

Client Alert

November 2017

FAA Seeks Public Comment on First Design Standards for Unmanned Aircraft Systems, to be Operated by Hunton & Williams Client FlightScan Corp.

For the first time, the Federal Aviation Administration (FAA) [has published](#) proposed design standards for Unmanned Aircraft Systems (UAS, also colloquially known as drones). In a [notice](#) published in the Federal Register on November 16, 2017, the FAA announced proposed airworthiness criteria for the FlightScan Corporation Camcopter S-100. The public has been given 30 days, or until December 18, 2017, to comment, at which time the FAA will assess the public comments and determine if any changes should be made. The ultimate goal of this and other projects is to grant FAA type certification to unmanned aircraft, which can provide commercial services in a wide range of civilian markets, including mapping and inspection of ground and infrastructure for utility, energy and transportation companies, construction, agriculture, border security and first-responder support.

This is a seminal moment in commercial aviation history because the Camcopter S-100 is the first unmanned aircraft to have its certification basis published. The Camcopter S-100 is a vertical takeoff and landing (VTOL) rotorcraft with a maximum takeoff weight (including its payload) of 440 pounds and an operational endurance of at least six hours. It will fly “beyond visual line of sight” (BVLOS) for the primary purpose of providing aerial inspections, making use of Federal Communications Commission-approved communications frequencies.

FlightScan was incorporated in 2014 and applied for FAA certification of the S-100 in June 2015, using the special class provisions under Part 21.17(b) of FAA regulations. Since that time, the FAA has worked with FlightScan to develop the airworthiness criteria that will support safe integration of the S-100 into the National Airspace System (NAS).

Michael J. Mueller, who is the firm’s partner in charge of the FlightScan relationship, notes: “This is a seminal moment in aviation history. This will likely spur other companies to consider how to take advantage of this new technology. We are glad that Hunton & Williams’ Unmanned Systems Group has been thinking about all the relevant issues for several years, and is ready to assist a variety of clients’ needs in the rapidly expanding area of ‘drone law’.”

The announcement of the proposed airworthiness criteria follows on the heels of the roll-out last month of the FAA’s [UAS Integration Pilot Program](#). The UAS Integration Pilot Program is an opportunity for state, local, and tribal governments to partner with private sector entities, such as UAS operators or manufacturers, to accelerate safe UAS integration. Lead Applicants must submit a notice of intent to the FAA by November 28, 2017, at 2pm EST. The goal is for the FAA to enter into Memoranda of Understanding with the selected applicants by May 7, 2018.

Hunton & Williams LLP is a full-service international law firm with offices in 19 cities, including Washington, DC. Since 2014, the firm has had an interdisciplinary Unmanned Systems Group comprising lawyers who specialize in all issues pertinent to UAS, including corporate law, employment, insurance, litigation and privacy. Hunton & Williams LLP has represented FlightScan Corporation on a wide range of issues since FlightScan’s formation in 2014.

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