



# National Transportation Safety Board

Washington, DC 20594

Office of the Chairman

May 28, 2020

Mr. Dwayne C. Morris  
Federal Aviation Administration  
General Aviation Commercial Division  
800 Independence Avenue, SW  
Washington, DC 20591

Attention: Docket No. FAA-2020-0303

Dear Mr. Morris:

The National Transportation Safety Board (NTSB) has reviewed the Federal Aviation Administration's (FAA) "Requests for Comments; Clearance of Renewed Approval of Information Collection: Small Unmanned Aircraft Systems (sUAS) Accident Reporting," which publicizes the FAA's intent to renew approval of its information collection (IC) of certain sUAS accidents (85 FR 17941 March 31, 2020). We appreciate this opportunity to provide comments and note that the NTSB's 49 CFR § 830.2 encompasses notification of sUAS accidents that result in serious injury. Thus, part of the FAA's IC is duplicative of information already collected by the NTSB.

The NTSB is the only federal agency charged with investigating aircraft accidents and incidents and has priority over all other agencies in this role (49 U.S.C. § 1131(a)(2)(A)). The NTSB's statutory responsibility is to "investigate each accident involving civil aircraft" (49 U.S.C. § 1132). The statute mandates that "[t]he Board shall prescribe regulations governing the notification and reporting of accidents involving civil aircraft" (49 U.S.C. § 1132(b)). The NTSB's regulations define "aircraft accident" as "an occurrence associated with the operation of an aircraft ... in which any person suffers death or serious injury, or in which the aircraft receives substantial damage" and specifically include unmanned aircraft accidents within that definition (49 CFR § 830.2).

In the event of an accident involving an unmanned aircraft, the NTSB's statutory requirements and regulations require immediate notification by the operator and require an investigation using an established, thorough process. By regulation, the FAA has a right to participate in an NTSB investigation as a party.

The information collected by the NTSB is based on requirements that predated the FAA's IC. Beginning in 2010, the NTSB established provisions for sUAS accident notification, reporting, and investigation. The FAA's notification of proposed rulemaking and publication of Part 107 occurred in 2015 and 2016, respectively. While both agencies have since closely cooperated in the

exchange of information on numerous sUAS events, by law, sUAS accidents involving serious injury or death must be immediately reported to the NTSB.

Under the Paperwork Reduction Act, agencies are required to avoid unnecessary duplication of other existing reporting requirements. Notably, 14 CFR § 107.9(a) requires, in pertinent part, that an operator report to the FAA any event in which an sUAS causes serious injury to any person or any loss of consciousness within 10 days of the event. Thus, that portion of the FAA's IC duplicates the existing requirement that operators report accidents involving serious injury immediately to the NTSB under 49 CFR § 830.2 and § 830.5.

Indeed, in the event an operator reports a sUAS accident involving serious injury to the FAA instead of the NTSB, the 10-day notification period could delay the NTSB's receipt of critical safety information, thereby impacting the NTSB's execution of its investigative mandate. Moreover, the FAA's duplicative IC could cause confusion for operators who have to report an sUAS incident or accident involving a serious injury to both the NTSB and FAA.

Again, we appreciate the opportunity to comment on this Notice and Request for Comments. Per 49 U.S.C. § 1131, the conduct of an NTSB accident investigation for safety purposes does not prevent or impede the FAA's actions to determine regulatory compliance or to ensure continued operational safety (COS). In fact, the NTSB's priority in conducting accident investigations enables the timely and comprehensive examination of safety issues, allowing the FAA to take appropriate COS measures at any time during the investigation at the FAA's discretion. Because the NTSB is statutorily required to investigate an aircraft accident, the NTSB's immediate notification requirement under 49 CFR § 830.5 applies to sUAS accidents. Thus, the FAA's IC regarding serious injuries is duplicative of information reported to the NTSB and is unnecessary, particularly given the FAA's party status to an NTSB investigation.

Sincerely,

Robert L. Sumwalt, III  
Chairman