

October 3, 2025

Docket Operations, M-30
U.S. Department of Transportation (DOT)
1200 New Jersey Avenue SE
Room W12-140, West Building Ground Floor
Washington, DC 20590-0001

**Re: Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations;
Docket FAA-2025-1908**

The National Business Aviation Association (NBAA), representing over 11,000 member companies, offers the following inputs to the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking (NPRM) on Normalizing Unmanned Aircraft Systems (UAS) Beyond Visual Line of Sight (BVLOS) Operations. NBAA considers the proposed rule as foundational to advancing the integration of UAS and other emerging technologies into the National Airspace System (NAS) and its importance for safety, national security and operational efficiency.

NBAA has a unique interest in this NPRM as many of our members who have operated manned aircraft for decades are now adding UAS to their operational fleets. In addition, some NBAA member companies use UAS exclusively in furtherance of their businesses.

Aircraft

Proposed Part 108 Subparts F, Maintenance and Alterations; Subpart G, Procedures for Unmanned Aircraft System Airworthiness; and Subpart H, Designing and Testing Requirements for Airworthiness Acceptance, apply to the machines, installed equipment and technology.

Airworthiness Acceptance Process Barriers/ Dependency on Undefined Standards and Industry Participation

NBAA has concerns about the airworthiness acceptance process and the proposed rules' dependence on undefined standards and industry participation. The association advocates for retaining the existing Criteria for Making Decisions (CMD) process as an industry standard for UAS airworthiness. The current CMD process, a working method for airworthiness, has contributed to a very high level of safety and should not be discarded without justification.

Proposed Part 108 also relies heavily on industry standards, some of which do not yet exist, thereby creating implementation barriers.

Recommendations:

- NBAA recommends the FAA maintain current CMD processes.
- The association also recommends increased FAA participation in crafting and accepting industry standards and providing clear guidance on what makes a standard acceptable as a Means of Compliance.

- NBAA further recommends the FAA establish a focal point in the agency for acceptance of industry standards.

Noise Standards

The FAA proposed industry standards as a Means of Compliance for satisfying applicable noise requirements of 14 CFR Part 108 and 14 CFR Part 36 in §108.705. The application of 14 CFR Part 36 noise standards may eliminate flexibility intended for quieter drones, especially when considered in light of the many “findings of no significant impact” already issued to currently certificated UAS operators and could underestimate the future scale of UAS operations. Community acceptance and environmental considerations are critical and require proactive engagement, but overly restrictive noise standards could hinder beneficial operations.

Recommendation:

- NBAA recommends the FAA apply industry standards as a Means of Compliance for applicable noise requirements and not apply 14 CFR 36, which will be overly burdensome.

Aircraft Registration

§108.920 requires all unmanned aircraft identification and registration markings to comply with the requirements of Part 45. This includes registering each aircraft and obtaining an individual registration or “N” number for each aircraft. This is an untenable requirement. Some UAS operators register thousands of airframes concurrently. UAS airframes are also replaced at a significantly faster rate than traditional aircraft. Not only would individual aircraft registration be cumbersome to operators, but it would also overwhelm the already under-resourced FAA Aircraft Registration Branch. Further, the total number of available “N” numbers is finite and could be quickly outpaced by UAS aircraft demands where expansive fleet operations are anticipated to meet market demands.

Recommendation:

- NBAA recommends §108.920 be revised to allow Remote ID serial numbers to meet aircraft identification and marking requirements.

Airspace

Several subparts of Part 108 propose requirements for a controlled environment, air traffic control systems, and regulatory framework. These requirements are crucial for the safe integration of UAS into the National Airspace System.

NAS Integration and Collision Avoidance - Electronic Conspicuity and ADS-B Integration

NBAA recognizes the urgent need to establish electronic conspicuity requirements and what constitutes “good enough” standards. The association supports maximizing electronic conspicuity as a means of sharing position to enhance shared awareness such as use of Remote ID, currently utilized in the U.S., or Network Remote ID, which is already supported under European regulations for similar purposes (EU 2021/664, Article 8). Small, lightweight, low-powered portable options should be evaluated and authorized to the extent they offer solutions that allow existing safety gaps to be closed.

However, electronic conspicuity solutions must be interoperable within the NAS and among relevant user groups and must consider current and future technologies. ADS-B is one, but not the only means of achieving effective electronic conspicuity. Industry standards to accelerate acceptance of Means of Compliance could be used to identify appropriate means of achieving electronic conspicuity.

Further, existing low altitude right-of-way regulations and electronic conspicuity requirements would negate the need for additional requirements for shielded operations in §108.205. Electronic conspicuity of all aircraft in the NAS would allow UAS operating within 50 feet of certain infrastructure to detect and avoid any other aircraft.

Recommendations:

- NBAA recommends the FAA ensure electronic conspicuity for all aircraft in the NAS, including UAS. This does not mean requiring ADS-B equipage of all aircraft; rather, small, light-weight portable solutions should be considered.

- NBAA also recommends the FAA remove §108.205, Operation in Shielded Areas, as it is unnecessary if electronic conspicuity is required for all aircraft in the NAS.

Regulatory Conflicts and Coordination Issues

In general, proposed Part 108 has limited interface with other federal aviation regulations, creating conflicts with existing Part 91, 133, and 135 operations. The preamble acknowledges that Part 91 regulations are not aligned with UAS operations but fails to address these conflicts comprehensively. One such example is low altitude right-of-way rules proposed in §108.195.

Low Altitude Right-of-Way Rules

The proposed right-of-way rules create unnecessary complications for both crewed and uncrewed aircraft pilots. These rules fail to meet precedent set by existing exemptions and create operational conflicts, particularly in shielded environments near infrastructure.

If electronic conspicuity is required of all aircraft and coupled with the detect-and-avoid features of unmanned aircraft, the current Part 91 right of way rules would only need a minor revision, stating that unmanned aircraft yield right-of-way to all other aircraft below 500 feet above ground level (AGL).

Low altitude right-of-way rules, combined with electronic conspicuity requirements, negate the need for additional requirements for shielded operations.

Recommendation:

- NBAA strongly urges the FAA to require electronic conspicuity of all aircraft operating in the NAS. With that requirement, UAS aircraft would be able to detect and avoid all other aircraft, yielding right-of-way to any aircraft below 500 feet AGL.

Operations Over People and Ground Risk

The FAA's approach to population density mapping is excessively conservative compared to international standards and is not risk-based. Risk is, by definition, the combination of both the severity and probability of an occurrence.

The FAA's proposal in §108.185 utilizing categories of population density to limit certain operations seems to consider only the severity of an occurrence, not its probability. For example, Category 4 population density can be triggered by a single building in rural areas, creating disproportionate restrictions that don't reflect actual risks. Additionally, the approach outlined in the NPRM does not take into account the sheltered nature of populations in high density areas that is recognized in current waiver methodology to quantify the risk of people on the ground. NBAA also questions the agency's determination of fragmented altitude regulations (i.e., 50, 100, 400 and 500 feet) and the need to account for the margin of error in altimetry.

The FAA presents no data that supports its claim of an elevated risk based on population density. Even if such elevated risk exists, Part 108 in its entirety is designed to mitigate that risk and ensure safe operations.

Recommendation:

- NBAA recommends removing §108.185. The entirety of Part 108, and specifically the airworthiness sections, are designed to mitigate the potential ground risks of operating over different population densities.

Airmen

Part 108 Subpart C, Personnel Requirements, describes requirements for the people involved and automation that replaces roles with equivalent levels of safety (pilots, air traffic controllers, mechanics, dispatchers, etc.), including duty and rest requirements.

Applicability of Training Requirements

Aircraft design requirements and general operating requirements mitigate the need for airman certification for Part 108 personnel, as explained in the Preamble Section VII. Personnel Requirements (Subpart C), A. Approach to Personnel in Part 108. Instead, personnel identified in §108.300 must meet the requirements of personnel knowledge and training outlined in §108.315. Additionally, proposed §108.310(a) would require the operator to designate a flight coordinator prior to each flight where a flight coordinator is required by the manufacturer's operating instructions. While the training requirements outlined in §108.315 are reasonable for individuals assigned aviation-related tasks, the training is overly burdensome and unnecessary for other individuals identified in §108.300.

NBAA is opposed to requiring this in-depth aviation-related training for personnel responsible for ground handling and loading and unloading of the unmanned aircraft. Airspace classification, effects of weather and many other requirements in §108.315 are not applicable to the duties and responsibilities of a ground handler or cargo loader.

Ground handlers and some other positions listed might not be employed by the unmanned aircraft operator, creating an additional burden for overseeing unregulated third parties.

Recommendation:

- §108.315 should be modified to more clearly delineate the scope of personnel required to complete specific training tasks.

Crew Rest Requirements

§108.330, Duty and Rest, describes operations personnel limitations of a maximum 14-hour duty day and a 50-hour work week. Further, required operations personnel would be required to take a minimum 10-hour consecutive rest period free from all responsibility for work or duty on behalf of the operator within the 24 hours prior to reporting for duty, plus one day of continuous rest per week, each week in which the operator schedules them for duty.

NBAA believes duty and rest schemes should be risk based operating standards established by the permitted or certificated operator and accepted by the FAA, rather than an FAA-mandated limitation. Each operator would establish their own duty and rest schemes based on their unique mission profiles and present those schemes for FAA acceptance.

Recommendation:

- NBAA recommends each permitted or certificated operator establish their own duty and rest requirements, based on the organization's specific mission profiles, and submit those schemes to the FAA for acceptance.

Operating Entities and Certificate Holders

Part 108 also includes requirements for operating entities, including permitted operators and certificate holders. As proposed, Part 108 creates gaps for current UAS operators utilizing waivers and exemptions; mandates unclear and unnecessary security policies and procedures; lacks sufficient management personnel requirements; establishes compliance burdens inappropriate for lower-risk operations; inadequately addresses citizenship requirements; and creates some arbitrary mandates.

Ensuring Current, Safe Operations

The FAA must ensure operations currently enabled by forward-leaning waivers and exemptions are not hindered under Part 108. Many existing operations are more advanced than what Part 108 would allow, creating a potentially backwards regulatory step that could immediately inhibit safe, proven operations.

Recommendation:

- NBAA encourages the FAA to ensure existing UAS operations retain all current capabilities and authorizations.

"Grandfathering" Mechanism for Existing Approvals

Part 108 lacks a clear mechanism for transitioning current waivers and exemptions to the new framework. NBAA strongly urges the FAA to ensure all new regulations allow for existing operations deemed safe to operate and issued appropriate exemptions or waivers. Waivers and

exemptions issued over the last few years and currently in operation are more forward-leaning than Part 108.

For example, some aircraft currently operating under Part 107 with exemptions and waivers do not meet the airworthiness acceptance requirements of this proposed rule, which would necessitate significant investments in new hardware, without supporting safety data or rationale.

Recommendations:

- NBAA recommends the FAA continue to accept existing CMD processes for UAS.
- NBAA recommends incorporation of all existing 14CFR §107 waivers and §44807 exemptions that permit safe operations adjacent to the current limitations of the NPRM subject to cancellation at any time upon notice by the Administrator or an authorized representative.

Security

The proposed regulations include security threat assessments (STAs) for certain personnel and a security program for some UA cargo operations. The proposed scope of personnel subject to STAs is excessive and unnecessary, as is the level of STA required. For example, including personnel who pack cargo means retail store personnel who select items to fulfill a UAS delivery order would be subject to STAs.

The Transportation Security Administration (TSA) also proposes certain Part 108 operators apply for and comply with a limited security program, per 49 CFR 1544.101(g). Limited security program requirements vary significantly with detailed mandates in the security program itself, not the regulatory language. It is nearly impossible to comment on such broad-ranging possible requirements.

The TSA has previously regulated aircraft weighing over 12,500 pounds (maximum takeoff weight) in commercial operations. Indeed, the Aviation and Transportation Security Act (ATSA) establishes the TSA, giving the agency authority to regulate these aircraft. It is unclear if the TSA has the authority to regulate aircraft under 12,500 pounds, as prescribed in this NPRM, or from where that authority is derived.

Smaller aircraft operations often follow industry best practices for security procedures and the TSA's General Aviation Security Guidelines.

The NPRM preamble compares UAS regulated under Part 108 to the light sport aircraft category, which were, until recently, limited to an upper weight limit of 1,320 pounds. These aircraft are not subject to a TSA-mandated security program, even if they were to be used in commercial operations.

Regulating aircraft smaller than 12,500 pounds in nonsensitive areas marks a significant departure from the agency's overall philosophy and should be done with due care and only with specific authority. Instead, the security-related regulations in this proposal appear to be added without thorough vetting or consideration. The language in the preamble reads more like an Advanced Notice of Proposed Rulemaking or simply a request for information than as a preamble to a formal rule proposal. The current security proposal lacks measurable specificity,

with even the scope of the proposal uncertain. It is impossible to properly assess the economic and operational impact of such a rule without a defined scope of regulated entities.

Recommendation:

- NBAA strongly encourages the TSA to withdraw its proposed regulations from this larger rulemaking and undertake a separate risk-based rulemaking process, or, ideally, to consider the voluntary security guidelines precedent set by the General Aviation Security Guidelines. If TSA continues with the proposed application of 49 CFR 1544.101(g), the agency must ensure that a collaborative approach, including industry voices, is followed to achieve a risk-based limited security program which can be tailored to address each operator's unique security risks.

Lack of Management Personnel Requirements

Part 108 does not reference Part 119 or significantly mirror the management requirements of §119.71 for operations under Part 135. This could result in a lack of aviation expertise and experience of key management personnel and, more importantly, a clear structure of accountability. Despite use of highly automated systems, the experience and knowledge to establish manned operations, interact with control towers, ensure compliance with training programs and comply with recordkeeping requirements are in part ensured by the key management personnel overseeing and accountable for those operations who possess aviation expertise and experience required by Part 119.

Recommendation:

- NBAA recommends that the FAA mandate a minimum set of qualifications for key management personnel. This baseline will provide some confidence to all users of the NAS that operations under Part 108 will be performed at an established, acceptable level of safety. The management requirements in §119.71 are excessive for Part 108 operations, but NBAA believes Part 108 management personnel should have some relevant aviation experience and knowledge.

Compliance Burden on Existing Operations

The proposed operational requirements, reporting obligations and manual requirements create an excessive compliance burden without proportional safety benefits. Lower-risk operations should have reduced requirements that match their risk profile. Precedent for lower compliance burden for lower-risk operations exists in the certification and oversight processes for single pilot Part 135 operations, as one example.

Recommendation:

- NBAA recommends reporting and manual requirements reflect the size and complexity of the regulated operator.

Drone Cargo Operators and US Citizen Requirement

The FAA proposes that those applying for a certificate for package delivery operations would be required to provide documentation of their citizenship status [§108.505(b)(16)]. The agency also requested comment on whether or not permitted package delivery operations should also provide citizen status, referencing 14 CFR 204.3(e).

While the U.S. citizenship requirement for holders of operating certificates mirrors the requirement in Part 119 for holders of Air Carrier Certificates to be citizens of the United States, DOT takes the position that all UAS package delivery companies, regardless of weight, are Part 298 air taxis, must register as such with DOT and must be citizens of the United States. Also, despite the requirement in Part 119, FAA's internal guidance states "DOT has the responsibility to determine compliance with the" citizenship statutes.

Recommendations:

- NBAA recommends the FAA remove §108.505(b)(16), which is effectively redundant to existing DOT requirements, and continue to place the responsibility to determine compliance with the citizenship statutes with DOT.
- NBAA further recommends the FAA work with the Secretary to grant an exemption to the statutory U.S. citizenship requirement to allow non-U.S. citizens to hold a UAS package delivery operating permit or certificate, provided the non-citizen's homeland confirms it will grant reciprocal authority to U.S. citizens. Such an exemption would ensure the growth of the domestic UAS package delivery industry without unnecessarily hindering U.S.-owned companies from establishing UAS package delivery operations in other countries.

Site-Specific Approvals

Site-specific approvals, proposed in §108.165, are overly cumbersome and not scalable. Additionally, the FAA's proposal places an undue burden on its own workforce by requiring an operator to receive FAA approval for each operating area. A Part 108 operator's policies and procedures, as required by the entirety of Part 108 but especially those required in §108.560, ensure risks presented by new operating areas are identified and mitigated by the Part 108 operator without need for additional FAA approval.

Recommendation:

- NBAA recommends the FAA remove the site-specific approval requirements found in §108.165.

Fleet Size Limitations

The categorization of a permitted operator or a certificated operator based on fleet size is ineffective and seems random. Fleet size should not be the determining factor of whether a particular operation is permitted or certificated. Instead, the category of operator should be risk-based, determined by the complexity of the operator's missions. For example, a company might utilize 30 UAS to inspect dozens of towers over hundreds of acres of land that the company owns and controls. Exceeding 25 active aircraft for aerial surveying could require that company to be a certificated operator, rather than a permitted operator, adding more regulatory mandates unsubstantiated by the operator's actual risk profile.

Recommendation:

- NBAA recommends the FAA remove fleet size as a determining eligibility factor for permitted versus certificated operations and instead consider the complexity of the operation.

24-month Validity Period on Permits

The FAA proposes a 24-month validity period for permitted operations, without any rationale for this limited duration versus the duration of an operator certificate, which remains valid as long as the operator maintains currency.

Recommendation:

- NBAA recommends the FAA standardize validity periods between permitted and certificated operators, allowing permits to remain valid indefinitely, unless suspended or revoked by the FAA, so long as the permitted operator maintains currency.

We encourage the FAA to consider these comments and those of NBAA member companies, submitted separately. Meanwhile, we strongly urge the TSA to conclude the public comment period and convene a group of industry experts to discuss risk-based security measures to address these operations.

Thank you for the opportunity to provide these comments. We look forward to working with the FAA and TSA now, and in the future, to continue improving safety and security in UAS operations. Please let us know if any additional information would assist with your review and analysis of our comments.

Sincerely,



Heidi J. Williams
Vice President, Air Traffic Services & Infrastructure
NBAA