

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

IN THE MATTER OF

Petition of Sky Elements LLC for Exemption

Docket No. FAA-2022-0538

COMMENTS OF THE SMALL UAV COALITION

**Gregory S. Walden
Dentons Global Advisors Government Relations LLC
1900 K Street NW
Washington, DC 20006
*Counsel to the Small UAV Coalition***

August 31, 2023

Filed with www.regulations.gov

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

IN THE MATTER OF

Petition of Sky Elements LLC

Docket No. FAA-2022-0538

COMMENTS OF THE SMALL UAV COALITION

The Small UAV Coalition¹ is pleased to provide its comments in support of the petition by Sky Elements LLC (“Sky Elements”) for an exemption from 14 C.F.R. 107.36 to enable it to operate pyrotechnics effects during a drone light show conducted under a waiver from the FAA to operate multiple drones at night by a single remote pilot. 88 Fed. Reg. 54707 (Aug. 11, 2023).

Drones offer a safe and efficient means of conducting a variety of operations. Members of the Small UAV Coalition share an interest in advancing regulatory and policy changes that will permit the operation of drones in the near term, within and beyond the line of sight, with varying degrees of autonomy, for commercial, other civil purposes. The Coalition supports the use of drones in light shows as a safe, environmentally beneficial, and exciting alternative to traditional fireworks performances. Drone light shows with pyrotechnics will add to the excitement by adding fireworks like dimension. The Coalition has long supported exemptions from the categorical prohibition against drones carrying hazardous material,² provided the drone operator otherwise meets the safety requirements in the hazardous materials regulations.

Sky Elements states that its operations will be conducted in compliance with applicable National Fire Protection Association (NFPA) standards (either 1123 or 1126) and notes that use of pyrotechnics in flight is safer to operators and the public than ground-based fireworks shows, adding that the batteries it will use are not flammable or explosive. It asserts that the Cobra firing system is the industry leader. Dual geofencing adds to the margin of safety of these operations, as well as its use of “close proximity or theatre pyrotechnics.”

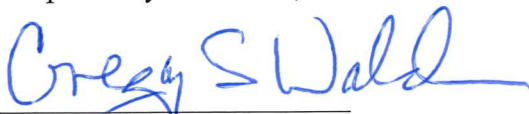
¹ Members of the Small UAV Coalition are listed at www.smalluavcoalition.org.

² Part 107 does not permit a waiver from Section 107.36, and thus relief from this prohibition must be by means of an exemption authorized by 49 U.S.C. 44701(f).

Sky Elements states it will test these operations at its private facility before conducting shows in front of live audiences. These test results could be provided to the FAA if the agency has any questions about safety and reliability of the use of pyrotechnics as part of a drone light show. Also, if there any applicable hazmat regulation, the Coalition trusts that Sky Elements will comply with such provision or make the case to be relieved from compliance with it.

The Coalition agrees that the public interest supports the facilitation of drone light shows including shows featuring pyrotechnics. The Coalition believes such shows can be conducted safely as outlined in Sky Elements petition. Accordingly, the Coalition supports granting the requested exemption.

Respectfully submitted,



Gregory S. Walden
Dentons Global Advisors Government Relations LLC
1900 K Street NW
Washington, DC 20006
gregory.walden@dentonsglobaladvisors.com
202-403-9904
Counsel to the Small UAV Coalition

August 31, 2023