

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.**

IN THE MATTER OF

Petition of 417 Drone Imaging LLC for Exemption

Docket No. FAA-2021-0439

COMMENTS OF THE SMALL UAV COALITION

**Gregory S. Walden
Dentons US LLP
1900 K Street NW
Washington, DC 20006
*Counsel to the Small UAV Coalition***

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The Small UAV Coalition (“Coalition”)¹ is pleased to provide its general support of the petition by 417 Drone Imaging LLC (“417”) for an exemption from 14 C.F.R. 107.36 to allow 417 to operate an unspecified small drone carrying fireworks and pyrotechnic devices to perform aerial lighting displays for public entertainment.

Members of the Small UAV Coalition share an interest in advancing regulatory and policy changes that will permit the operation of uncrewed aircraft systems (“UAS” or “drones”) in the near term within and beyond the line of sight (“BVLOS”), with varying degrees of autonomy, for commercial and other civil purposes. This includes drones carrying pyrotechnic devices for public entertainment, which may require an exemption from the prohibition on carriage of hazardous materials. The Coalition believes that granting this petition will help advance this objective.

Section 107.36 prohibits the carriage of hazardous material. We recognize that the Part 107 waiver provision does not list section 107.36 as a provision that may be waived. However, the Administrator has statutory authority under 49 U.S.C. 44701(f) to grant an exemption from any regulation if the Administrator finds that granting such exemption is in the public interest, and has previously granted an exemption from section 107.36 in several cases, in other contexts.

The operation of a drone lighting show with pyrotechnics was not likely considered at the time section 107.36 was promulgated. In the only discussion of this prohibition in the preamble to the Part 107 final rule, the FAA equated the carriage of hazardous material with the transport of hazardous material, which is the term used in the Hazardous Materials Transportation Act. “Transportation” suggests that property is being carried from a shipper to an end point. That may not be the case in a light show where the hazardous material is emitted from drones as heat and light, and where the drones do not go from place A to B.

¹ Members of the Small UAV Coalition are listed at www.smalluavcoalition.org.

In the event the FAA determines that the drone lighting shows with pyrotechnics constitute the carriage of hazardous material, the Coalition recommends the FAA use its statutory authority to exempt these light shows from 14 C.F.R. 107.36.

The Coalition is unable to comment further on this petition because all relevant information about 417's drone, its safety features, operational measures, and risk mitigations, has been submitted as confidential proprietary information and is thus not available in the public docket. Thus, the Coalition defers to the FAA's evaluation of the safety of the drone carrying fireworks and pyrotechnic devices.

Respectfully submitted,



Gregory S. Walden
Dentons US LLP
1900 K Street NW
Washington, DC 20006
202-496-7436
gregory.walden@dentons.com