



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Restricting the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility: American Fuel & Petrochemical Manufacturers Submit Comments on FAA Proposed Rule

08/24/2026

The American Fuel & Petrochemical Manufacturers ("AFPM") submitted August 5th comments to the Federal Aviation Administration's ("FAA") proposed rule styled:

Designation-Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility ("Proposed Rule").

See 91 Fed. Reg. 24,560 (May 6, 2026)/Docket: FAA-2026-4558.

The Proposed Rule implements Section 2209 of the FAA Extension, Safety, and Security Act of 2016, as amended.

The FAA describes the Proposed Rule as establishing a process for operators of certain critical infrastructure to petition the FAA to restrict drone operations over sites for safety and security reasons. Objectives described by the agency in proposing this rule include:

- Seeking to balance security needs with economic growth and public interest.
- Necessary to address the rapid increase in drone operations and the risks they can pose to sensitive facilities.

Components of the Proposed Rule include:

- Applicants petitioning the FAA to restrict drone operations over their sites would have to demonstrate that the restriction is necessary for either:
 - Aviation safety.
 - Protection people and property on the ground.
 - National security.
 - Homeland security.
- Unmanned aircraft flight restriction would impose specific vertical and lateral boundaries.
- Types of unmanned aircraft flight restrictions would include:

- Standard UAFR – limits of drone operations to certain operators who meet rigorous safety and security standards.
- Special UAFR – restricts all drone operations unless FAA and site operator provide express approval.
- Standard UAFR allowed operations requiring aircraft broadcast Remote ID, with limited exceptions, transition in the shortest time practicable.
- A full-time UAFR would be in effect 24/7, while a part-time UAFR would be in effect 24 hours a day but, for no more than 290 consecutive days annually.

AFPM describes itself as a national trade association representing U.S. manufacturers of transportation fuels, petrochemicals, and stream energy products producing the vast majority of the nation's gasoline, diesel, jet fuel, heating oil, and petrochemicals.

AFPM states by way of introduction that the trade association:

- Supports the FAA's efforts to establish a regulatory framework to address unmanned aircraft system ("UAS") risks to critical infrastructure while maintaining the safe integration of UAS into the National Airspace System ("NAS").
- Recognizes the importance of a risk-informed and operationally practical process for establishing unmanned aircraft flight restrictions ("UAFRs").
- FAA's Section 2209 framework marks an important first step toward protecting the airspace around critical infrastructure, but it does not yet reflect the seriousness of the threat.
- For refineries, petrochemical facilities, and connected energy infrastructure, an unauthorized drone is not a nuisance—it can present a real safety, security, homeland security, and operational risk.
- The Proposed Rule still leaves facility operators largely dependent on calling local law enforcement and waiting for a response after an unauthorized flyover has already occurred, creating a false sense of security.
- The final rule should be strengthened by adopting AFPM's suggestions and supporting Congressional efforts to provide critical infrastructure operators with more effective, practical tools to prevent and respond to unauthorized UAS activity in restricted airspace, including a pathway for appropriately authorized facility operators to prevent and respond to unauthorized UAS activity in restricted airspace.
- Include a pathway for appropriately authorized facility operators to prevent and respond to unauthorized UAS activity in restricted airspace, including a pathway for appropriately authorized facility operators to mitigate or intercept drones that unlawfully enter protected airspace.
- Clarify certain aspects of the Proposed Rule to ensure the framework can be implemented effectively across the energy, chemical, and petrochemical sectors.
- Final rule should reflect the scale, complexity, and interconnected nature of critical infrastructure operations while avoiding unintended impacts to lawful UAS operations.

A copy of the AFPM comments can be found [here](#).