

Under 14 CFR 1.1, a UAS is defined as the UA and its associated elements necessary to support the safe flight of the UA. However, in various petitions for exemptions, the FAA has understood some DAA system components are intended to be reused by multiple operators. These components are generally not directly controlled by either the UAS manufacturer or the operator; rather, they are controlled by a third-party service provider. Third-party services may directly support the DAA solution by, for example, detecting crewed aircraft in a defined geographic region, or by relaying such information through a managed command and control (C2) link on behalf of multiple operators.

Therefore, the FAA is considering new ways to evaluate and recognize these components as distinct elements. Additionally, section 377 of the FAA Reauthorization Act of 2018 (Pub. L. 115–254) directs the Administrator to “determine if certain UTM [Unmanned Aircraft Systems Traffic Management] services may operate safely in the national airspace system before completion of the implementation plan required by Section 376.”

- D1. The FAA is considering separating the UTM service provider approval from the exemption for relief from parts 91 and 61. In order to operate, the UTM service provider would need to receive its approval, and the applicant's exemption would be contingent on use of an approved service. Other operators seeking to use that same service would present their specific use case with the approved UTM service. Should the FAA separate the approval of the UTM service provider from the exemption? Why or why not?

- D2. Conversely, the FAA is also considering including the approval of the UTM service within the exemption, similar to how the FAA has implemented 49 U.S.C. 44807 to date. Should the FAA consolidate these approvals? Why or why not?

#### *E. Use of UTM Services for Strategic Deconfliction*

At present, the FAA has not determined an acceptable level of risk for collision between two UA. However, FAA is concerned that with increasing numbers of BVLOS UAS operations, two UA could collide, resulting in falling debris that could cause property damage, injuries, or fatalities to non-participants on the ground.

- E1. One proposal the FAA is considering would be to require all BVLOS operations in controlled airspace or within the lateral limits of a

Mode C Veil under an exemption to use a strategic deconfliction and conformance monitoring capability (both terms as described in FAA's UTM Concept of Operations v2.0). This could be fulfilled if the operator provisions their own capability that meets the requirements of a published standard; or by using a UTM service. Should the FAA impose this requirement? Why or why not?

- E2. Alternatively, the FAA is considering requiring all BVLOS operations under an exemption, including in Class G airspace, to use a strategic deconfliction and conformance monitoring capability. Should the FAA impose this requirement? Why or why not?

- E3. The FAA is aware of one published standard that could be used to meet a requirement to have a strategic deconfliction and conformance monitoring capability. It is referenced as ASTM F3548–21, Standard Specification for UAS Traffic Management (UTM) UAS Service Supplier (USS) Interoperability, dated March 8, 2022. What alternative means exist, preferably using published standards, that the FAA should consider? What evidence exists for the safety benefit and operational efficiency of any alternative means?

#### *F. Detect and Avoid Between Unmanned Aircraft*

FAA views strategic deconfliction and conformance monitoring as two layers of a new, conceptual conflict management strategy for UAS. The FAA is also considering requiring a third layer, in the form of detect-and-avoid between UA, leveraging some form of vehicle-to-vehicle communications method.

- F1. One proposal would be to use the ACAS sXu standard (RTCA DO–396). What communications method should be used in conjunction with this approach? Should the FAA impose this requirement, including use of a specific communications method? Why or why not?

- F2. What evidence exists that the requirement in the above question would sufficiently manage the risk of collision between UA? Should such a requirement be in addition to, or in lieu of, any requirement to use strategic deconfliction and conformance monitoring?

- F3. If the FAA imposes a requirement for UA-to-UA DAA, should it also prescribe technical requirements to ensure interoperability of the solution across all BVLOS UAS? Why or why not?

#### *G. Beyond Visual Line of Sight Shielded Operations*

The BVLOS ARC report proposed labeling certain type of BVLOS operations as shielded operations. These operations would occur in a shielded area defined by the ARC as “a volume of airspace that includes 100' above the vertical extent of an obstacle or critical infrastructure and is within 100 feet of the lateral extent of the same obstacle or critical infrastructure as defined in 42 U.S.C. 5195(c).” Furthermore, the ARC recommended that shielded operations be given right-of-way privileges based on the unique nature of those operations and the limited likelihood of crewed aircraft operations in the specified areas.

The FAA is considering a similar framework based on safety analysis and some ability to detect and avoid crewed aircraft operations.

- G1. In which circumstances or operating environments should the FAA authorize shielded operations? The 42 U.S.C. 5195(c) definition of critical infrastructure has a broad applicability. Should the FAA further limit or expand the applicability?

- G2. Conversely, are there circumstances or operating environments in which the FAA should not authorize shielded operations?

- G3. The ARC report describes the appropriate offset as 100' above, and 100' lateral. Is this the appropriate standard? Why or why not? If not, what other standard should be used, and what evidence exists for the appropriateness and safety of an alternative standard?

- G4. What type of notification (*e.g.*, email/phone call, web portal, mobile phone application using UTM services, etc.) should operators conducting BVLOS shielded operations provide to the local aviation communities?

Issued in Washington, DC.

**David H. Boulter,**

*Acting Associate Administrator for Aviation Safety.*

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**BILLING CODE 4910–13–P**

## **CONSUMER PRODUCT SAFETY COMMISSION**

### **16 CFR Part 1512**

**[Docket No. CPSC–2023–0023]**

### **Petition Requesting Rulemaking To Revoke the Footbrake Requirement for Sidewalk Bicycles**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Request for comment on petition for rulemaking.

**SUMMARY:** The Consumer Product Safety Commission has received a petition requesting that it initiate rulemaking to eliminate the footbrake requirement for certain sidewalk bicycles, which Commission regulations define as bicycles with a seat height of no more than 635 mm (25 inches), not including recumbent bicycles and in addition, seeks comments on the adequacy of requirements for bicycles in the Commission's rules, including electric bicycles. The Commission invites written comments concerning the petition.

**DATES:** Submit comments by July 24, 2023.

**ADDRESSES:** You can submit comments, identified by Docket No. CPSC–2023–0023, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. CPSC typically does not accept comments submitted by electronic mail (email), except as described below.

*Mail/Hand Delivery/Courier/Confidential Written Submissions:* CPSC encourages you to submit electronic comments using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7479.

*Instructions:* All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: [www.regulations.gov](http://www.regulations.gov). If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

*Docket:* For access to the docket to read background documents or comments received, go to: [www.regulations.gov](http://www.regulations.gov), and insert the docket number, CPSC–2023–0023, into

the “Search” box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:**

Alberta E. Mills, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: 301–504–7479; email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** On

September 21, 2022, Don Mays of Product Safety Insights, LLC (petitioner), on behalf of woom (a manufacturer of children's bicycles), requested that the Commission initiate rulemaking to eliminate the footbrake requirement for sidewalk bicycles in 16 CFR 1512.5(e). Sidewalk bicycles, which generally are children's bicycles, are defined as bicycles with a seat height of no more than 635 mm (25 inches), not including recumbent bicycles. 16 CFR 1512.2(b). Commission regulations require that sidewalk bicycles with a minimum seat height of 560 mm (22 inches) must have footbrakes that cause the bicycle to stop when a pedal is rotated backwards. 16 CFR 1512.5(c), (e).

The petition argues that this regulation for sidewalk bicycles is out of date. The petition asserts that it is “hard to compare the relative safety of bicycle braking between children's bicycles with a combination of handbrakes and a footbrake to those with just handbrakes,” and alleges that there is no evidence that handbrakes are less safe than the required footbrakes—and may be safer than footbrakes. The request also asserts that manufacturers are producing and selling non-compliant children's bicycles without footbrakes. The petition claims that footbrakes cost more to produce than handbrakes, putting manufacturers that comply with CPSC's brake regulations at a competitive disadvantage to those who do not comply. The petition also states that European regulations do not require footbrakes for children's bicycles.

The Commission seeks comments as well as any studies or data pertaining to safety of footbrakes or handbrakes from the public concerning this petition.<sup>1</sup> In addition, the Commission seeks public comment on whether any other requirements in 16 CFR part 1512 are out of date, including whether such requirements are adequate to address bicycles defined in section 1512.2(a)(2). To the extent possible, commenters should provide specific information, including reference to known documentation, engineering studies, technical studies, reports of injuries,

<sup>1</sup> The Commission voted 4–0 to approve publication of this notice.

medical findings, legal analyses, economic analyses, and environmental impact analyses.

The major factors the Commission considers in deciding whether to grant or deny a petition regarding a product include:

(1) Whether the product presents an unreasonable risk of injury.

(2) Whether a rule is reasonably necessary to eliminate or reduce the risk of injury.

(3) Whether failure to initiate the requested rulemaking proceeding would unreasonably expose the petitioner or other consumers to the risk of injury which the petitioner alleges is presented by the product.

In considering these factors, the Commission will consider the relative priority of the risk of injury associated with the product at issue and the Commission's available resources. 16 CFR 1051.9(b). The CPSC Policy on Establishing Priorities for Commission Action, 16 CFR 1009.8, sets forth the criteria upon which Commission priorities are based.

The petition is available at: <https://www.regulations.gov>, under Docket No. CPSC–2023–0023, Supporting and Related Materials. Alternatively, interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7479; email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

**Alberta E. Mills,**

*Secretary, U.S. Consumer Product Safety Commission.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Parts 216, 231, and 238

[Docket No. FRA–2021–0067, Notice No. 2]

**RIN 2130–AC90**

#### Passenger Equipment Safety Standards; Standards for High-Speed Trainsets; Extension of Comment Period

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM); extension of comment period.

**SUMMARY:** On April 3, 2023, FRA published an NPRM proposing to