two copies of any document; N/A

(d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; N/A

(e) in connection with a statistical survey, that is not designed to product valid and reliable results that can be generalized to the universe of study; N/A

(f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; N/A

(g) that includes a pledge of confidentiality that is not supported by

- **authority established in stature of regulation,**
- **that is not supported by disclosure and data security policies that are consistent with the pledge, or**
- **which unnecessarily impedes sharing of data with other agencies for compatible confidential use;**

(h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

As part of the UAFR application process, fixed site facility operators or proprietors are required to provide information that may include sensitive security information (SSI) via a secure portal. The secure portal will be firewalled from the main UAFR portal to limit access to SSI data to those with required access. This data remains confidential and is exempt from public access.

8. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB.**

Summarize public comments received in response to that notice and describe actions taken in response to the comments.

Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside DOT to obtain their views on the

- **availability of data,**
- **frequency of collection,**
- **the clarity of instructions and recordkeeping,**
- **disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.**

FAA has not published a notice in the Federal Register. The NPRM will serve as FAA's notice of and opportunity for comment from the public on the proposed information collection. The NPRM will explain all information collection requirements and allow for public comment. FAA welcomes input from the public concerning the proposed collections outlined in the notice of proposed rulemaking.

Additional publications will be made for individual locations subject to UAFRs providing the public with notice and the ability to comment. The Special UAFR would remain subject to notice and comment procedures under this rule unless good cause exists to forgo notice and comment. FAA may limit the type of information provided in each NPRM in the interest of national or homeland security.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

FAA will not provide any gifts or payments to respondents for the designation of an unmanned aircraft flight restriction.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

- FAA has several different methods to assure the confidentiality of respondents through statute, regulation, and agency policy.
 - FAA National Policy Directives for Protecting Personally Identifiable Information (PII) (1280.1B) and Data and Information Management (1375.1F) sets guidelines to safeguard PII and manage data effectively.
 - The System of Records Notice (SORN) DOT/ALL 13 pertains to the comprehensive records system for managing and protecting PII. SORN DOT/FAA 801 details FAA's system for managing aviation registration records, including information on aircraft owners and operators. The records support compliance with aviation regulations, safety investigations, and FAA oversight.
 - SORN DOT/FAA 847 covers FAA's system for managing aviation medical examination and certification records. It includes personal and medical information

about airmen and applicants. The records support FAA's regulatory and safety responsibilities.

- FAA will also leverage the Protected Critical Infrastructure Information (PCII) Program that is managed by DHS in Title 6 CFR part 29.
 - The PCII program supports infrastructure protection by enabling government analysts to analyze and secure critical infrastructure, identify vulnerabilities, develop risk assessments, and enhance preparedness, resilience, and recovery measures.
 - The PCII program protects shared information from disclosure through FOIA requests, state and local disclosure laws, regulatory proceedings, and civil actions.
 - PCII access is restricted to authorized, trained, and certified government personnel with homeland security responsibilities who have a “need-to-know” and have signed a Non-Disclosure Agreement.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why DOT considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The information collection does not include information of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, DOT should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

The regulatory impact analysis (RIA) for the proposed rule describes the Agency’s estimates of the number of applications for a UAFR, the time associated with providing the information, and the basis for the estimates. Based on these data, methods, and estimates, the next table shows the calculation of annual hour burden. FAA anticipates annual UAS activity reporting could be accomplished through the tool at minimal effort on the part of the operator or proprietor.

Calculation of Annual Hour Burden

Number of Respondents ¹	Burden Hours per Response ²	Annual Hour Burden
1,832	30	54,952
Note: Detail may not add to total due to independent rounding. 1. Estimated number of applicants for a UAFR over 5 years divided by 5. 2. Estimated time for applicant to provide the information to FAA. Does not include any optional consultation time between the applicant and the SRMA.		

The following table provides the estimated annualized cost to respondents associated with the annual burden.

Calculation of Annualized Cost to Respondents

Annual Hour Burden	Hourly Wage Rate ¹	Costs
54,952	\$92.83	\$5,101,283
Note: Detail may not add to total due to independent rounding. 1. Average wage including benefits, which is the mean average wage for general and operations managers (\$64.00; May 2024) divided by the percent of total employer costs of employee compensation represented by wages (66%) to account for benefits (34%). Wages and benefits information available at: https://www.bls.gov/oes/current/oes172011.htm and https://www.bls.gov/news.release/ecec.t04.htm#ect_table4.f.1 .		

The following table summarizes the annual burden based on whether it is a reporting, recordkeeping, or disclosure requirement.

Summary of Annual Burden

Category	Reporting	Recordkeeping	Disclosure
Number of respondents	1,832	NA	NA
# of responses per respondent	1	NA	NA
Time per response (hours)	30	NA	NA
Total # of responses	1,832	NA	NA
Total burden (hours)	54,952	NA	NA
NA = not applicable			

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

The RIA describes the Agency's estimates of applicant costs associated with the information collection (not including the hour burden shown in Question 12). Based on these data, methods, and estimates, the next table shows the calculation of annual cost burden.

Calculation of Annual Cost Burden

Number of Responses	Cost per Response (Low) ¹	Cost per Response (High) ²	Annual Cost (Low)	Annual Cost (High)
1,832	\$2,350	\$6,500	\$4,304,542	\$11,906,180
1. Based on the low estimate of applicant cost, not including cost of applicant time. 2. Based on the high estimate of applicant cost, not including cost of applicant time.				

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

The RIA also describes the government costs associated with the information collection. FAA developed estimates of resource needs based on planned development of the UAFR-Utility and coordination with the SRMA to review and evaluate the information submitted. The following table shows the calculation of annual costs.

Estimated Annual Government Review and Evaluation Cost

Annual Responses	Hours per Response ¹	Annual Hours	Annual Cost ²
1,832	16	29,308	\$1,874,496

Note: Detail may not add to total due to independent rounding

1. Does not include any optional consultation time between the SRMA and the applicant.

2. Calculated as hours multiplied by \$64 per hour, based on a mean FAA I Band salary without locality pay (https://my.faa.gov/employee_services/pay_perf/pay/paybands), escalated by a factor of 1.36 to account for benefits (<https://georgewbush-whitehouse.archives.gov/omb/memoranda/fy2008/m08-13.pdf>).

15. Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

There will be no program changes or adjustments.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There will be no tabulated results published and associated with evaluating the UAFR applications since the UAFR evaluation involves sensitive security information.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

FAA will display the expiration date of the information collection.