

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends parts 1, 101, 400, 401, and 420 of Title 14, Code of Federal Regulations, as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

■ 1. The authority citation for part 1 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

■ 2. Add the following definition of *Amateur rocket* in alphabetical order to § 1.1 to read as follows:

§ 1.1 General definitions.

* * * * *

Amateur rocket means an unmanned rocket that:

(1) Is propelled by a motor or motors having a combined total impulse of 889,600 Newton-seconds (200,000 pound-seconds) or less; and

(2) Cannot reach an altitude greater than 150 kilometers (93.2 statute miles) above the earth's surface.

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PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

■ 3. The authority citation for part 101 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113–40114, 45302, 44502, 44514, 44701–44702, 44721, 46308.

■ 4. Amend § 101.1 by revising paragraph (a)(3) to read as follows:

§ 101.1 Applicability.

(a) * * *

(3) Any unmanned rocket except aerial firework displays.

* * * * *

■ 5. Revise § 101.21 to read as follows:

§ 101.21 Applicability.

(a) This subpart applies to operating unmanned rockets. However, a person operating an unmanned rocket within a restricted area must comply with § 101.25(b)(7)(ii) and with any additional limitations imposed by the using or controlling agency.

(b) A person operating an unmanned rocket other than an amateur rocket as defined in § 1.1 of this chapter must comply with 14 CFR Chapter III.

■ 6. Revise § 101.22 to read as follows:

§ 101.22 Definitions.

The following definitions apply to this subpart:

(a) *Class 1—Model Rocket* means an amateur rocket that:

(1) Uses no more than 125 grams (4.4 ounces) of propellant;

(2) Uses a slow-burning propellant;

(3) Is made of paper, wood, or breakable plastic;

(4) Contains no substantial metal parts; and

(5) Weighs no more than 1,500 grams (53 ounces), including the propellant.

(b) *Class 2—High-Power Rocket* means an amateur rocket other than a model rocket that is propelled by a motor or motors having a combined total impulse of 40,960 Newton-seconds (9,208 pound-seconds) or less.

(c) *Class 3—Advanced High-Power Rocket* means an amateur rocket other than a model rocket or high-power rocket.

■ 7. Revise § 101.23 to read as follows:

§ 101.23 General operating limitations.

(a) You must operate an amateur rocket in such a manner that it:

(1) Is launched on a suborbital trajectory;

(2) When launched, must not cross into the territory of a foreign country unless an agreement is in place between the United States and the country of concern;

(3) Is unmanned; and

(4) Does not create a hazard to persons, property, or other aircraft.

(b) The FAA may specify additional operating limitations necessary to ensure that air traffic is not adversely affected, and public safety is not jeopardized.

■ 8. Redesignate § 101.25 as § 101.27 and revise it to read as follows:

§ 101.27 ATC notification for all launches.

No person may operate an unmanned rocket other than a Class 1—Model Rocket unless that person gives the following information to the FAA ATC facility nearest to the place of intended operation no less than 24 hours before and no more than three days before beginning the operation:

(a) The name and address of the operator; except when there are multiple participants at a single event, the name and address of the person so designated as the event launch coordinator, whose duties include coordination of the required launch data estimates and coordinating the launch event;

(b) Date and time the activity will begin;

(c) Radius of the affected area on the ground in statute miles;

(d) Location of the center of the affected area in latitude and longitude coordinates;

(e) Highest affected altitude;

(f) Duration of the activity;

(g) Any other pertinent information requested by the ATC facility.

■ 9. Add new § 101.25 to Subpart C to read as follows:

§ 101.25 Operating limitations for Class 2—High-Power Rockets.

(a) You must comply with the General Operating Limitations of § 101.23.

(b) In addition, you must not operate a Class 2—High-Power Rocket—

(1) At any altitude where clouds or obscuring phenomena of more than five-tenths coverage prevails;

(2) At any altitude where the horizontal visibility is less than five miles;

(3) Into any cloud;

(4) Between sunset and sunrise without prior authorization from the FAA;

(5) Within 8 kilometers (5 statute miles) of any airport boundary without prior authorization from the FAA;

(6) In controlled airspace without prior authorization from the FAA;

(7) Unless you observe the greater of the following separation distances from any person or property that is not associated with the operations applies:

(i) Not less than one-quarter the maximum expected altitude;

(ii) 457 meters (1,500 ft.);

(8) Unless a person at least eighteen years old is present, is charged with ensuring the safety of the operation, and has final approval authority for initiating high-power rocket flight; and

(9) Unless reasonable precautions are provided to report and control a fire caused by rocket activities.

■ 10. Add new § 101.26 to Subpart C to read as follows:

§ 101.26 Operating limitations for Class 3—Advanced High-Power Rockets.

You must comply with:

(a) The General Operating Limitations of § 101.23;

(b) The operating limitations contained in § 101.25;

(c) Any other operating limitations for Class 3—Advanced High-Power Rockets prescribed by the FAA that are necessary to ensure that air traffic is not adversely affected, and public safety is not jeopardized.

■ 11. Add § 101.29 to Subpart D to read as follows:

§ 101.29 Information requirements.

(a) *Class 2—High-Power Rockets*. When a Class 2—High-Power Rocket requires a certificate of waiver or authorization, the person planning the operation must provide the information below on each type of rocket to the FAA at least 45 days before the proposed operation. The FAA may request

additional information if necessary to ensure the proposed operations can be safely conducted. The information shall include for each type of Class 2 rocket expected to be flown:

- (1) Estimated number of rockets,
- (2) Type of propulsion (liquid or solid), fuel(s) and oxidizer(s),
- (3) Description of the launcher(s) planned to be used, including any airborne platform(s),
- (4) Description of recovery system,
- (5) Highest altitude, above ground level, expected to be reached,
- (6) Launch site latitude, longitude, and elevation, and
- (7) Any additional safety procedures that will be followed.

(b) *Class 3—Advanced High-Power Rockets.* When a Class 3—Advanced High-Power Rocket requires a certificate of waiver or authorization the person planning the operation must provide the information below for each type of rocket to the FAA at least 45 days before the proposed operation. The FAA may request additional information if necessary to ensure the proposed operations can be safely conducted. The information shall include for each type of Class 3 rocket expected to be flown:

- (1) The information requirements of paragraph (a) of this section,
- (2) Maximum possible range,
- (3) The dynamic stability characteristics for the entire flight profile,
- (4) A description of all major rocket systems, including structural, pneumatic, propellant, propulsion, ignition, electrical, avionics, recovery, wind-weighting, flight control, and tracking,
- (5) A description of other support equipment necessary for a safe operation,
- (6) The planned flight profile and sequence of events,
- (7) All nominal impact areas, including those for any spent motors and other discarded hardware, within three standard deviations of the mean impact point,
- (8) Launch commit criteria,
- (9) Countdown procedures, and
- (10) Mishap procedures.

PART 400—BASIS AND SCOPE

- 12. The authority citation for part 400 continues to read as follows:

Authority: 49 U.S.C. 70101–70121.

- 13. Revise § 400.2 to read as follows:

§ 400.2 Scope.

These regulations set forth the procedures and requirements applicable to the authorization and supervision

under 49 U.S.C. Subtitle IX, chapter 701, of commercial space transportation activities conducted in the United States or by a U.S. citizen. The regulations in this chapter do not apply to amateur rockets activities, as defined in 14 CFR 1.1, or to space activities carried out by the United States Government on behalf of the United States Government.

PART 401—ORGANIZATION AND DEFINITIONS

- 14. The authority citation for part 401 continues to read as follows:

Authority: 49 U.S.C. 70101–70121.

§ 401.5 [Amended]

- 15. Amend § 401.5 by removing the definition of *Amateur rocket activities*.

PART 420—LICENSE TO OPERATE A LAUNCH SITE

- 16. The authority citation for part 420 continues to read as follows:

Authority: 49 U.S.C. 70101–70121.

- 17. Revise § 420.3 to read as follows:

§ 420.3 Applicability.

This part applies to any person seeking a license to operate a launch site or to a person licensed under this part. A person operating a site that only supports amateur rocket activities as defined in 14 CFR 1.1, does not need a license under this part to operate the site.

Issued in Washington, DC, on November 24, 2008.

Robert A. Sturgell,

Acting Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0589; Directorate Identifier 2008–NE–17–AD; Amendment 39–15757; AD 2008–24–13]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4000 Series 94-Inch Fan Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Pratt & Whitney (P&W) PW4052, PW4056,

PW4060, PW4062, PW4152, PW4156A, PW4158, PW4460, and PW4462 turbofan engines. This AD requires a onetime visual inspection of all EEC–131 model electronic engine controls (EECs). This AD also requires the EECs to be identified, categorized by group number, marked, and replaced using a fleet management plan. This AD results from a report of an uncommanded engine in-flight shutdown due to defective EEC pulse width modulator (PWM) microcircuits. We are issuing this AD to prevent uncommanded in-flight engine shutdowns which could result in loss of thrust and prevent continued safe flight or landing.

DATES: This AD becomes effective January 8, 2009. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of January 8, 2009.

ADDRESSES: You can get the service information identified in this AD from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770; fax (860) 565–4503.

The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Kevin Dickert, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: kevin.dickert@faa.gov; telephone (781) 238–7117; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to P&W PW4052, PW4056, PW4060, PW4062, PW4152, PW4156A, PW4158, PW4460, and PW4462 turbofan engines. We published the proposed AD in the **Federal Register** on August 14, 2008 (73 FR 47561). That action proposed to require a onetime visual inspection of all EEC–131 model EECs. That action also proposed to require the EECs to be identified, categorized by group number, marked, and replaced using a fleet management plan.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for