



National Association of State Energy Officials

June 29, 2026

The Honorable Sean Duffy
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

The Honorable Bryan Bedford
Administrator, Federal Aviation Administration
800 Independence Avenue SW
Washington, D.C. 20591

Subject: Comments of the National Association of State Energy Officials (NASEO) on the Notice of Proposed Rulemaking — Designation: Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility [Docket No. FAA-2026-4558; RIN 2120-AL33]

Dear Secretary Duffy and Administrator Bedford:

The National Association of State Energy Officials (NASEO) greatly appreciates the Federal Aviation Administration's (FAA) development of the proposed rule establishing a process for Unmanned Aircraft Flight Restrictions (UAFRs) at fixed site facilities. NASEO represents the governor-designated State and Territory Energy Offices from each of the 56 states, territories, and the District of Columbia. State Energy Offices lead a wide range of energy policies and programs across all energy sectors, and most are engaged in energy sector emergency response and mitigation actions in partnership with utilities and the private sector, as well as other state, local, and federal authorities. In addition, they are responsible for development of State Energy Security Plans as required by the longstanding, bipartisan U.S. State Energy Program established by Energy Policy and Conservation Act. Given the high importance of protecting our critical energy infrastructure from Unmanned Aircraft Systems (UAS), NASEO commends the FAA for moving forward with this rulemaking. NASEO supports the establishment of a formal, accessible process – that includes state government engagement opportunities – for energy infrastructure operators (private sector and municipally-owned) to seek airspace protection from UAS threats.

NASEO supports the FAA's proposal to create a clear, enforceable process for restricting unauthorized drone operations near energy sector critical infrastructure under proposed §74.88 and the broader Part 74 framework of the FAA's Notice of Proposed Rulemaking on Unmanned Aircraft Systems Operations in the Vicinity of

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Critical Infrastructure. The risks the FAA identifies in the proposal, including surveillance of substations, the vulnerability of supervisory control and data acquisition (SCADA) and operational technology systems to UAS-enabled cyber intrusion, and the potential for cascading impacts to the power grid, mirror the threats that many states track and plan against through their State Energy Security Plans. A consistent federal designation process could reinforce and serve as a model for parallel state-level work.

To better align state-federal coordination under the Proposed Rulemaking, NASEO offers the following recommendations:

1. Under proposed §74.6 of the Proposed Rulemaking, it would make the more protective Special UAFR available to eligible critical infrastructure only when sponsored by the FAA or a federal security or intelligence agency, including the U.S. Department of Energy. Because State Energy Offices develop State Energy Security Plans in direct consultation with the U.S. Department of Energy and hold detailed, jurisdiction-specific knowledge of energy infrastructure risk, **NASEO requests that the FAA clarify how State Energy Offices' risk assessments will be utilized to inform the federal sponsorship and evaluation process for energy sector Special UAFRs.**
2. Many states have enacted statutes addressing unmanned aircraft operations over critical infrastructure, and State Energy Security Plans can identify additional state-level protective measures. **NASEO recommends that the FAA clarify how the framework would interact with these existing state laws and State Energy Security Plan related measures, so that states and energy infrastructure owners have greater certainty about the respective roles of the federal designation and complementary state actions.**

NASEO stands ready to serve as a key partner in advancing this rule and in ensuring that energy security planning frameworks at the state level are coordinated with federal airspace protections. We appreciate the opportunity to provide these comments.

Best regards,



David Terry
President, NASEO