DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 74, 91, and 107

[Docket No. FAA–2026–4558; Notice No. 26–03]

RIN 2120–AL33

Designation—Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action would implement section 2209, of the FAA Extension, Safety and Security Act of 2016, by establishing a process for operators and proprietors of certain fixed site facilities to request and maintain an unmanned aircraft flight restriction. The proposal also establishes requirements for applicants to demonstrate the unmanned aircraft flight restriction is necessary for: aviation safety, protection of people and property on the ground, national security, or homeland security. Lastly, the proposal identifies the types of operations that are allowed in the unmanned aircraft flight restriction UAFR.

DATES: Send comments on or before July 6, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–4558 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W58–213, West Building 5th Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *https://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58–213 of the West Building 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michelle Ferritto, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Phone: (844) 359–6982; Email: *2209-UAFR@faa.gov.*

SUPPLEMENTARY INFORMATION:

List of Abbreviations and Acronyms Frequently Used in This Document

AC—Advisory Circular
AGL—above ground level
ATC—Air Traffic Control
DOT—U.S. Department of Transportation
FAA—Federal Aviation Administration
FAARA—FAA Reauthorization Act of 2018
FESSA—FAA Extension, Safety, and Security Act of 2016
LAANC—Low Altitude Authorization and Notification Capability
NAS—National Airspace System
NPRM—Notice of proposed rulemaking
SSM—Security Sensitive Material
TSA—Transportation Security Administration
UA—unmanned aircraft
UAFR—unmanned aircraft flight restriction
UAS—unmanned aircraft system(s)

I. Executive Summary

A. Background

Unmanned aircraft systems (UAS) [1] are fundamentally changing aviation, and, as a part of its congressional mandate,[2] FAA is working to integrate them into the airspace of the United States.[3] The relatively low cost of highly capable UAS technology has triggered hundreds of thousands of new operators to enter the aviation community, some of whom have aviation knowledge and experience and many others who do not. The proliferation of these operations presents significant opportunities for innovation and growth and represents a driving force in the aviation sector. As the scale and scope of UAS activities has grown, some stakeholders have become concerned about the safety and security implications of unmanned aircraft (UA) flying in close proximity to certain types of facilities.

These concerns led Congress to enact section 2209 of the FAA Extension, Safety and Security Act of 2016 (FESSA), directing FAA to create a system under which operators or proprietors of certain fixed site facilities could request FAA to restrict unmanned aircraft operations in close proximity to those facilities. Congress identified the following for the process to apply to: critical infrastructure such as energy production, transmission, and distribution facilities and equipment; oil refineries, and chemical facilities; amusement parks; and ''other locations that warrant such a restriction.'' [4] In the FAA Reauthorization Act of 2018 (FAARA), Congress amended section 2209 to include railroad facilities, and in the FAA Reauthorization Act of 2024, Congress again amended section 2209 to include State prisons. Congress said

FAA may consider the following factors when considering a request for an unmanned aircraft flight restriction (UAFR): aviation safety; protection of people and property on the ground; national security; and homeland security. FAA proposes a new part 74 to implement this mandate and properly balance FAA's other statutory mandates.

Consistent with Executive Order 14305, *Restoring American Airspace Sovereignty,* FAA is proposing to limit facilities eligible for an UAFR to those that are fixed site facilities and meet the definition of critical infrastructure in 42 U.S.C. 5195c(e).[5] Critical Infrastructure is defined as ''systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating effect on security, national economic security, national public health or safety, or any combination of those matters.'' [6] Additionally, FAA would consider whether an applicant could demonstrate that a UAFR is necessary for aviation safety, protection of people and property on the ground, national security, or homeland security. FAA proposes to limit UAFR eligibility to balance the safety and security concerns Congress identified in section 2209 with the national policy objectives of ensuring the public right of transit, preserving airspace efficiency, and integrating UAS into the NAS.

B. What is a standard unmanned aircraft flight restriction?

A UAFR under this proposal would be airspace with clearly defined horizontal and vertical limits within which unmanned aircraft would be restricted from operating unless the operation fell within a few narrow exceptions (as described in section V.H. of this preamble). The UAFR would not independently create a physical boundary or authorize operators or proprietors of the fixed site facility to establish a geo-fence or other electromagnetic boundary to prevent unauthorized access. However, if an operator or proprietor does possess independent authority to operate such equipment, this regulation does not prevent them from operating that equipment in accordance with applicable law and regulation. The functions of the UAFR would be to create a legal designation informing users not to access the airspace and allow regulators and law enforcement to enforce the restriction. The primary benefit of the UAFR designation is that compliant operators would avoid the designated airspace. Another benefit is that the designation would help fixed site facilities and law enforcement distinguish between lawful and unlawful operations in the vicinity of the facility and focus their resources accordingly.

Anyone conducting unauthorized operations in the UAFR could face a civil or criminal enforcement action. Civil enforcement of violations by FAA would be similar to enforcement conducted for 14 CFR part 91 or part 107 operations. Subpart C of 14 CFR part 13 specifies the penalties FAA may impose in response to a regulatory violation. Those sanctions may, among other things, include a civil penalty or certificate action. FAA has also issued generally applicable guidance on sanctions that may be imposed for regulatory violations, which can be found in FAA Order 2150.3C.

Finally, the proposed rule and established UAFR do not provide relief from federal criminal laws to authorize the facility operator or proprietor to use equipment or technology designed to detect, take control of, destroy, or otherwise interfere with an unmanned aircraft. However, if an entity is authorized by law to use UAS detection and mitigation systems this proposed rule does not affect the existing federal laws and regulations that apply.[7]

C. What is a special unmanned aircraft flight restriction?

A Special Unmanned Aircraft Flight Restriction (Special UAFR) under this proposal would be an airspace designation with defined horizontal and vertical limits that significantly restricts unmanned aircraft operations at locations where a credible safety or security threat has been identified. As with standard UAFRs, a Special UAFR would not create a physical barrier or authorize operators or facility proprietors to use detection or mitigation technologies to interfere with unmanned aircraft. Entities with separate statutory authority to use such systems would remain subject to existing federal laws and regulations. The Special UAFR framework is designed solely to establish a legal airspace designation that restricts UAS operations. This informs operators of prohibited activity and enables regulators and law enforcement to enforce the restriction.

The purpose of a Special UAFR is to minimize UAS overflight of sensitive federal sites and certain eligible fixed-site facilities whose security or operational integrity could be compromised by routine UAS activity. By clearly delineating protected airspace, the Special UAFR would help ensure compliant operators avoid these locations and would support security agencies and facility operators in distinguishing lawful operations from unauthorized or potentially unsafe UAS activity. This differentiation allows federal agencies, military departments, and law enforcement to focus resources on genuinely suspicious or unlawful flights.

Under proposed § 74.6, facilities owned or operated by federal security or intelligence agencies or the Department of War, as well as designated fixed site facilities endorsed by federal security or intelligence agencies, the Department of War, or at the discretion of the Administrator may be eligible for a Special UAFR when supported by a security assessment demonstrating credible risks. This framework parallels the process used today for Special Security Instructions (SSIs) under 14 CFR 99.7 but would create a longer-term, five-year designation to address persistent threats. The FAA also proposes to integrate appropriate existing 99.7 SSIs into the Special UAFR framework, providing a uniform, transparent, and enduring mechanism for managing airspace security at sensitive sites.

Unauthorized operations within a Special UAFR could result in civil or criminal enforcement actions, similar to violations of 14 CFR parts 91 and 107. Penalties under 14 CFR part 13 may include civil fines or certificate actions, and FAA Order 2150.3C provides additional sanction guidance. When a Special UAFR is issued for national security or homeland security purposes, the affected airspace may be designated as national defense airspace under 49 U.S.C. 40103(b)(3), which may carry criminal penalties under 49 U.S.C. 46307.

Finally, Special UAFRs remain subject to notice and comment, except in limited cases where the FAA determines that good-cause exists to forgo notice and comment. This approach balances the need to protect critical federal and national-security sites with the FAA's responsibility to maintain safe and efficient access to the National Airspace System.

D. Who can apply for an unmanned aircraft flight restriction?

Congress directed FAA to establish a process for operators or proprietors of fixed site facilities to apply for a UAFR. FAA interprets ''fixed site facilities'' to mean permanent, non-mobile facilities. Accordingly, under this proposed rule, only owners or proprietors of those types of facilities, individually or collectively, would be eligible to apply for a UAFR.

Congress identified critical infrastructure, such as energy facilities and equipment; oil refineries and chemical facilities; amusement parks; railroad facilities; and State prisons. The Critical Infrastructure Protection Act of 2001 defines ''critical infrastructure'' as ''systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters'' (Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

As initially designated in Presidential Policy Directive 21 (PPD 21), the National Security Memorandum on Critical Infrastructure Security and Resilience (NSM–22) identified 16 critical infrastructure sectors: chemical; commercial facilities; communications; critical manufacturing; dams; defense industrial base; emergency services; energy; financial services; food and agriculture; government services and facilities; healthcare and public health; information technology; nuclear reactors, materials, and waste; transportation systems; and water and wastewater. FAA, in coordination with the Sector Risk Management Agencies (SRMAs) evaluated facility types within the 16 sectors to determine if they could potentially warrant a UAFR (*i.e.,* is the facility vulnerable to unmanned aircraft; what would be the effect of an unmanned aircraft incident; and how that affect would impact aviation safety, protection of persons and property on the ground, national security, or homeland security). Within these sectors, FAA proposes the facilities must meet certain eligibility criteria related to their operations to be eligible to request a UAFR. These criteria, which are described in section V.D. of this preamble, are designed to distinguish those facilities that present safety or security vulnerabilities associated with unmanned aircraft flights over or near them.

Facilities that meet these criteria must also demonstrate that there is an important need to justify the remedy of restricting airspace. Consistent with the statutory language in section 2209, FAA would then weigh the criticality of the facility with FAA's other statutory mandates. Consistent with E.O. 14305, Section 5 (b), the FAA has coordinated foundational sector-specific criteria and risk analysis with SRMAs. The FAA will incorporate further SRMA coordination, as appropriate, as part of the FAA's national security and homeland security assessments of UAFRs. The Administrator, consistent with 49 U.S.C. 40103 and section 2209, retains final authority to determine whether to approve, deny, or cancel a Standard or Special UAFR.

FAA requests comments on its determination to limit UAFRs to those fixed site facilities within the sixteen sectors discussed above. Please provide any relevant data or technical analysis that does not identify an individual facility that could assist FAA in evaluating comments on the sixteen sectors such as:

- If you identify additional facility types within other industry sectors, please describe the minimum criteria FAA should apply to the sector and the basis for those criteria, which are described in section V.C. of this preamble.
- Explanation of the facility types' specific vulnerabilities to unmanned aircraft, what could happen if these vulnerabilities were exploited, and how the UAFR would provide relief. FAA will assess these vulnerabilities in relation to aviation safety, protection of persons and property on the ground, national security, or homeland security.
- The total number of facilities that fall within the identified sector under the proposed minimum criteria.

E. How do I apply for an unmanned aircraft flight restriction?

To initiate the application process, the applicant [8] would submit information demonstrating that its facility meets the eligibility criteria and that there is a safety or security need for the UAFR.

Applicants would submit information describing existing unmanned aircraft activity over the facility, the nature of the facility's assets, the vulnerabilities of these assets to unmanned aircraft, and potential consequences or effects if an unmanned aircraft exploited a vulnerability (intentionally or unintentionally). The applicant would also need to describe how the requested UAFR would be integrated into a facility's security plans to supplement existing security measures. When considering the request, FAA would consider whether the applicant had already taken reasonable self-help steps, such as restricting ground-based access or other action, to protect vulnerable assets.

FAA would also assess any effect the UAFR would have on the environment and the surrounding community. If, after the assessment, FAA determines that the fixed site facility meets the criteria for establishing a UAFR, FAA would publish the proposal in the **Federal Register** for notice and comment. The comment period would be open for a minimum of 30 days. At the end of the comment period, FAA would assess the comments and make a final determination. If granted, FAA would publish a document in the **Federal Register** and post the UAFR on the agency's website. If denied, FAA would withdraw the NPRM and the applicant would have an opportunity to correct any deficiencies or to submit a petition for reconsideration.

If the applicant did not meet the requirements for the initial assessment, FAA would deny the request and the applicant would have one additional opportunity to correct any deficiencies and re-submit the materials for FAA review. This does not foreclose an applicant reapplying at a future date. Details on how to submit this information are described in section V.F. of this preamble and in the draft Advisory Circular, *Unmanned Aircraft Flight Restrictions*,[9] included in the docket.

This rulemaking, if adopted, sets forth the regulatory framework for applicants to request and FAA to establish a UAFR. This proposal provides notice that flight restrictions may be requested by an applicant in the vicinity of the types of critical infrastructure listed in this NPRM and that specific notice of a requested UAFR would be published for public comment in accordance with the procedures set forth in this proposal.

F. What happens after the UAFR goes into effect?

Once the UAFR goes into effect, unmanned aircraft would be restricted from operating within the boundaries of the UAFR.

Under proposed § 74.250, the FAA would allow only certain UAS operations to access UAFR airspace over fixed site facilities. Allowed operations include those conducted under Parts 91, 107, 108, 135, and 137, which have met rigorous FAA safety requirements and Transportation Security Administration (TSA) security threat assessments where applicable. Operators must broadcast Remote ID in accordance with 14 CFR part 89 and transit the UAFR in the shortest practicable time as well as provide notification to the fixed site facility in accordance with § 74.255. This approach balances the security of sensitive sites with the public's right to navigate the national airspace system by restricting access to operators who have met a higher bar for safety and security.

Proposed § 74.251 establishes stricter access controls for Special UAFRs, which protect highly sensitive facilities. Operations within Special UAFRs require both permission from the

government agency responsible for the site (''using agency'') and approval from the FAA Administrator. The using agency itself may operate within its own Special UAFR without FAA approval.

FAA considers restricting airspace to be a remedy to be applied only when necessary and must balance its other statutory mandates against closing UAS access to the NAS. FAA recognizes the need to promote national security but may need to allow some types of safe and secure operations through UAFRs to support American economic growth.

FAA seeks public comment on the following:

- What additional types of unmanned aircraft operations should FAA allow through a UAFR?
- What would the justification be for allowing those types of operations?
- What would be the economic impact to commercial UAS operators if they are not allowed to transit UAFRs?
- What information should an unmanned aircraft operator need to provide to establish their credibility and demonstrate that they are not a security threat?
- Are there additional requirements, either technological or procedural, that must be in place for these operators to be able to operate in the UAFR? (*e.g.,* remote ID, coordination with site, coordination with law enforcement?).

G. Summary of the Costs and Benefits

The proposed rule may reduce the risk of various negative consequences that could result from UAS flying near critical infrastructure. Potential avoided consequences include fatalities, injuries, and property damage that could result from explosions and other incidents, and economic losses from disruption or loss of operations. The benefits would depend on the ultimate scope of UAFRs in terms of covering facilities that represent the unmanned aircraft risk as well as the effectiveness of a UAFR in reducing the risk. Based on a scenario of over 9,000 eligible fixed site facilities obtaining UAFRs, annualized costs would be between $21 million and $31 million, reflecting a range in unit compliance costs to applicants and including government review costs.

II. Authority for This Rulemaking

FAA's authority to issue rules on aviation safety is found in title 49, United States Code. Subtitle I, section 106 describes the authority of FAA Administrator. Subtitle VII, Aviation Programs, describes the scope of the Agency's authority.

This rulemaking is promulgated pursuant to 49 U.S.C. 40103(a)(2), which establishes a public right of transit through the navigable airspace and section 40103(b)(1) and (2), which direct FAA to issue regulations: (1) To ensure the safety of aircraft and the efficient use of airspace; and (2) to govern the flight of aircraft for purposes of navigating, protecting and identifying aircraft, and protecting individuals and property on the ground. In addition, 49 U.S.C. 44701(a)(5) charges FAA with promoting safe flight of civil aircraft by prescribing regulations FAA finds necessary for safety in air commerce and national security. This rulemaking is also promulgated pursuant to 49 U.S.C. 40103(b)(3), which authorizes the FAA Administrator to establish areas in the airspace the Administrator decides are necessary in the interest of national defense while allowing the maximum use of the navigable airspace by civil aircraft.

This rulemaking also is promulgated under the authority described in 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules, and 49 U.S.C. 40101(d), which authorizes FAA to consider in the public interest, among other things, the enhancement of safety and security as the highest priorities in air commerce, the regulation of civil and military operations in the interest of safety and efficiency, and assistance to law enforcement agencies in the enforcement of laws related to regulation of controlled substances, to the extent consistent with aviation safety.

Authority for this particular rulemaking is derived from Public Law 114–190, the FAA Extension, Safety, and Security Act of 2016 (FESSA), section 2209 [10] (codified at 49 U.S.C. 44802 note), as amended by section 369 of the FAA Reauthorization Act of 2018 [11] (Pub. L. 115–254), as further amended by section 929 of the FAA Reauthorization Act of 2024 [12] (Pub. L. 118–63), which mandated the Secretary of Transportation establish a process to allow applicants to petition the Administrator of FAA to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.

The June 6, 2025, Executive Order *Restoring American Airspace Sovereignty* directs that a final rule be published as soon as practicable ''establishing the statutorily required process for restricting drone flights over fixed site facilities, and interpreting, to the extent appropriate, critical infrastructure consistent with the definition of that term in this order.'' This proposed rule is published by FAA to fulfill that directive.

III. Background and Statement of the Problem

A. Background

The proliferation of UAS continues to create significant opportunities and challenges. The relatively low cost of highly capable UAS technology has triggered hundreds of thousands of new operators, with and without aviation knowledge and experience, to enter the aviation community. Due to the complexities surrounding the full integration of UAS into the NAS, FAA continues to engage in a phased, incremental, and risk-based approach to rulemaking based upon the statutory authorities delegated to FAA.

In 2012, Congress passed the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) (FMRA). Section 333 directed the Secretary to determine whether UAS operations posing the least amount of public risk and posing no threat to national security could be safely operated in the NAS. If UAS met these standards, the Secretary was to establish requirements for the safe operation of these systems in the NAS.

Given the growth of UAS activity, in January 2015, FAA issued UAS guidance [13] to the law enforcement community outlining FAA's oversight of aviation safety, including UAS operations, as well as how UAS and model aircraft can be operated legally, and the options available for legal enforcement actions against unauthorized or unsafe UAS operators.

On December 16, 2015, the Administrator and Secretary jointly published an interim final rule in the **Federal Register** titled, ''Registration and Marking Requirements for Small Unmanned Aircraft'' (Registration Rule).[14] This interim final rule provided a web-based aircraft registration process for small unmanned aircraft in 14 CFR part 48. The Registration Rule imposed marking requirements on small unmanned aircraft registered under part 48 in which the small unmanned aircraft must display a unique identifier in a manner that is visible upon inspection.[15]

On June 28, 2016, FAA and DOT jointly published the final rule for ''Operation and Certification of Small Unmanned Aircraft Systems'' (2016 Rule) in the **Federal Register**.[16] This rule was an important step towards the integration of civil small UAS operations (for aircraft weighing less than 55 pounds) into the airspace of the United States. The 2016 Rule identified the initial operational structure and restrictions required to allow safe and routine civil operations of small UAS in the NAS. Prior to the 2016 Rule, FAA

authorized commercial UAS operations, including but not limited to real estate photography, precision agriculture, and infrastructure inspection, under section 333 of FMRA.

Publishing part 107 was the first significant regulatory step to enable lower risk, less complex UAS operations in the airspace of the United States. Part 107 opened the airspace of the United States to the vast majority of routine small UAS operations, allowing flight within visual line of sight while maintaining flexibility to accommodate future technological innovations.

On July 15, 2016, Congress enacted section 2209 of FESSA, titled *Applications for Designation,* which directed the Secretary of Transportation to ''establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration (FAA) to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.'' Within section 2209, Congress directed that an eligible facility must be a fixed site facility and identified specific categories of eligible industries: critical infrastructure, such as energy production, transmission, and distribution facilities and equipment; oil refineries and chemical facilities; amusement parks; and other locations that warrant such restrictions.

On October 5, 2018, Congress enacted Public Law 115–254, FAA Reauthorization Act of 2018 (FAARA). FAARA amended part A of subtitle VII of title 49, United States Code by inserting a new chapter 448 titled *Unmanned Aircraft Systems,* which incorporates additional authorities and mandates to support the further integration of UAS into the airspace of the United States. One of those provisions amended section 2209 of FESSA to add rail facilities as an additional fixed site facility sector. Another provision, codified at 49 U.S.C. 44809, allows a person to fly an unmanned aircraft without specific certification or operating authority from FAA, so long as the operation meets certain limitations enumerated in the statute, such as compliance with all airspace and flight restrictions and prohibitions established under that subtitle, such as special use airspace designations and temporary flight restrictions.

The new amendments also included several provisions that specifically address unmanned aircraft operating and certification requirements, counter-UAS technologies, hazard mitigation, and enforcement, as well as the need for remote identification of UAS. All these amendments highlight Congress's support for the safe and secure integration of unmanned aircraft systems into the NAS while also protecting aviation safety, people and property on the ground, and homeland and national security interests.

On January 15, 2021, FAA published the ''Remote Identification of Unmanned Aircraft'' final rule, building on the feedback and concerns about safety and security stakeholders provided in connection with the three February 13, 2019, rulemaking actions.[17] The rule established requirements for unmanned aircraft in flight to provide certain identification, location, and performance information for receipt by people on the ground and other airspace users. Remote identification provides airspace awareness to FAA, national security agencies, law enforcement entities, and other government officials to help distinguish compliant airspace users from those potentially posing a safety or security risk. This signal is accessible to the general public.

On February 5, 2024, FAA released the UAS Detection and Mitigation Systems Aviation Rulemaking Committee Final Report.[18] One of the recommendations included managing airspace in and around critical infrastructure facilities. More specifically, the UAS Detection and Mitigation Systems Aviation Rulemaking Committee recommended FAA develop airspace management procedures for aircraft operating within restricted areas below 400 feet.[19]

On May 16, 2024, the President signed the FAA Reauthorization Act of 2024 (Pub. L. 118–63). Title IX—New Entrants and Aerospace Innovation Subtitle A—Unmanned Aircraft Systems amends title 49, chapter 448. Section 929 amends section 2209 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44802 note) to add State prisons to the list of fixed site facilities. Section 929 also directs FAA to ''temporarily restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.'' It also removes the ''other locations that warrant such a restriction'' category from the list of fixed site facilities.

The implementation of these various rules and regulations related to the operation and identification of unmanned aircraft is key to supporting the safe and secure integration of unmanned aircraft systems into the airspace of the United States. Thus, considering input from organizations and regulatory agencies, FAA's experience and authority, and societal concerns, FAA proposes the framework in this rule to provide a process for owners and proprietors of eligible fixed site facilities to apply to FAA to restrict unmanned aircraft activity near fixed site facilities.

This proposed rule addresses the process for fixed site facilities to request a UAFR. The following sections discuss: (1) the risks associated with unmanned aircraft operations; (2) the current legal framework governing unmanned aircraft activity; and (3) FAA's efforts to ensure the safety of aircraft and the efficient use of airspace by prescribing regulations for the protection of people and property on the ground, as well as homeland security and national security interests.

B. Statement of the Problem

1. Overview

UAS are fundamentally changing aviation and, as a part of its congressional mandate, FAA is working to integrate them into the airspace of the United States.[20] In addition to publishing rules to permit routine operations over people and at night, FAA continues to work with stakeholders to understand how integration affects aviation safety and efficiency as well as the safety of people and property on the ground. At the same time, the scale and scope of UAS activities continue to grow. As these activities expand, stakeholders are concerned about safety and security implications of unmanned aircraft flying close to certain fixed site facilities. These concerns led Congress to enact section 2209 of FESSA, directing FAA to create a system under which eligible owners or proprietors of certain facilities could request a UAFR. This proposed rule implements section 2209, creating a process to evaluate such requests and determine whether it is appropriate to restrict specific airspace.

Nonetheless, there is a natural tension between Congress's mandate in section 2209 to enable unmanned aircraft flight restrictions, and the direction in 49 U.S.C. 40103 for FAA to regulate the use of the NAS to ensure the safety of aircraft and the efficient use of airspace and the public right of transit. In addition, FAA must take into account its statutory mandate to integrate UAS into the NAS. In proposing this rule, FAA does not read section 2209 in a vacuum; to the contrary, FAA reads section 2209 together with the other responsibilities Congress mandated.

2. Examples of Potential Safety and Security Incidents

While no government-wide comprehensive database of unmanned aircraft related events [21] currently

exists,[22] facility operators or proprietors have reported a number of such events to the Department of Justice and other security agencies. A description of some of those incidents follows.

On November 20, 2015, security guards observed a man operating a UAS near the Phillips 66 oil refinery in Linden, New Jersey. ''When approached, the man accidentally crashed his UAS into a nearby truck.'' [23]

Another incident reported to security agencies included an apparent deliberate attempt to attack an electrical substation using an unmanned aircraft. In July 2020, officials recovered an unmanned aircraft trailing a thick copper wire near a Pennsylvania electrical substation. Security partners have opined that the operator modified the unmanned aircraft ''to disrupt operations by creating a short circuit.'' [24]

Other reports indicated surveillance of critical infrastructure. For example, in September 2022, CNN reported that ''drones have been spotted flying over Louisiana chemical facilities and a pipeline over the past year and a half, prompting a warning on Thursday about the potential for espionage and terrorism at critical infrastructure facilities, according to a report obtained by the news agency.'' [25] In addition, ''on March 8, 2021, a drone was discovered flying near a Louisiana pipeline. A law enforcement officer located the drone operator and discovered they had taken pictures.'' Again, on July 29, 2022, observers saw multiple drones flying over a Louisiana chemical facility at night. The group of drones flew several feet above the facility before splitting in two directions. In response, a warning was issued about the potential for espionage and terrorism at critical infrastructure facilities, stating that unmanned aircraft can be used to surveil critical infrastructure.[26]

The year 2019 saw the beginning of increased investigation and prosecution in federal and State courts for drone-delivered introduction of contraband at State prison facilities. A man pleaded guilty in 2019 to introducing large amounts of drugs into the Autry State Prison in the Middle District of Georgia.[27] In August 2021, the third of three men convicted in a scheme to introduce contraband into the Telfair State Prison in the Southern District of Georgia was sentenced.[28] In August 2022, State authorities arrested a man on suspicion of flying a drone carrying contraband over the Yazoo County Regional Correctional Facility, and the suspect was subsequently charged in federal court.[29] In 2023, multiple men were each charged in separate schemes involving drone-delivered contraband to five State prisons in Ohio [30] and six State prisons in California.[31] Finally, in April 2024 the Georgia Governor announced the arrest of around 150 people in an alleged '''multi-State' criminal enterprise using drones to smuggle drugs, guns, cellphones and other contraband in Georgia prisons.'' [32] The pace and scope of multi-State, multi-facility, and multi-actor schemes demonstrate the acute risk posed to State prisons and the need to better protect these facilities from drone-introduced contraband.

3. Potential Risk to Safety and Security

Whether innocent or malicious, unmanned aircraft flying over or near certain types of infrastructure can pose a risk to the safety and security of both the facility and the surrounding population. An example of some sector-specific concerns about the potential threat to public safety and security follows. These examples do not cover every sector, only examples of the potential risks to sectors.

Commercial Facilities Sector—Amusement parks. Unmanned aircraft operating too close to high-speed rides and elevated amusements could strike people or facilities, causing damage to critical safety features and injuring people. In addition, unmanned aircraft in close proximity to areas otherwise restricted from public access, such as ride control systems, could expose amusement parks to cyber-attacks, rendering rides inoperable or unsafe.

Chemical Sector. Careless or malicious unmanned aircraft operations could cause physical damage to facilities and interrupt the production and distribution of critical chemicals that are essential for the everyday lives of Americans. In addition, unchecked surveillance of equipment, processes, and protocols in otherwise restricted areas could allow bad actors to identify vulnerabilities to support destruction of equipment or of hazardous chemicals. Unmanned aircraft operations in otherwise restricted areas could also offer malicious actors the opportunity to use physical or cyber-attack tools that exploit information technology, operational technology, and industrial control systems to alter, disrupt, or disable operations. Ultimately, the potential risk is that assets containing combustible or compressed substances could sustain damage and result in fires, explosions, or hazardous release of toxic chemicals threatening the health and safety of surrounding communities.

Energy Sector Generally. The energy production lifecycle includes the attainment of energy fuel sources, refinement of fuel, the generation of energy from refined fuel converted into electricity and heat, the transmission and distribution of electricity, and with nuclear energy, the cooling, and storage, and recycle/reuse of hazardous spent fuel. Unmanned aircraft could be used to surveil facilities and their associated structures to identify structural and facility physical and operational security vulnerabilities. Sensitive information technology and operational technology as well as supervisory control and data acquisition communication systems could be vulnerable to cyber-attack initiated by unmanned aircraft. In addition, unmanned aircraft operating in close proximity to these facilities and high-voltage transmission and distribution substations could surveil the facility's security operations and potentially, either intentionally or unintentionally crash, into critical components, causing damage to the system, as well as power outages, fires, and property damage that may have a cascading impact to that Nation's power grid.

Energy Sector oil refineries and natural gas facilities. Unmanned aircraft could be used to surveil oil refineries and natural gas facilities to identify structural and security vulnerabilities. Refineries have many components, including towers, pipelines, and valves, that are vulnerable to intrusion by an unmanned aircraft. The highly flammable materials stored and processed onsite at refineries creates the potential for fire, explosion, and/or the release of hazardous materials if an unmanned aircraft were to cause impacts to certain systems.

Transportation Sector Rail facilities. Rail yards consist of a series of tracks used for storing, sorting, or loading and unloading rail vehicles and large cargo containers. While the Transportation Security Administration (TSA) has no reported incidents of unmanned aircraft causing physical damage to rail cars or infrastructure itself or injury to personnel, commercially available unmanned aircraft could access rail yard areas that are otherwise restricted to the public. An unmanned aircraft also could be used to surveil activity to identify structural and security vulnerabilities that could be exploited.

Emergency Services Sector State Prisons. Unmanned aircraft pose a significant challenge for State prisons. Many incidents of unmanned aircraft being used to infiltrate State prisons to deliver contraband such as cellphones, drugs, and weapons have been reported. Unmanned aircraft threaten existing security protocols and perimeter

control, and they can also be used to conduct surveillance.

4. FAA Capability Gap

Stakeholder concerns about the safety and security risks unmanned aircraft pose to fixed site facilities are based on incidents, such as the ones described previously. Many of these incidents are related to the industry's low barriers to entry: unmanned aircraft operators with limited aviation knowledge and experience can easily and at relatively low cost operate unmanned aircraft in the NAS. Existing tools available to FAA and law enforcement agencies are not sufficient to address the safety and security problems that flow from these low barriers to entry and ease of use. While FAA assesses that the majority of unmanned aircraft operators do not realize the risk their operations could pose to the safety or security of fixed site facilities, and FAA believes that most of these operators do not intend to cause harm, FAA has concluded this rule is necessary, for a number of reasons discussed herein and, if aware that their operations could cause harm, would choose to change their behavior.

A primary purpose of this proposed rule is, therefore, to create a mechanism by which FAA can communicate to operators where their operations could pose a risk to public safety and security, and to prohibit the same. FAA anticipates that this mechanism—the UAFR—will keep responsible and compliant operators from creating a risk to public safety and the security of the affected fixed site facilities. There are limitations to the effectiveness of this proposed rule because a UAFR would not necessarily deter operators who willfully disregard their responsibilities and obligations for operating in the NAS from operating in close proximity to the fixed site facilities in question. Nor would the rule necessarily deter operators with malicious intent.

However, the proposed rule would create new tools that facility operators and proprietors, FAA, and law enforcement agencies could use to address public safety and security concerns. For example, when responding to reports of unmanned aircraft, law enforcement officials currently can find it challenging to distinguish between compliant operators and those who mean to do harm. This proposal would create a tool to assist law enforcement in making that distinction; UAFRs clearly establish where unmanned aircraft operators should and should not be operating. This delineation would allow law enforcement officials to focus their attention on operators of non-compliant unmanned aircraft and avoid engaging with compliant operators. As a result, this rule would provide facility operators or proprietors and law enforcement officials another factor to help them assess risk and determine how to respond.

Finally, the proposed rule would resolve some of the regulatory uncertainty regarding airspace access for unmanned aircraft. FAA has the exclusive authority to regulate aviation safety and the efficient use of the airspace by aircraft; the public relies on FAA regulations for direction and clarity. Attempts by State and local governments to regulate in the fields of aviation safety and the efficient use of the airspace by aircraft are preempted.[33] Outside those fields, the States are generally free to regulate—even by enacting laws that affect aviation—as long as their laws do not conflict with FAA regulations, are not aimed at regulating aviation safety or airspace efficiency, and do not relate to the prices, routes, or services of commercial air carriers. FAA anticipates this proposed rule would reduce regulatory confusion in the national airspace for unmanned aircraft access.

IV. Overview of the Proposed Rule

A. Introduction

The purpose of this rule is to comply with the direction in section 2209 of FESSA to create a process for restricting unmanned aircraft in close proximity to certain fixed site facilities. Congress stated FAA may consider the following entities as eligible for UAFR: critical infrastructure such as energy facilities and equipment; oil refineries and chemical facilities; amusement parks; railroad facilities; and State prisons. Congress identified the following factors for FAA to consider when reviewing an application for a UAFR: aviation safety, protection of people and property on the ground, national security, or homeland security.

FAA proposes to create a process under which certain facilities can request a UAFR to address public safety and security concerns associated with unmanned aircraft flying in close proximity to the facility. This proposal takes into account Congress's mandate to establish this process while at the same time balancing FAA's statutory mandates to regulate the use of the NAS to ensure the safety of aircraft and the efficient use of airspace, ensure the public right of transit, and integrate unmanned aircraft into the NAS. In addition, because the rule proposes to restrict unmanned aircraft operations in certain airspace, the proposal also incorporates environmental review and public notice processes similar to those FAA routinely implements for other changes to airspace within the NAS. Finally, restricting airspace is an extraordinary remedy that must be balanced against the public right of transit under 49 U.S.C. 40103 and not unduly affect the efficiency of the NAS. Accordingly, this proposal establishes a process for granting UAFRs only in those limited circumstances in which there is a clearly articulated need that justifies the remedy of restricting airspace, and where narrower measures cannot adequately address a clearly documented security risk.

FAA seeks to balance the public's right of transit through the NAS and a need to secure critical infrastructure fixed sites from UAS threats. In order to ensure preservation of the navigable airspace for aviation to the greatest extent possible, the proposal puts the burden on applicants to provide data and documentation establishing that the restriction is necessary for safety or security. FAA would evaluate that information and determine whether the applicant demonstrated a sufficient need to justify the remedy of restricting airspace.

B. What is an unmanned aircraft flight restriction?

FAA proposes two distinct types of unmanned aircraft flight restrictions designed to manage and protect sensitive airspace around fixed site facilities: Standard UAFRs and Special UAFRs. Both serve as legal airspace designations that restrict unmanned aircraft operations, but they differ in scope, application, and the nature of the threats they address.

Both UAFRs designate a volume of airspace within which unmanned aircraft operations are generally prohibited except for narrowly defined exceptions (see section V.H. of this preamble). The lateral boundaries of a UAFR must lie entirely within the applicant's property lines and are capped by an altitude ceiling of 400 feet above ground level (AGL). In certain cases, the vertical limit may extend above 400 feet to accommodate structures exceeding 300 feet AGL.

Both UAFRs also have two options for the activation duration period continuous or part-time. A continuous UAFR is active year-round without interruption. A part-time UAFR would be active for up to 290 consecutive days per year, providing flexibility for applicants with seasonal or non-year-round operational needs. For example, if flight restrictions apply only for six months annually, a UAFR would be

active 24/7 during this six-month period.

Once activated, a UAFR communicates a legal restriction on unmanned aircraft via a publicly accessible website, directing operators to avoid the restricted airspace. While the UAFR serves as a ''virtual no trespassing sign,'' it does not physically prevent unauthorized access. Violations of Standard UAFRs may lead to civil enforcement actions, while violations of Special UAFRs may lead to civil or criminal enforcement actions consistent with FAA's authority under 14 CFR parts 91, 107, 13, and FAA Order 2150.3C, as well as potential criminal penalties under 49 U.S.C. 40103(b)(3) and 46307 for national security-related UAFRs.

The UAFR does not authorize the use of detection or mitigation technologies to interfere with unmanned aircraft; such activities remain subject to existing federal laws, including Title 18 and Title 49 U.S.C. The UAFR alone does not create a physical or electromagnetic boundary to prevent unauthorized access. However, facilities with independent authority to operate such systems may continue to do so lawfully, and manufacturers may leverage the publicly available UAFR database. Additionally, the rule requires the deployment of Remote Identification (Remote ID) receivers as described in 14 CFR part 89 to monitor UAS activity.

The proposed UAFRs are distinct from other FAA flight restrictions which tend to address temporary or emergency scenarios. As directed by section 929 of the FAA Reauthorization Act of 2024, UAFRs primarily reflect risk profiles correlated with permanent or semi-permanent facility characteristics. Temporary, short-term restrictions remain the purview of existing SSIs under 14 CFR part 99.

Special UAFRs represent a more stringent airspace designation applied at locations where credible safety or security threats exist, particularly at sensitive federal sites and eligible fixed-site facilities that require enhanced protection of their security or operational integrity.

Like standard UAFRs, Special UAFRs define specific horizontal and vertical limits within which unmanned aircraft operations are effectively prohibited, but they do not create physical or electromagnetic barriers. Facility operators with separate statutory authority to deploy counter-UAS technologies may continue existing practices; however, this proposed rule does not grant or expand such authorities.

The primary objective of a Special UAFR is to minimize UAS overflight at critical sites by clearly delineating restricted airspace, thereby assisting compliant operators in avoiding these areas and enabling federal, military, and law enforcement agencies to focus enforcement resources on genuinely suspicious or unauthorized flights.

Under proposed § 74.6, Special UAFRs would be available to federal security agencies, military departments, and designated fixed-site facilities supported by verified security assessments demonstrating credible threats. This framework parallels the well-established security-related Temporary Flight Restrictions under 14 CFR 99.7, but Special UAFRs establish longer-term (five-year) designations for ongoing protection.

Unauthorized operations within Special UAFRs may incur civil or criminal penalties similar to those described for standard UAFRs, with enforcement authority stemming from 14 CFR parts 91, 107, 13, FAA Order 2150.3C, and relevant national security statutes.

Special UAFRs remain subject to notice-and-comment rulemaking unless good cause exists to forgo notice and comment thereby balancing protection of critical national-security sites with the FAA's mandate for safe and efficient NAS access.

V. Discussion of the Proposed Rule

In response to Congress's mandate in section 2209 of FESSA, as amended, FAA proposes to establish a new part 74, in title 14 of the Code of Federal Regulations. This new part would establish a process under which operators and proprietors of certain fixed site facilities may request a UAFR. This proposal describes the types of facilities that could apply for the UAFR, the information the applicant would be required to submit, and how FAA would consider the request. It also describes the terms and conditions that would apply once a UAFR goes into effect. A description of each section of the rule follows.

A. Definitions and Abbreviations (Part 1)

FAA proposes to add a definition of unmanned aircraft flight restriction (UAFR) to 14 CFR 1.1: *Unmanned aircraft flight restriction (UAFR)* means airspace designated under this part within which the operation of unmanned aircraft is subject to restriction. Though a UAFR is a new airspace designation that primarily impacts unmanned aircraft operators, FAA proposes to include this definition in part 1 because all aviators, manned and unmanned, benefit from understanding the requirements for unmanned aircraft operating near a fixed site facility. FAA also proposes to add the abbreviation UAFR to the list of abbreviations and symbols in 14 CFR 1.2.

B. General Provisions (Subpart A of Part 74)

1. Definitions (§ 74.1)

FAA proposes to add a new part 74, *Designation of Unmanned Aircraft Flight Restrictions,* to title 14, chapter I, subchapter E, Airspace. Many of the terms frequently used in proposed part 74 are not currently used in other FAA regulations. In addition, FAA anticipates many fixed site facility operators will not have interacted with FAA or have experience managing aviation operations prior to applying for a UAFR. Defining these terms would assist fixed site facility personnel, and unmanned aircraft operators seeking permission to operate within a UAFR, by ensuring consistent terminology is used during the application and maintenance of a UAFR. In § 74.1, FAA proposes the following definitions:

Applicant. FAA proposes to define applicant as a person requesting a UAFR under new part 74. Consistent with the statutory mandate in section 2209, the applicant would have to be an operator or proprietor of the fixed site facility.

Continuous unmanned aircraft flight restriction. FAA proposes to define *continuous unmanned aircraft flight restriction* to mean a UAFR that is active year-round, and 24 hours per day. This definition distinguishes between the two types of UAFRs: continuous and part-time. A part-time UAFR (described below), may be active for 290 or fewer consecutive days per year.[34]

Critical Infrastructure. FAA proposes to define *critical infrastructure* as having the meaning given in 42 U.S.C. 5195c(e), and includes systems and assets in all of the designated critical infrastructure sectors identified in National Security Memorandum 22 of April 30, 2024 (Critical Infrastructure Security and Resilience) (NSM–22).

Designated representative. FAA proposes to define *designated representative* to be an individual who serves as the authorized agent of the operator or proprietor. This person would serve as the primary point of contact for communications with FAA about a UAFR during the application process and, if the request is granted, while the UAFR is active. An operator or proprietor could serve as the designated representative, or the

operator or proprietor could identify someone else.

Designated unmanned aircraft flight restrictions. FAA proposes to define *designated unmanned aircraft flight restrictions* to mean the UAFRs designated in FAA Order JO 7400.12 (incorporated by reference, see § 74.30).

Fixed site facility. FAA proposes to define *fixed site facility* to mean a permanent structure, building, or asset with defined geographic boundaries. A mobile, virtual, temporary, or impermanent facility would not constitute a fixed site facility.

Operator or proprietor. FAA proposes to define *operator or proprietor* to mean any person who operates or has an ownership interest in the fixed site facility, or who has a legal right or title to the property within the boundaries of a requested UAFR, or within the boundaries of a UAFR after it is issued, including those arising from an easement, right of way, or leasehold. In accordance with this proposed definition, the property below a UAFR could have more than one operator or proprietor, and those operators and proprietors could have different types of legal rights or interests in the property. As discussed in section V.C. of this preamble, FAA expects all operators and proprietors to come to consensus on what property and assets, if any, may need a UAFR prior to submitting an application.

Part-time unmanned aircraft flight restriction. FAA proposes to define a part time unmanned aircraft flight restriction as an unmanned aircraft flight restriction active 24-hours per day for no more than 290 consecutive days. Under part 74, a part-time airspace restriction is active 24 hours a day, but for no more than 290 consecutive days (approximately 9 months) annually. For example, an outdoor amusement park that is closed during the winter months (December, January, and February) might not require a UAFR to be active during the months the park is closed as the potential impacts to the amusement park's operations, guests, and infrastructure from an errant unmanned aircraft is minimal. A part-time UAFR could be inactive during the off-season; however, during the season when the UAFR is active, it would be in effect 24 hours a day. Applying a part-time airspace restriction allows FAA to balance public access to airspace with the need for seasonal airspace restrictions.

Security perimeter. FAA proposes to define *security perimeter* to mean a boundary that restricts or limits access to a specific location. A security perimeter may be tangible, such as a gate or fence, or intangible, such as surveillance cameras or patrolled perimeters. It may also be a natural feature that cannot be easily traversed. The key characteristic of a security perimeter is that it is designed to restrict or deter access to a facility or a portion of a facility. A security perimeter could include procedures, systems, or physical boundaries used to monitor, secure, and prevent unauthorized access to a facility and its assets that the operator or proprietor is trying to protect.

Site manager. FAA proposes to define *site manager* to mean the individual who serves as the operator or proprietor's authorized representative for the purpose of receiving notification of allowed operations under subpart G (Access to Unmanned Aircraft Flight Restriction) of proposed part 74. This site manager could be the designated representative, operator or proprietor, or any other person. This person would also be the single point of contact for communication with FAA in the event that coordination with FAA is necessary.

Unmanned aircraft flight restriction. FAA proposes to define *unmanned aircraft flight restriction* to mean an unmanned aircraft flight restriction that includes both standard unmanned aircraft flight restrictions as described in § 74.5 and special unmanned aircraft flight restrictions described in § 74.6 as specified in part 74. FAA has included this proposed definition to delineate that the process for UAFRs established under §§ 74.5 and 74.6 are both considered when the term unmanned aircraft flight restriction is used. Only when §§ 74.5 or 74.6 are specified is there a difference in the unmanned aircraft flight restriction access or notification requirements.

2. Standard Unmanned Aircraft Flight Restriction Designation (§ 74.5)

A flight restriction is a tool FAA uses to restrict aircraft operations within designated volumes of airspace. In the context of both manned and unmanned aircraft, FAA can use a flight restriction to separate non-participating aircraft from hazardous activities. FAA can also use flight restrictions to restrict aircraft from operating in airspace for national security or homeland security purposes. These restrictions can be permanent or temporary, and they can apply to both manned and unmanned aircraft or just one or the other.

This proposed rule would establish a new type of flight restriction—the Standard UAFR. A Standard UAFR would be a volume of airspace with specific horizontal and vertical limits in which FAA would restrict unauthorized unmanned aircraft operations. The Standard UAFRs' text would show where unmanned aircraft are not authorized to operate (unless they qualify for access as explained in section V.H. of this preamble) and identify whether the restrictions are continuous or part-time. A continuous UAFR is active year-round. A part-time UAFR is active for a period of 290 or fewer consecutive days per year. FAA would publish a legal description of the UAFR in the **Federal Register**.

Approved Standard UAFRs also would be included in FAA Order JO 7400.12 and depicted on a publicly accessible FAA website. New part 74 would describe how and under what circumstances the operator or proprietor of a fixed site facility (or a designated representative acting on their behalf) could request a UAFR.

3. Special Unmanned Aircraft Flight Restriction Designation (§ 74.6)

FAA established the general framework for a UAFR in § 74.5. Under § 74.5, a UAFR allows UAS operations through the airspace designation that are established, known, and conspicuous so long as the operator is operating in accordance with § 74.250.

FAA proposes to provide an alternative UAFR for sites with a credible safety or security threat that would strictly limit UAS operations and minimize UAS overflight. Proposed § 74.6(a) would establish the process for federal intelligence and security agencies (such as DHS, DOD, DOE, and DOJ) and certain fixed site facilities to be designated as a Special UAFR. These sites have vulnerabilities that would be exacerbated by having routine UAS overflight due to national security or specific identified risks to safety.

Under proposed § 74.6, eligible facilities would be limited to facilities that are under the ownership of or sponsored by Federal security agencies and military departments.

Federal security agencies and military departments possess the operational authority, intelligence resources, and mission responsibility necessary to identify credible threats and assess vulnerabilities associated with sensitive Federal activities. Allowing these agencies to directly request Special UAFRs ensures that the FAA receives requests supported by verified security assessments.

Proposed paragraph (a) would allow FAA, Federal security and intelligence agencies, and military departments to directly petition FAA for a Special UAFR for facilities or operations under their ownership, operational control, or

have a special interest in. This proposal mirrors the current 99.7 process used for special security instructions (SSIs) but aims to establish a more enduring solution to address the long-term security needs of these critical locations. Unlike 99.7s, which are intended to be a short-term security measure, Special UAFRs will provide a stable framework for flight restrictions with a term of five years, offering sustained protection against the evolving unmanned aircraft threats.

As part of the proposed framework under § 74.6, FAA plans to integrate all current eligible 99.7 SSIs that align with the intent of this section into Special UAFR designations. By bringing these existing restrictions into the Special UAFR framework, FAA seeks to provide a more permanent, structured, and transparent approach for establishing these airspace designations. This approach also seeks to eliminate inconsistencies that may arise from the temporary nature of 99.7 SSIs, offering a cohesive and uniform standard for managing airspace security at sensitive sites.

FAA also recognizes that certain non-Federal facilities or critical infrastructure as described in subpart C may support national or homeland security, even when those facilities are not directly owned or operated by the Federal Government. These facilities may include infrastructure supporting defense production, intelligence operations, continuity of government functions, or other activities where disruption could create significant national security risks.

Proposed paragraph (a) allows eligible sites as described in subpart C to be eligible for a Special UAFR if sponsored by FAA, or a federal intelligence or security agency such as (DHS, DOD, DOE, and DOJ). During the application evaluation, FAA and the appropriate federal security agency would evaluate whether the proposed UAFR would be designated as a Special UAFR. The federal security agency would provide FAA with a justification in a form and manner as determined by the Administrator.

FAA recognizes that Special UAFRs are more restrictive than the standard UAFR, this is by design. Limiting eligibility to entities with demonstrated national security or homeland security risks helps ensure that such restrictions are requested only when necessary to address credible security risks and that requests are supported by agencies capable of evaluating the broader implications of restricting access to navigable airspace. FAA believes limiting eligibility to the categories described above ensures that Special UAFRs are justified by a demonstrated credible safety or security threat. For example, state prisons are highly vulnerable to contraband delivery by UAS, with significant consequences to the safety of both guards and prisoners. In such cases, the FAA Administrator may determine that a Special UAFR is the appropriate airspace designation for that site.

This proposal aligns with Executive Order 14305, ''Restoring Airspace Sovereignty,'' which underscores the United States' policy to maintain control over national airspace and to protect public spaces, critical infrastructure, mass gatherings, and sensitive government and government-sponsored installations from threats posed by the careless or unlawful use of UAS.

The Special UAFR would remain subject to notice and comment procedures under this rule unless good cause exists to forgo notice and comment. Providing notice and comment for such restrictions allows FAA to evaluate the broader impacts of the restriction on the NAS and the public to provide meaningful input for consideration.

However, FAA recognizes that notice and comment on the proposed special UAFR could increase the risk of revealing threat assessments, security vulnerabilities, or operational timing considerations and thus FAA may limit the type of information provided in the NPRM in the interest of national or homeland security. Nevertheless, FAA anticipates that the most helpful comments for these types of restrictions will be on the size and scope of the restrictions and any considerations that FAA may be unaware of. In addition, FAA anticipates that only a limited number of facilities will be issued Special UAFRs, reducing any significant impacts to accessing navigable airspace.

This procedural distinction reflects FAA's effort to balance national security and national defense considerations with its statutory responsibility under 49 U.S.C. 40103 to preserve safe and efficient access to navigable airspace. FAA seeks to ensure that regulatory procedures remain proportionate to the anticipated operational impact of the restriction by limiting the good cause exception. FAA invites public to comment on the overall proposed framework for Special UAFRs, including the integration and inclusion of existing 99.7 SSIs.

The UAFR and Special UAFR share the same foundational characteristics. Under proposed paragraph § 74.6 (b), the airspace designation would have (1) a horizontal limit defined by a lateral boundary as described in § 74.58, (2) a vertical limit defined by an altitude ceiling § 74.60, and (3) a continuous or part-time activation period as described in § 74.62.

4. Applicability (§ 74.10)

Proposed § 74.10 describes to whom the requirements in new part 74 would apply. Specifically, this section states that part 74 would apply to anyone requesting or managing a UAFR. It includes provisions applicable to anyone who operates unmanned aircraft in the United States. For the avoidance of doubt, nothing in Part 74 constrains the exercise of federal counter-UAS authorities under 6 U.S.C. 124n, 10 U.S.C. 130i, 10 U.S.C. 6227, or 50 U.S.C. 3515a including the deployment or operation of unmanned aircraft systems for counter-UAS detection or mitigation purposes.

5. Requesting a Standard or Special Unmanned Aircraft Flight Restriction (§ 74.15)

Proposed § 74.15 establishes the application requirements for a UAFR. An operator or proprietor would have to successfully complete the steps outlined in paragraphs (a) through (d) to comply with the application requirements.

The first step is described in paragraph (a). To initiate the application process, FAA proposes to require the applicant to establish that the facility meets the criteria in § 74.54. The applicant would submit documentation showing that the facility is a fixed site facility and that it falls within one of the types of facilities described in subpart C of part 74. FAA would not consider any requests from operators or proprietors if their facilities failed to meet the minimum criteria. Only those applicants that demonstrate eligibility under § 74.54 would be able to initiate the application process. Those requirements are described in detail in section V.D of this preamble.

If the operator or proprietor can show that the facility meets the criteria in § 74.54, they would be able to move on to the second step. As described in paragraph (b), the applicant would next be required to demonstrate a safety or security need for the UAFR. During this step, the applicant would describe the problems unmanned aircraft pose to the facility and how the UAFR would help address those problems. For example, proposed § 74.66 would require the applicant to submit information describing existing unmanned aircraft traffic in close proximity to the facility, the facility's specific vulnerabilities to unmanned aircraft, what could happen

if these vulnerabilities were exploited, and how the UAFR would provide relief. In addition, proposed § 74.64 would require the applicant to submit the facility's existing plan for addressing those vulnerabilities and the potential consequences if an unmanned aircraft were to exploit them. FAA would then coordinate with SRMAs on the security assessment provided by the applicable SRMA to assess eligibility. These requirements are described in more detail in section V.C. of this preamble.

As discussed earlier in the preamble, FAA must balance the mandate to ensure public right of transit and the efficiency of the NAS with the mandate to create a process for UAFRs in section 2209. Reading these authorities together, FAA has determined that, prior to issuing a UAFR, the applicant must demonstrate that unmanned aircraft pose a risk or hazard and that a UAFR would add to existing security measures in place at the facility. The information in paragraph (b) would help establish whether that need exists.

FAA is responsible for complying with applicable environmental laws. To fulfill that responsibility, FAA would consider and document the potential environmental effects of each requested UAFR. Accordingly, FAA proposes to require the applicant to submit information about sensitive land uses in the vicinity of the requested UAFR. These requirements are described in more detail in section V.C.11 of this preamble.

After the applicant submits the items required in proposed paragraphs (a), (b), and (c), FAA would evaluate whether the package meets the requirements of subparts B and C of part 74. As a part of that review, FAA will assess whether the facility meets all of the eligibility criteria, and the applicant has demonstrated a sufficient need to justify the requested airspace restriction. This evaluation is discussed in more detail in section V.E. of this preamble. If FAA determines that the applicant meets the requirements and has presented a sufficient need, FAA would publish an NPRM regarding the proposal and accept comments for a period of at least 30 days. At this point, FAA would conduct its final review and decide whether to grant the requested UAFR. If granted, FAA would publish a final rule in the **Federal Register**.

6. Obligation To Update (§ 74.20)

Proposed § 74.20 outlines a fixed site facility operator or proprietor's obligation to provide FAA accurate and current data during the application process and after a UAFR is granted. Paragraph (a) would require the operator or proprietor to ensure that the information submitted during the application process (see proposed § 74.15) is accurate and up to date. It also would require the operator or proprietor who has been granted a UAFR to report any changes to the information submitted during the application process. Paragraph (a) would require the operator or proprietor to submit this information within 5 business days of becoming aware of the change. FAA would provide instructions on how to report these changes in the proposed Advisory Circular (AC), *Unmanned Aircraft Flight Restrictions.*

Paragraph (b) would provide one exception. Generally, proposed § 74.66 requires the applicant to submit information on existing unmanned aircraft traffic patterns in close proximity to the facility. FAA recognizes that it would be burdensome for an operator or proprietor to continually update this information within 5 business days, especially after a requested UAFR is active. Accordingly, FAA proposes to require yearly reports once a UAFR is active. The applicant would not be obligated to update historical unmanned aircraft activity after they submit the request for a UAFR; however, FAA may request supplemental information at any time during the application process (see proposed § 74.100(b)), including updated information about unmanned aircraft traffic patterns.

Proposed paragraph (c) would require the operator or proprietor to provide FAA with an ongoing update of the most current information for the unmanned aircraft flight restriction. To support that review, the Administrator may require the operator or proprietor to provide information in paragraph (b) of this section on a more frequent basis.

Proposed paragraph (d) would require the operator or proprietor of a facility covered by a UAFR to promptly notify FAA of any material change in circumstances that affect the continuing need for the restriction. For example, FAA would expect the operator or proprietor to notify FAA if the facility would be shutting down or having a temporary lapse in service. FAA would use this information to determine whether to modify or cancel the restriction in accordance with proposed § 74.215, *Modification and Cancelation.*

Proposed paragraph (e) would identify the consequences if an operator or proprietor does not comply with this section. They include denying the application under proposed § 74.100, *Denial,* or modifying or canceling the UAFR under proposed § 74.215, *Modification and Cancelation.* FAA's UAFR analysis and decisions are based on FAA's obligation to ensure that the totality of data and circumstances warrant the remedy of restricting airspace. Even after it grants a UAFR, FAA has continuing obligations to ensure the public right of access as well as the safety and efficiency of the NAS. Accordingly, FAA must have current information to discharge these responsibilities. A critical part of this duty is assessing whether any changes to the information on which FAA based its decision would affect FAA's evaluation under subparts D and E of part 74.

7. Incorporation by Reference (§ 74.30)

FAA proposes to publish all newly designated, renewed, modified, and canceled UAFRs in the **Federal Register**.

Under proposed § 74.100 FAA would provide notice and seek comment on the proposed UAFR for applicants who have been conditionally approved. FAA would direct submission of comments to FAA for a minimum of 30 days.

FAA would compile the designated UAFRs annually in FAA Order JO 7400.12, which FAA would incorporate by reference into proposed § 74.30. FAA would then publish periodic designation updates in the **Federal Register**. At the end of the year, FAA would update FAA Order JO 7400.12 with any new, amended, or cancelled UAFRs. FAA would then incorporate the new version of the Order by reference. This process is similar to the existing, established processes FAA uses to establish and maintain a legal description of other airspace designations.[35]

This NPRM proposes to incorporate by reference the final version of FAA Order JO 7400.12, currently available in draft form. During the comment period of this NPRM, FAA Order JO 7400.12, the draft of FAA Order JO 7400.12 is available in the docket for this rulemaking which is available by visiting *https://www.regulations.gov.*

C. Minimum Requirements for Unmanned Aircraft Flight Restriction (Subpart B of Part 74)

FAA proposes to require applicants to submit specific information to FAA in connection with a UAFR request. This section discusses the information applicants would be required to submit to request a UAFR. FAA needs this information so it can fulfill its statutory responsibilities under section 2209, but also to uphold its responsibilities with respect to the public right of access and the safety and efficiency of the NAS.

The information described in this section would help FAA in consultation with the SRMAs to understand whether there is a safety or security need for a UAFR that justifies the remedy of restricting airspace.

1. General (§ 74.50)

Proposed § 74.50 would require applicants to provide the information described in subpart B of part 74 in a form and manner acceptable to the Administrator. FAA is developing a web-based portal (the UAFR Module) through which applicants can submit all required information. FAA recognizes that some applicants may have confidential business information, including security-related materials. Therefore, FAA developed a system where applicants can provide security-related materials with the appropriate security protections. The draft Advisory Circular, *Unmanned Aircraft Flight Restrictions,* available in the docket for public review and comment, provides detailed instructions on how to submit information, including confidential business information and sensitive, classified, or proprietary information.

2. Applicant and Facility Information (§ 74.52)

Proposed § 74.52 would require applicants to provide information identifying both the appropriate points of contact and the location of the facility for which the applicant seeks a UAFR.

Proposed paragraph (a) would require the applicant to provide the name and contact information for the key people associated with the requested UAFR, including any operators or proprietors, as defined in proposed § 74.1. For example, the applicant would provide information pertaining to the operator or proprietor of the facility and anyone with a claimed legal right or interest in the property within the requested boundaries. Paragraph (a) would also require the applicant to provide the name and contact information for a designated representative and a site manager (also as defined in proposed § 74.1).

Prior to requesting a UAFR, the applicant must coordinate with all other operators, proprietors, or other people with a claimed legal interest in the property. This coordination could include, but is not limited to, lessees, easement holders, or other third-parties with a property interest. FAA would expect the applicant to resolve any concerns or disputes among those with a property interest prior to requesting a UAFR. FAA will not intervene in a private property dispute over how the property should or should not be used. FAA would not process an application until all such disputes are resolved and those with a property interest come to consensus on whether and to what extent there should be a UAFR.

Proposed § 74.52(b) would require the applicant to submit to FAA information about the facility, including address, contact information, and a legal description of the property. This information would include not only the physical location and mailing address for the fixed site facility, but also a description of the facility; property boundaries; easements, leaseholds, or other claimed legal rights or interest in the property and the height of the tallest structure above ground level located within the lateral boundary of the requested UAFR.

Section 2209 provides that operators or proprietors may apply for designation individually or collectively.[36] If more than one person has a legal right or title to the property within the proposed UAFR, including a legal right or title arising from an easement or right of way, those persons must apply collectively for a UAFR. FAA interprets ''collectively request'' to mean a request by more than one operator or proprietor for a particular fixed site facility where more than one operator has an interest or exercises control. Any issues arising from lack of coordination between the UAFR applicant and other property owners are beyond FAA's discretion to resolve.

On the other hand, proposed § 74.52(b) would also clarify that each UAFR application applies to only one fixed site facility even if the operator or proprietor owns multiple eligible sites.

3. Eligible Facilities (§ 74.54)

Proposed § 74.54 sets forth the eligibility requirements for requesting a standard UAFR. First, an applicant would be eligible to apply for a UAFR if the site can demonstrate they are a fixed site facility. A fixed site facility is defined as a permanent structure, building, or asset with defined geographic boundaries.[37] A mobile, virtual, temporary, or impermanent facility does not constitute a fixed site facility.

Second, the applicant would need to demonstrate the fixed site facility is critical infrastructure. In 42 U.S.C. 5195c(e), critical infrastructure is defined as, ''systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.'' [38] NSM–22 identifies 16 critical infrastructure sectors.[39]

FAA engaged with security subject matter experts from each SRMA to develop minimum eligibility criteria for each sector. Executive Order 14305 directed FAA to develop a process for restricting drone flights over fixed site facilities, and to interpret, to the extent appropriate, critical infrastructure consistent with the definition in 42 U.S.C. 5195c(e).[40]

Third, FAA proposes to have an applicant be required to have protective security measures in place that are commensurate with the site's criticality to national security, homeland security, aviation safety, and protection of persons and property on the ground. As high-risk sites, FAA expects them to have layered security measures to protect against a multitude of threats, including threats from unmanned aircraft. § 74.56 outlines what requirements FAA proposes.

Lastly, FAA proposes to have the site demonstrate the facility has one or more critical assets or components of facility operations that are vulnerable to UAS threats. The applicant would provide an explanation of what portions of the site are exposed to this risk and how an unmanned aircraft poses a unique challenge a UAFR can mitigate.

FAA and SRMAs recognize that each of the sectors cover a variety of different assets and facility types which could lead to millions of eligible facilities for flight restrictions in the NAS. As such FAA worked with SRMAs to develop eligibility criteria.

The commentary on what specific vulnerabilities each sector, sub-sector, and specific facility has is limited due to the classification level of the information that highlights the most at-risk parts of a facility and its criticality to national and homeland security. The following criteria were developed to ensure sensitive information protocols were maintained while also giving the public some insight into the methodology on which sites are likely to be considered for a UAFR.

FAA, in coordination with the SRMAs as applicable, considered the following characteristics when developing eligibility criteria:

- Whether the facility meets the definition of 42 U.S.C. 5195c(e).
- Whether the facility is a fixed site with a defined perimeter.
- Whether the facility is openly accessible by other means, including by foot and vehicles.
- Whether the facility has visible external sensitive operations vulnerable to surveillance.

- Whether the facility has security measures in place.
- Whether an unmanned aircraft poses a particular or unusual risk to people or property at the facility.
- The criticality of the facility, including the consequence of disruption or the collection of non-public information from or about the facility, which if disclosed could impact national or homeland security.

These characteristics informed the development of the eligibility criteria generally and for the sector and subsectors. Furthermore, the criteria establish which fixed site facilities would be eligible to request a UAFR under part 74.

4. Protective Security (§ 74.56)

FAA proposes under § 74.56 the outline of protective security that satisfies the eligibility requirements under § 74.54. As high-risk sites, FAA expects facilities to have layered security measures to protect against a multitude of threats, including threats from unmanned aircraft. Therefore, sites would be required to show they meet all of the following security requirements:

(1) Access to the facility, certain areas, or key components must be restricted

(2) The facility must have designated security personnel

(3) The facility must have security monitoring

(4) Must include the capability, either directly or through a contracted service, to receive broadcast Remote Identification messages from unmanned aircraft operating within or in close proximity to the requested unmanned aircraft flight restriction.

UAS are typically difficult to visibly or audibly detect, even at low altitude, without a technical detection capability to assist security personnel. At minimum, FAA believes requiring a fixed site to have a Remote Identification sensing capability is necessary for the site to establish awareness of the airspace around the facility and be able to detect allowed operations outlined in § 74.250. This requirement is limited to passive RF equipment that can receive the Wi-Fi or Bluetooth signals associated with requirements of 14 CFR part 89. FAA encourages fixed sites to explore more advanced detection options as their security and legal authority permit. There are several solutions on the market to sense a Remote ID broadcast from a drone, including through fixed infrastructure such as antennae and third-party subscription services from companies that install and provide security monitoring.

In addition, FAA also recognizes the potential value of remote identification data for law enforcement purposes and as a potential tool to meet mandatory reporting requirements under § 74.20 Obligation to Update. However, FAA is unsure if voluntary retention of data is sufficient for those purposes or if FAA should include a record keeping requirement for the remote identification data. Therefore, FAA is seeking comment on whether FAA should include a retention requirement for this data. If FAA does include a record retention requirement, what is the appropriate duration that entities should be required to retain the records to meet the suggested use of this data. In addition, FAA seeks comment on any associated costs that retaining this information may entail.

FAA seeks public comments on the sufficiency of all requirements under protective security, particularly for Remote ID sensing capabilities, whether additional standards may be required for RID sensing technology, or any additional minimum requirements that might be necessary to adequately delineate between compliant and non-compliant UAS in a UAFR. FAA seeks comment on whether more stringent Remote ID broadcast requirements should be imposed on UAS operating within a UAFR beyond the standard broadcast requirements outlined in 14 CFR part 89. Particularly, FAA is interested in empirical data on the efficacy of current Remote ID broadcast messages such as the distances the broadcasts are picked up, any degradation in the ability to receive the broadcasts and why, and any other pertinent information FAA should consider when requiring Remote ID to be the main methodology for making UAS conspicuous to FSFs. Are there any new or additional Remote ID requirements the FAA should consider to ensure Remote ID can adequately perform the intended function of apprising FSFs of allowed operations? Additionally, FAA seeks comments on the economic impact such requirements would have in terms of cost to the fixed-site operator and market supply of RID sensing technology.

5. Lateral Boundary (§ 74.58)

Proposed § 74.58(a) would require the applicant to identify the lateral boundaries for the requested UAFR. Paragraph (b) would require that the requested UAFR boundary not exceed the operator or proprietor's property boundary. The purpose of these limitations is to make sure that the requested UAFR is limited to property over which the applicant has a legal right or interest. For example, in the case of an application with a single operator or proprietor, the applicant would have legal control of the facility and all property below the requested UAFR. In applying § 74.58(b), FAA intends to draw the smallest practicable polygon consistent with the facility's documented protection needs and will, where feasible, preserve low-risk flight corridors between adjacent facilities to support commercial UAS routes and other NAS users.

In the case where the requested UAFR would extend over a fixed site facility and encompass additional property within the legal control of a third-party other than the operator or proprietor of the facility, the third-party would be considered an operator or proprietor for purposes of proposed part 74 and must be included in the application.

Proposed paragraph (b) would also require that the lateral boundaries not overlap in whole or in part with a permanent airspace restriction. Examples of permanent restrictions include, but are not limited to, special use airspace designations under 14 CFR part 73 such as prohibited or restricted areas; UAFR designations under proposed part 74; or any other established special flight rule, restriction, or regulation in title 14 CFR limiting the operation of aircraft. FAA would not consider a UAFR at locations where a permanent restriction already exists because it would cause a conflict with existing airspace restriction. Moreover, if a restriction is already in place, a UAFR would be unnecessary and redundant.

FAA anticipates that applicants will tailor the lateral boundary of their requested UAFRs to the specific needs of each particular facility. Some facilities may warrant a UAFR to cover the facility from property line to property line. Others may warrant a UAFR over only specific portions of the property. In either case, FAA will evaluate, in accordance with proposed § 74.100, whether the applicant demonstrates a need that justifies the restriction. FAA would work with an applicant to reduce the footprint of the UAFR, if FAA determines that the lateral boundaries, as requested, do not justify an airspace restriction, but a smaller footprint would justify the restriction. The draft advisory circular contains graphical representations of potential UAFR boundaries.

Finally, the lateral boundary may consist of one contiguous geographic area or multiple non-contiguous geographic areas that fall within the fixed site facility's property boundaries. During the development of this

proposal, FAA developed graphics to help the applicant visualize these scenarios. The graphics are in the draft AC, Unmanned Aircraft Flight Restrictions, Appendix B, which is in the docket for this rulemaking.

The FAA solicits comments on whether the property line of a facility applying for a UAFR should be the maximum perimeter of a UAFR in all cases or whether there are certain circumstances FAA should expand the lateral boundaries beyond the property line.

- If FAA does allow the expansion beyond the property line, what circumstances should FAA consider? Additionally, how will the expanded lateral boundaries help aid in security of a site?
- Conversely, if FAA does not allow UAFRs to extend beyond the property line, how might that heighten the risk to some kinds of facilities?
- Should expanded lateral boundaries be considered for all facility types or just specific types of facilities?
- Similarly, FAA seeks comment on if the lateral boundaries should be reduced to less than the property line and what scenarios would be applicable to having less than the property line for a UAFR?
- Are there certain facilities that only need a small section of the property restricted?

6. Altitude Ceiling (§ 74.60)

Proposed § 74.60(a) would require the applicant to identify the altitude ceiling for the requested UAFR. Under proposed paragraph (b), the altitude ceiling could not overlap in whole or in part with a permanent airspace restriction. As discussed in the preceding section, permanent restrictions include, but are not limited to, special use airspace designations under 14 CFR part 73; UAFR designations under proposed part 74; or any other established special flight rule, restriction, or regulation in title 14 CFR limiting the operation of aircraft. FAA would not consider a UAFR at locations where a permanent restriction already exists because it would cause a conflict with the existing airspace restriction. Moreover, if a restriction is already in place, a UAFR would be unnecessary and redundant.

Proposed paragraph (b) also would limit the UAFR to 400 feet above ground level (AGL). This limit is consistent with existing § 107.51, which prohibits small unmanned aircraft flying under part 107 from operating above 400 feet AGL, with limited exceptions. It is also consistent with 49 U.S.C. 44809(a)(6), which limits recreational unmanned aircraft to 400 feet AGL in Class G airspace. Since most small unmanned aircraft are not permitted to operate above 400 feet AGL in most circumstances, it would be unnecessary to issue a UAFR with a ceiling above 400 feet AGL. Nonetheless, FAA recognizes that some unmanned aircraft operations are authorized above 400 feet AGL. Operations that do not fall under part 107 or 49 U.S.C. 44809 are subject to the operating requirements in part 91. Specifically, section 91.119 requires operations above a certain minimum safe altitude (typically 500 or 1000 feet AGL). Many unmanned aircraft operators seek an exemption from that provision to allow operations below that minimum safe altitude. If granted, the exemption would include conditions and limitations for those operations. Regardless, the part 91 operator would remain subject to the UAFR, including the altitude ceiling.

The relevant difference between part 91 operators and the other operators is that under certain conditions, the part 91 unmanned aircraft could fly over the UAFR when the other operators could not. For example, if a UAFR ceiling is set at 400 feet AGL, part 107 and section 44809 operators could fly around the UAFR, but not over it. This is because part 107 and section 44809 prohibit operations above 400 feet AGL. Part 91 operators would not necessarily be limited to 400 feet AGL. If the terms and conditions of their waiver allow them to fly over 400 feet AGL, in theory, they could fly over the UAFR.

FAA considered whether applicants could request UAFR ceilings that exceeded 400 feet AGL to restrict part 91 operations but ultimately determined that the appropriate ceiling should be 400 feet AGL. Currently, manned aircraft, including helicopters and small fixed wing aircraft, routinely operate at altitudes as low as 500 feet (see 14 CFR 91.119). At that altitude, manned aircraft could pose equal to if not greater risk, to fixed site facilities as unmanned aircraft flying at the same altitude. For example, a manned aircraft could cause significantly more damage on impact than a small unmanned aircraft. FAA ultimately concluded that it could not justify proposing to limit part 91 unmanned aircraft from airspace where part 91 manned aircraft could continue to operate.

Proposed paragraph (c) would permit UAFR to exceed 400 feet AGL under certain limited circumstances. FAA proposes that if the tallest component of the fixed site facility located within the lateral boundary of the UAFR exceeds 300 feet AGL, the UAFR could extend vertically from the surface to the height of the facility's tallest component plus 100 feet, rounded up to the next 50-foot increment, across the entire UAFR. For example, if the fixed site facility has a smokestack that is 310 feet above ground level, FAA would add 100 feet to the altitude to arrive at 410 feet. FAA would then round up to the nearest 50-foot increment. Under these circumstances, the UAFR could extend to 450 feet above ground level. The UAFR ceiling would remain at 450 feet AGL, extending to all lateral boundaries.

FAA would not create a ''stair-step'' ceiling on the UAFR in which the UAFR would extend up or down depending on the height of structures. A uniform ceiling creates a simple and easy-to-understand restriction to minimize confusion and maximize compliance for unmanned aircraft operators. The draft Advisory Circular, *Unmanned Aircraft Flight Restriction,* provides graphics depicting other examples and the appropriate UAFR ceilings using this criterion.

7. Activation Duration of Unmanned Aircraft Flight Restriction (§ 74.62)

FAA proposes two types of UAFRs: continuous or part-time. A continuous UAFR would be active 24 hours per day, year-round. A part-time UAFR would be active for a period of 290 or fewer consecutive days per year. In either case, the UAFR would be active 24 hours per day. FAA proposes that UAFRs would always be in effect on a 24-hour basis to make the restrictions easy to understand and to eliminate opportunities for confusion. Similarly, FAA proposes that a part-time unmanned aircraft flight restriction would be in effect during consecutive days to make the restrictions simple and straightforward. FAA would not grant a UAFR for single days or for multiple consecutive groupings of days within a year.

An applicant would request a continuous or part-time UAFR depending upon the following criteria. To request a continuously active UAFR, the applicant would have to demonstrate the facility met the eligibility criteria in proposed § 74.54 more than 290 days in the previous calendar year or, if a site is newly operational, provide data to sufficiently demonstrate how the facility would be eligible if in operation for 290 days. If the facility met those criteria, the applicant could request a continuous UAFR. If the applicant cannot meet these criteria, it may nonetheless be eligible for a part-time restriction. A part-time UAFR would be active 24 hours per day; however, it would be in effect on a seasonal basis for 290 or

fewer consecutive days, as appropriate for the facility in question.

8. Unmanned Aircraft System Security and Incident Response Plans (§ 74.64)

FAA does not believe that the remedy of a flight restriction should be a facility's first line of defense to address risks or vulnerabilities associated with unmanned aircraft. FAA expects that operators or proprietors of facilities will take reasonable steps to address unmanned aircraft prior to requesting a UAFR.

Proposed § 74.64 would require applicants to provide, in form and manner acceptable to the Administrator, the following information related to a facility's security plans, including UAS incident response plans. FAA envisions that this information would include, but not be limited to, graphical representations and descriptions of the existing fixed site facility's security perimeter (as defined in § 74.1), FAA would expect the facility to have some means to restrict ground access to sensitive or vulnerable assets, such as a security perimeter. FAA would consider this information when evaluating the application under proposed § 74.100. This information allows FAA to evaluate whether the fixed site facility has taken actions to minimize its vulnerabilities from an unmanned aircraft. FAA is unlikely to approve a UAFR if the applicant cannot show that it has taken some steps to restrict public access to the facility. However, FAA recognizes that there are situations that may require special consideration regarding how much of the facility is restricted from the public.

9. Demonstration of Need (§ 74.66)

As discussed in section IV.C.2 of this preamble, to balance Congress's direction in section 2209 with FAA's other statutory obligations to ensure right of public transit, safety, efficiency, and unmanned aircraft integration in the NAS, only those applicants with a sufficient safety or security need may obtain a UAFR. Accordingly, FAA proposes to require all UAFR applicants to submit information demonstrating a safety or security need that justifies the remedy of an airspace restriction. To help FAA evaluate need, proposed § 74.66 would require applicants to describe: (1) existing unmanned aircraft traffic in close proximity to the fixed site facility; (2) the facility's specific vulnerabilities to unmanned aircraft traffic; (3) what would happen if an unmanned aircraft were to exploit a vulnerability; and (4) how a UAFR would be integrated into a facility's security plans to supplement existing security measures. No one of these factors would be dispositive. Furthermore, FAA may choose to deny a requested UAFR under 49 U.S.C. 40103 and section 2209 of FESSA even if an applicant meets the minimum criteria outlined in subparts B and C,. The Administrator may make this decision if it is determined that the restriction is unnecessary to address the documented risk or would unduly impair the efficient use of the NAS and the public's right of transit. FAA would evaluate them together with other information the applicant submits to determine whether unmanned aircraft activity presents a problem that a UAFR could address. A discussion of the information FAA proposes to request in § 74.66 follows.

Existing unmanned aircraft traffic patterns. Paragraph (a) would require applicants to submit information describing unmanned aircraft operations in close proximity to the facility during the previous 24 months, if available. Ideally, the applicant would be able to describe the type of operation, identify whether the operator is known to the applicant, and provide the total number of operations the applicant assesses are not associated with the facility itself.

Establishing a baseline for existing traffic would not only help FAA understand current operations over the facility, but it also would create a reference point for evaluating the effectiveness of the UAFR once it is active. FAA would use this information to understand existing threats and hazards and to evaluate the likelihood that a safety or security incident could occur. Whether a facility has heavy or light unmanned aircraft traffic would not be used to determine whether a fixed facility has vulnerabilities to UAS; rather, it is a factor FAA would consider in the balance for ensuring use of airspace. For example, FAA understands that some facilities might experience very light unmanned aircraft traffic; however, its unique vulnerabilities may lead FAA to conclude that a UAFR is warranted. Similarly, a facility may report significant unmanned aircraft traffic, but without demonstrating a vulnerability to those operations, FAA may conclude that the applicant has not demonstrated a need.

Vulnerability. Section 74.66(b) would require the applicant to describe how the facility is vulnerable to unmanned aircraft operating in close proximity to the fixed site facility. This explanation would identify the security weaknesses or gaps that an unmanned aircraft could exploit, either intentionally or unintentionally, to the detriment of the facility's operation or mission. FAA considers a vulnerability to be something in a fixed site facility's infrastructure, software systems, operations, or procedures that an unmanned aircraft could exploit or inadvertently interfere with in a way that could harm the facility, impede the facility's mission, or present a hazard to people or property.

FAA would expect the facility to address as many vulnerabilities as possible through a UAS security response plan or other measures the facility could reasonably take, short of restricting airspace. FAA would evaluate those vulnerabilities that could not be addressed through safety or security measures within the control of the facility as a part of the process for determining whether a UAFR would be appropriate and effective to address the identified vulnerabilities.

Consequence. In addition to identifying potential vulnerabilities to an unmanned aircraft operating over a fixed site facility, the applicant must describe the potential undesirable outcomes if an unmanned aircraft exploits a vulnerability. Accordingly, proposed § 74.66(c) would require the applicant to describe the consequences of an exploitation of the vulnerabilities identified in proposed § 74.66(b), including impact on: (1) the facility's operation or mission; and (2) aviation safety, the protection of persons and property on the ground, national security, or homeland security.

To evaluate whether a UAFR would be appropriate, FAA must understand not only what the vulnerabilities are, but what injury or hazard those vulnerabilities could cause. To establish their need for a UAFR, applicants would provide information showing how an incident could affect the fixed site facility's assets, operations, mission, or personnel. The applicant would address impacts on aviation safety, including those impacts on authorized unmanned aircraft activities and the local population, as well as any impact to national security or homeland security. For example, if the applicant is concerned about an operator losing control of an unmanned aircraft over the facility and it crashing into a structure, the applicant should describe what harm that incident could cause. The consequences might include physical damage leading to a power outage, injury to people in or near the facility, or the release of hazardous materials into the surrounding community. If the applicant is concerned about an unmanned aircraft causing radio frequency interference or disrupting critical communications systems, then

the applicant should describe what effect that interference or disruption would have on the facility's ability to fulfill its mission. FAA would evaluate the likelihood and severity of those consequences, in coordination with other agencies, as a part of its assessment as to whether the applicant can show a safety or security need to justify the UAFR.

Effect. Finally, the applicant must show how the requested UAFR would be integrated into a facility's security plans to supplement existing security measures.

FAA would expect the applicant to provide a description of how the facility would identify and respond to UAFR incursions, how employees would be trained, and how incursions would be reported. For example, would the facility have a way to monitor for UAS activity, report incursions, post signage communicating the airspace restriction, engage local law enforcement? With this information, FAA would evaluate the facility's readiness to incorporate a UAFR into their security plans.

FAA expects that in meeting the requirements of § 74.66, the applicant may consult with and obtain information, analysis, technical data, and other information, as authorized and appropriate, from their respective SRMA outlined in NSM–22.

10. Externalities (§ 74.68)

In addition to evaluating the effect a UAFR would have on the applicant's facility, FAA would also evaluate what effect, if any, the UAFR would have on adjacent landowners and airspace users. Proposed § 74.68 would require the applicant to describe in a form and manner acceptable to the Administrator: (1) the costs, disruptions, or other negative effects to users of the airspace, including known traffic circumnavigating the facility; and (2) any efforts the operator or proprietor of the fixed site facility has taken or would take to reduce or limit those costs, disruptions, or other negative effects.

For example, if a facility knows that a hospital uses unmanned aircraft to transport high value and time sensitive cargo, such as organs or blood for transplants, and they regularly fly over the facility since it is the shortest route to the hospital, what would be the cost and impact to the hospital if they had to fly around the UAFR? Another example may be a neighboring facility or landowner that regularly uses an unmanned aircraft as part of their operations; in that case, how would the fixed site facility's UAFR impact the other entity's operations and mission? To the extent a facility identifies externalities the UAFR would impose on other stakeholders, proposed § 74.68 would also require the applicant to describe any efforts that the applicant has taken or could take to minimize those costs or disruptions. For example, the facility could request a smaller lateral boundary for the UAFR so it encompasses critical facilities but does not impact known unmanned aircraft traffic. The fixed site facility owner could work with neighbors who use unmanned aircraft to establish policies and procedures that would support both their operations and missions. FAA would encourage applicants to understand the impact their requested UAFR would have on others and work with them to identify mutually acceptable mitigations or accommodations before initiating a UAFR request.

FAA would consider the externalities, as well as proposed solutions, when evaluating whether a UAFR is an appropriate remedy for a particular case. It is important for FAA to make sure that, in granting a UAFR to address one risk, it does not create a different concern for other stakeholders. Accordingly, understanding the effect the UAFR would have on others is an important element for FAA to consider when balancing section 2209 with Congress's mandate to ensure public right of access and the safety and security of the NAS.

11. Environmental Impact (§ 74.70)

FAA is responsible for complying with the procedures and policies of the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, regulations, and Executive orders prior to designating a UAFR. One such responsibility is to consider and document the potential environmental effects associated with UAFRs. Though FAA anticipates the vast majority of proposed UAFRs will not cause adverse environmental effects, FAA must nonetheless fulfill its obligations under applicable law.

• To enable FAA to evaluate site-specific information about requested UAFRs, FAA proposes to require applicants to provide certain information about sensitive land uses. Specifically, the applicant would be required to identify and describe the following land uses and resource types within, adjacent, or proximate to the proposed UAFR:

• Historic or cultural resources protected under the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 300101 *et seq.;*

• Presence of Tribal land of Federally-Recognized Tribes or areas to which Federally-Recognized Tribes have ancestral ties or religious and cultural affiliations;

• Properties protected under section 4(f) of the Department of Transportation Act (49 U.S.C. 303(c));

• Recreational or park land purchased with section 6(f) Land and Water Conservation Funds (54 U.S.C. 200305(f));

• Any Federal or State listed endangered, threatened, or candidate species or designated critical habitat, including species protected by individual statute;

• Any seasonal nesting sites, rookeries, or flyways for migratory or other listed, threatened or endangered avian species protected under the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*) or other relevant and applicable State and Federal protections;

• Wilderness Areas;

• Wild and Scenic Rivers (those that are known for recreation or vistas) (16 U.S.C. 1271 *et seq.*) and

• Noise sensitive areas and land uses.

Depending on FAA's analysis of the information the applicant provides, FAA proposes the applicant could be required to do the following:

• Prepare a site-specific analysis of circumstances or actions that could result in environmental impacts;

• Provide information to support FAA's development of an Environmental Assessment or its equivalent; or

• Assume financial responsibility for preparation of documentation required by NEPA by an FAA-selected and -managed consultant contractor.

Applicants also would be required to provide other site-specific information FAA may need to complete its evaluation.

D. Sector-Specific Requirements (Subpart C of Part 74)

1. Chemical Sector (§ 74.81)

Overview. This sector is responsible for producing, using, and transporting chemicals essential for the economy and national defense.[41] The chemical sector includes facilities that use, manufacture, store, transport, possess, or deliver potentially dangerous chemicals. Chemicals touch every critical infrastructure sector and impact the lives of Americans every day. The chemical sector is generally made up of four components: agricultural chemicals, basic chemicals, specialty chemicals, and consumer chemicals.

The four components of the chemical sector play unique and critical roles supporting various aspects of daily life

and industrial operations. Diversity within the sector allows it to address a wide range of needs, from agricultural productivity and industrial manufacturing to consumer safety and national security. By maintaining robust production and supply chains for each component, the chemical sector ensures the continued availability and reliability of the chemicals that are essential to society.

Most chemical manufacturing, transportation, storage, and warehousing facilities are privately owned and operated. Because of potential health and safety hazards, chemicals must be carefully managed from manufacturing to end use. Chemical facilities include those related to research, pharmaceuticals, and petrochemicals, among others. With facilities, suppliers, and end users located around the globe, chemical sector operations are vulnerable to a variety of disruptions stemming from a UAS incident. Local or regional disruptions to critical suppliers can cause cascading supply chain disruptions across geographic regions and in multiple industries.

The chemical sector affects most industries, with nearly all sectors requiring chemical products or services for their operations. Therefore, an incident at a chemical facility can cut across multiple sectors increasing the impact in both range and scope. Many of these operations are vital to national security. As a result, the chemical sector has significant impacts on national security, the economy, public health and safety, food and agriculture.

Criteria. FAA worked with SRMA's to create risk-based parameters for chemical facilities eligible to request a UAFR. Relying on previous analysis of chemicals and threshold quantities, FAA in collaboration with the SRMA, developed eligibility criteria based on a facility using, manufacturing, storing, transporting, possessing, or distributing one or more hazardous-release chemicals at or above the minimum concentration percentages and screening threshold quantities that are referenced in the sections of Appendix A. Hazardous release, in this instance, addresses the release of toxic, explosive, and flammable chemicals that could cause a hazard.

FAA proposes that a fixed site facility within the chemical industry may apply for a UAFR designation if the facility uses, manufactures, stores, transports, possesses or distributes one or more hazardous-release chemicals at or above the minimum concentration percentages and screening threshold quantities. To determine the required minimum concentration and percentages FAA proposes to adopt sections of appendix A from 6 CFR part 27 into a new appendix to 14 CFR part 74. The appendix will have a selection of the chemicals that were included in 6 CFR part 27 and other technical edits to those chemicals as recommended by the SRMAs.

2. Commercial Facilities Sector (§ 74.82)

Overview. The Commercial Facilities Sector includes various sites that draw large crowds for shopping, conducting business, entertainment, or lodging.[42] This sector is integral to the U.S. economy, contributing significantly to the U.S. gross domestic product and supporting millions of jobs across the country. The assets in this sector are extremely diverse and play a vital role in the overall well-being of people in the nation, which makes their protection and resilience a matter of national priority. Given the wide variety of facilities and events within this sector, the Commercial Facilities stakeholders encounter an inherent tension in balancing security priorities with the need to provide open access, ensure public confidence, and encourage economic vitality.

Due to their high public visibility and large foot traffic, these facilities prioritize safety and security measures to protect against natural disasters, cyberattacks, terrorism, and public health emergencies. Any impact on the sector's ability to operate normally will directly affect the nation's economy as well as the public's health and safety.[43] The commercial facilities sector has eight subsectors that range from entertainment and media to real estate and sports leagues.

Eligibility criteria for this sector focuses on facilities in the Outdoor Events and Public Assembly Subsectors, with facilities in those subsectors representing the highest risk of significant public safety and economic impacts in the event of a UAS incident. Within Outdoor Events and Public Assembly Subsectors, as well as in the Sports League Subsector, certain high-risk fairs, parades, exhibitions, sporting events, marathons, and events at arenas, stadiums, convention centers, etc. may be eligible to request temporary flight restrictions from FAA. As these facilities host events that are often temporary in nature (*e.g.,* have a start and end time), a temporary flight restriction is more appropriate than a permanent or part-time UAFR. Certain major sporting events also fall under a standing flight restriction for one hour before and one hour after qualifying events.[44] However, there are also many facilities in the Outdoor Events and Public Assembly Subsectors that host large crowds on a non-temporary basis; for example, amusement parks, theme parks, and zoos. Careless or malicious use of UAS around commercial facilities could result in significant harm to people, property, and business operations. The cascading effects of a UA incident occurring at a facility serving this large of a community would extend beyond the target facility and negatively affect supply chains, tourism, and the nation's economy.

Criteria. FAA worked in consultation with the SRMAs to develop the criteria for eligible sites. While FAA is not seeking to limit eligibility to only amusement parks, this facility type offered raw publicly available data. The SRMA's reviewed the annual attendance levels reported in the 2023 Theme Index report from AECOM; this report lists the top 20 amusement and theme parks in North America based on attendance.[45] The lowest annual attendance of the top 20 parks is 2.5 million. A threshold of 2.5 million may potentially allow facilities that host short-term events, such as state fairs, to request a UAFR. The UAFR is meant to be more permanent in nature. Therefore, FAA also proposes that the facility is open to the public at least 120 days a year.

FAA proposes that a fixed site facility within the commercial facilities sector may apply for a UAFR designation if the facility meets the following eligibility requirements. The facility would be required to have a minimum annual attendance of 2.5 million in the previous year, be open to the public for at least 120 days a year, be primarily outdoors and not enclosed, have ticketing or entry controls procedures in place and is not a stadium or venue where the events may be covered by temporary flight restrictions.

3. Communications Sector (§ 74.83)

Overview. The communications sector makes it possible to communicate in rapid time anywhere around the world by providing the products and services that support the efficient operation of today's global information-based society. This sector is responsible for delivering voice, data, video, and internet services to support national security and the economy.[46] Many of these products and services are foundational or necessary for the operations and services provided by all of the other 15 critical infrastructure sectors.

Communications networks involve both physical infrastructure (buildings, switches, routers, towers, antennas, servers, generators, conduits, etc.) and

cyber infrastructure (routing and switching software, operational support systems, user applications, etc.), which presents a holistic challenge to protect the combined physical-cyber infrastructure. The communications sector includes components from broadcasting systems to wireless telecommunication. The communications sector is vitally important to the health of the U.S. economy and the preservation of public safety and national security, as communications infrastructure underlies the operations of all businesses, commerce, medicine, public safety organizations, and government organizations.

Criteria. Eligible facility types in this sector would be limited to broadcast, communications-related data centers, satellite, and wireless. The cable component of this sector primarily supports the distribution of television and internet services, which are considered less critical compared to large scale telecommunications and broadcasting which are essential for emergency communications, public safety, and national security.

Cellular towers, broadcast antennas and satellite uplinks are vulnerable to UAS. Other types of communications facilities such as data centers that contain internet exchange points and colocation facilities. An incident at one of these sites could disrupt phones, internet, or emergency communications and cause outages that could result in emergency response delays, economic disruption, impacts to critical government operations, and loss of human life. Any potential gating criteria in this sector will be limited to eligible facilities for which a disruption would have a regional or national impact on the nation's communications capabilities.

FAA proposes that operators or proprietors within the communications sector may apply for a UAFR if they are a facility type listed below and meet the associated criteria:

- Broadcast network facilities with antennas or transmitters that are essential for the transmission of public safety information and emergency alerts.
- Cellular towers, base stations, or nodes of which disruption could result in debilitating impact to regional or national, public health, financial systems, or national security.
- Satellite uplink and downlink stations of which disruption could result in debilitating impact to regional or national, public health, financial systems, or national security.
- Facilities underpinning interconnected services where disruption could result in regional or national-level debilitating impact to multiple downstream sectors (*e.g.,* financial systems, healthcare, energy grid supervisory control and data acquisition systems, national security systems, network operations centers).
- Data Centers/internet Exchange Points and colocation facilities that contain peak traffic throughput of at least 1 terabit per second.

4. Critical Manufacturing Sector (§ 74.84)

Overview. The critical manufacturing sector is crucial to the economic prosperity and continuity of the United States. This sector processes raw materials and produces highly specialized parts and equipment essential to primary operations in several U.S. industries—particularly transportation, defense, electricity, and major construction.[47] Central to the sector's operations is the global transport of raw materials and finished products along large supply chains. According to IndustrySelect's database, there are over 400,000 U.S. manufacturers.[48] From these manufacturers, there are approximately 70,000 facilities within the critical manufacturing sector across the four key functional areas: (1) primary metals manufacturing; (2) machinery manufacturing; (3) electrical equipment, appliance, and component manufacturing; and (4) transportation equipment manufacturing.

Criteria. The critical manufacturing sector is complex, and the criticality of certain facilities may fluctuate based on various factors such as economic winds, national public health, and supply chain changes. For instance, a facility may be the sole source provider of a certain product, and if there is a supply chain shortage for any reason, then that facility may become increasingly critical. Additionally, many facilities may be eligible for a UAFR under criteria for other sectors as there is significant overlap with the Defense Industrial Base, Transportation Systems Sector, and Chemical Sector, among others.

FAA proposes the following minimum eligibility criteria for an operator or proprietor: (1) the facility must be within any of the Critical Manufacturing Sector's four key functional areas aligned to the North American Industry Classification System (NAICS): Primary Metal Manufacturing; Machinery Manufacturing; Electrical Equipment, Appliance, and Component Manufacturing; and Transportation Equipment Manufacturing and (2) has one or more critical components of facility operations occurring in an exposed area without enclosed walls or roofs.

FAA seeks public comment on:

1. Are there additional criteria that would be beneficial for discerning eligible critical manufacturing facilities that have regional or national level consequences if disrupted by unmanned aircraft?

2. Are there specific facilities that were omitted or facilities that should be removed from the current criteria?

When providing a response, please identify the sector and question to which the response is provided to distinguish from the other sectors that have similar questions.

5. Dams Sector (§ 74.85)

Overview. The dams sector is a vital and beneficial part of the nation's infrastructure. Water retention and control services provided by the dams sector support multiple critical infrastructure sectors, industries, and regions. Dams sector assets contribute to hydroelectric power generation, water storage and supply, nuclear plant cooling water, movement of valuable goods on inland waterways, protection from catastrophic flooding, extreme weather mitigation, and contributions to local economies. The dams sector assets include dam projects, navigation locks, and levees.[49]

Dam projects comprise water impoundment or control structures, reservoirs, spillways, outlet works, powerhouses, canals or aqueducts, and in some cases, navigation locks. They provide electricity generation, water storage and supply, sediment and flood control, and/or recreation. The National Inventory of Dams database documents more than 92,000 dams in the United States.[50] Dam failures and associated inundation areas can result in high fatality rates (*i.e.,* the number of fatalities divided by the number of people exposed to the flooding), especially when flooding overwhelms an unsuspecting group of people. As of July 2025, the National Inventory of Dams classifies 16,845 dams in the United States as High-Hazard Potential, meaning that their failure could result in loss of life.[51]

Locks. Locks make inland waterways viable transportation corridors by allowing commercial and recreational traffic to move safely between river pools. The U.S. waterway system includes 12,000 miles of inland and intracoastal waterways and 13,000 miles of inland channels and harbors, made navigable by over 250 locks.[52] Inoperable navigation locks could delay

valuable domestic cargo shipments that move commerce from 28 states, along the inland marine highways, to the rest of the nation and world.[53]

Criteria

Dams. FAA proposes the following minimum eligibility criteria for an operator or proprietor of a Dam to apply for a UAFR. The dam project must be assigned in the National Inventory of Dams database as high- or significant-hazard potential classification and meet one of the following minimum thresholds:

- Hydroelectric dams with a combined nameplate capacity of 350 megawatts or more of power and have produced 1,850,000 megawatt hours or greater during the previous calendar year, or
- Facilities with a drinking water supply function that constitutes the main source of water to a population exceeding 500,000, or
- Facilities with annual total water deliveries (including municipal, industrial, and/or agricultural purposes) exceeding $100 million or 800,000 acre-feet.

Locks. FAA proposes that the operator or proprietor of a fixed site facility may apply for a UAFR designation if the lock has a navigation function associated with annual traffic exceeding 25,000 kilotons.

6. Defense Industrial Base Sector (§ 74.86)

Overview. The Defense Industrial Base Sector (DIB) enables research and development, as well as design, production, delivery, and maintenance of military weapons systems, subsystems, and components or parts, to meet U.S. military requirements. The Defense Industrial Base partnership consists of Department of Defense components, more than 100,000 defense industrial base companies and their subcontractors who perform under contract to the Department of Defense, companies providing incidental materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities.[54] Defense industrial base companies include domestic and foreign entities, with production assets located in many countries. The sector provides products and services that are essential to mobilize, deploy, and sustain military operations.

Criteria. The DIB sector is unique because it is contractual based. The stakeholders in this sector are either contractors or subcontractors for the Department of Defense. As such, to apply for a UAFR within this sector, the operator or proprietor must demonstrate they are a Department of Defense contractor or subcontractor located in the United States.

The contractor or subcontractor would also be required to demonstrate their scope of work specifically pertains to the development, production, or support of mission critical functions such as aircraft assembly; missile defense; munitions and energetics; nuclear modernization, including nuclear command, control, and communications; shipbuilding; space launch vehicles and payload construction and launch sites; and unmanned systems and counter unmanned systems.

7. Emergency Services Sector (§ 74.87)

Overview. The emergency services sector represents the nation's first line of defense in the prevention and mitigation of risk from both intentional and unintentional manmade incidents and natural disasters.[55] Emergency services sector functions support each of the other 15 critical infrastructure sectors and assist a range of organizations and communities in maintaining public safety, security, and confidence in the government by performing lifesaving operations, protecting property and the environment, assisting communities impacted by disasters, and aiding in recovery from emergencies. Five distinct subsectors comprise the emergency services sector including: emergency management, emergency medical services, fire and rescue services, law enforcement, and public works. For the purposes of this rule, state prisons are included in the Emergency Services Sector.

The primary unmanned aircraft-related risks to facilities in the Emergency Services Sector are at correctional facilities. While other sector functions and roles are subject to disruptions from UAS, those incidents are typically not necessarily connected to a fixed site facility.

Correctional facilities routinely face challenges with the delivery of dangerous contraband into correctional institutions using UAS. In some cases, this contraband includes drugs and cell phones; in other cases, more serious contraband, such as weapons and tools to facilitate escape, has been introduced via UAS delivery.[56] Additionally, there are examples where UAS have been used to conduct surveillance prior to delivering contraband to prison inmates.

Between 2013 and 2016, the Georgia Department of Corrections reported a total of three drone sightings. In 2018, Georgia Department of Corrections reported 300 drone sightings.[57] The South Carolina Department of Corrections reported 193 drone incidents in 2019, which rose to 262 drone incidents in 2022.[58] As criminal drone operators use sophisticated techniques to evade detection, reported drone incidents likely represent only a fraction of the actual drone incursions into prisons.

On June 4, 2024, FAA met with the American Correctional Association (ACA) and the Correctional Leadership Association (CLA) to discuss the threat posed by unmanned aircraft to State prisons.[59] Both organizations provided FAA with the Countering the Emerging Drone Threat to Correctional Security Report by RAND.[60] ACA and CLA directed FAA to the endnotes and references in the report which include countless news articles and data documenting the threat unmanned aircraft pose to prisons.

These drone sightings and incursions into prison facilities are not benign. Inmates connected to individuals on the outside are using unmanned aircraft to deliver drugs, weapons, escape tools, cellphones, and other contraband to prison yards.[61] Thus far, activity is reported to have involved the delivery of drugs, cell phones, and weapons; however, there have also been reports of attempts to attack, escape from, and surveil the facilities.[62]

Criteria. FAA proposes emergency services sector facilities seeking a UAFR meet the following minimum qualifications for their specified subsector: if it is an (1) institution under State jurisdiction where the primary purpose of the facility is for the confinement of individuals convicted of a felony or (2) it is a correctional facility federal, local, tribal, territorial, or private and able to house 500 or more inmates.

FAA seeks public comment on the following:

1. Are there additional facility types in this sector that should be considered?

a. What are the UAS concerns, threats, and/or vulnerabilities to these additional facilities?

b. Would these be national level or regional level consequences if affected?

c. What gating criteria would be appropriate to ensure only facilities that have regional or national level impacts are considered?

When providing a response, please identify the sector and question to which the response is provided to distinguish from the other sectors that have similar questions.

8. Energy Sector (§ 74.88)

Overview. The secure and reliable delivery of energy is crucial for national security, economic prosperity, public health, and public safety. The ability to access electricity, natural gas, and petroleum products on demand relies on the uninterrupted operation of the energy infrastructure and supply chains that support energy delivery. All other critical infrastructure sectors depend on energy for their own secure and reliable operation.

Energy systems are highly complex, with many intra-dependencies within the sector. The sheer quantity and geographic distribution of energy infrastructure makes it challenging to harden all assets against physical security threats, including UAS.

However, certain facilities are critical to regional energy supply due to their size and function. Within the electricity sector, large power plants and large transmission substations play critical roles in electricity generation and delivery to end customers. Within the oil sector, large oil refineries are critical for regional supplies of transportation and heating fuels, and within the natural gas sector, large natural gas processing plants are critical for regional supply of pipeline grade natural gas.[63]

Criteria. FAA proposes that energy sector facilities seeking a UAFR meet the following minimum qualifications for their specified subsector:

Electricity Facility. The operator or proprietor of a fixed site facility within the electricity industry may apply for a UAFR if it meets one of the following criteria: (1) the facility is a power-generation facility with a combined nameplate capacity of 500 megawatts or greater of power; (2) the facility is an electrical substation with a capacity of 500 kilovolts or greater of power; or (3) the facility is an electrical substation with a capacity of 345 kilovolts or greater of power in the Electric Reliability Council of Texas.

Oil Refinery. The operator or proprietor of a fixed site facility within the oil refinery industry may apply for a UAFR if: (1) it is a facility where crude oil is converted into petroleum product; and (2) it has the capacity to produce 100,000 barrels per day or more of a petroleum product.

Natural Gas. The operator or proprietor of a fixed site facility within the natural gas processing industry may apply for a UAFR if: (1) it is a facility where natural gas is processed into dry natural gas (also known as pipeline quality or consumer grade gas); and (2) it has a processing capacity of at least 500 million cubic feet per day (MMcf/d) of natural gas.

9. Financial Services Sector (§ 74.89)

Overview. The Financial Services Sector is highly diverse. Each financial institution has unique security and resilience needs, resources, and plans depending on the functions it performs and its approach to risk management. Effectively reducing the sector's physical and cybersecurity risk requires a shared understanding of the critical services the sector provides, the specific security and resilience risks it faces, and the collaboration mechanisms used among the sector's security and resilience stakeholders including financial services sector companies; sector trade associations; federal government agencies; financial regulators; State, local, Tribal, and territorial governments; and other government and private sector partners in the United States and around the world.

The financial services sector includes thousands of depository institutions, providers of investment products, insurance companies, other credit and financing organizations, and the providers of the critical financial market utilities and services that support these functions. Financial institutions vary widely in size and presence, ranging from some of the world's largest global companies with hundreds of thousands of employees and trillions of dollars in assets, to community banks and credit unions with a small number of employees serving individual communities.[64]

The financial sector faces growing risks from UAS due to their increasing accessibility, technological capabilities, and potential use in malicious activities. UAS pose a unique and evolving threat to financial institutions, particularly those with critical physical infrastructure, high concentrations of personnel, or sensitive data centers.

Criteria. FAA proposes that financial services facilities seeking a UAFR meet the following minimum qualifications for their specified subsector:

Corporate Headquarters and Regional Operations Centers. The operator or proprietor of a corporate headquarters or regional operations centers may apply for a UAFR if the facility houses C-suite or high-value personnel or is in urban centers or high-visibility areas.

Cash Vaults, Currency Processing, and ATM Support Facilities. The operator or proprietor of cash vaults, currency processing, and ATM support facilities may apply for a UAFR if that facility has high-volume cash throughput or services multiple branches.

Trading Floors and Financial Exchanges. The operator or proprietor of trading floors and financial exchanges may apply for a UAFR if it is a high-value site for securities and commodities trading and market infrastructure with real-time trading, media presence, or systemic importance.

Third-Party Service Provider Facilities. The operator or proprietor of third-party service provider facilities may apply for a UAFR if the facility supports transaction processing, custody, authentication, or cloud services.

FAA is requesting comment on the following:

1. Are these financial sector facility types appropriate for a UAFR? Please describe why they should be added and the unique risk UAS pose to them.

a. Are there any types of facilities that should be removed from consideration for UAFR?

When providing a response, please identify the sector and question to which the response is provided to distinguish from the other sectors that have similar questions.

10. Food and Agriculture Sector (§ 74.90)

The food and agriculture sector is responsible for the growth, processing, and delivery of food and agricultural products. The food and agriculture sector is almost entirely under private ownership and is composed of farms; manufacturers; processors; storage and warehousing facilities; restaurants, retail establishments, and more. Agriculture, food, and related industries represent 5.6% of U.S. gross domestic product (GDP) and 10.4% of U.S. employment.[65] The food and agriculture sector has critical dependencies with many other critical infrastructure sectors, such as water, transportation, energy, chemicals, and information technology.

The U.S. food and agriculture sector is composed of approximately 1.9 million farms, over 700,000 restaurants, and more than 220,000 registered facilities in food manufacturing, processing, and storage.[66] FAA, in consultation with the SRMAs, could not identify a facility in this sector that was not already captured by another sector or would rise to the level of national level debilitating impact.

Criteria. FAA has not developed criteria for this sector. As such, FAA seeks comments on the following questions to inform the development of the criteria for the food and agricultural sector:

1. What types of facilities within this sector should be considered for a UAFR? Specifically, those that could have debilitating regional or national-level consequences.

2. What characteristics should be considered in the development of gating criteria for those facilities?

3. Should the population served or regional or national economic impact be considered in the development of gating criteria, and if so, what are appropriate thresholds?

When providing a response, please identify the sector and question to which the response is provided to distinguish from the other sectors that have similar questions.

11. Government Services and Facilities Sector (§ 74.91)

Overview. The government services and facilities sector includes a wide variety of buildings, located in the United States, that are owned or leased by federal, State, local, and Tribal governments. Many government facilities are open to the public for government business activities and services, while others contain highly sensitive information, materials, processes, and equipment and are closed to the public. These facilities include general-use and special-use office buildings, courthouses, national laboratories, and structures that may house critical systems and assets. In addition to physical structures, the sector includes cyber elements that contribute to the protection of sector assets for the delivery of mission-oriented services necessary to conduct security- and national security-sensitive operations and supporting services necessary for ensuring the National Essential Functions.[67]

The education services and facilities subsector covers pre-kindergarten through 12th grade schools, institutions of higher education, and business and trade schools. The subsector includes facilities owned by both government and private sector entities.

UAS possess an ever-growing set of capabilities that have the potential for high-risk disruption to the GSFS—its people, customers, facilities (including their assets and systems) and services the sector provides. The range of potential UAS payloads, with various numbers, sizes and types, could cause harm to the facility personnel and customers, facilities, assets and systems resulting in incapacitation and debilitation of critical mission-oriented services necessary for National Essential Functions. Furthermore, the use of UAS near high risk, high-security government entities by adversaries could also result in security disruption, breach, surveillance, espionage, intellectual property theft, and sabotage.

Criteria. Eligible facilities in the government services and facilities sector would be limited to high-risk high-security government facilities with a national or homeland security role and critical mission-oriented services necessary for National Essential Functions as determined by a comprehensive risk assessment considering symbolism, facility size, mission criticality, facility population, and threats to tenant agency. Therefore, FAA proposes that Government Services and Facilities seeking a UAFR meet the following minimum qualifications for their specified subsector:

(1) A high-risk, high-security government facility with a national or homeland security role and critical mission-oriented services along with a security level determination resulting from a comprehensive risk assessment, along with documented related risk management measures in place.

12. Healthcare and Public Health Sector (§ 74.92)

Overview. The healthcare and public health sector encompasses the essential services and assets needed to protect public health and ensure the delivery of healthcare services. Key components include hospitals, outpatient clinics, public health agencies, laboratories, pharmaceutical manufacturers, health insurers, and others. These are distributed across the United States and its territories, with approximately 85% of the healthcare and public health sector's critical infrastructure owned and operated by the private sector. The healthcare and public health sector is also responsible for vast, complex public-private information technology systems required for supporting care delivery and the rapid and secure transmission and storage of large amounts of data.[68]

Drones pose a threat to facilities in this sector because they could collide or interfere with helicopters transporting patients, medical professionals, biologics, and urgent medical equipment and supplies. Drones could also interfere with power supplies and communication systems leading to operational disruptions and potential harm to patients.

Criteria. FAA proposes that operators or proprietors within the healthcare and public health sector may apply for a UAFR if the facility is a Level I trauma center with helipad(s) or pediatric level I trauma center with helipad(s).

13. Information Technology Sector (§ 74.93)

Overview. The information technology sector provides products and services crucial to efficiently operating today's global information-based society. It supports the operations and services of other critical infrastructure sectors and comprises small, medium, and large multinational companies.[69]

The information technology sector has a profound impact on the economy and national security. It enables the operation of other critical infrastructure sectors, supports economic growth through innovation and productivity improvements, and is integral to national defense and emergency response capabilities. Disruptions in the information technology sector can lead to cascading effects across multiple sectors, as was seen in the 2024 Crowdstrike update disruption, highlighting the need for robust security and resilience measures.[70] Information technology products and services are central to the nation's critical infrastructure, with businesses, governments, academia, and private citizens increasingly dependent on information technology Sector functions.[71]

The information technology sector is a cornerstone of the U.S. economy with the U.S. computer systems and design related services industry adding $489.2 billion and data processing, internet publishing, and other information services adding $469.4 billion in value to the U.S. economy in 2023.[72] Information technology infrastructure enhances the safety, resilience, and continuity of all 16 critical infrastructure sectors. Unlike many critical infrastructure sectors, consisting of finite and easily identifiable physical assets, the information technology sector is function-based, encompassing physical assets and virtual systems and networks that enable key capabilities and services in the public and private sectors. These functions are required to maintain or reconstitute networks (*e.g.,* the internet, local networks, and wide area networks) and their associated services. These critical information technology Sector functions are provided through a combination of information technology hardware, software, networks, and services.

Information technology sector functions encompass the complete set of processes involved in creating information technology products and services, including research & development, manufacturing, distribution, upgrades, and maintenance. These functions support

the sector's ability to provide various industries with high-assurance information technology products and services.

Criteria. FAA proposes that operators or proprietors within the information technology sector may apply for a UAFR if they are a facility type listed below and meet the associated criteria:

- Data center hosting cross-sectoral data or platform dependencies where a loss, degradation, or compromise of such services could have a debilitating impact on national security, defense, or continuity of critical government operations.
- Data center underpinning interconnected services where disruption could result in regional or national-level debilitating impact to multiple downstream sectors.
- Internet exchange point and collocated data centers that contain peak traffic throughput of at least 1 terabit per second (Tbps).[73]
- Exposed long-haul fiber-optic cables at data centers where a loss, degradation, or compromise of such networking infrastructure could have an debilitating impact on national security, defense, or continuity of critical government operations.

14. Nuclear Reactors, Materials, and Waste Sector (§ 74.94)

Overview. The nuclear reactors, materials, and waste sector is critical to U.S. clean power generation, as well as medical and industrial applications and academic research.[74] This sector includes the nation's fleet of commercial nuclear power plants, non-power reactors used for research, training, and radioisotope production, and nuclear and radioactive materials used in medical, industrial, and academic settings.[75] There are 95 nuclear reactors at 54 commercial nuclear power plant sites in 28 states powering one in five homes and businesses across the U.S. As the nation's largest source of clean electricity, nuclear power accounts for more than half of all carbon-free electricity generated.

A significant incident or failure at a major nuclear facility could lead to high economic, national defense, environmental, and safety impacts. There are also public safety implications that would result in a large national security interest in nuclear sector facilities. Several nuclear facilities are located within 50 miles of high-density population centers. Most of the larger plants and facilities were initially built in remote areas; however, during decades of operation, development has increased population density near formerly remote plants. Generally, any facility within 25–50 miles of a major urban area may be considered a heightened national security risk due to the potential for mass casualties, disruption of critical services, and public panic in the event of an incident.

The presence of radioactive material poses an inherent risk to public safety and the environment—a breach or release of nuclear material could result in mass evacuations, widespread contamination, and long-term health impacts.

Criteria. The proposed criteria for the nuclear sector is intended for critical functions in the energy lifecycle, such as storage, conversion, enrichment, fuel fabrication, isotope production, and waste management.

FAA proposes that operators or proprietors within the nuclear sector may apply for a UAFR if the facility meets one or more of the following criteria:

- Nuclear power plants that are currently operating and generating electricity.
- Facilities that convert, enrich, fabricate, or reprocess nuclear material for nuclear reactor fuel.
- Former nuclear power plant sites with spent nuclear fuel, off-site spent nuclear fuel and high-level radioactive waste independent spent fuel storage installations, consolidated interim storage facilities, or monitored retrievable storage installations.
- Isotope Production Facilities where a disruption from a UAS incident could halt isotope supply for medical diagnostics/treatment.
- Nuclear research and test reactors.

15. Transportation Systems Sector (§ 74.95)

Overview. The nation's transportation system quickly, safely, and securely moves people and goods through aviation, roads, rail, maritime, pipelines, and transit systems.[76] The transportation systems sector consists of six key subsectors, or modes:

The aviation subsector includes aircraft, air traffic control systems, and about 19,700 airports, heliports, and landing strips. Approximately 500 provide commercial aviation services at civil and joint-use military airports, heliports, and sea plane bases. In addition, the aviation subsector includes commercial and recreational aircraft and a wide variety of support services, such as aircraft repair stations, fueling facilities, navigation aids, and flight schools.

In the aviation subsector, airports and commercial spaceports are susceptible to UAS operations due to the high impact of drone incidents near these sites. For instance, the implications of the 2018 Gatwick drone incident led to over 1,000 flight cancellations and impacting over 140,000 passengers, significant financial losses for the airport and airlines. U.S. officials told a Senate committee on July 22, 2025 that there have been more than 3,000 drone events near American airports since 2021, including 11 aircraft this year that reported taking evasive action to avoid collisions.[77]

FAA has an existing framework regulating UAS operations near aviation subsector infrastructure. Currently, UA are restricted from flying near an airport without prior authorization from an Air Traffic Controller.[78] FAA also has regulations in place for launch and reentry at commercial spaceports. FAA has frequently used TFRs to segregate hazardous launch, reentry, and amateur rocket operations from all other NAS users.[79] FAA will continue to leverage its existing framework to manage airspace near these sites.

The mass transit and passenger rail subsector include terminals, operational systems, and supporting infrastructure for passenger services by transit buses, trolleybuses, monorail, heavy rail, light rail, passenger rail, and vanpool/rideshare. In 2024, the U.S. public transportation sector delivered 7.7 billion passenger trips, while Amtrak, the national passenger rail service, recorded a record 32.8 million customer trips.[80]

The freight rail subsector consists of six major carriers, hundreds of smaller railroads, over 138,000 miles of active railroad, over 1.33 million freight cars, and approximately 20,000 locomotives. An estimated 12,000 trains operate daily. The Department of Defense has designated 30,000 miles of track and structure as critical to mobilization and resupply of U.S. forces.

During meetings with FAA, the Association of American Railroads (AAR) requested FAA consider allowing UAFRs over approximately 140,000 miles of track to include right-of-way property extending laterally fifty feet from the tracks. FAA does not believe that issuing UAFRs over potentially 140,000 miles of track is consistent with Congress's direction under section 2209 or FAA's statutory mandate to ensure public right of access and the safety and efficiency of the NAS. Moreover, FAA is concerned that airspace restriction on this scale would be inconsistent with its obligation to integrate unmanned aircraft into the airspace.

In this subsector, there are also rail secure areas that are susceptible to UAS threat. A rail secure area is defined in

49 CFR 1500.3 as ''a secure location(s) identified by a rail hazardous materials shipper or rail hazardous materials receiver where security-related pre-transportation or transportation functions are performed or rail cars containing the categories and quantities of rail security-sensitive materials are prepared, loaded, stored, and/or unloaded.'' Rail security sensitive materials (RSSM) are defined in 49 CFR 1580.3 and cover three categories of hazardous materials that, in certain quantities, present serious security risks: material poisonous by inhalation, certain explosive materials, and certain high-level radioactive materials.

The highway and motor carrier subsector encompasses more than 4 million miles of roadway, more than 600,000 bridges, and more than 350 tunnels. Vehicles include trucks, including those carrying hazardous materials; other commercial vehicles, including commercial motorcoaches and school buses; vehicle and driver licensing systems; traffic management systems; and cyber systems used for operational management.

The maritime transportation system (MTS) subsector is an integrated network that consists of 25,000 miles of coastal and inland waters and rivers serving 361 ports and supports $5.4 trillion dollars of economic activity each year and accounts for the employment of more than 30 million Americans. The maritime transportation of cargo is critical to U.S. national interests and provides an economical, environmentally friendly, and efficient mode of freight transport. The MTS connects America's consumers, producers, manufacturers, and farmers to domestic and global markets.

The pipeline systems subsector consists of more than 3 million miles of pipelines spanning the country and carrying nearly all the nation's natural gas and about 65 percent of hazardous liquids, as well as various chemicals. Above-ground assets, such as compressor stations and pumping stations, are also included in this subsector.

Criteria. The transportation sector is inherently mobile with many of its critical assets spanning large geographical regions. Many of the assets within each of the modes of transportation are mobile and do not qualify as fixed sites.

FAA proposes that operators or proprietors within the Transportation sector may apply for a UAFR if the facility meets one of the following criteria:

For Surface Transportation:

- Rail facilities required by law to have a rail secure area as defined in 49 CFR 1500.3.
- Intermodal passenger transportation hubs that serve three or more of the following: ferries, commuter rail, heavy rail transit, Amtrak, intracity buses, and intercity buses.
- Pipeline pump stations that are immediately upstream of mountain ranges. (*i.e.,* hydraulically critical).
- Pipeline compressor stations that are just upstream of electric power generating plants or major metropolitan areas.
- Electric substations providing power to pipeline pumping and compressor stations.
- Electric substations providing power to railroad catenary systems.
- Pipeline control stations/rooms that are sole source supply to cities, airports, and national defense infrastructure.
- Highway bridges or tunnels that serve 50,000 or more vehicles daily and have a structure length of at least a half mile.

For Maritime Transportation:

- To be eligible to request an unmanned aircraft flight restriction in the maritime subsector, the facility must be regulated by the Maritime Transportation Security Act and currently have an active Facility Security Plan (FSP) or be covered by a Commandant approved Alternate Security Plan (ASP).

16. Water and Wastewater Systems Sector (§ 74.96)

Overview. The water and wastewater sector is composed of drinking water and wastewater infrastructure of varying sizes and ownership types.[81] The sector has its own unique risks including threats, vulnerabilities, and consequences that drive sector security and resilience activities. With the support of the Department of Homeland Security, the Environmental Protection Agency (EPA) is the lead SRMA for this sector, overseeing the safety and security of the drinking water and wastewater systems of the United States. Below is a breakdown of the types of facilities that service this sector.

Drinking Water Systems. There are approximately 153,000 public water systems (PWSs) in the United States. These water systems are categorized according to the number of people they serve, source of water, and whether the same customers are served year-round or on an occasional basis. Public water systems provide water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serve an average of at least 25 people for at least 60 days a year. Public water systems are divided into three categories: (1) Community Water System—a public water system that serves people year-round in their residences; (2) Non-transient non-community water system—a public water system that is not a community water system but still regularly serves at least 25 of the same people more than six (6) months of the year (*e.g.,* schools, factories, office buildings, and hospitals that have their own water systems); and (3) Transient Non-Community Water System (TNCWS)—a public water system that serves transient consumers. Transient consumers represent individuals who have the opportunity to consume water from a water system but who do not fit the definition of a residential or regular consumer. Examples include gas stations or campgrounds where people do not remain for long periods of time. There are more than 51,000 community water systems, more than 18,000 non-transient non-community water system, and approximately 84,000 transient non-community water systems in the United States.[82]

There are relatively few very large drinking water systems as compared to the number of smaller utilities. There are approximately 410 community water systems (CWS) that service more than 100,000 people; approximately 3,746 CWS service between 10,001 and 100,000 people; approximately 4,871 CWS that service populations between 3,301 and 10,000; and approximately 42,624 CWS that service fewer than 3,301 people.[83]

Wastewater Systems. There are more than 16,500 publicly owned treatment works in the United States that collectively provide wastewater service and treatment to more than 227 million people and are generally designed to treat domestic sewage. However, publicly owned treatment works also receive wastewater from industrial (non-domestic) users; these industrial users discharge effluent into a collection system for subsequent treatment at a publicly owned treatment works and are subject to the national pretreatment program. Many states are authorized to administer this program, which ensures that effluent is compatible with the utility's treatment capabilities or, if not, that the effluent is pretreated before being discharged to the collection system. Major and minor dischargers are defined according to a formula that considers the type of industry, flow rate, types of pollutants, and other factors.

Approximately 79 percent of utilities treat less than one (1) million gallons per day and provide wastewater treatment to less than 23 million people

or approximately 10 percent of the population served by publicly owned treatment works. Utilities that treat more than one million gallons per day provide wastewater treatment to the other 90 percent of the population served or approximately 205 million people.

As with drinking water, there are relatively few very large wastewater utilities as compared to the number of smaller utilities. There are approximately 382 publicly owned treatment works that service more than 100,000 people; approximately 2,288 publicly owned treatment works service between 10,001 and 100,000 people; approximately 2,598 publicly owned treatment works that service populations between 3,301 and 10,000; and approximately 11,050 publicly owned treatment works that service fewer than 3,301 people.[84]

Criteria. FAA has not developed criteria for this sector. As such, FAA seeks comments on the following questions to inform the development of the criteria for the water and wastewater systems sector:

1. What types of drinking water and wastewater systems should be considered in development of gating criteria?
2. What are the characteristics of drinking water and wastewater systems that should be considered in development of gating criteria?
3. Should population served by a drinking water or wastewater system be considered in development of gating criteria, and if so, what are appropriate population thresholds?
4. Should critical customers served by a drinking water or wastewater system be considered in development of gating criteria?
5. Should a history of unauthorized drone flight over a drinking water or wastewater system be considered in development of gating criteria?

When providing a response, please identify the sector and question to which the response is provided to distinguish from the other sectors that have similar questions.

E. FAA Evaluation, Approvals and Denial (Subparts D and E of Part 74)

1. Evaluation (§ 74.100)

After the applicant submits the information described in proposed subpart B of part 74, FAA would review and evaluate the UAFR request. During this review, FAA would determine whether the applicant demonstrated a safety or security need that justifies the remedy of restricting airspace. If FAA concludes that the applicant satisfied this burden, FAA would then provide public notice of the requested UAFR and accept public comments. A discussion of those processes follows.

FAA's evaluation of an applicant's UAFR request takes into account the totality of the circumstances, balancing the facility's safety and security needs with the public right of transit and the statutory mandate to integrate unmanned aircraft into the NAS. Taking these factors into account, FAA proposes to require that the applicant demonstrate that the totality of the circumstances presents a need that justifies the airspace restriction. Importantly, FAA would not consider individual factors in isolation; rather, FAA would consider them in the broader context of the airspace and any impact to people and property on the ground, homeland security and national security needs.

FAA does not enter into airspace restrictions lightly. To strike the right balance between the public right of access, safety, security, and the mandate to integrate, FAA proposes to require the applicant to bear the burden of showing that the UAFR is an appropriate remedy. FAA will consider recommendations provided by SRMAs on the requested UAFR as part of its evaluation of UAFR applications.

The applicant must demonstrate that unmanned aircraft present real risks, vulnerabilities, or potential consequences to safety or security when in close proximity to the facility and that the applicant has taken proactive measures to address those problems before applying for a UAFR. The applicant must also describe how the requested UAFR would be integrated into a facility's security plans to supplement existing security measures. FAA would expect the applicant to provide a description of how the facility would identify and respond to UAFR incursions, how employees would be trained, and how incursions would be reported. With this information, FAA would evaluate the facility's readiness to incorporate a UAFR into their security plans.

In section 2209, Congress directed that FAA may consider aviation safety, protection of people and property on the ground, national security, or homeland security when determining whether to grant or deny a UAFR. Accordingly, FAA would consider these four factors as a part of its analysis, together with the information the applicant submits in subpart B of proposed part 74. When considering these four factors, FAA may rely on both the information the applicant submits as well as other independent information available to FAA.

Proposed paragraph (b) would require the applicant to provide other information relevant to the UAFR FAA may identify as necessary for evaluating the UAFR request.

Proposed paragraph (c) provides that, after concluding review, FAA would either deny or conditionally approve the requested UAFR. If during the evaluation process FAA determines the applicant has not met the burden of showing there is a demonstrated need to justify the flight restriction, FAA would deny the request.

Proposed paragraph (f) outlines the denial process; if FAA denies the request, it would provide an explanation for the denial and the applicant could petition FAA for reconsideration under proposed § 74.160 (see section V.F. of this preamble). Alternatively, the applicant could initiate a new request and start the process from the beginning.

If FAA determines that, based upon the totality of circumstances, to include the security assessment from the associated SRMA, the UAFR is justified, FAA would issue a conditional approval. Following the conditional approval FAA would publish the proposal in the **Federal Register** for notice and comment. The comment period would last at least 30 days. Publishing in the **Federal Register** provides broad public visibility, conforms to established administrative practice, and creates a clear, durable record for notice and comment rulemaking. For these reasons FAA proposes the **Federal Register** as the primary vehicle for formal notice and comment on UAFRs.

Once the comment period has closed, FAA would review and make a final determination within 90 days from when owner/operator submits their application. FAA would review the complete application materials to make a final determination whether to approve or deny the requested UAFR. FAA's review would be based upon the totality of circumstances and information available to FAA. To reach a final determination, FAA may consider the following: (1) information the applicant submitted to FAA at any point in the process; (2) any changes or updates the applicant submitted to FAA; (3) any public comments received; and (4) any other information the Administrator deems relevant.

FAA would have already considered the need for and impacts of the requested UAFR during the conditional approval stage. FAA would not revisit that decision *de novo* during the final

application stage. As a part of the final application review, FAA would consider: any new issues or unforeseen consequences raised in the comments; new or updated information the applicant submitted after conditional approval; and anything else relevant to the analysis.

If FAA approves of the UAFR designation airspace request and FAA would publish the UAFR in the **Federal Register** as a Final Rule. Then, the UAFR would become effective on the date specified in the published document.

If FAA denies the requested UAFR, it would withdraw the NPRM and would provide the applicant with the basis for the denial. The applicant would have 30 days to either correct any deficiencies or petition for reconsideration under § 74.160. If the applicant does not submit a revised application addressing the identified deficiencies within 30 days, the applicant would no longer have an opportunity to correct any deficiencies. If FAA denies the application again after a resubmission, the applicant would have 30 days from the date of that denial to petition for reconsideration under § 74.160.

FAA also considered an alternative approach whereby FAA would publish the proposal on FAA's website for notice and comment as opposed to in the **Federal Register**. The comment period would last at least 30 days. If FAA determines the submitted application is complete and a UAFR is justified, FAA would approve the application and publish a final rule document in the **Federal Register**.

This process would likely reduce interagency redundancies and provide a streamlined application process. The challenge with this approach is that the public is familiar with the **Federal Register** notice and comment process and FAA would need to ensure that users of the airspace receive sufficient notice of each proposed airspace designation and have a meaningful opportunity to provide comment on the proposed airspace designation.

FAA seeks comment on the benefits and drawbacks of each of the approaches. FAA also seeks comment on what procedures the agency should use if FAA adopts the website-based approach to ensure the public and interested parties have notice and a meaningful opportunity to comment.

FAA invites comment on all aspects of the primary proposal and the alternative approach. Commenters should address the following questions:

1. What are the practical benefits and drawbacks of a website-first, conditional approval process versus immediate **Federal Register** publication? Would a website posting materially improve processing speed or reduce interagency duplication, and if so, how?

2. What procedures or safeguards would be necessary to ensure that a website posting provides notice and an opportunity to comment that are equivalent to the **Federal Register**? Examples include but are not limited to automated email notifications to registered stakeholders, use of the *regulations.gov* API, targeted outreach to affected operators, or parallel postings to other federal notice systems.

3. Is a minimum 30 day comment period adequate for meaningful review and response? Can the comment period be shorter or longer? If so, what period would be appropriate and why?

4. Please provide any other data, evidence, or examples of best practices FAA should consider regarding website-based notice, email or subscription notification, *regulations.gov* integration, or hybrid notice approaches.

FAA anticipates that FAA will be required to issue a significant number of letters demonstrating delay due to both resources and the application numbers under either proposal. FAA has considered variations to the proposed process to streamline the application. FAA seeks comment on the viability of these variations and on any other measures FAA could take to streamline the application process.

1. FAA considered requiring an applicant to seek a security assessment from the applicable SRMA prior to petitioning FAA. Are there any practical benefits or drawbacks of this variation? Would this requirement materially improve processing speed or reduce interagency duplication, and if so, how?

2. FAA considered staggering the effective dates or alternatively staggering the application windows for the various sectors. Are there any practical benefits or drawbacks of this variation? Would this change materially improve processing speed or better allow FAA to utilize agency resources, and if so, how?

3. If FAA does adopt variation two, how should FAA determine the order of the sectors effective dates or application windows? What factors should FAA consider? Should FAA focus on the sectors with the largest volume or the greatest security risk? Is there an alternative metric that FAA should consider?

F. Reconsiderations (Subpart E of Part 74)

1. Petitions To Reconsider Denial (§ 74.160)

FAA proposes to allow applicants an opportunity to appeal FAA's decision to deny a UAFR application by submitting a petition for reconsideration. Proposed § 74.160 would permit an applicant to seek reconsideration of a denial issued during FAA review process in proposed subpart D of part 74.

The applicant would have 30 days from the date of the denial to file a petition demonstrating that FAA denied the application in error. If the applicant takes the opportunity to correct any deficiencies in accordance with proposed § 74.100, and FAA affirms its denial, the 30 days would begin to run after FAA affirms the denial. To demonstrate error, the applicant would have to present a material fact not previously presented to FAA during the application process, show that FAA made a material error of fact, or show that FAA incorrectly interpreted applicable law, regulation, or precedent.

FAA would consider timely filed petitions. If FAA determines that it issued the denial in error, it would rescind the denial and permit the applicant to continue with the UAFR application process. If FAA determines that it did not issue the denial in error, the denial would become final.

G. Term, Amendments, Renewal, Modification, and Cancelation of Unmanned Aircraft Flight Restriction (Subpart F of Part 74)

1. Term (§ 74.200)

FAA proposes to make UAFRs granted under proposed part 74 effective for a maximum of five years from the date they go into effect. The UAFR would expire at the end of the term unless the operator or proprietor seeks a renewal under proposed § 74.210.

FAA proposes a limit of five years to balance the operator or proprietor's interest in safety and security with the practical reality that the UAS operational environment is dynamic. As FAA continues to implement policies and regulations to safely integrate UAS into the NAS, FAA will have to review, validate, and adapt UAFRs to determine whether the UAFR is still warranted. Moreover, though the need to secure fixed site facilities may remain constant, technologies for surveilling and protecting facilities will continue to evolve, including those related to remote identification, detection, and geofencing. FAA anticipates that advancements in unmanned aircraft

systems traffic management (UTM), beyond visual line of sight (BVLOS) operations, unmanned aircraft remote identification (Remote ID) as well as the growth of new remote and autonomous operations such as urban air mobility (UAM) and advanced air mobility (AAM), will affect stakeholder use of the airspace as well as safety and security cases for those operations.

Finally, as unmanned aircraft operators become more cognizant of the need to avoid fixed site facilities, UAFR requirements may change or may not be required at all. Accordingly, FAA must retain the flexibility to adjust to changing needs of the airspace and stakeholder communities. Five-year UAFR term limits afford FAA that flexibility.

2. Amendments (§ 74.205)

Under proposed § 74.205, an operator or proprietor may request to amend a UAFR. For substantive amendments that would increase the altitude ceiling, lateral boundary, or activation duration of a UAFR, FAA would publish a new NPRM seeking public comment and a final rule.

For all other requests, FAA proposes to require operators or proprietors to provide updates in accordance with the operator or proprietor's continuing obligation to update in accordance with proposed § 74.20. FAA anticipates that other changes, such as administrative updates or requests to decrease the airspace volume or decrease the active period of the UAFR would have minimal or no operational impact on unmanned aircraft operations.

FAA anticipates that operators or proprietors would be able to submit requests for amendments electronically via the UAFR Module. The draft Advisory Circular, *Designation of Unmanned Aircraft Flight Restrictions,* would provide guidance on how to submit this information.

3. Renewal (§ 74.210)

Proposed § 74.210 would permit operators or proprietors to request renewal of a UAFR. FAA would require operators or proprietors to submit the request no later than 120 days before the UAFR expires. The 120-day lead time would give FAA time to process the request before the UAFR expires. If the operator or proprietor requests a renewal less than 120 days before expiration, FAA would not be able to guarantee that it will have sufficient time to complete a review before the UAFR expires. If the UAFR expires before FAA can issue a renewal, the operator or proprietor of the fixed site facility may have to apply for a new UAFR under proposed part 74. FAA will publish guidance for submitting a renewal package as provided in the draft Advisory Circular, *Designation of Unmanned Aircraft Flight Restrictions.*

FAA proposes a UAFR term limit of five years from the effective date. FAA proposes subsequent renewal periods would also run for five years. The five-year term would be to ensure periodic review of the UAFR for the reasons explained in section V.F.1 of this preamble.

4. Modification and Cancelation (§ 74.215)

Proposed § 74.215 describes how either the operator or proprietor may request FAA to cancel an active UAFR or FAA itself can cancel an active UAFR.

Proposed paragraph (a) would provide that the operator or proprietor could ask FAA to cancel the UAFR for any reason and at any time. FAA proposes to provide information on how to request cancelation in the draft Advisory Circular, *Designation of Unmanned Aircraft Flight Restrictions.* Paragraph (a) would also put an affirmative obligation on the operator or proprietor to request cancelation if the fixed site facility no longer meets the eligibility criteria in proposed § 74.54 and subpart C of part 74. For example, to be eligible for a UAFR, proposed § 74.88 requires facilities within the energy sector to have certain minimum outputs, depending on the type of facility. If the facility's output no longer met the minimum threshold, the operator or proprietor would have to cancel the UAFR.

Proposed paragraph (b) provides that any UAFR is subject to FAA's ongoing review. If FAA determines the basis for its approval of a UAFR no longer meets the requirements of proposed part 74, FAA may cancel or amend the UAFR. In other words, over time the facts and circumstances that justified the remedy of restricting airspace could change. FAA reserves the right to reconsider the UAFR in light of those circumstances and potentially adjust or terminate the UAFR, if appropriate. For example, proposed § 74.58(b)(2) prohibits a UAFR from overlapping with a permanent airspace restriction. If FAA establishes a permanent airspace restriction that overlaps with an active UAFR, FAA would modify or terminate the UAFR to reflect the new condition. Other examples could include a facility that no longer meets the eligibility criteria discussed in section V.C. of this preamble or a facility where the security asset vulnerabilities no longer exist due to external changes.

FAA would provide the operator or proprietor with notice explaining why it intends to cancel the UAFR. The operator or proprietor would have 30 days to demonstrate why FAA should not cancel the UAFR. If the operator or proprietor does not respond, FAA would cancel the UAFR. If the operator or proprietor does respond, FAA would consider the response and make a decision on whether to cancel the UAFR.

H. Access to Unmanned Aircraft Flight Restriction (Subpart G of Part 74)

FAA recognizes there may be circumstances under which there is a need to allow limited access to airspace that is otherwise restricted. Accordingly, under existing regulations, FAA accommodates certain operations when there is an important need for access. Consistent with this historical approach to airspace access, FAA proposes to establish a process under which unmanned aircraft systems operators could access a UAFR under certain circumstances. This approach is consistent with Congress's mandate. In section 2209(a), Congress directed the agency to create a process to ''prohibit or *restrict*'' (emphasis added) unmanned aircraft in close proximity to fixed site facilities. By using the word ''restrict,'' Congress recognized that some unmanned aircraft might be able to access the designated airspace under certain circumstances. Moreover, in paragraph (d), Congress was explicit about its intent, stating that FAA has clear authority to authorize operations within airspace designated for a UAFR. FAA would exercise that authority under proposed §§ 74.250 and 74.255.

1. Allowed Operations (§ 74.250)

In accordance with E.O. 14307 *Unleashing American Drone Dominance* and consistent with FAA's statutory responsibilities under 49 U.S.C. 40103(a)(2), FAA must balance public right of transit in the NAS with national security risk to sensitive fixed sites.[85] As such, proposed § 74.250 would establish the terms under which certain unmanned aircraft system operators could access UAFR airspace, under § 74.5, that is otherwise restricted to unmanned aircraft operations. FAA's intent is to allow established, known, and conspicuous operators to enter and transit UAFRs.

Proposed paragraph (a) outlines the requirements for an allowed operator to enter the UAFR.

In § 74.250 (a)(1), allowed operators would be required to broadcast remote ID in accordance with 14 CFR part 89, unless otherwise authorized by the

Administrator, to transit a UAFR. This requirement is intended to balance the need to secure the airspace with the efficiency of the NAS. The requirement supports a facility's ability to identify UAS operations and contact law enforcement, if necessary, without imposing undue barriers to lawful UAS operations by enabling operators to be readily identifiable.

FAA has historically relied on aircraft conspicuity to enhance safety and security while preserving NAS access. For example, in the Automatic Dependent Surveillance-Broadcast (ADS–B) Out Performance Requirements to Support Air Traffic Control (ATC) Service final rule, FAA emphasized that increased identification and situational awareness would improve the safety and efficiency of the airspace system without unduly restricting compliant operators.[86] Consistent with this approach, FAA proposes to require UAS broadcast Remote ID. The intent of this requirement is to require that the UAS be conspicuous so that the fixed site facility operator or proprietor would be able to identify allowed operators through remote identification. This requirement, in conjunction with the requirement for UAFR fixed sites to have a remote ID sensing capability in proposed § 74.56, and notification procedures in proposed § 74.255 requiring allowed operators to submit their remote ID serial number to the fixed site, would lead to enhanced UAS visibility and identification in the UAFR.

Paragraph (a)(2) proposes that operations within a UAFR must transit a UAFR in the shortest amount of time practicable. FAA considered imposing operational restrictions for operations within a UAFR, such as prohibitions on hovering or landing, but ultimately believed that a performance-based time objective was a more flexible method to meet the intent of balancing the safety and security of a UAFR with the rights of the public to navigable airspace. FAA's intent with using the word practicable is to strike this balance without hindering those operators' ability to maneuver for safety of flight such as pausing for air traffic deconfliction purposes. FAA understands that some UAS operations, such as business applications of the fixed site facility (*e.g.,* infrastructure inspection), law enforcement or national security investigations, or first amendment activity, may require non-transitory operations within a UAFR. FAA is interested in the public's feedback on whether the language in (a)(2) is broad enough to enable both legitimate transitory and non-transitory operations within a UAFR, with the appropriate notification to the fixed site facility, while still preserving the integrity of the airspace restriction. Ultimately, the requirement in (a)(2) is rooted in the overarching need to maintain security within the UAFR, an area where authorization to operate does not automatically confer permission for all types of operations. In such sensitive environments, specific behaviors such as hovering, orbiting, landing, or loitering, may present security challenges that are distinct from conventional aviation safety issues. These types of behaviors, when conducted over sensitive sites, draw heightened concern from security personnel. Consequently, FAA believes a performance-based operational limitation is necessary to safeguard the integrity and security of the airspace, and seeks comment on the reasonability of the current proposed limitation, specific categories of operations that limitations should or should not apply to, and any additional language FAA should consider to balance the integrity of a UAFR with the public's right to navigable airspace.

Proposed paragraph (a)(3) would limit unmanned aircraft operations within a UAFR to the types of operations described in paragraphs (b) through (f).

Proposed paragraph (a)(4) is intended to limit the operations in paragraph (a)(3) to only flight restrictions established under § 74.5.

Proposed paragraph (b) would permit people operating unmanned aircraft systems under 14 CFR part 91 with an FAA-issued airman certificate or as Public Aircraft Operation (PAO) to enter a UAFR. Unmanned aircraft operating under part 91 are often, but not always, large UAS for commercial purposes or law enforcement, firefighters, and government agencies operating as PAO. UAS operations conducted under part 91 must engage with FAA to receive authorization to operate in the NAS. Civil operations generally require that the operator obtain an exemption, which also requires the pilot(s) to hold an airman certificate. PAO operations are largely exempt from requirements for civil aircraft, but are required to meet the statutory definition of PAO performing a governmental function. These operators are known to FAA and have undergone a Department of Homeland Security (DHS) Transportation Security Administration (TSA) Security Threat Assessment (STA) or are a government agency which mitigates potential security risks. An example part 91 operation within a UAFR could be Federal, state, or local emergency response personnel responding to a major catastrophe at a chemical facility that are using an unmanned aircraft to assess the situation prior to dispatching response personnel.

Proposed paragraph (c) would permit a person operating an unmanned aircraft system under 14 CFR part 107 with a requisite airman certificate to enter a UAFR. Operations under part 107 are often conducted by governments for public safety operations or commercial businesses such as inspection, aerial surveying, and mapping. These types of operations can be crucial for fixed site facilities to perform business related needs. For instance, the operators or proprietors may hire a third-party unmanned aircraft operator to inspect smokestacks or conduct an airborne inventory within the lateral boundary of their UAFR. Operators conducting part 107 operations must adhere to strict safety requirements and have undergone a TSA Security Threat Assessment ensuring security risk mitigation.

Proposed paragraph (d) would permit unmanned aircraft operations under FAA proposed 14 CFR part 108 with either an FAA-issued operating permit or certificate to enter a UAFR. On August 7, 2025, FAA published the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* NPRM,[87] which proposes performance-based regulations for the design and operation of UAS at low altitudes beyond visual line of sight (BVLOS). Examples of the types of operations enabled by this cover BVLOS commercial operations related to infrastructure inspection, agricultural operations, package delivery, and civic interest operations to include public safety missions. These operations must meet rigorous safety requirements such as having a robust detect-and-avoid method, reliable command and control links, Remote ID compliance, maintenance program, ground risk mitigation strategy, and emergency and contingency procedures. These newly proposed operations will also have to meet rigorous security requirements; the TSA proposed to require operations supervisors, flight coordinators, and other covered personnel to obtain up to a level 3 security threat assessment. The navigability of the UAFR airspace, within the bounds of known and vetted operators, allows for the continued integration of UAS into the NAS with its commensurate economic and societal benefits, be it by allowing approved operations at the behest of the fixed site facility owner or by allowing a UAS to take the most expeditious and safest path by transiting through a UAFR. FAA believes these operations must be able

to either provide commercial services to the fixed site or be able to transit through UAFRs to access communities near a UAFR unabated to promote *American Drone Dominance.*[88]

Proposed paragraph (e) would permit unmanned aircraft operating under 14 CFR part 135 with a requisite part 119 certificate to enter a UAFR. This is an air carrier certificate that allows commercial drone package delivery. FAA requires people operating under part 135 hold an airman certificate, which includes a TSA security threat assessment. Additionally, FAA evaluates key personnel for safety responsibilities, safety manuals, and procedures for handling goods. These types of operations undergo significant scrutiny for both safety and security and are critical for building a ''strong domestic drone sector'' in accordance with E.O. 14307.[89]

Currently, FAA approves package delivery operations with UA by issuing qualified operators a part 119 certificate and then exempting them from certain part 135 operating rules, as these are currently the only regulations pertaining to transportation of property with smaller aircraft. However, part 135 does not specifically address UA operations. In the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* rulemaking,[90] FAA is creating a pathway specific to UAS operations in part 108, with the appropriately tailored requirements for UAS package delivery.

For existing package delivery operations, FAA exempts package delivery operators from multiple part 135 regulations, as these parts were originally developed for manned aircraft. Part 108 will allow package delivery operations in the NAS without requiring exemptions. In developing this *Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility* NPRM, FAA anticipates that package delivery operations currently conducted under 14 CFR part 135 in UAFR airspace would transition to operations under part 108 in accordance with compliance dates set forth in the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* final rule.

Proposed paragraph (f) would permit a person operating an unmanned aircraft system under 14 CFR part 137 with a requisite FAA-issued airman certificate and part 137 certificate to enter a UAFR. These operations are for agricultural spraying and dispensing. They have undergone safety and security checks prior to operation and provide a crucial economic use case for many fixed sites or communities near a fixed site. Operators under part 137 were subject to a TSA security threat assessment to obtain an airman certificate and the operations themselves have met stringent FAA safety standards for aircraft reliability, safe dispensing systems, pilot competency, safe chemical handling practices, and have demonstrated to FAA their ability to conduct the operation before issuance of a part 137 certificate. FAA proposes these operations can enter and transit a UAFR or provide services within a UAFR that are cooperated with the fixed site facility.

Currently, agricultural operations using UA are conducted under 14 CFR part 137, which provides rules for conducting agricultural aircraft operations. However, part 137 was written for manned agricultural operations, rather than UA. As such, there are provisions in part 137 that cannot be met by UA operators. Similar to UA operations under part 135, FAA has been issuing part 137 exemptions for operators conducting agricultural operations with UA. The part 108 agricultural operations certificate will create regulations related to agricultural aircraft operations that are specifically tailored to the needs and risks of part 108 UAS. FAA anticipates in developing this *Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility* NPRM, that agricultural spraying and dispensing currently conducted under 14 CFR part 137 in UAFR airspace would transition to the operations under part 108 in accordance with compliance dates set forth in the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* final rule.[91]

In summation, FAA proposes these categories of allowed operations with the intent of minimizing impact to operators who have already met stringent safety and security checks. FAA believes it is essential that these types of trusted operations be able to continue while still protecting sensitive fixed sites by restricting unmanned aircraft systems that have not met higher standards of safety and security. The allowed operations in paragraphs (b)–(f) have demonstrated commercial and governmental need to either enter or transit a UAFR for economic, safety, or security rationale. FAA has proposed a strict Remote ID equipage requirement for operations within a UAFR to aid with identification for fixed site facilities. This is a crucial component that compliments requirements under § 74.56 for fixed site operators to use a Remote ID sensing capability. Additionally, FAA has proposed operations within a UAFR must transit a UAFR in the shortest amount of time practicable. The intent is to minimize the amount of time that operations unrelated to the fixed site have within a UAFR to reduce security concerns.

FAA requests comment on whether it would be appropriate to include other categories of allowed operations in proposed § 74.250. Please provide information describing the types of operations, why they should be allowed, and any conditions or limitations that should be applied to those operations.

FAA requests comment on if there are circumstances where allowed operations should not be allowed entry and transit through a UAFR, please define what those use cases are, if there is a limited subset of allowed operations that are affected, and potential solutions that would ameliorate any perceived issues. FAA seeks input on if there are specific UAFR sectors (*i.e.,* Chemical, Energy, etc.) that should have more limited allowed operations.

2. Access Requirements to Special UAFR (§ 74.251)

Proposed paragraph § 74.251 outlines the requirements for special access requirements for § 74.6 special UAFRs. FAA proposes that no UAS operator may conduct operations within a Special UAFR without permission of the using agency. The using agency is the agency, organization or military command that established the requirements for the Special UAFR. The using agency will not be required to seek approval from FAA to conduct operations in a special UAFR established in relation to their fixed site facility. The majority of expected UAS operations within these types of UAFRs will likely be U.S. government UAS operations being conducted over U.S. government facilities. Other users are expected to seek both using agency permission and approval from FAA Administrator in a form and manner acceptable to the Administrator. FAA expects the amount of UAS operations conducted in Special UAFRs, that does not originate with the using agency, will be rare. Advisory Circular, *Unmanned Aircraft Flight Restrictions,* will provide information on how to submit a request. FAA seeks comment on the access provisions for these Special UAFRs and how FAA should approve access.

3. UAFR Access Notification (§ 74.255)

FAA proposes that anyone who operates or plans to operate an unmanned aircraft in accordance with proposed § 74.250(a)(3) must provide notice to FAA and fixed site facility manager. The notice, which includes

information described in the following paragraph, would enable fixed site facility managers to have situational awareness of lawful unmanned aircraft activity in the UAFR. In addition, FAA would use this as a part of its oversight of the UAFR program, including assessing the effectiveness of individual UAFRs.

FAA proposes the unmanned aircraft operator provide the following required information:

(1) Name, mailing address, email address and phone number of person(s) providing notice;

(2) Name and on-site phone number of the person(s) operating the unmanned aircraft;

(3) Airman certificate number or 14 CFR part 108 permit or certificate number the allowed operation is being conducted under.

(4) Remote Identification Serial Number(s) associated with allowed operation.

(5) Unmanned aircraft registration number(s);

(6) Unmanned aircraft flight restriction site identification number;

(7) Date, approximate time, number of unmanned aircraft, and area of operations within the UAFR; and

(8) Type of allowed unmanned aircraft operation as defined in § 74.250.

FAA anticipates using a web-based module solution to provide notice. The draft Advisory Circular, *Designation of Unmanned Aircraft Flight Restrictions,* has additional information on how the unmanned aircraft operator would submit this information. That proposed document is in the docket for this NPRM.

FAA is responsible for the efficient management of all airspace within the United States and retains control of the UAFR. FAA requires fixed site facility site managers to receive UAFR access notifications. Individuals should not infer that FAA is delegating this airspace authority to private entities. The purpose of notification is to provide situational awareness to operators and proprietors of lawfully operating unmanned aircraft close to their facilities. Nothing in this proposed rule would confer authority on site managers to approve, disapprove, restrict, or prohibit operations. Any operator that meets the requirements of proposed § 74.250(b) through (f) may access a UAFR upon providing the notice described in § 74.255.

FAA proposes in paragraph (c) that unmanned aircraft operators flying in accordance with § 74.250 must notify the fixed site facility's manager as soon as reasonably possible in advance of the operation. Advance notification would allow site managers to have situational awareness of lawful unmanned aircraft activity within the UAFR, allowing them to distinguish between lawful and unlawful activity.

For those operations that are conducted by a government agency or law enforcement, FAA acknowledges that certain operations may require operational security due to national security or other law enforcement sensitive reasons such as criminal investigations. FAA proposes that the operator must notify the fixed site facility manager in accordance with § 74.255 as soon as reasonably possible in advance of the operation. Alternatively, the unmanned aircraft operator would notify the fixed site facility site manager verbally as soon as reasonably possible then provide written notice in accordance with § 74.255 within seven calendar days.

FAA seeks comment on notification requirements to the fixed site facility and FAA on a case-by-case basis. FAA is considering other solutions that may involve one-time submission to the FAA of airman certificate number(s) and remote ID serial number(s) associated with the intended allowed operations, that could be included on a developed ''whitelist'' of remote ID serial numbers to be made available to fixed site facilities. FAA seeks comment on the feasibility of remote ID technologies for providing a more automated notification procedure to support future scaled UAS operations and from fixed site operators on their ability to handle whitelisted operators. FAA intends to strike a balance between the security needs of the fixed site facilities and the economic growth of the UAS industry commensurate with both E.O. 14305 *Restoring American Airspace Sovereignty* and E.O. 14307 *Unleashing American Drone Dominance.* To do so, FAA must limit to the extent possible the burden on both UAS operators and fixed site facilities and still maintain the safety and security of the NAS. FAA seeks comment on technological solutions that can meet this goal.

4. Enforcement and Penalties (§ 74.260)

FAA proposes to identify UAFR issued for national security or homeland security purposes under 49 U.S.C. 40103(b) in proposed § 74.260. As provided in proposed § 74.260(b) and (c), knowing or willful violation of such UAFR may result in criminal penalties under 49 U.S.C. 46307 in addition to potential civil penalties. UAFRs issued for national security or homeland security purposes under 49 U.S.C. 40103(b) in proposed § 74.260 will be graphically depicted in a manner which makes itself readily distinguishable from UAFRs established/issued for other purposes. This proposal would assist the Department of Justice to comply with section 6 of Executive Order 14305, Restoring American Airspace Sovereignty, to ensure full enforcement of applicable civil and criminal laws when drone operators endanger the public or violate established airspace restrictions. This proposal is consistent with Executive Order 14294, section 2(d), in that it specifically describes the proscribed conduct (violating a UAFR issued for national security or homeland security purposes), the authority which is 49 U.S.C. 46307 and 40103(b), and the mens rea of knowing or willful.

I. Parts 91 and 107—Conforming Amendments

FAA proposes amendments to parts 91 and 107 to conform those parts to new part 74. FAA would add a new § 91.134 and amend existing § 107.45 to prohibit unmanned aircraft operations within a UAFR, except as otherwise permitted under part 74. These amendments would update parts 91 and 107 to make clear that unmanned aircraft operations are prohibited in UAFRs.

VI. Regulatory Notices and Analyses

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') require agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.'' The Office of Management and Budget has determined that this proposed rulemaking is a significant regulatory action as defined in section 3(f)(1) of Executive Order (E.O.) 12866. Accordingly, FAA has prepared a Regulatory Impact Analysis (RIA) for the proposed rule, summarized in this section and available in the docket.

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires that, for each new regulatory rule, Office of Management and Budget (OMB) must identify 10 prior regulations for elimination for each new regulation issued. This rule responds to statutory requirements (section 2209 of the FAA Extension, Safety, and Security Act of 2016, section 369 of the FAA Reauthorization Act of 2018, and section 929 of the FAA Reauthorization Act of 2024, all of which contained statutory deadlines either for implementation or for the promulgation

of an NPRM and final rule. This rule also responds to Executive Order 14305 which states: ''It is the policy of the United States to ensure control over our national airspace and to protect the public, critical infrastructure, mass gathering events, and military and sensitive government installations and operations from threats posed by the careless or unlawful use of UAS.'' The agency has not yet determined whether a final rule here would be considered 'regulatory' or partially or fully exempt from the requirements of Executive Order 14192, but will make that determination at the time of the final rule.

A. Summary of the Regulatory Impact Analysis

1. Baseline for the Analysis

The National Security Memorandum on Critical Infrastructure Security and Resilience (NSM–22) identified 16 critical infrastructure sectors. SRMAs identified approximately 125,000 fixed site facilities in these sectors that may be high priority for a UAFR based on minimum thresholds established in the proposed rule. Criteria are not yet fully established for all sectors as there may be additional public comment, and thus additional facilities may be identified. Operation of UAS within the boundaries of most of these facilities currently are not regulated. However, in separate rulemaking, FAA is establishing a regulatory framework to enable scaled UAS beyond visual line of sight operations which, depending on timing, may be in effect prior to this rule.

SRMAs have identified the risks of UAS activity over fixed critical infrastructure sites to include explosion or release of toxins (*i.e.,* hazardous material), fatality or injury, property damage, prison contraband access, intelligence, surveillance, cyber intrusion, reconnaissance, and a stop or delay of operations (*e.g.,* harassment, disruption). Recent incidents over eligible fixed site facilities highlight these risks and have included groups of drones flying several feet above chemical facilities, unmanned aircraft flying over a pipeline, near an oil refinery, and near an electrical substation, and multiple cases involving drone-delivered contraband to State prisons.

2. Benefits

FAA anticipates enactment of a UAFR would result in: (1) compliant operators would avoid the designated airspace; (2) facility operators and law enforcement would be better able to distinguish between lawful and unlawful operations; and (3) local law enforcement, FAA, the Department of Justice, and the Department of Homeland Security would be able to focus resources and efforts on enforcement actions as needed. FAA does not have data on how these outcomes would reduce risks under the proposed rule. As such, FAA relied on information provided by security partners, industry organizations, and research institutions.

A UAFR will not necessarily deter operators who willfully disregard their responsibilities and obligations for operating in the NAS from operating near the fixed site facilities in question. However, based on the reduction of compliant UAS operations over eligible fixed site facilities, FAA estimates the probability of these consequences occurring is reduced under the proposed rule. Consequences potentially avoided include fatalities and injuries, property damage, and other economic losses from impacts to operations, the value of which would vary by sector and site.

3. Costs

FAA estimated costs for a scenario in which an estimated percentage of the eligible facilities apply for a UAFR, depending on the number eligible in each sector. FAA assumed an equal phase-in of applications over a five-year period. The main cost component for these facilities is the cost to obtain a UAFR. FAA does not have data on this cost. However, the proposed process is similar to applying for an exemption from FAA regulations. Therefore, FAA estimated the unit cost to obtain a UAFR based on available estimates of the cost of exemptions (between $5,000 and $10,000). FAA is developing a web-based portal (the UAFR Module) through which applicants can submit all required information.

Applicants must also have security monitoring that includes the capability to receive, log, and retain broadcast remote identification messages from unmanned aircraft operating within or in proximity to the UAFR. FAA estimated the unit cost based on an example system ($2,800 onetime and $1,000 annually). FAA does not have data on the number of potential applicants likely to already have this capability.

Consistent with E.O. 14305, Section 5 (b), FAA shall coordinate UAFR security assessments with the relevant SRMA. The Administrator, consistent with 49 U.S.C. 40103 and section 2209, retains final authority to determine whether to approve, deny, or cancel a standard or special UAFR. This would also be a new process and therefore the level of effort is also uncertain. Preliminarily, FAA estimates the government review costs per application in the range of approximately $1,000.

4. Summary of Benefits and Costs

The proposed rule may reduce the risk of various negative consequences that could result from UAS flying over critical infrastructure, including fatalities, injuries, and property damage that could result from explosions and other incidents, and economic losses from disruption of operations. The benefits would depend on the ultimate scope of UAFRs in terms of covering facilities that represent the greatest risk as well as the effectiveness of a UAFR in reducing the risk. Based on a scenario of over 9,000 eligible fixed site facilities obtaining UAFRs, Table 1 provides a summary of the quantified annual and total costs to applicants and the government.

TABLE 1—SUMMARY OF COSTS [1]

[Millions $2024]

Category	Low estimate		High estimate	
	Annualized	Present value (5 years)	Annualized	Present value (5 years)
3% Discount rate:				
Fixed site facilities	$19.7	$90.1	$28.8	$132.0
Government	1.9	8.6	1.9	8.6
Total	21.5	98.7	30.7	140.6

TABLE 1—SUMMARY OF COSTS [1]—Continued

[Millions $2024]

Category	Low estimate		High estimate	
	Annualized	Present value (5 years)	Annualized	Present value (5 years)
7% Discount rate:				
Fixed site facilities	19.5	80.1	28.7	117.6
Government	1.9	7.7	1.9	7.7
Total	21.4	87.8	30.6	125.3

Note: Detail may not add to total due to independent rounding.
[1] Low and high estimates reflect uncertainty in the unit cost for applicants.

5. Uncertainties and Sensitivity Analyses

There are several limitations and uncertainties in the analysis of benefits and costs. In the baseline for the analysis, highlighted incidents may not be indicative of the extent and nature of all risks from UAS activity over critical infrastructure. Similarly, a key limitation for estimating benefits is a lack of data on the potential magnitude of consequences from events involving UAS. For costs, FAA does not have data on the extent to which operators of eligible fixed site facilities will apply for a UAFR or the cost to obtain each UAFR. Costs associated with the exemption process may over or understate cost to obtain a UAFR.

6. Regulatory Alternatives

FAA considered several alternatives to the proposed rule, including conducting rulemaking for each UAFR, setting objective criteria under which an applicant automatically would be eligible for a UAFR, and limiting the scope to six critical infrastructure sectors. Table 2 provides a summary of the alternatives.

TABLE 2—SUMMARY OF ALTERNATIVES

Scenario	Change from proposed rule		
	Affected entities	Benefits (millions)	Costs (millions)
Rulemaking for each UAFR	No change	A less efficient process or more costly process could lead to fewer requests and lower benefits.	Potentially increased.
Objective eligibility criteria	No change	Could reduce uncertainty about the number that will apply for UAFRs.	Reduced applicant costs (eliminates demonstration of need); net impact uncertain (depends on criteria and number that apply).
Limited scope and thresholds	Reduced	Could reduce benefits depending on risk	Likely reduced (depending on applications).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, Public Law 96–354, 94 Stat. 1164 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857, Mar. 29, 1996) and the Small Business Jobs Act of 2010 (Pub. L. 111–240, 124 Stat. 2504 Sept. 27, 2010), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term ''small entities'' comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

FAA is publishing this Initial Regulatory Flexibility Analysis (IRFA) to aid the public in commenting on the potential impacts to small entities from this proposal. FAA invites interested parties to submit data and information regarding the potential economic impact that would result from the proposal. FAA will consider comments when making a determination or when completing a Final Regulatory Flexibility Analysis.

Under section 603(b) and (c) of the RFA, an IRFA must contain the following:

(1) A description of the reasons why the action by the agency is being considered;

(2) A succinct statement of the objective of, and legal basis for, the proposed rule;

(3) A description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;

(4) A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;

(5) An identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule; and

(6) A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities.

1. Reasons the Action Is Being Considered

UAS are fundamentally changing aviation and, as a part of its congressional mandate, FAA is working to integrate them into the airspace of the United States while balancing the needs of security stakeholders. As the scale and scope of UAS activities has grown, stakeholders are concerned about the safety and security implications of unmanned aircraft flying in close

proximity to certain types of critical infrastructure facilities.

These concerns led Congress to enact section 2209 of FESSA, directing FAA to create a system under which operators or proprietors of certain fixed site facilities could request FAA restrict unmanned aircraft operations in close proximity to those facilities. With this rule FAA proposes to create a process to implement this mandate.

2. Objectives and Legal Basis of the Proposed Rule

The objective of this proposed rule is to provide a means by which applicants may petition FAA to restrict or prohibit unmanned aircraft from flying in close proximity to certain fixed site facilities identified in section 2209 of the FESSA, as amended. FAA proposes this rule in accordance with the mandate in section 2209, as amended. FAA also proposes this rule under its authority to issue rules on aviation safety. Title 49 U.S.C. Subtitle I, section 106 describes the authority of the FAA Administrator and Subtitle VII, Aviation Programs, describes the scope of FAA's authority.

3. All Federal Rules That May Duplicate, Overlap, or Conflict

There are no relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule.

4. Description and Estimate of the Number of Small Entities

FAA used the definition of small entities in the RFA for this analysis. The RFA defines small entities as small businesses, small governmental jurisdictions, or small organizations. In 5 U.S.C. 601(3), the RFA defines ''small business'' to have the same meaning as ''small business concern'' under section 3 of the Small Business Act. The Small Business Act authorizes the Small Business Administration (SBA) to define ''small business'' by issuing regulations. The RFA defines ''small governmental jurisdiction'' as the government of a city, county, town, school district or special district with a population of less than 50,000.

For small businesses, SBA has established size standards for various types of economic activities, or industries, under the North American Industry Classification System (NAICS). These size standards generally define small businesses based on the number of employees or annual receipts. Note that the SBA definition of a small business applies to the parent company and all affiliates as a single entity. Table 3 shows example industrial classification codes potentially relevant for the proposed rule for privately owned eligible fixed sites.

TABLE 3—EXAMPLE SMALL BUSINESS SIZE STANDARDS: CRITICAL INFRASTRUCTURE SECTORS

NAICS code	Description	Size standard
221111	Hydroelectric Power Generation	750 employees.
221112	Fossil Fuel Electric Power Generation	950 employees.
221113	Nuclear Electric Power Generation	1,150 employees.
221118	Other Electric Power Generation	650 employees.
221121	Electric Bulk Power Transmission and Control	950 employees.
221122	Electric Power Distribution	1,100 employees.
221210	Natural Gas Distribution	1,150 employees.
482111	Line Haul Railroads	1,500 employees.
221310	Water Supply and Irrigation Systems	$41.0 million.
221320	Sewage Treatment Facilities	$35.0 million.
331110	Iron and Steel Mills and Ferroalloy Manufacturing	1,500 employees.
482112	Short Haul Railroads	1,500 employees.
324110	Petroleum Refineries	1,500 employees.
325110	Petrochemical Manufacturing	1,300 employees.
325180	Other Basic Inorganic Chemical Manufacturing	1,000 employees.
325314	Fertilizer (Mixing Only) Manufacturing	550 employees.
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing	650 employees.
486110	Pipeline Transportation of Crude Oil	1,500 employees.
486210	Pipeline Transportation of Natural Gas	$41.5 million.
488310	Port and Harbor Operations	$47.0 million.
517111	Wired Telecommunications Carriers	1,500 employees.
517112	Wireless Telecommunications Carriers (except Satellite)	1.500 employees.
622110	General Medical and Surgical Hospitals	$47.0 million.
713000	Amusement Parks	$47.0 million.

NAICS = North American Industrial Classification System.
Source: Small Business Administration (SBA) 2023. Table of Size Standards. Effective March 17, 2023. *https://www.sba.gov/document/support--table-size-standards.*

The preliminary RIA accompanying the proposed rule provides the estimated number of eligible facilities in the critical infrastructure sectors. The number of small businesses that would apply for a UAFR is uncertain. Similarly, the number of small nonprofit organizations (*e.g.,* Level 1 trauma centers) that would apply for a UAFR is uncertain. States and the federal government are not small governmental jurisdictions under the RFA. However, eligible fixed sites may be owned by small local governments. The number of small local governmental jurisdictions that would apply for a UAFR is also uncertain.

5. Projected Reporting, Recordkeeping, and Other Compliance Requirements

To determine eligibility for and consequently receive a UAFR, an applicant must submit information to FAA. During the initial application phase, the applicant would submit information on the facility, the altitude ceiling, the duration of the flight restriction, a UAS security plan and a demonstration of need. The applicant would also submit information on externalities including costs, disruptions or other negative effects and efforts taken to reduce or limit these effects. The applicant would submit information on environmental effects including information on sensitive land use and other resources. Documentation submitted during a final application review stage would include a description of, and explanation of,

changes to the UAFR since initial submission, and a statement of intent to comply with part 74. FAA estimates that General and Operations Managers at fixed site facilities possess the skills required to meet these requirements at fixed site facilities.

The preliminary RIA accompanying the proposed rule provides the estimated range of costs to applicants ($5,000 to $10,000 for the application process; $2,800 onetime and $1,000 annually for security monitoring capability). Based on average revenues in example industrial sectors,[92] costs would not exceed 2 percent of sales using the high application cost plus the onetime monitoring cost. [93] The exception is firms in the smallest employment size category (less than 5 employees) in the nuclear power industrial classification. However, these are not the specific firms in this sector eligible for a UAFR.[94]

6. Significant Alternatives Considered

The FAA Extension, Safety, and Security Act of 2016 (FESSA), section 2209 (codified at 49 U.S.C. 44802 note), as amended by section 369 of the FAA Reauthorization Act of 2018 (Pub. L. 115–254), as further amended by section 929 of the FAA Reauthorization Act of 2024 (Pub. L. 118–63), requires the Secretary of Transportation to establish a process to allow applicants to petition the Administrator of FAA to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility. In meeting this requirement, FAA considered several alternatives to the framework of the proposed rule, including conducting rulemaking for each UAFR, setting objective criteria under which an applicant automatically would be eligible for a UAFR, and limiting the scope to six critical infrastructure sectors. Section VI.A of this preamble provides a comparison of these alternatives to the proposed rule. FAA also considered alternatives to specific sections of the rule. One section FAA considered was the scope of the UAFR restrictions. FAA initially considered heavily restricting all or nearly all UAS traffic from transitioning a UAFR. In comparison to this alternative, the proposed approach for allowed operations may lessen any adverse impacts on small operators. FAA requests comments on alternatives to the proposed rule that accomplish the stated objectives of the applicable statutes, and that minimize impact of the proposed rule on small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

FAA evaluated the potential effect of this rule and determined that it ensures the safety of the American public by limiting unmanned aircraft flights over eligible fixed site facilities in the U.S. It does not impact foreign commerce of the United States. As a result, FAA does not consider this rule as creating an unnecessary obstacle to foreign commerce.

D. Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or Tribal government or the private sector to incur direct costs without the Federal government having first provided the funds to pay those costs. FAA determined that the proposed rule will not result in the expenditure of $193,000,000 or more ($100,000,000 adjusted for inflation using the most current Implicit Price Deflator for the Gross Domestic Product) by State, local, or Tribal governments, in the aggregate, or the private sector, in any one year.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that FAA consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid OMB control number.

This action contains the following proposed new information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), FAA has submitted this proposed new information collection to OMB for its review.

Summary: FAA is proposing to establish the criteria and procedures for operators and proprietors of eligible fixed site facilities to apply to FAA for an unmanned aircraft flight restriction. With this rule FAA proposes to establish an application process for such requests. Operators or proprietors of eligible fixed site facilities would submit documentation and data to FAA through the UAFR Module. The documentation that would be submitted during the initial application review includes applicant and facility information; proposed lateral boundaries and altitude ceiling; 24 months, if available, of historical unmanned activity data; fixed site facility's UAS Security Response Plan; fixed site facility's demonstration of need; potential externalities; and unmanned aircraft flight restriction potential environmental impacts, if any. Documentation submitted during a final application review stage would include a description of, and explanation of, changes to the UAFR since initial submission, and a statement of intent to comply with part 74. Once the UAFR is designated, the operator or proprietor must report UAS activity over the facility in a form and manner acceptable to the Administrator annually.

Use: FAA would use the information collected to implement FESSA section 2209 by determining whether an eligible fixed site facility requesting a UAFR should be granted a UAFR. The information that the applicant would submit to FAA would help demonstrate that the UAFR is necessary for one of the four reasons Congress identified: aviation safety, protection of people and property on the ground, national security, and homeland security.

Respondents (including number of): The number of respondents is uncertain but FAA could receive approximately 9,159 applications over 5 years. Under this scenario, FAA estimates that there will be 5,495 respondents in the first 3 years following promulgation of the rule.

Frequency: Other than submission of information for a first application for a UAFR, operators/proprietors would submit information when they renew applications every five years. Unmanned aircraft operators would submit information to the UAFR Module only if they belong to a permitted category and only if they intend to fly within the UAFR for a permissible purpose.

Annual Burden Estimate: FAA estimates that complying with the reporting, recordkeeping, and disclosing requirements to be imposed on applicants under part 74 will take approximately 55,000 hours and $5.1 million in labor costs, on average, annually, and $4.3 million to $11.9 million in associated cost.

FAA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of FAA, including whether the information collected will have practical utility;

(2) Evaluate the accuracy of FAA's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of collecting information on those who are to respond, including by using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Individuals and organizations may send comments on the information collection requirement to the address listed in the **ADDRESSES** section at the beginning of this preamble by August 4, 2026. Comments also should be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for FAA, New Executive Office Building, Room 10202, 725 17th Street NW, Washington, DC 20053.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

G. Environmental Analysis

FAA has analyzed the environmental impacts of this proposed rule pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). FAA has determined this rule is categorically excluded pursuant to Paragraph B–2.6(f) of Appendix B to FAA Order 1050.1G, FAA National Environmental Policy Act Implementing Procedures.[95] Categorical exclusions are categories of actions the agency has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS).[96] In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS.[97] This rulemaking, which would implement section 2209 of the FAA Extension, Safety, and Security Act of 2016, is categorically excluded pursuant to Paragraph B–2.6(f) of FAA Order 1050.1G: ''Regulations, standards, and exemptions (excluding those that if implemented may cause a significant impact on the human environment.''

As such, this rulemaking action is not expected to result in any potentially significant environmental impacts. In accordance with DOT Order 5610.1D § 9, FAA has reviewed this rulemaking action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

The action that is the subject of this rulemaking, establishment of UAFRs, is also subject to NEPA review. Since FAA's future establishment of UAFRs may have potential to significantly affect the human environment, as defined by the NEPA, the potential environmental impacts of the establishment of UAFR are being reviewed in a Programmatic Environmental Assessment (PEA). Therefore, FAA is preparing a PEA to review the potential environmental impacts of establishing UAFRs at applicant facilities pursuant to NEPA and other relevant laws, Executive Orders and guidance, including FAA's NEPA implementing regulations in FAA Order 1050.1G and FAA Order 7400.2, Chapter 32, as applicable. The PEA embodies a broad assessment of environmental impacts, both adverse and beneficial, that would result from the proposed establishment of UAFRs. FAA expects potential future unmanned aircraft flight restrictions would have similar environmental effects across the country. Specific facility-focused environmental reviews would be conducted later, as necessary, based on FAA's receipt of site-specific information from applicants indicating that a particular UAFR has the potential for environmental impacts that were not known at the time the PEA was developed. The Draft PEA is included in the docket to this rule.[98]

VII. Executive Order Determinations

A. Executive Order 13132, Federalism

FAA has analyzed this proposed rule under the principles and criteria of Executive Order (E.O.) 13132, Federalism. FAA has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

B. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Consistent with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments,[99] and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures,[100] FAA ensures that Federally Recognized Tribes (Tribes) are given the opportunity to provide meaningful and timely input regarding proposed Federal actions that have the potential to affect uniquely or significantly their respective Tribes. At this point, FAA has not identified any unique or significant effects, environmental or otherwise, on Tribes resulting from this proposed rule.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

FAA analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. FAA has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

D. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. FAA has analyzed this action under the policies and agency responsibilities of E.O. 13609, and has determined that this action would have no effect on international regulatory cooperation.

VIII. Privacy

With regard to the information persons may submit in accordance with this proposed rule's requirements, FAA conducted a privacy impact assessment (PIA) under section 522(a)(5) of division H of the FY 2005 Omnibus Appropriations Act, Public Law 108–447, 118 Stat. 3268 (Dec. 8, 2004) and section 208 of the E-Government Act of 2002, Public Law 107–347, 116 Stat. 2889 (Dec. 17, 2002).

As part of the PIA, FAA analyzed the effect the proposed rule might have on collecting, storing, and disseminating personally identifiable information (PII) of Unmanned Aircraft Flight Restriction Applicants. FAA also examined and evaluated protections and alternative information-handling processes in developing the proposed rule to mitigate potential privacy risks. A copy of the draft PIA is posted in the docket for this rulemaking.[101]

IX. Additional Information

A. Comments Invited

FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. FAA also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rule. Before acting on this proposal, FAA will consider all comments it receives on or before the closing date for comments. FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

B. Confidential Business Information or Classified Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and is relevant or responsive to this NPRM, it is important you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

If your comment contains classified, controlled unclassified information not intended for public release, sensitive security information, or other information, contact the person named in the **FOR FURTHER INFORMATION CONTACT** section of this document for information on how to securely provide that comment to FAA.

C. Electronic Access and Filing

A copy of this NPRM, all comments received, any final rule, and all background material may be viewed online at *www.regulations.gov* using the docket number listed above. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *www.federalregister.gov* and the Government Publishing Office's website at *www.govinfo.gov.* A copy may also be found at FAA's Regulations and Policies website at *www.faa.gov/regulations_policies.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

D. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104 121, 110 Stat. 857, Mar. 29, 1996) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects

14 CFR Part 1

Air transportation.

14 CFR Part 74

Airspace, Aircraft, Incorporation by reference, Reporting and recordkeeping requirements, Safety, Security measures.

14 CFR Part 91

Aircraft, Airmen, Aviation safety.

14 CFR Part 107

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements, Security measures.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

■ 1. The authority citation for part 1 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40113, 44701.

■ 2. Amend § 1.1 by adding the term ''unmanned aircraft flight restriction'' in alphabetical order to read as follows:

§ 1.1 General definitions.

* * * * *

Unmanned aircraft flight restriction is airspace designated under part 74 within which the operation of unmanned aircraft is subject to restriction.

* * * * *

■ 3. Amend § 1.2 by adding the abbreviation ''UAFR'' in alphabetical order to read as follows:

§ 1.2 Abbreviations and symbols.

* * * * *

UAFR means an unmanned aircraft flight restriction.

* * * * *

■ 4. Add part 74 to read as follows:

PART 74—DESIGNATION OF UNMANNED AIRCRAFT FLIGHT RESTRICTIONS

Subpart A—General

Subpart B—Minimum Requirements

Subpart C—Sector-Specific Requirements

Subpart D—Evaluation

Subpart E—Reconsideration

Subpart F—Term, Amendments, Renewal, and Cancelation

Subpart G—Access to Unmanned Aircraft Flight Restrictions

Subpart H—Enforcement and Penalties

Authority: 49 U.S.C. 106(f), 40101(d), 40103(a)(2), 40103(b), 44701(a)(5), 44802 note.

Subpart A—General

§ 74.1 Definitions.

The following definitions apply to this part. If there is a conflict between the definitions of this part and the definitions specified in § 1.1 of this chapter, the definitions in this part control for purposes of this part:

Applicant means the operator or proprietor requesting an unmanned aircraft flight restriction under this part.

Continuous unmanned aircraft flight restriction means an unmanned aircraft flight restriction active 24 hours a day year-round.

Critical Infrastructure has the meaning given in 42 U.S.C. 5195c(e), and includes systems and assets in all of the designated 16 critical infrastructure sectors initially identified Presidential Policy Directive 21 and later in National Security Memorandum 22 of April 30, 2024 (Critical Infrastructure Security and Resilience) (NSM–22).

Designated Representative means an individual who serves as the authorized agent of the operator or proprietor.

Designated unmanned aircraft flight restrictions are the unmanned aircraft flight restrictions designated in FAA Order JO 7400.12 (incorporated by reference, see § 74.30).

Fixed site facility means a permanent structure, building, or asset with defined geographic boundaries. A mobile, virtual, temporary, or impermanent facility does not constitute a fixed site facility.

Operator or *proprietor* means any person who operates or has an ownership interest in the fixed site facility or who has a legal right or title to the property within the boundaries of a requested unmanned aircraft flight restriction or within the boundaries of an unmanned aircraft flight restriction after it is issued. The term operator or proprietor includes anyone with a legal right or title arising from an easement, right of way, or leasehold. There may be more than one operator or proprietor where multiple entities have legal rights to or ownership interests in the facility and property within the boundaries of the requested unmanned aircraft flight restriction.

Part-time unmanned aircraft flight restriction means an unmanned aircraft flight restriction active 24-hours per day for no more than 290 consecutive days.

Security perimeter means a boundary that restricts or limits access to a specific location. A security perimeter may be tangible, such as a gate or fence, or intangible and implemented through measures such as surveillance cameras or patrols. It may also be a natural feature that cannot be easily traversed.

Site manager means the individual who serves as the operator or proprietor's authorized representative for the purpose of receiving notification of allowed operations under subpart G of this part.

Unmanned aircraft flight restriction means an unmanned aircraft flight restriction that includes standard unmanned aircraft flight restrictions as described in § 74.5 and special unmanned aircraft flight restrictions described in § 74.6, unless otherwise specified in this part.

§ 74.5 Standard unmanned aircraft flight restriction designation.

(a) *General.* FAA may designate airspace under this part to restrict unmanned aircraft operations. At the discretion of the FAA Administrator, a standard unmanned aircraft flight restriction may be established for a specific location as requested by another Federal department or agency.

(b) *Characteristics.* Airspace designated as an unmanned aircraft flight restriction under this part must have the following characteristics:

(1) A horizontal limit defined by a lateral boundary.

(2) A vertical limit defined by an altitude ceiling.

(3) A continuous or part-time activation period.

§ 74.6 Special unmanned aircraft flight restriction designation.

(a) *General.* At the Administrator's discretion or at the request of a Federal security or intelligence agency, the Department of Defense, or the Department of Energy, the FAA may designate airspace as a Special Unmanned Aircraft Flight Restriction (Special UAFR) when supported by a credible safety or security threat.

(b) *Characteristics.* In addition to the requirements of § 74.5, a Special UAFR must have a designated using agency and include the lateral boundaries, altitude limits, and activation periods specified under §§ 74.58, 74.60, and 74.62.

§ 74.10 Applicability.

The requirements contained in this part apply to any person who:

(a) Requests FAA restrict the operation of unmanned aircraft in close proximity to a fixed site facility, as defined in this part, in the United States;

(b) Is responsible for the management of an unmanned aircraft flight restriction designated under this part;

(c) Submits comments for consideration during processing of a requested or amended unmanned aircraft flight restriction; or,

(d) Operates an unmanned aircraft in an unmanned aircraft flight restriction in the United States.

§ 74.15 Requesting an unmanned aircraft flight restriction.

An operator or proprietor of a fixed site facility seeking an unmanned aircraft flight restriction must comply with the following in a form and manner acceptable to the Administrator:

(a) Demonstrate to FAA the fixed site facility meets the minimum criteria, as described in § 74.54 of this part;

(b) Submit documentation to FAA demonstrating there is sufficient need for an unmanned aircraft flight restriction, as described in subparts B and C of this part;

(c) Submit documentation to FAA that supports an environmental analysis, as described in subpart B of this part;

(d) Submit an application for an unmanned aircraft flight restriction, as described in subpart D of this part.

§ 74.20 Obligation to update.

(a) An operator or proprietor has a continuing obligation to update information submitted to FAA during the application process and after FAA designation of an unmanned aircraft flight restriction. The operator or proprietor must report these updates to FAA within five business days of becoming aware of the change in a form and manner acceptable to the Administrator, except as provided in paragraph (b) of this section.

(b) An operator or proprietor must report unmanned aircraft operations authorized under subpart G of this part as well as unauthorized operations in a form and manner acceptable to the Administrator annually.

(c) An unmanned aircraft flight restriction is subject to ongoing review by the Administrator. To support that review, the Administrator may require the operator or proprietor to provide information in paragraph (b) of this section on a more frequent basis.

(d) The operator or proprietor of a facility covered by a UAFR shall promptly notify the FAA of any material change in circumstances that affects the continuing need for the restriction.

(e) Failure to maintain current information may result in denial of the application under subpart D of this part or cancelation of the unmanned aircraft flight restriction under subpart F of this part.

§ 74.30 Incorporation by reference; designated unmanned flight restrictions.

(a) Unmanned aircraft flight restrictions designated by FAA are listed in FAA Order JO 7400.12, Unmanned aircraft flight restriction designations, dated [TBD]. FAA Order JO 7400.12 is incorporated by reference with the approval of the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order JO 7400.12 is effective [MM/DD/YYYY] through [MM/DD/YYYY+1]. This incorporation by reference (IBR) material is available for inspection at the FAA and at the National Archives and Records Administration (NARA). Contact FAA at Rules and Regulations Group, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597, (202) 267–8783. An electronic version of FAA Order JO 7400.12 is available on FAA's website at *www.faa.gov/air_traffic/publications.* For information on the availability of this material at NARA, visit *www.archives.gov/federalregister/cfr/ibr-locations* or email *fr.inspection@nara.gov.*

(b) Before updating FAA Order JO 7400.12, FAA will publish any proposed changes to the unmanned aircraft flight restriction designations, in full text, as proposals in the **Federal Register**, unless there is good cause to forgo notice and comment rulemaking, followed by publication of associated final rules in the **Federal Register**. FAA will then integrate these interim updates into the next edition of FAA Order JO 7400.12. FAA will request that the Director of the Federal Register approve the IBR of the next edition of the order as of [MM/DD/YYYY+1].

Subpart B—Minimum Requirements

§ 74.50 General.

To apply for an unmanned aircraft flight restriction, an applicant must provide to FAA the information identified in this subpart in a form and manner acceptable to the Administrator.

§ 74.52 Applicant and facility information.

(a) *Contact information.* The applicant must provide the name and contact information for each of the following:

(1) The applicant;

(2) All operators or proprietors, as defined in § 74.1.

(3) A designated representative to serve as the authorized agent of, and represent the interests of, the applicant seeking an unmanned aircraft flight restriction.

(4) A site manager who will coordinate allowed operations with members of the public in accordance with subpart G of this part;

(b) *Facility information.* The applicant must provide the following information:

(1) The name, physical address, mailing address (if different from the physical address), telephone number, email address, and website (if applicable) of the fixed site facility;

(2) A detailed description of the fixed site facility, including a legal description of the property, the boundaries on which the fixed site facility is located, and the height of the tallest structure associated with the fixed site facility.

§ 74.54 Eligible facilities.

Unless otherwise authorized by the Administrator, to be eligible to apply for an unmanned aircraft flight restriction an applicant must demonstrate the request is for a facility that—

(a) Meets the definition of fixed site facility in § 74.1;

(b) Meets the definition of critical infrastructure as defined in § 74.1;

(c) Fulfills the criteria of a sector under subpart C of this part;

(d) Has protective security as described in § 74.56;

(e) Has one or more critical assets or components of the facility operations that are vulnerable to unmanned aircraft systems;

(f) Demonstrates how the factors listed in paragraphs (a) through (e) of this section demonstrate that damage or disruption to, or destruction of, the facility would have a regional or national-level debilitating impact.

§ 74.56 Protective security.

Protective security is physical security measures for a facility that includes all of the following:

(a) Access to the facility, certain areas of the facility, or key components of the facility must be restricted;

(b) The facility must have designated security personnel; and

(c) The facility must have security monitoring.

(d) For purposes of paragraph (c) of this section, security monitoring must include the capability, either directly or through a contracted service, to receive broadcast Remote Identification messages from unmanned aircraft

operating within or in close proximity to the requested unmanned aircraft flight restriction, using equipment that is compatible with the requirements of part 89 of this chapter. Nothing in this paragraph authorizes electronic interference or interception of aircraft or navigation signals.

§ 74.58 Lateral boundary.

(a) The applicant must provide a description of the lateral boundary for the requested unmanned aircraft flight restriction.

(b) The lateral boundary of the unmanned aircraft flight restriction must be narrowly tailored to the specific security concern and may not:

(1) Exceed the fixed site facility property boundary; or

(2) Overlap in whole or in part with a permanent airspace restriction.

§ 74.60 Altitude ceiling.

(a) The applicant must identify the requested altitude ceiling for the requested unmanned aircraft flight restriction.

(b) The altitude ceiling must not:

(1) Overlap in whole or part with a permanent airspace restriction; or

(2) Exceed 400 feet above ground level, except in accordance with paragraph (c) of this section.

(c) If the tallest component of the fixed site facility located within the lateral boundary of the requested unmanned aircraft flight restriction exceeds 300 feet above ground level, the flight restriction may extend vertically from the surface to the height of that tallest component plus 100 feet rounded up to the next 50-foot increment across the entire flight restriction.

§ 74.62 Activation duration of unmanned aircraft flight restriction.

(a) An applicant must request either a continuous unmanned aircraft flight restriction or a part-time unmanned aircraft flight restriction and provide documentation to support the facility's eligibility in accordance with this section.

(b) A continuous unmanned aircraft flight restriction is active 24 hours each day, seven days per week, year-round. A fixed site facility may be eligible for a continuous unmanned aircraft flight restriction if it met the relevant eligible sector's criteria in § 74.54 more than 290 days during the previous calendar year.

(c) A part-time unmanned aircraft flight restriction is active 24 hours each day, for 290 or fewer consecutive days per year. A fixed site facility may be eligible for a part-time unmanned aircraft flight restriction if it met the relevant eligible industry's criteria in § 74.60 fewer than 290 days during the previous calendar year.

§ 74.64 Unmanned aircraft system security and incident response plans.

In a form and manner acceptable to the Administrator, the applicant must provide the fixed site facility's unmanned aircraft system security and incident response plans to address the vulnerabilities and consequences described in § 74.66. The applicant must also provide a description of the security perimeter(s), as defined in § 74.1, if not included in the unmanned aircraft system security and incident response plans.

§ 74.66 Demonstration of need.

The applicant must provide data and documentation in a form and manner acceptable to the Administrator that describes:

(a) *Existing unmanned aircraft traffic patterns.* Describe unmanned aircraft operations over the fixed site facility during the last 24 months, where available. The description must include the type of unmanned aircraft operation, if known; identify whether the operator is known to the operators or proprietors; and quantify the total number of operations not associated with the facility itself.

(b) *Vulnerability.* Describe the weaknesses or gaps that may be intentionally or unintentionally exploited by unmanned aircraft to the detriment of the facility's operation or mission, irrespective of the facility's unmanned aircraft system security plan. Include information on the specific assets or elements of the facility that may be exploited.

(c) *Consequence.* Describe the consequences of the vulnerability identified in paragraph (b) of this section if exploited. Include information on how the weaknesses or gaps described in paragraph (b) of this section may affect:

(1) The facility's operation or mission; and

(2) Aviation safety, the protection of persons and property on the ground, national security, or homeland security.

(d) *Effect.* Describe how the unmanned aircraft flight restriction would be integrated into a facility's security plans to supplement existing security measures.

(e) *Sector Risk Management Agency Support.* In meeting the requirements of this section, the applicant may consult with and obtain information, analysis, technical data, and other information, as authorized and appropriate, from their respective Sector Risk Management Agency.

§ 74.68 Externalities.

In a form and manner acceptable to the Administrator the applicant must describe the following items, if any, that could result from the designation of the requested unmanned aircraft flight restriction:

(a) Costs, disruptions, or other negative effects to manned and unmanned users of the airspace, including re-routing known traffic, or displacement of existing or planned commercial unmanned aircraft routes,;

(b) Any efforts taken to reduce or limit those costs, disruptions, or other negative effects; and

(c) Any measures the applicant has taken or will take to minimize these externalities, such as narrowing the lateral boundary, coordinating with local UAS operators, or adjusting security posture to rely on narrower mitigations.

§ 74.70 Environmental impact.

The Administrator is responsible for complying with the procedures and policies of the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, regulations, and Executive Orders prior to designating an unmanned aircraft flight restriction. An operator or proprietor must provide FAA with the following information needed to comply with these requirements. FAA will consider and document the potential environmental effects associated with designating an unmanned aircraft flight restriction.

(a) Each operator or proprietor must provide FAA information that identifies and describes sensitive land uses and other resources identified in paragraphs (a)(1) through (10) of this section that are within, adjacent, or proximate to the boundary of the proposed unmanned aircraft flight restriction. Such information must include the following land uses and resource types (name, specific geographic location, the category in which the land use falls, and any other information that could be used in the assessment of environmental impacts, etc.):

(1) Historic or cultural resources protected under the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 300101 *et seq.;*

(2) Presence of Tribal land of Federally Recognized Tribes or areas to which Federally Recognized Tribes have ancestral ties or religious and cultural affiliations;

(3) Properties protected under section 4(f) of the Department of Transportation Act (49 U.S.C. 303(c));

(4) Recreational or park land purchased with section 6(f) Land and

Water Conservation Funds (54 U.S.C. 200305(f));

(5) Any federal or State listed endangered, threatened, or candidate species or designated critical habitat, including species protected by individual statute;

(6) Any seasonal nesting sites, rookeries, or flyways for migratory or other listed, threatened or endangered avian species protected under the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*) or other relevant and applicable State and Federal protections;

(7) Wilderness Areas;

(8) Wild and Scenic Rivers (those that are known for recreation or vistas) (16 U.S.C. 1271 *et seq.*);

(9) Noise sensitive areas and land uses, and

(10) Other site-specific information as may be necessary to assess potential for adverse impacts to the environment on, near, or adjacent to applicant facilities.

(b) FAA may require the operator or proprietor do the following when appropriate:

(1) Prepare a site-specific analysis of circumstances or actions that could result in environmental impacts;

(2) Provide information to support FAA's development of an Environmental Assessment or its equivalent;

(3) Assume financial responsibility for preparation of documentation required by NEPA by an FAA-selected and -managed consultant contractor; or

(4) Provide any other information related to environmental impacts the Administrator deems relevant.

Subpart C—Sector-Specific Requirements

§ 74.81 Chemical sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility uses, manufactures, stores, transports, possesses or distributes one or more hazardous-release chemicals at or above the minimum concentration percentages and screening threshold quantities as outlined in appendix A to this part.

§ 74.82 Commercial facilities sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility meets all of the following requirements:

(a) Has an annual attendance that met or exceeded 2,500,000 visitors in the previous calendar year;

(b) Has ticketing or entry control procedures;

(c) Is primarily outdoors and not enclosed;

(d) Is open to the public at least 120 days of the year;

(e) Is not a stadium or venue where the events may be covered by temporary flight restrictions.

§ 74.83 Communications sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Broadcast network facility—with antennas or transmitters that are essential for the transmission of public safety information and emergency alerts;

(b) Cellular tower, base station, or node of which disruption could result in debilitating impact to regional or national, public health, financial systems, or national security;

(c) Satellite uplink and downlink station of which disruption could result in debilitating impact to regional or national, public health, financial systems, or national security;

(d) Facility underpinning interconnected services where disruption could result in regional or national-level debilitating impact to multiple downstream sectors (*e.g.,* financial systems, healthcare, energy grid supervisory control and data acquisition systems, national security systems, network operations centers); or

(e) Data center/internet exchange point and colocation facilities that contain peak traffic throughput of at least 1 terabit per second.

§ 74.84 Critical manufacturing sector.

A fixed site facility satisfies the requirements under § 74.54(c) if—

(a) The facility is within one of the four key functional areas of the critical manufacturing sector. These functional areas are aligned to the North American Industry Classification System (NAICS) and include: Primary Metal Manufacturing; Machinery Manufacturing; Electrical Equipment, Appliance, and Component Manufacturing; and Transportation Equipment Manufacturing; and

(b) Has one or more critical components of facility operations occurring in an exposed area without enclosed walls or roofs.

§ 74.85 Dams sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Dam assigned in the National Inventory of Dams database as high- or significant-hazard potential classification and meets one of the following minimum thresholds:

(1) A hydroelectric dam with a combined nameplate capacity of 350 megawatts or more of power and have produced 1,850,000 megawatt hours or greater during the previous calendar year;

(2) A facility with a drinking water supply function that constitutes the main source of water to a population exceeding 500,000; or

(3) A facility with annual total water deliveries (including municipal, industrial, and/or agricultural purposes) exceeding $100 million or 800,000 acre-feet.

(b) Lock that has a navigation function associated with annual traffic exceeding 25,000 kilotons.

§ 74.86 Defense industrial base sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a Department of Defense contractor or subcontractor located within the United States as that term is defined in § 1.1 of this chapter and demonstrates their scope of work specifically pertains to the development, production, or support of mission critical functions including but not limited to:

(a) Aircraft assembly;

(b) Missile defense;

(c) Munitions and energetics;

(d) Nuclear modernization, including nuclear command, control, and communications;

(e) Shipbuilding;

(f) Space launch vehicles and payload construction and launch sites; or

(g) Unmanned systems and counter unmanned systems.

§ 74.87 Emergency services sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Institution under State jurisdiction where the primary purpose of the facility is for the confinement of individuals convicted of a felony; or

(b) Correctional facility (Federal, local, Tribal, territorial, or private) able to house 500 or more inmates.

§ 74.88 Energy sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Electricity facility that meets the following criteria:

(1) The facility is a power-generation facility with a combined nameplate capacity of 500 megawatts or greater of power;

(2) The facility is an electrical substation with a capacity of 500kilovolts or greater of power; or

(3) The facility is an electrical substation with a capacity of 345kilovolts or greater of power in the Electric Reliability Council of Texas.

(b) Oil refinery that meets the following criteria:

(1) It is a facility where crude oil is converted into petroleum product; and

(2) The facility has the capacity to produce 100,000 barrels per day or more of a petroleum product.

(c) Natural gas facility that meets the following criteria:

(1) It is a facility where natural gas is processed into dry natural gas (also known as pipeline quality or consumer grade gas); and

(2) The facility has a processing capacity of at least 500 million cubic feet per day (MMcf/d) of natural gas.

§ 74.89 Financial services sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Financial services Corporate Headquarters or Regional Operations Center that houses C-suite or high-value personnel, or is located in urban centers or high-visibility areas;

(b) Cash Vault, Currency Processing, or ATM Support Facility that has high-volume cash throughput or services multiple branches;

(c) Trading Floors or Financial Exchange that is a high-value site for securities and commodities trading and market infrastructure with real-time trading, media presence, or systemic importance; or

(d) Third-Party Service Provider Facility that supports transaction processing, custody, authentication, or cloud services.

§ 74.90 Food and agriculture sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility—

(a) [Reserved]

§ 74.91 Government services and facilities sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility demonstrates through a comprehensive risk assessment and documented risk management plan that includes correlating protective security measures that is a high-risk, high-security government facility with a national security role and critical mission-oriented service. This determination resulted from a comprehensive risk assessment that evaluated facility attributes such as symbolism, facility size, mission criticality, facility population, threats to tenant agency, and other intangible factors.

§ 74.92 Healthcare and public health sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Level I trauma center with helipad(s); or

(b) Pediatric level I trauma center with helipad(s).

§ 74.93 Information technology sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Data center hosting cross-sectoral data or platform dependencies (*e.g.,* Software/cloud Platform, domain name system root zones, cloud platforms, federal systems, Infrastructure as a Service providers) where a loss, degradation, or compromise of such services could have a debilitating impact on national security, defense, or continuity of critical government operations;

(b) Data center underpinning interconnected services where disruption could result in regional or national-level debilitating impact to multiple downstream sectors;

(c) internet exchange point and collocated data centers that contain peak traffic throughput of at least 1 terabit per second (Tbps); or

(d) Exposed long-haul fiber-optic cables at data centerswhere a loss, degradation, or compromise of such networking infrastructure could have a debilitating impact on national security, defense, or continuity of critical government operations.

§ 74.94 Nuclear reactors, materials, and waste sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Nuclear power plant that is currently operating and generating electricity;

(b) Facility that converts, enriches, fabricates, or reprocesses nuclear material for nuclear reactor fuel;

(c) Former nuclear power plant site with spent nuclear fuel, off-site spent nuclear fuel and high-level radioactive waste independent spent fuel storage installations, consolidated interim storage facilities, or monitored retrievable storage installations;

(d) Isotope production facility where a disruption from an unmanned aircraft system incident could halt isotope supply for medical diagnostics/treatment; or

(e) Nuclear research and test reactors.

§ 74.95 Transportation systems sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Rail facility required by law to have a rail secure area as defined in 49 CFR 1500.3;

(b) Intermodal transportation hub that serves three or more of the following: ferries, commuter rail, heavy rail transit, Amtrak, and intercity buses;

(c) Pipeline pump station that is immediately upstream of mountain ranges (*i.e.,* hydraulically critical);

(d) Pipeline compressor station that is just upstream of electric power generating plants or major metropolitan areas;

(e) Electric substation providing power to pipeline pumping and compressor stations;

(f) Electric substation providing power to railroad catenary systems;

(g) Pipeline control station/room that is a sole source supply to cities, airports, and national defense infrastructure;

(h) Highway bridge or tunnel that serves 50,000 or more vehicles daily and has a structure length of at least a half mile; or

(i) Facility regulated by the Maritime Transportation Security Act and currently has an active Facility Security Plan (FSP) or is covered by Commandant approved Alternate Security Plan (ASP).

§ 74.96 Water and wastewater systems sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility—

(a) [Reserved]

Subpart D—FAA Evaluation and Determination

§ 74.100 Evaluation.

(a) *General.* The FAA will review and evaluate the information submitted to determine whether the applicant demonstrated a need that justifies an unmanned aircraft flight restriction based on the totality of the circumstances. The FAA may consider all the following:

(1) The facility's vulnerability identified in § 74.66(b).

(2) The potential consequences of an unmanned aircraft-related event, incident, or occurrence identified in § 74.66(c).

(3) The facility's UAS security and UAS incident response plan as identified in § 74.64.

(4) The effect of the unmanned aircraft flight restriction identified in § 74.66(d).

(5) The externalities identified in § 74.68(a).

(6) Efforts taken to reduce or limit externalities, identified in § 74.68(b).

(7) Environmental impact, as identified in § 74.70.

(8) The impact of the unmanned aircraft flight restriction on:

(i) Aviation safety;

(ii) Protection of people and property on the ground;

(iii) National security; and

(iv) Homeland security.

(9) Any other relevant information the FAA deems necessary.

(b) *Supplemental information.* At any time during the review, FAA may require the applicant to provide supplemental data, documentation, or other information to support FAA's evaluation.

(c) *Conditional Approval.* After FAA concludes its review and evaluation under paragraph (a) of this section to include a security assessment from the applicable SRMA, FAA will either deny the applicant's request with a basis for its determination or conditionally approve an unmanned aircraft flight restriction. If the FAA conditionally approves an unmanned aircraft flight restriction FAA will publish a notice of proposed rulemaking proposing the final designation unless FAA has good cause to forgo notice and comment.

(d) *Unmanned Aircraft Flight Restriction Final Determination.* Meeting the minimum requirements in subparts B and C of this part does not entitle an applicant to an unmanned aircraft flight restriction. The Administrator retains sole discretion, to deny a request when, in light of the totality of the circumstances, the Administrator determines that an unmanned aircraft flight restriction is not necessary or would unduly affect the efficient use of the navigable airspace. When making the final determination the FAA will evaluate the information submitted in the application and NPRM to determine whether to issue or deny the requested unmanned aircraft flight restriction. In reaching its final determination, the FAA may consider:

(1) Information the applicant submitted to the FAA at any point in the process;

(2) Any changes or updates the applicant submitted to the FAA;

(3) Any public comments received; and

(4) Any other information the Administrator deems relevant.

(e) *Approval.* If the FAA approves the application under paragraph (d), the FAA will notify the applicant and publish the unmanned aircraft flight restriction in accordance with § 74.30.

(f) *Denial.* If FAA denies an application, the FAA will notify the applicant of the basis for the denial. An applicant may petition for reconsideration of a denial in accordance with § 74.160 within 30 days of receiving notice of denial in accordance with this section.

Subpart E—Reconsideration

§ 74.160 Petitions to reconsider denial.

(a) *Petition.* Any applicant may appeal FAA's decision to deny a request for an unmanned aircraft flight restriction by submitting a petition to FAA in a form and manner acceptable to the Administrator within 30 calendar days of a denial pursuant to § 74.100.

(b) *Demonstration of Error.* The petition must demonstrate one of the following:

(1) The existence of a material fact not previously presented to FAA;

(2) The Administrator made a material error of fact; or

(3) The Administrator did not correctly interpret a law, regulation, or precedent.

Subpart F—Term, Amendments, Renewal, Modifications, and Cancelation

§ 74.200 Term.

An unmanned aircraft flight restriction granted under this part is effective for a term not to exceed five years from the effective date. If the operator or proprietor fails to seek renewal, the unmanned aircraft flight restriction will expire at the end of the term.

§ 74.205 Amendments.

(a) The operator or proprietor of a fixed site facility for which FAA issued an unmanned aircraft flight restriction may apply to amend that restriction.

(b) For requests that increase the altitude ceiling, lateral boundary, or activation duration of the flight restriction, the operator or proprietor must apply for an amendment following the process in subparts B and D of this part.

(c) For all other requests, the operator or proprietor must notify FAA in accordance with § 74.20.

§ 74.210 Renewal.

(a) *Request.* An operator or proprietor requesting to renew an unmanned aircraft flight restriction must submit a request for renewal no later than 120 days prior to the expiration of the unmanned aircraft flight restriction in a form and manner acceptable to the Administrator. The Administrator may deny requests submitted less than 120 days from the current expiration date.

(b) *Determination.* The Administrator may grant, grant in part, or deny the request for renewal.

(c) *Supplemental information.* The Administrator may require the operator or proprietor to submit information identified in subpart B of this part to support the request for renewal.

§ 74.215 Modification and cancelation.

(a) *Operator or proprietor cancelation requests.*

(1) The operator or proprietor may request that FAA cancel the unmanned aircraft flight restriction by notifying FAA in a form and manner acceptable to the Administrator for any reason, at any time.

(2) The operator or proprietor must submit a request to cancel the unmanned aircraft flight restriction within 5 business days of a change in facts or circumstances that result in the fixed site facility not meeting the eligibility criteria for an unmanned aircraft flight restriction in § 74.60.

(b) *FAA modification and cancelation.*

(1) The Administrator may cancel or modify the flight restriction if the Administrator determines that the basis for designating the unmanned aircraft flight restriction no longer meets the requirements of this part or the operator or proprietor does not comply with the requirements of this part.

(2) The operator or proprietor has 30 days from the issuance of the notice to submit information demonstrating why the unmanned aircraft flight restriction should not be canceled. FAA will consider this information when determining whether to cancel the unmanned aircraft flight restriction.

Subpart G—Access to unmanned aircraft flight restrictions

§ 74.250 Allowed operations.

(a) *General.* Unless otherwise authorized by the Administrator unmanned aircraft may only operate within an unmanned aircraft flight restriction if the unmanned aircraft meets the following requirements:

(1) The unmanned aircraft broadcasts remote identification in accordance with 14 CFR part 89.

(2) The unmanned aircraft transitions the UAFR in the shortest amount of time practicable.

(3) The unmanned aircraft is one of the operations described in paragraphs (b)–(f) of this section.

(4) The unmanned flight restriction is a standard unmanned aircraft flight restriction established under § 74.5.

(b) *Part 91 Operations.* An unmanned aircraft may operate within an

unmanned aircraft flight restriction if the unmanned aircraft is operated under 14 CFR part 91 with an airman certificate or as a Public Aircraft Operation (PAO).

(c) *Part 107 Operation.* An unmanned aircraft may operate within the unmanned aircraft flight restriction if the unmanned aircraft is operated under 14 CFR part 107 with an airman certificate.

(d) *Part 108* An unmanned aircraft may operate within the unmanned aircraft flight restriction if the unmanned aircraft is operated under proposed 14 CFR part 108 as a permitted or certificated operation.

(e) *Part 135 Operation.* An unmanned aircraft may operate within the unmanned aircraft flight restriction if the unmanned aircraft is operated under 14 CFR part 135 with a 14 CFR part 119 certificate.

(f) *Part 137 Operation.* An unmanned aircraft may operate within the unmanned aircraft flight restriction if the unmanned aircraft is operated under 14 CFR part 137 with an airman certificate and a 14 CFR part 137 certificate.

§ 74.251 Access procedures for a special unmanned aircraft flight restriction.

(a) *General.* Unless otherwise authorized by the Administrator, unmanned aircraft may only operate within a special unmanned aircraft flight restriction established under § 74.6 if the unmanned aircraft meets the following requirements:

(1) The unmanned aircraft has the approval of the using agency; and

(2) If the aircraft is not operated by the using agency, the unmanned aircraft must have the approval of the Administrator in a form and manner acceptable to the Administrator.

§ 74.255 Unmanned aircraft flight restriction access notification.

(a) *General.* Any person that operates or plans to operate an unmanned aircraft in accordance with § 74.250 in an unmanned aircraft flight restriction must provide notice to the fixed site facility site manager in a form and manner acceptable to the Administrator.

(b) *Contents.* The notice must include:

(1) Name, mailing address, email address, and phone number of the person providing notice;

(2) Name and on-site phone number of the person(s) operating the unmanned aircraft;

(3) Airman certificate number or 14 CFR Part 108 permit or certificate number the allowed operation is being conducted under.

(4) Remote Identification Serial Number(s) associated with allowed operation.

(5) Unmanned aircraft registration number(s);

(6) Information identifying the unmanned aircraft flight restriction site;

(7) Date, approximate time, number of unmanned aircraft, and area of operations within the unmanned aircraft flight restriction.

(8) Type of operation permitted in accordance with § 74.250.

(c) *Timeline for Notification.* An operator must provide notice as soon as reasonably possible in advance of the operation; unless the operation is conducted by or on behalf of a government agency or law enforcement acting within the scope of their legal authority then notification must be provided verbally as soon as reasonably possible and written notification within seven calendar days.

Subpart H—Enforcement and Penalties

§ 74.260 Enforcement and penalties.

(a) Unmanned aircraft flight restrictions issued for a national security or homeland security purpose under this part are promulgated pursuant to 49 U.S.C. 40103(b)(3).

(b) Any person who knowingly or willfully violates an unmanned aircraft flight restriction issued under this part pursuant to paragraph (a) of this section may be subject to criminal penalties under 49 U.S.C. 46307.

(c) Violators of an unmanned aircraft flight restriction issued under this part pursuant to paragraph (a) of this section may also be subject to a civil penalty action or suspension or revocation of any certificate, rating, or authorization held by that person.

Appendix A—Guidance for Determining Minimum Concentration Percentages and Screening Threshold Quantities

Guidance for determining the minimum concentration percentages and screening threshold quantities in the included appendix A section are listed below.[102] This guidance is critical to ensure that chemical quantities are measured correctly in the context of chemical security concerns.

(a) The following requirements apply to all appendix A release chemicals. Only include the following:

1. In a vessel as defined in 40 CFR 68.3, in an above ground storage facility, or stored in an above ground magazine as defined in 27 CFR 555.11;

2. In transportation containers used for storage not incident to transportation, including transportation containers connected to equipment at a facility for loading or unloading and transportation containers detached from the motive power that delivered the container to the facility;

3. Present as process intermediates, by-products, or materials produced incidental to the production of a product if they exist at any given time;

4. In natural gas or liquefied natural gas stored in above ground peak shaving facilities;

5. In gasoline, diesel, kerosene, or jet fuel (including fuels that have flammability hazard ratings of 1, 2, 3, or 4, as determined by 6 CFR 27.204(a)(2)), stored in above ground tank farms, including tank farms that are part of pipeline systems.

(b) The following requirements are related to specific categories of release chemicals.

1. Release-Toxic Chemicals. If a release-toxic chemical of interest is present in a mixture, and the concentration of the chemical is equal to or greater than one percent (1%) by weight, the facility shall count the amount of the chemical of interest in the mixture toward the screening threshold quantity. If a release-toxic chemical of interest is present in a mixture, and the concentration of the chemical is less than one percent (1%) by weight of the mixture, the facility need not count the amount of that chemical in the mixture in determining whether the facility possesses the screening threshold quantity.

i. Except for oleum, if the concentration of the chemical of interest in the mixture is one percent (1%) or greater by weight, but the facility can demonstrate that the partial pressure of the regulated substance in the mixture (solution) under handling or storage conditions in any portion of the process is less than 10 millimeters of mercury (mm Hg), the amount of the substance in the mixture in that portion of a vessel need not be considered when determining the screening threshold quantity. The facility shall document this partial pressure measurement or estimate.

2. Release-Flammable Chemicals. If a release-flammable chemical of interest is present in a mixture in a concentration equal to or greater than one percent (1%) by weight of the mixture, and the mixture has a National Fire Protection Association flammability hazard rating of 4, the facility shall count the entire amount of the mixture toward the screening threshold quantity. Except as provided in 6 CFR 27.203(b)(1)(v) for fuels that are stored in above ground tank farms (including farms that are part of pipeline systems), if a release-flammable chemical of interest is present in a mixture in a concentration equal to or greater than one percent (1%) by weight of the mixture, and the mixture has a National Fire Protection Association flammability hazard rating of 1, 2, or 3 [103], the facility need not count the mixture toward the screening threshold quantity.

i. If a release-flammable chemical of interest is present in a mixture, and the concentration of the chemical is less than one percent (1%) by weight, the facility need not count the mixture in determining whether the facility possesses the screening threshold quantity.

3. Release-Explosive Chemicals. For each release-explosive chemical of interest, a facility shall count the total quantity of all commercial grades of the chemical of interest

toward the screening threshold quantity, unless a specific minimum concentration is assigned in the Minimum Concentration column of Appendix A, in which case the facility should count the total quantity of all commercial grades of the chemical at the specified minimum concentration.

(c) For all release chemicals, facilities should not include chemicals:

1. Used as a structural component;

2. Used as products for routine janitorial maintenance;

3. Contained in food, drugs, cosmetics, or other personal items used by employees;

4. In process water or non-contact cooling water as drawn from environment or municipal sources;

5. In air either as compressed air or as part of combustion;

6. Contained in articles, as defined in 40 CFR 68.3.

7. In solid waste (including hazardous waste) regulated under the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.,* except for the waste described in 40 CFR 261.33;

8. In naturally occurring hydrocarbon mixtures prior to entry of the mixture into a natural gas processing plant or a petroleum refining process unit. Naturally occurring hydrocarbon mixtures include condensate, crude oil, field gas, and produced water as defined in 40 CFR 68.3; or

9. Used at agricultural production facilities on crops, feed, land, livestock, or poultry.

(d) Additionally, for all release chemicals, facilities should not:

1. Include release-toxic, release-flammable, or release-explosive chemicals of interest that a facility manufactures, processes, or uses in a laboratory at the facility under the supervision of a technically qualified individual as defined in 40 CFR 720.3.

i. This exemption does not apply to specialty chemical production; manufacture, processing, or use of substances in pilot plant scale operations; or activities, including research and development, involving chemicals of interest conducted outside the laboratory.

2. Count propane in tanks of 10,000 pounds or less or below 87.5% concentration.

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Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Acetaldehyde	75-07-0	1.00	10,000		X	
Acetylene	74-86-2	1.00	10,000		X	
Acrolein	107-02-8	1.00	5,000	X		
Acrylonitrile	107-13-1	1.00	10,000		X	
Acryloyl chloride	814-68-6	1.00	10,000		X	
Allyl alcohol	107-18-6	1.00	15,000	X		
Allylamine	107-11-9	1.00	10,000		X	
Ammonia (anhydrous)	7664-41-7	1.00	10,000	X		
Ammonia (aqueous)	7664-41-7	20.00	20,000	X		
Ammonium nitrate, [with more than 0.2 percent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance]	6484-52-2	ACG	5,000			X
Ammonium perchlorate	7790-98-9	ACG	5,000			X
Ammonium picrate	131-74-8	ACG	5,000			X
Arsenic trichloride	7784-34-1	1.00	15,000	X		
Arsine	7784-42-1	1.00	1,000	X		
Barium azide	18810-58-7	ACG	5,000			X
Benzotriazole, 5-nitro-	2338-12-7	ACG	5,000			X
Boron trichloride	10294-34-5	1.00	5,000	X		
Boron trifluoride	7637-07-2	1.00	5,000	X		
Boron trifluoride compound with methyl ether	353-42-4	1.00	15,000	X		

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		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Bromine	7726-95-6	1.00	10,000	X		
Bromotrifluoroethylene	598-73-2	1.00	10,000		X	
Butadiene-1,3	106-99-0	1.00	10,000		X	
Butane	106-97-8	1.00	10,000		X	
Butene	25167-67-3	1.00	10,000		X	
Butene-1	106-98-9	1.00	10,000		X	
Butene-2	107-01-7	1.00	10,000		X	
2-Butene-cis	590-18-1	1.00	10,000		X	
2-Butene-trans	624-64-6	1.00	10,000		X	
Carbon disulfide	75-15-0	1.00	20,000	X		
Carbon oxysulfide	463-58-1	1.00	10,000		X	
Chlorine	7782-50-5	1.00	2,500	X		
Chlorine dioxide	10049-04-4	1.00	1,000	X		
Chlorine monoxide	7791-21-1	1.00	10,000		X	
Chloroform	67-66-3	1.00	20,000	X		
Chloromethyl ether	542-88-1	1.00	1,000	X		
Chloromethyl methyl ether	107-30-2	1.00	5,000	X		
Crotonaldehyde	4170-30-3	1.00	10,000		X	
Crotonaldehyde, (E)-	123-73-9	1.00	10,000		X	
Cyanogen	460-19-5	1.00	10,000		X	
Cyanogen chloride	506-77-4	1.00	10,000	X		

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		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Cyclohexylamine	108-91-8	1.00	15,000	X		
Cyclopropane	75-19-4	1.00	10,000		X	
Diazodinitrophenol	87-31-0	ACG	5,000			X
Diborane	19287-45-7	1.00	2,500	X		
Dichlorosilane	4109-96-0	1.00	10,000		X	
Diethyleneglycol dinitrate	693-21-0	ACG	5,000			X
Difluoroethane	75-37-6	1.00	10,000		X	
1,1-Dimethylhydrazine	57-14-7	1.00	10,000		X	
Dimethylamine	124-40-3	1.00	10,000		X	
Dimethyldichlorosilane	75-78-5	1.00	10,000		X	
Dingu	55510-04-8	ACG	5,000			X
Dinitrophenol	25550-58-7	ACG	5,000			X
Dinitroresorcinol	519-44-8	ACG	5,000			X
Dipicryl sulfide	2217-06-3	ACG	5,000			X
Dipicrylamine	131-73-7	ACG	5,000			X
Epichlorohydrin	106-89-8	1.00	20,000	X		
Ethane	74-84-0	1.00	10,000		X	
Ethyl acetylene	107-00-6	1.00	10,000		X	
Ethyl chloride	75-00-3	1.00	10,000		X	
Ethyl ether	60-29-7	1.00	10,000		X	
Ethyl mercaptan	75-08-1	1.00	10,000		X	
Ethyl nitrite	109-95-5	1.00	10,000		X	

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Ethylamine	75-04-7	1.00	10,000		X	
Ethylene	74-85-1	1.00	10,000		X	
Ethylene oxide	75-21-8	1.00	10,000		X	
Ethylenediamine	107-15-3	1.00	20,000	X		
Ethyleneimine	151-56-4	1.00	10,000		X	
Fluorine	7782-41-4	1.00	1,000	X		
Formaldehyde (solution)	50-00-0	1.00	15,000	X		
Furan	110-00-9	1.00	10,000		X	
Hexanitrostilbene	20062-22-0	ACG	5,000			X
Hexolite	121-82-4	ACG	5,000			X
HMX	2691-41-0	ACG	5,000			X
Hydrazine	302-01-2	1.00	10,000		X	
Hydrochloric acid	7647-01-0	37.00	15,000	X		
Hydrocyanic acid	74-90-8	1.00	2,500	X		
Hydrofluoric acid	7664-39-3	50.00	1,000	X		
Hydrogen	1333-74-0	1.00	10,000		X	
Hydrogen chloride (anhydrous)	7647-01-0	1.00	5,000	X		
Hydrogen fluoride (anhydrous)	7664-39-3	1.00	1,000	X		
Hydrogen selenide	7783-07-5	1.00	10,000		X	
Hydrogen sulfide	7783-06-4	1.00	10,000	X		
Iron, pentacarbonyl-	13463-40-6	1.00	10,000		X	
Isobutane	75-28-5	1.00	10,000		X	

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Isobutene	115-11-7	1.00	10,000		X	
Isobutyronitrile	78-82-0	1.00	20,000	X		
Isopentane	78-78-4	1.00	10,000		X	
Isopentene	563-45-1	1.00	10,000		X	
Isoprene	78-79-5	1.00	10,000		X	
Isopropenyl chloride	557-98-2	1.00	10,000		X	
Isopropyl chloride	75-29-6	1.00	10,000		X	
Isopropyl chloroformate	108-23-6	1.00	15,000	X		
Isopropylamine	75-31-0	1.00	10,000		X	
Lead azide	13424-46-9	ACG	5,000			X
Lead styphnate	15245-44-0	ACG	5,000			X
Mercury fulminate	628-86-4	ACG	5,000			X
Methacrylonitrile		1.00	10,000	X		
Methane	74-82-8	1.00	10,000		X	
2-Methyl-1-butene	563-46-2	1.00	10,000		X	
Methyl chloride	74-87-3	1.00	10,000		X	
Methyl chloroformate	79-22-1	1.00	10,000		X	
Methyl ether	115-10-6	1.00	10,000		X	
Methyl formate	107-31-3	1.00	10,000		X	
Methyl hydrazine	60-34-4	1.00	15,000	X		
Methyl isocyanate	624-83-9	1.00	10,000	X		
Methyl mercaptan	74-93-1	1.00	10,000		X	

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Methyl thiocyanate	556-64-9	1.00	20,000	X		
Methylamine	74-89-5	1.00	10,000		X	
Methyltrichlorosilane	75-79-6	1.00	10,000		X	
Neopentane	463-82-1	1.00	10,000		X	
Nickel Carbonyl	13463-39-3	1.00	10,000		X	
Nitric acid	7697-37-2	80.00	15,000	X		
Nitric oxide	10102-43-9	1.00	10,000	X		
Nitrocellulose	9004-70-0	ACG	5,000			X
Nitroglycerine	55-63-0	ACG	5,000			X
Nitromannite	15825-70-4	ACG	5,000			X
Nitrostarch	9056-38-6	ACG	5,000			X
Nitrotriazolone	932-64-9	ACG	5,000			X
Octolite	57607-37-1	ACG	5,000			X
Octonal	78413-87-3	ACG	5,000			X
Oleum	8014-95-7	1.00	10,000	X		
1,3-Pentadiene	504-60-9	1.00	10,000		X	
Pentane	109-66-0	1.00	10,000		X	
1-Pentene	109-67-1	1.00	10,000		X	
2-Pentene, (E)-	646-04-8	1.00	10,000		X	
2-Pentene, (Z)-	627-20-3	1.00	10,000		X	
Pentolite	8066-33-9	ACG	5,000			X
Peracetic acid	79-21-0	1.00	10,000		X	

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		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Perchloromethylmercaptan	594-42-3	1.00	10,000	X		
PETN	78-11-5	ACG	5,000			X
Phosgene	75-44-5	1.00	500	X		
Phosphine	7803-51-2	1.00	10,000		X	
Phosphorus oxychloride	10025-87-3	1.00	5,000	X		
Phosphorus trichloride	7719-12-2	1.00	15,000	X		
Picrite	556-88-7	ACG	5,000			X
Piperidine	110-89-4	1.00	10,000		X	
Propadiene	463-49-0	1.00	10,000		X	
Propane	74-98-6	87.50	60,000		X	
Propenyl chloride	590-21-6	1.00	10,000		X	
Propionitrile	107-12-0	1.00	10,000	X		
Propyl chloroformate	109-61-5	1.00	10,000		X	
Propylene	115-07-1	1.00	10,000		X	
Propylene oxide	75-56-9	1.00	10,000		X	
Propyleneimine	75-55-8	1.00	10,000	X		
Propyne	74-99-7	1.00	10,000		X	
RDX	121-82-4	ACG	5,000			X
RDX and HMX mixtures	121-82-4	ACG	5,000			X
Silane	7803-62-5	1.00	10,000		X	
Sulfur dioxide (anhydrous)	7446-09-5	1.00	5,000	X		
Sulfur tetrafluoride	7783-60-0	1.00	2,500	X		

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		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Sulfur trioxide	7446-11-9	1.00	10,000	X		
Tetrafluoroethylene	116-14-3	1.00	10,000		X	
Tetramethyllead	75-74-1	1.00	10,000	X		
Tetramethylsilane	75-76-3	1.00	10,000		X	
Tetranitroaniline	53014-37-2	ACG	5,000			X
Tetranitromethane	509-14-8	1.00	10,000		X	
Tetrazene	109-27-3	ACG	5,000			X
1H-Tetrazole	288-94-8	ACG	5,000			X
Titanium tetrachloride	7550-45-0	1.00	2,500	X		
TNT	118-96-7	ACG	5,000			X
Torpex	67713-16-0	ACG	5,000			X
Trichlorosilane	10025-78-2	1.00	10,000		X	
Trifluorochloroethylene	79-38-9	1.00	10,000		X	
Trimethylamine	75-50-3	1.00	10,000		X	
Trimethylchlorosilane	75-77-4	1.00	10,000		X	
Trinitroaniline	26952-42-1	ACG	5,000			X
Trinitroanisole	606-35-9	ACG	5,000			X
Trinitrobenzene	99-35-4	ACG	5,000			X
Trinitrobenzenesulfonic acid	2508-19-2	ACG	5,000			X
Trinitrobenzoic acid	129-66-8	ACG	5,000			X
Trinitrochlorobenzene	88-88-0	ACG	5,000			X
Trinitrofluorenone	129-79-3	ACG	5,000			X

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Trinitro-meta-cresol	602-99-3	ACG	5,000			X
Trinitronaphthalene	55810-17-8	ACG	5,000			X
Trinitrophenetole	4732-14-3	ACG	5,000			X
Trinitrophenol	88-89-1	ACG	5,000			X
Trinitroresorcinol	82-71-3	ACG	5,000			X
Tritonal	54413-15-9	ACG	5,000			X
Vinyl acetate monomer or [Acetic acid ethenyl ester]	108-05-4	1.00	10,000		X	
Vinylacetylene or [1-Buten-3-yne]	689-97-4	1.00	10,000		X	
Vinyl chloride or [Ethene, chloro-]	75-01-4	1.00	10,000		X	
Vinyl ethyl ether or [Ethene, ethoxy-]	109-92-2	1.00	10,000		X	
Vinyl fluoride or [Ethene, fluoro-]	75-02-5	1.00	10,000		X	
Vinyl methyl ether or [Ethene, methoxy-]	107-25-5	1.00	10,000		X	
Vinylidene chloride or [Ethene, 1,1-dichloro-]	75-35-4	1.00	10,000		X	
Vinylidene fluoride or [Ethene, 1,1-difluoro-]	75-38-7	1.00	10,000		X	

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 5. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 44740, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534; Pub. L. 112–95, 126 Stat. 11; Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); Sec. 828 of Pub. L. 118–63, 138 Stat. 1330 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 6. Amend part 91 by adding § 91.134 to read as follows:

§ 91.134 Unmanned aircraft flight restriction.

No person may operate an unmanned aircraft within an unmanned aircraft flight restriction, established in accordance with part 74 of this chapter, contrary to the restrictions imposed unless permitted pursuant to part 74, subpart G, as appropriate.

PART 107—SMALL UNMANNED AIRCRAFT SYSTEMS

■ 7. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40101 note, 40103(b), 44701(a)(5), 46105(c), 46110, 44807.

■ 8. Revise § 107.45 to read as follows:

§ 107.45 Operation in prohibited area, restricted area, or unmanned aircraft flight restriction.

No person may operate a small unmanned aircraft in prohibited or restricted areas unless that person has permission from the using or controlling agency, as appropriate. Furthermore, no person may operate an unmanned aircraft within an unmanned aircraft flight restriction established in accordance with part 74 of this chapter, unless permitted pursuant to part 74, subpart G, as appropriate.

Issued under authority provided by 49 U.S.C. 106(f), 40101(d), 40103(a)(2), 40103(b), 44701(a)(5), and 44802 note in Washington, DC.

Bryan Bedford,

Administrator, Federal Aviation Administration.

Endnotes

[1] The terms unmanned aircraft system and unmanned aircraft have different meanings. FAA uses the term unmanned aircraft to refer specifically to the unmanned aircraft itself. FAA uses the term unmanned aircraft system to refer to both the unmanned aircraft and any communication links and components that control the unmanned aircraft. These terms are defined in 14 CFR 1.1.

[2] See 49 U.S.C. 44802.

[3] Pursuant to 5 U.S.C. 553(b)(4), FAA has provided a summary of this proposed rule in the docket for 2120–AL33 available at *https://www.regulations.gov.*

[4] Section 2209 (b)(1)(C)(iv), the FAA Extension, Safety and Security Act of 2016 (FESSA), Public Law 114–190, July 15, 2016.

[5] Executive Order No. 14305, 90 FR 24719 (June 11, 2025).

[6] 42 U.S.C. 5195c(e).

[7] For more information, see *Advisory on the Application of Federal Laws to the Acquisition and Use of Technology to Detect and Mitigate Unmanned Aircraft Systems,* August 2020, *https://www.faa.gov/uas/resources/c_uas.*

[8] An applicant refers to the operator or proprietor of a fixed site facility that is requesting a UAFR over a fixed site facility.

[9] The Advisory Circular, *Unmanned Aircraft Flight Restrictions,* has been placed in the docket for this rulemaking.

[10] This legislation became law on July 7, 2016, and directed the FAA to establish the process not later than 180 days after the date of enactment.

[11] This legislation became law on October 5, 2018, and directed the FAA to issue a notice of proposed rulemaking not later than March 31, 2019, and a final rule not later than 12 months after the proposed rule.

[12] This legislation became law on May 5, 2024, and directed the FAA to issue a notice of proposed rulemaking not later than 90 days after the enactment of the act and a final rule not later than 16 months after the proposed rule.

[13] ''FAA Issues UAS Guidance for Law Enforcement,'' *www.faa.gov/newsroom/faa-issues-uas-guidance-law-enforcement?newsId=81244* (January 8, 2015). Updated guidance for the law enforcement community can be found at FAA's drone Public Safety and Government web page, *https://www.faa.gov/uas/public_safety_gov.*

[14] Registration and Marking Requirements for Small Unmanned Aircraft, interim final rule, 80 FR 78594 (December 16, 2015).

[15] Registration and Marking Requirements for Small Unmanned Aircraft. 14 CFR 48.

[16] *Operation and Certification of Small Unmanned Aircraft Systems,* Final Rule, 81 FR 42064 (June 28, 2016).

[17] Remote Identification of Unmanned Aircraft final rule, 86 FR 4390 (January 15, 2020).

[18] Advisory and Rulemaking Committees—UAS Detection and Mitigation Systems Aviation Rulemaking Committee Final Report, February 5, 2024. *https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/UAS-Detection-Mitigation-Systems-ARC_Final-Report_02052024.pdf.*

[19] *Id.*

[20] 49 U.S.C. 44802.

[21] FAA defined an unmanned aircraft event in this rulemaking effort as any unmanned aircraft related activity that could cause risk or damage to another aircraft, people or property on the ground, or a facility's resources or assets.

[22] FAA regulations mandate that a remote pilot in command report any instance of an unmanned aircraft operation causing serious injury to a person or loss of consciousness, or damage to property in excess of $500. 14 CFR 107.9.

[23] ''Drone Crashes Into Truck Outside New Jersey Oil Refinery,'' CDL Life, November 20, 2015. Accessed May 8, 2023, at *http://www.cdllife.com/2015/drone-crashes-into-truck-outside-new-jersey-oil-refinery/.*

[24] ''A Drone Tried to Disrupt the Power Grid. It Won't Be the Last,'' *Wired,* November 5, 2021. Accessed May 8, 2023, at *www.wired.com/story/drone-attack-power-substation-threat/.*

[25] ''FBI warns drones pose potential risk to critical infrastructure after some spotted over Louisiana chemical facilities,'' CNN Politics, September 30, 2020. Accessed May 8, 2023, at *https://edition.cnn.com/2022/09/30/politics/drones-risk-critical-infrastructure-spotted-louisiana-chemical-facilities.*

[26] *Id.*

[27] Dep't of Just., *Illegal Drone Operator Sentenced for Attempting to Drop Drugs into a Georgia State Prison* (Oct. 31, 2019), *https://www.justice.gov/usao-mdga/pr/illegal-drone-operator-sentenced-attempting-drop-drugs-georgia-state-prison.*

[28] Dep't of Just., *Third Defendant Sentenced in Scheme to Use Drone to Smuggle Contraband into a Georgia State Prison* (Aug. 19, 2021), *https://www.justice.gov/usao-sdga/pr/third-defendant-sentenced-scheme-use-drone-smuggle-contraband-georgia-state-prison.*

[29] WJTV News, *Man Accused of Using to [sic] Drone to Smuggle Contraband* (Aug. 14, 2022), *https://www.wjtv.com/news/local-news/man-accused-of-using-to-drone-to-smuggle-contraband/* (An indictment is merely an allegation. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.).

[30] 13ABC Action News, OSHP: Men Indicted for Using Drones to Smuggle Drugs, Contraband into Toledo Prison (May 9, 2023), *https://www.13abc.com/2023/05/09/oshp-men-indicted-using-drones-smuggle-drugs-contraband-into-toledo-prison/* (An indictment is merely an allegation. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.).

[31] Dep't of Just., *Four Indicted in Scheme to Deliver Drugs into State Prisons by Drone* (Apr. 13, 2023), *https://www.justice.gov/usao-edca/pr/four-indicted-scheme-deliver-drugs-state-prisons-drone* (An indictment is merely an allegation. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.).

[32] NBC News, *150 People Arrested in Bust of Ring Using Drones to Smuggle Drugs and Guns into Georgia Prisons* (Apr. 4, 2024), *https://www.nbcnews.com/news/us-news/150-arrested-bust-georgia-prison-smuggling-ring-using-drones-rcna146366* (An indictment is merely an allegation. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.).

[33] The FAA's State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet, issued on July 14, 2023 by the U.S. DOT General Counsel and FAA Chief Counsel, discusses legal considerations applicable to state and local regulation of UAS and serves as a guide for state and local governments as they respond to the increased use of UAS in the national airspace. The Fact Sheet affirms that state or local laws aimed at regulating aviation safety or airspace efficiency are subject to Federal preemption. The Fact Sheet states that laws aimed at objectives other than aviation safety or airspace efficiency—such as privacy—that do not impair the reasonable use by UAS of the airspace would likely not be subject to preemption.

[34] The year begins when the UAFR goes into effect, irrespective of calendar year.

[35] See, *e.g.,* 14 CFR 71.1.

[36] See FESSA, section 2209(b)(1)(B).

[37] See FESSA, section 2209(b)(1)(C).

[38] 42 U.S.C. 5195c(e).

[39] National Security Memorandum 22, April 30, 2024 (Critical Infrastructure Security and Resilience) (NSM–22). *https://www.congress.gov/crs-product/IF12716.*

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[51] U.S. Army Corps of Engineers, ''National Inventory of Dams,'' (last accessed: July 9, 2025). *https://nid.sec.usace.army.mil.*

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[83] *https://www.cisa.gov/resources-tools/resources/water-sector-specific-plan-2015.*

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[85] See 49 U.S.C. 40103(a)(2); see also E.O. 14307 *Unleashing American Drone Dominance,* 90 FR 24727 (Jun. 6, 2025).

[86] See, Automatic Dependent Surveillance-Broadcast (ADS–B) Out Performance Requirements to Support Air Traffic Control (ATC) Service. 75 FR 30160 (May 28, 2010).

[87] *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* NPRM, 90 FR 38212 (Aug. 7, 2025).

[88] See supra E.O. 14307.

[89] *Id.*

[90] Part 135 operations as detailed in this rulemaking will be held to part 107 and 108 compliance dates set forth in the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* final rule.

[91] Part 137 operations as detailed in this rulemaking will be held to part 107 and 108 compliance dates set forth in the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* final rule.

[92] Based on 2022 Statistics of U.S. Businesses data (the most recent receipts data, available at: *https://www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html*) updated to 2024 year dollars using the Consumer Price Index.

[93] FAA did not conduct the screening analysis for water supply and wastewater systems category as the criteria are not yet determined. For example, the size standard for municipal systems is based on 50,000 population and the SUSB data would not be reflective of these systems.

[94] Large-scale utilities and global industrial firms operate the majority of 200 eligible facilities in the nuclear energy sector, with the exception of five radiological medical isotope facilities. Of the five radiological medical isotope facilities, none have less

than 5 employees. All but one are also classified in different NAICS.

[95] (90 FR 29615, Jul. 3, 2025).

[96] See DOT Order 5610.1D § 9.

[97] *Id.* § 9(b).

[98] The Draft PEA has been placed in the docket for this rulemaking.

[99] 65 FR 67249 (Nov. 6, 2000).

[100] FAA Order No. 1210.20 (Jan. 28, 2004), available at *http://www.faa.gov/documentLibrary/media/1210.pdf.*

[101] Upon finalization, PIAs are posted on the Department of Transportation's Privacy Program page, available at *https://www.transportation.gov/individuals/privacy/privacy-impact-assessments#Federal%20Aviation%20Administration%20(FAA).*

[102] The guidance for calculating the minimum concentration percentages and screening threshold quantities under 6 CFR part 27 can be found at 6 CFR 27.203 and 6 CFR 27.204.

[103] *NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response* [2007 ed.]. The Director of the Federal Register approves the incorporation by reference of this standard in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

[104] The acronym used in this appendix has the following meaning: ACG = A Commercial Grade.

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