NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** UNITED STATES OF AMERICA**If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** Federal Communications Commission (FCC) [1993]**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Unmanned aircraft systems; Powered aircraft "e.g. helicopters and aeroplanes"; spacecraft, incl. satellites, and suborbital and spacecraft launch vehicles (HS code(s): 8802); Aircraft and space vehicles in general (ICS code(s): 49.020) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Spectrum Rules and Policies for the Operation of Unmanned Aircraft Systems; (28 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - In this document, the Federal Communications Commission ("FCC" or "Commission") seeks comment on rules to promote access by unmanned aircraft system (UAS) operators to licensed spectrum to support UAS operations. First, this document seeks comment on service rules for the 5030-5091 MHz band that will provide UAS operators with access to licensed spectrum with the reliability necessary to support safety-critical UAS command-and-control communications links. Second, due to the increasing interest in operating UAS using existing terrestrial flexible-use spectrum networks, this document seeks comment on whether the Commission's current rules are adequate to ensure co-existence of terrestrial mobile operations and UAS use or whether changes to these rules are necessary.Third, to further promote the safe integration of unmanned aircraft operations in controlled airspace and facilitate flight coordination, this document proposes a process for UAS operators to obtain a license in the aeronautical very high frequency (VHF) band to communicate with air traffic control and other aircraft. Together, these measures will help to promote the growth and safety of UAS operations. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety |
| **8.** | **Relevant documents:** 88 Federal Register (FR) 7910, 7 February 2023; Title 47 Code of Federal Regulations (CFR) Parts 1, 87, and 88:<https://www.govinfo.gov/content/pkg/FR-2023-02-07/html/2023-00961.htm><https://www.govinfo.gov/content/pkg/FR-2023-02-07/pdf/2023-00961.pdf>This proposed rule is identified by IB Docket No. 22-101. The Docket Folder is available on the FCC's website at <https://www.fcc.gov/document/fcc-starts-rulemaking-licensed-spectrum-unmanned-aircraft-use> and provides access to primary documents as well as comments received (if any). The full text of the proposed rule is accessible at <https://www.fcc.gov/edocs/search-results?t=quick&fccdaNo=22-101> at URL <https://docs.fcc.gov/public/attachments/FCC-22-101A1.pdf>. Documents are also accessible from the FCC's [Electronic Document Management System (EDOCS)](https://www.fcc.gov/edocs) by searching the IB Docket Number. Comments are due on or before 9 March 2023; reply comments are due on or before 10 April 2023. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point by or before [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 9 March 2023. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [FCC Electronic Comment Filing System (ECFS)](https://www.fcc.gov/ecfs/) if received within the comment period.Rulemaking on Licensed Spectrum for Unmanned Aircraft Use: <https://www.fcc.gov/document/fcc-starts-rulemaking-licensed-spectrum-unmanned-aircraft-use> |
| **9.** | **Proposed date of adoption:** To be determined**Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 9 March 2023 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** <https://docs.fcc.gov/public/attachments/FCC-22-101A1.pdf><https://members.wto.org/crnattachments/2023/TBT/USA/23_0990_00_e.pdf> |