



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

JUN 22 2016

Dear Petitioner:

Thank you for your petition for exemption under Section 333 of the *FAA Modernization and Reform Act of 2012 (FMRA)*. This letter is in reference to the docket number in which it is posted. We are in the process of determining whether your requested operations may be conducted without an exemption under the recently-issued regulation, Operation and Certification of Small Unmanned Aircraft Systems, Title 14, Code of Federal Regulations, Part 107 (www.faa.gov/uas). We understand your desire for the FAA to make a rapid determination and regret any inconvenience this delay may cause you.

Section 333 of Public Law 112-95, Special Rules for Certain Unmanned Aircraft Systems (UAS), provided the FAA authority to authorize certain UAS operations. This incremental step provided a pathway for safe and legal civil operations in the National Airspace System (NAS) and was considered a bridge mechanism until the implementation of Part 107.

With Part 107 in place, we are reviewing pending Section 333 petitions and will process each in accordance with the following. Petitions will fall into one of three tiers, which are summarized in the table below, as well as the respective actions that will occur:

Tier	Initial Assessment	FAA action	Your action
1	Your requested operation may be conducted entirely under Part 107 without a waiver or exemption.	We will close your docket. For this group, no further communication is necessary; however, it is incumbent upon you to carefully review Part 107 to ensure that you can safely operate without additional regulatory relief.	You should review the Part 107 regulation, and may begin operations in compliance with the new rule on the effective date. However, if you believe your original request belongs in Tiers 2 or 3 and you do not hear from us within 60 days, contact us at 333exemptions@faa.gov .
2	Your requested operation must be conducted with a waiver under Part 107 (see 107.205 – attached).	We will contact you within the next 60 days. We will close your docket, and consider your petition for exemption as a waiver application.	If you believe your original request requires a waiver and do not hear from us within the next 60 days, contact us at 9-AFS-800-Part107Waivers@faa.gov .
3	Your requested operation may not be conducted under Part 107 or waiver without further regulatory relief.	We will contact you within the next 60 days, and will continue working on your petition for exemption.	If you believe your original request requires an exemption (in other words, not in Tiers 1 or 2) and do not hear from us within 60 days, contact us at 333exemptions@faa.gov .

Part 107 is a new pathway to UAS operations, and provides additional flexibility compared to the Conditions and Limitations of Section 333 exemptions that the FAA has been granting to date. For example, rather than obtaining a Part 61 airmen certificate, UAS operators may simply pass a knowledge test to obtain a Remote Pilot Certificate.

We appreciate your efforts to support the FAA in the integration of safe UAS operations into the NAS. If you have questions about Part 107, please visit www.faa.gov/uas or contact us at 1-844-FLYMYUAS.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Duncan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John S. Duncan
Director, Flight Standards Service

Certain operations are not addressed by Part 107, and must be conducted with either a waiver or exemption. Please carefully review Part 107 to determine if your proposed operations may be conducted entirely under Part 107 (Tier 1), or if further relief is needed (Tiers 2 & 3). For more information, please visit www.faa.gov/uas or contact us at 9-AFS-800-Part107Waivers@faa.gov.

§ 107.205 – List of regulations subject to waiver.

A certificate of waiver issued pursuant to § 107.200 of this subpart may authorize a deviation from the following regulations of this part:

Sec.

107.25 - Operation from a moving vehicle or aircraft. However, no waiver of this provision will be issued to allow the carriage of property of another by aircraft for compensation or hire.

107.29 – Daylight operation.

107.31 – Visual line of sight aircraft operation. However, no waiver of this provision will be issued to allow the carriage of property of another by aircraft for compensation or hire.

107.33 – Visual observer.

107.35 - Operation of multiple small unmanned aircraft systems.

107.37(a) – Yielding the right of way.

107.39 – Operation over people.

107.41 – Operation in certain airspace.

107.51 – Operating limitations for small unmanned aircraft.