The Federal Aviation Administration's answers to Mr. Marx's questions are below.

1. How and why did the FAA conclude that a chase plane was needed if the drone was going to fly over San Diego -- what were the safety concerns? There are hints in the emails that the FAA felt General Atomics was trying to rush the project. Very early in the project, NASA was stating that the test flight would commence in 2021, not 2020.

2. Whether General Atomics voluntarily rerouted its flight to the desert, or whether the FAA denied the permit. This is a key distinction. If the FAA did deem the flight unsafe, the public has a right to know why, in the event General Atomics or another defense contractor applies for a similar permit in the future.

The responses to Questions 1 and 2 are interrelated and provided below:

The initial proposal included a route that would take the test aircraft over areas of coastal Southern California, including the San Diego area. At that time, General Atomics sought to conduct the flight without a chase plane. (Importantly, the earlier NASA test flights were conducted by NASA in 2018 under NASA's public aircraft authority.) For the test flight that is the subject of your Freedom of Information Act (FOIA) requests, the aircraft to be used requires an Experimental Certificate (EC). To be granted an EC, a manufacturer must submit an airworthiness application (FAA Form 8130-6) with supporting documentation.

Federal regulations and FAA Orders prohibit an aircraft operating under an EC (whether manned or unmanned) from operating over densely populated areas or in/over congested airways absent an exemption from the FAA. *See* 14 CFR § 91.319 and FAA Order 8130.34D. Additionally, pursuant to FAA Order 8130.34D, a UAS operating under an EC is not permitted to operate "beyond visual line of sight" without either a ground-based visual observer (VO) or an airborne VO on board a dedicated chase aircraft. *See* FAA Order 8130.34D. However, an operator, should it so choose, may apply for a waiver of this requirement. *See* 14 CFR § 91.113(b). In determining whether to grant such waivers (or the waiver described above), a number of factors are considered, including airspace complexity. General Atomics applied for such a waiver and following subsequent discussions with them, the waiver was issued by the Air Traffic Organization (ATO) in September 2020. However, ATO could not support the original route request due to the complexities of the very busy airspace in Southern California and the impacts of the COVID-19 pandemic. Ultimately, the FAA developed, in coordination with General Atomics, a series of operating conditions, which allowed the aircraft to fly in a different geographic area without a chase plane. These operating conditions ensured that General Atomics' flights would be conducted in accordance all applicable Federal Aviation Regulations and FAA orders. Therefore, the FAA did not deny a permit or waiver, as asked in the second question.

3. It appears the FAA is tasked with safely integrating military-grade drones into civilian airspace. The Trump administration recently loosened restrictions on drone sales overseas by rewriting a Cold War-era pact limiting the movement of arms internationally. Until this summer, drones were

categorized as cruise missiles. Was there pressure within the agency to rubber stamp the project in time for the Trump administration's decision to loosen restrictions?

The FAA is tasked with safely integrating all types of Unmanned Aircraft Systems (UAS) into the US National Airspace System (NAS). The type of UAS that is used to operate these test flights, the General Atomics MQ-9B SkyGuardian, was not categorized as a cruise missile. Although the MQ-9B is a variant of the military Predator B UAS, the aircraft used for these tests has a civil aircraft registration and General Atomics markets the SkyGuardian as an aircraft that will meet civil aircraft airworthiness regulations and can be used for both civil and military missions. *See* https://www.ga-asi.com/remotely-piloted-aircraft/mq-9b.

Per 49 U.S.C. §40102(a)(41) and §40125, aircraft operations are categorized as civil or public aircraft. FAA policy is that aircraft operations are considered civil unless proven to be public. *See* AC 00-1.1B. Thus, the FAA did not evaluate this project in a military context, rather as part of NASA's Systems Integration and Operationalization (SIO) program, which has a stated goal of working toward commercial UAS operations in the NAS. *See* https://www.nasa.gov/sites/default/files/atoms/files/ps-02803_0320_uas_nas_sio_demo.pdf. The FAA evaluated and eventually authorized this proposal in accordance with FAA regulations and orders pertaining to UAS airworthiness certification and flight operations.