

ADS-B messages. Subsequently, the nature of openly broadcasting makes the identity of the aircraft publicly available. Industry stakeholders have long suggested that FAA develop a process for aircraft operators who seek anonymity such that their aircraft movements and identity cannot be traced or seen by privately owned sensors that monitor the 1090 MHz frequency and combine this with other downlinked ADS-B and Mode S data being disseminated using the internet. The FAA intends to develop a process for operators who wish to mask their aircraft movements and identity for a period while flying within the sovereign airspace of the United States. Participation in the assignment of privacy ICAO Code addresses is voluntary. Only U.S. registered aircraft can be assigned a privacy ICAO aircraft address. No operator can use a privacy ICAO aircraft address for a U.S.-registered aircraft unless that operator is authorized to use a third-party flight identification for that same aircraft. No unique privacy ICAO address will be assigned to more than one U.S.-registered aircraft at any given time. Once approved, the operator will be assigned a privacy ICAO address. The operator will be required to notify the FAA when their avionics have been loaded with the assigned temporary ICAO 24-bit aircraft address. Owners and operators must verify that the ICAO 24-bit aircraft address (Mode S code) broadcast by their ADS-B equipment matches the assigned privacy ICAO address for their aircraft. Operators can verify what ICAO 24-bit aircraft address is being broadcast by their aircraft by visiting: <https://adsbperformance.faa.gov/PAPRRrequest.aspx>. For monitoring privacy ICAO address use, the information will be downloaded by the FAA and entered into the FAA's ADS-B Performance Monitor [Docket No. FAA-2017-1194 published in **Federal Register**, December 20, 2017, as Document Number: 2017-27202].

### Respondents

Intended for operators who seek anonymity such that their aircraft movements and identity cannot be easily traced or seen by privately owned sensors that monitor the 1090 MHz frequency. FAA estimates up to 15,000 respondents.

**Frequency:** Frequency will be occasional based on specific scenarios. An operator can change privacy ICAO aircraft addresses, but no more often than once every 20 days. In the event real-world security concerns become evident, an operator can elect to change their PIA address sooner than 20 days.

**Estimated Average Burden per Response:** Approximately 15 minutes per application.

**Estimated Total Annual Burden:** 12,563 hours.

**Stanton Brunner,**

*In-Service Performance and Sustainment (AJM-422), Federal Aviation Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2023-1282]

#### Agency Information Collection Activities: Requests for Comments; Clearance of New Approval of Information Collection: Certificates of Waivers

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The purpose of this notice is to allow 60 days for public comment. The FAA proposes collecting information related to requests for certificate of waivers to operate Unmanned Aircraft Systems (UAS) in deviation from the normal operating rules. The FAA will use the collected information to make determinations whether to authorize or deny the requested operation of UAS. The proposed information collection is necessary to issue such authorizations or denials consistent with the FAA's mandate to ensure safe and efficient use of national airspace.

**DATES:** Written comments should be submitted by July 30, 2023.

**ADDRESSES:** Please send written comments:

*By Electronic Docket:* [www.regulations.gov](http://www.regulations.gov) (Enter docket number into search field).

*By mail:* FAA HQ, Bldg. 10B, 5th Floor, Desk 5E4TS, 600 Independence Ave. SW, Washington, DC 20597.

**FOR FURTHER INFORMATION CONTACT:** Rahat Ali by email at: [Rahat.Ali@faa.gov](mailto:Rahat.Ali@faa.gov); phone: 202-267-8780.

#### SUPPLEMENTARY INFORMATION:

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of

information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection. **OMB Control Number:** 2120-XXXX. **Title:** Certificates of Waivers under 14 CFR 91.903.

**Form Numbers:** Not applicable.

**Type of Review:** Approval of new Information Collection.

**Background:** Title 14, part 91 of the Code of Federal Regulations prescribes the rules governing the operation of aircraft within the United States. Included in this is the operation of unmanned aircraft systems (UAS), commonly known as drones, by both civil and public aircraft operators. 14 CFR 91.903 allows for operators of aircraft to apply for a certificate of waiver authorizing the operator to deviate from the rules listed in § 91.905 if the proposed operation can be conducted safely.

To process certificate of waiver requests, the FAA requires the name of the person or organization sponsoring the request, mailing address, information related to any pending or to prior waiver requests that were denied or rescinded, the regulation sought to deviate from, time and location of the proposed operation, the make and model of the aircraft, and the pilot's name, address, and certificate number and rating. This information is necessary for the FAA to meet its statutory mandate of maintaining a safe and efficient national airspace. See 49 U.S.C. 40103, 44701, and 44807. The FAA will use the requested information to determine if the proposed UAS operation can be conducted safely.

The FAA proposes to use a web portal accessible from the FAA website to process certificate of waiver requests from the public. To initially access the web portal, the FAA requires respondents to complete an Access Request Form. This form requires the respondent to provide the date, the respondent's name, telephone number, and email address, to identify if the respondent is a civil or public operator, and to provide a general reason why operating a UAS.

**Respondents:** UAS operators seeking to a certificate of waiver under 14 CFR 91.903. Between 2023-2026, the FAA estimates that it will receive a total of 5,105 certificate of waiver requests with 4,925 coming from public users and 180

coming from civil users. The FAA also estimates that it will receive a total 2,572 requests to initially access the web portal.

**Frequency:** The requested information will need to be provided each time a respondent requests a certificate of waiver under Part 91 and the first time that a respondent requests to access the web portal.

**Estimated Average Burden per Response:** The FAA estimates the respondents will take an average of 15 minutes to complete the Access Request Form and 120 minutes to request a certificate of waiver.

**Estimated Total Annual Burden:** 3,283 hours for those completing certificate of waiver requests. 214 hours for those completing the Access Request Form.

Issued in Washington, DC, on May 31, 2023.

**Rahat Ali,**

*General Engineer.AJV-P22*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Federal Transit Administration

### Designation of Transportation Management Areas

**AGENCY:** Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** On December 29, 2022, the United States Census Bureau published a notice in the **Federal Register** announcing the qualifying urban areas from the 2020 Census. The FTA and FHWA are announcing that all urbanized areas (UZA) with populations greater than 200,000, as determined by the 2020 Census, are hereby identified as Transportation Management Areas (TMA). The FTA and FHWA are taking this action in compliance with the agencies' authorizing statutes. This action supersedes the agencies' previous designations of TMAs made in the **Federal Register**.

**DATES:** This notice is effective June 5, 2023.

**FOR FURTHER INFORMATION CONTACT:** For FTA related questions, please contact Fleming El-Amin, Office of Planning (TPE-10), (202) 493-0316, or via email

at [fleming.el-amin@dot.gov](mailto:fleming.el-amin@dot.gov), or Mark Montgomery, Office of Chief Counsel (TCC), (202) 366-1017, via email at [mark.montgomery@dot.gov](mailto:mark.montgomery@dot.gov), Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours for FTA are from 8:00 a.m. to 5:00 p.m., et., Monday through Friday, except Federal holidays.

For FHWA related questions, please contact Kenneth Petty, Office of Planning (HEPP), (202) 366-6654, or via email at [kenneth.petty@dot.gov](mailto:kenneth.petty@dot.gov), or Michael Harkins, Office of Chief Counsel (HCC), 202-366-1523, via email at [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours for FHWA are from 8:00 a.m. to 4:30 p.m., et., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The Census Bureau's urban-rural classification is a delineation of geographical areas, identifying individual urban areas as well as the rural portion of the Nation. The resulting classification of "urban areas" is distinguishable from FHWA and FTA's definition of "urbanized areas," but the population data from the decennial census informs which geographical areas meet the definition of "urbanized area" for transportation planning purposes under Titles 23 and 49 of the United States Code (23 U.S.C. 101(a)(36) and 49 U.S.C. 5302(24)).

The Census Bureau defined the qualifying urban areas from the 2020 Census using the criteria published in the **Federal Register** on March 24, 2022 (87 FR 16706). As a result of these criteria and a decade of population and land use change, there are significant differences in the UZAs based on the 2020 Census from those based on the 2010 Census, including place names, boundary shapes, and population counts. Notably, 192 UZAs have populations over 200,000, the statutory threshold for TMA designation, including 15 UZAs that were not identified in the **Federal Register** on July 18, 2012 (77 FR 42354). Furthermore, 2 UZAs that were previously above 200,000 are now below the threshold (*i.e.*, Norwich-New London, Connecticut, and Visalia, California).

Titles 23 and 49 of the United States Code (U.S.C.) (23 U.S.C. 134(k)(1)(A) and 49 U.S.C. 5303(k)(1)(A)) require the Secretary of Transportation to identify each UZA over 200,000 in population as a TMA. The UZAs that meet this threshold, as determined by the 2020

Census, are listed in the table below and are hereby identified as TMAs. For the multistate UZAs over 200,000 in population, the UZA is listed under the State with the largest share of the population; however, the TMA designation applies to the entire multistate area.

The TMAs are subject to special transportation planning and programming requirements. These requirements apply to the metropolitan planning areas that must be determined jointly by the metropolitan planning organization (MPO) and Governor, in accordance with 23 U.S.C. 134(e) and 49 U.S.C. 5303(e). The FTA and FHWA have developed a series of "Questions and Answers" related to applying 2020 Census data to urban areas and UZAs in the joint FTA and FHWA planning processes. More information can be found at: [https://www.fhwa.dot.gov/planning/census\\_issues/urbanized\\_areas\\_and\\_mpo\\_tma/](https://www.fhwa.dot.gov/planning/census_issues/urbanized_areas_and_mpo_tma/) and <https://www.transit.dot.gov/census>.

Additional UZAs may be designated as TMAs by the Secretary of Transportation upon request of the Governor and the MPO or affected local officials. Notification of any additional TMAs will be issued through a Secretarial Memorandum to the appropriate State Governors and MPOs, not as a notice published in the **Federal Register**.

For example, the Governor of Texas and the Permian Basin MPO (formerly the Midland Odessa Transportation Organization) requested TMA designations in 2012 for the Midland, Texas, and the Odessa, Texas, UZAs. On July 31, 2012, the Secretary of Transportation approved the request and designated both UZAs as TMAs. Although the Midland, Texas, and Odessa, Texas, UZAs do not meet the statutory population threshold for TMA designation under the 2020 Census, FHWA and FTA continue to recognize the Midland, Texas and Odessa, Texas UZAs as TMAs due to the Secretary's prior action.

In addition, the bi-State Lake Tahoe MPO region shall be treated as a TMA with a UZA population of 145,000 in the State of California and 65,000 in the State of Nevada, per 23 U.S.C. 134(r).

**Authority:** 23 U.S.C. 315, 23 U.S.C. 134(k)(1)(A), 49 U.S.C. 5303(k)(1)(A), 49 CFR 1.85(c)(19), and 49 CFR 1.91(a).

**Shailen P. Bhatt,**

*Administrator, FHWA.*

**Nuria Fernandez,**

*Administrator, FTA.*