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ONE-PAGE BRIEF · V1.2 · OCT. 26, 2026

Part 108 decides who may fly beyond sight, and Part 74 decides where they can reach

FAA-2025-1908 (Parts 108 and 146, final rule at OIRA since July 10, 2026) · FAA-2026-4558 (Part 74, comments closed Aug. 5, 2026)

QUESTION

Once Part 108 is final, where can a commercial operator fly at scale, and which open choices in Parts 108, 146 and 74 decide what that access costs?

BOTTOM LINE

Under § 108.220, a Part 108 flight inside a UAFR follows Part 74, which lets it cross a standard UAFR only with Remote ID, a fast transit and a notice to the site manager before each flight. Special UAFRs stay closed to outside operators without the approval of the using agency and the FAA. We expect the per-flight notice to stay in the rule, and whether the FAA names an automated way to meet it is a roughly even chance. The unpriced risks sit with facility owners who want commercial flights removed, state laws on drones near critical sites, and detour costs the FAA says it has no data on.

SIX FORECASTS TO SCORE WHEN THE FINAL RULES PUBLISH

#	FORECAST	LIKELIHOOD	CONFIDENCE	CONFIRMED IF
1	Part 74 keeps a per-flight notice duty in § 74.255	Likely	Moderate	Notice of each operation stays in the final text. An exemption for Part 135 and 108 holders is unlikely
2	The FAA names an automated way to meet that notice	Roughly even	Moderate	The preamble, advisory circular or UAFR Module accepts automated submission
3	Part 107, 108 and 135 transit through standard UAFRs survives in § 74.250(c) to (e)	Likely	Low	The three categories stay with no sector exception. A consent rule for venues, hospitals or grid sites is unlikely
4	Part 108 keeps the duty to yield tied to ADS-B Out or EC broadcast in § 108.195	Likely	Low	Drones must still yield to broadcasting aircraft and airport traffic, and need not yield to every unequipped aircraft. A full return to manned priority is unlikely
5	Part 74 stops citing TSA threat assessments as part of its basis for Part 108 access	Roughly even	Low	The final preamble drops the TSA ground of 91 FR 24652
6	No express preemption clause in the final Part 74 text	Likely	Low	No preemption or savings section, and the E.O. 13132 finding stands

WHAT THE RECORD SHOWS

62 organizations filed in both dockets. Electric utilities ask for access as drone operators and for control as site owners.

500 flights a day at one utility, Florida Power & Light. Delivery firms cite thousands, and say a manual notice per flight cannot keep up.

None of the cost of operator detours or notices is in the FAA's estimate, which prices facilities and the FAA at $21.4M to $30.6M a year at 7%.

10 state attorneys general ask the FAA to leave state drone laws standing. Amazon, CTIA, NRF and the U.S. Chamber ask for express preemption.

5,598 posted comments read across both dockets, with 1,279 attachments.

WHO SHOULD ACT NOW

Delivery operators	Ask for an EO 12866 meeting on § 108.220 and the TSA layer while Part 108 sits at OIRA. Check routes against rail terminals, substations, chemical sites, prisons and parks, and against state overflight laws.
Utilities, energy	Pick the role that leads. Facility consent in Part 74 could slow your own inspection contractors. Draft a standing-access list now.
Venues, hospitals	Expect no veto for site managers. Plan on detection, Remote ID logging and special UAFRs where a federal partner exists.
Manned operators	Plan EC equipage for low-altitude flying before the final § 108.195 text.
UTM providers	Build an automated UAFR notice service that fits the FAA's "form and manner" language.
Investors	Price delivery networks on routes that clear UAFRs and state laws, not on Part 108 alone.

DATES TO WATCH Part 108 pending OIRA review since July 10, 2026, no set date. Statutory deadline about Dec. 7, 2026 (49 U.S.C. 44811(c)). Final Part 74 not yet at OIRA. TSA roundtables only after both final rules.

Full report, sources and data at comtiq.com/drone-airspace-brief.html. Likelihood terms follow ICD 203 and are analyst judgments. Vanessa Panitz and John Panitz, ComtIQ.