A D V A N C E C O P Y

UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY

WASHINGTON, D.C.

Civil Air Regulations Part 48
Effective: June 4, 1962
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[Reg. Docket No. 665]

PART 48—OPERATION RULES FOR MOORED BALLOONS AND KITES

Draft Release No. 61-4, published in the FEDERAL REGISTER on February 25, 1961 (26 F.R. 1666), gave notice that the Federal Aviation Agency (FAA) had under consideration a proposal to amend Part 48 of the Civil Air Regulations to include regulations governing the operation of unmanned free balloons and the operation of rockets and missiles. The draft release also proposed to rescind Civil Aeronautics Manual (CAM) 48 and to amend the scope of Part 60 to exclude unmanned free balloons and rockets and missiles from the air traffic rules contained therein. Additionally, it was proposed that Part 48 be divided into subparts. One subpart would contain a consolidation of the former Part 48 with regulatory provisions of CAM 48 and be applicable to the operation of moored balloons and kites. Another subpart would provide regulations to govern the operation of unmanned free balloons and a third subpart would regulate the operation of rockets and missiles.

Regulatory action, such as that proposed in Draft Release No. 61-4, is required to render the operation of unmanned free balloons, rockets and missiles as compatible as possible with the activities of other airspace users as well as to provide for protection of persons and property on the ground.

A great deal of interest was generated by the publication of this proposal; especially with respect to the subparts on unmanned free balloons and on rockets and missiles. This fact was evidenced by the large number of comments received and the citing of problem areas which would be created by the application of the proposed requirements. Opposition in varying degrees was expressed by the scientific community on the proposal regarding unmanned free balloons and by youthful participants in the field of amateur rocket and missile operations. The majority of these comments indicated that the proposal would have a serious effect on such operations. Civil aviation interests, on the other hand, generally endorsed these proposed regulations.

Satisfactory resolution of the many comments received would result in final regulatory action substantially different from that proposed in the draft release. Therefore, in the interests of equity, the Agency has determined to reissue individual notices of proposed rule making on the operation of unmanned free balloons and on the operation of rockets. These actions will be taken at a later date. Accordingly, the regulatory action adopted herein addresses only moored balloons and kites.

Draft Release No. 61-4 stated that the regulations governing the operation of moored balloons and kites would reflect no substantive change from the current requirements in Part 48 and would absorb certain provisions contained in CAM 48. In commenting on this subpart, one of the major balloon manufacturers and operators contended that the current provisions of CAM 48 concerning lighting and concerning operations at altitudes shielded by a permanent obstruction should be retained. The Agency recognizes the validity of this comment and has modified the rule to incorporate these requirements.

The Department of Health, Education, and Welfare contended that the requirement for 30-day detailed notification to the FAA in advance of air pollution sampling operations would be unrealistic. The U.S. Navy expressed the same feeling regarding air retrieval operations. The Agency appreciates the validity of these comments. The rule is, therefore, modified to require the moored balloon or kite operator to advise the nearest FAA Flight Service Station at least 24 hours in advance of individual operations.

In consideration of the foregoing, Civil Aeronautics Manual 48 is rescinded and Civil Air Regulations Part 48 is amended as follows:

Subpart A—General

Sec.
48.1 Applicability.
48.2 Waiver for noncompliance.
48.3 Definitions.
48.4 Avoidance of Prohibited and Restricted areas.

Subpart B—Moored Balloons and Kites

48.10 Applicability.
48.11 Operational limitations.
48.12 Notice requirements.
48.13 Lighting and marking requirements.
48.14 Rapid deflation device.

Subpart A—General

§ 48.1 Applicability.

This part applies to the operation of moored balloons and kites in the United States.

NOTE: Radio transmitting equipment used in conjunction with operations under this part must be licensed as required by the Federal Communications Commission, Washington 25, D.C.

§ 48.2 Waiver for noncompliance.

Operations requiring deviation from this part may be conducted in accordance with the terms and conditions of a Certificate of Waiver issued by the Administrator. Information regarding Certificates of Waiver may be obtained from any FAA Office.

§ 48.3 Definitions.

As used in this part:

"Balloon" means a lighter-than-air aircraft that is not engine driven.

"Kite" means a framework, covered with paper, cloth, metal, or other material, intended to be flown at the end of a rope or cable and having as its only support the force of the wind moving past its surface. It includes a gyroglider attached by towline to a vehicle on the surface.

"Moored balloon" means a balloon that is secured by a rope or cable to the surface of the earth or an object thereon.

§ 48.4 Avoidance of prohibited and restricted areas.

Operations under this part may not be conducted within a Prohibited area or a Restricted area unless prior permission has been obtained from the using agency or the controlling agency, as appropriate.

Subpart B—Moored Balloons and Kites

§ 48.10 Applicability.

This subpart applies to moored balloons having a diameter of more than six feet or a gas capacity of more than 115 cubic feet and to kites weighing more than five pounds. Operations conducted within restricted areas need comply only with § 48.14 and with such additional limitations as may be imposed by the using agency or controlling agency.

§ 48.11 Operational limitations.

(a) Except as provided in paragraph (b) of this section, a moored balloon or kite may not be operated:

(1) Closer than 500 feet to the base of any clouds;

(2) At more than 500 feet above the surface;

(3) From an area where the ground visibility is less than three miles; or

(4) Within five miles of the boundary of any airport.

(b) Paragraph (a) of this section is inapplicable to the operation of any moored balloon or kite below the height of any structure within 250 feet if such shielded operation does not obscure any lighting on such structure.

§ 48.12 Notice requirements.

A moored balloon or kite may not be operated unshielded between 150 and 500 feet above the surface of the earth unless at least 24 hours prior notice is given to the nearest FAA air traffic control facility. This notice shall include:

(a) Names and addresses of the owners and operators;

(b) The size of the balloon or the size and weight of the kite;

(c) The geographical location of the operation;

(d) The altitude above the surface at which the balloon or kite is to be operated; and

(e) Date, time and duration of operation.

§ 48.13 Lighting and marking requirements.

A moored balloon or kite shall not be operated unless:

(a) During the hours of darkness, lighting is displayed on the balloon, kite, and mooring lines which affords a visual warning equal to that required for obstructions to air navigation. (This information is included in FAA "Obstruction Marking Manual" available from the Government Printing Office.) A lighted advertising display or ground lighting by flood lights which meets such requirements is acceptable.

(b) During the hours of daylight, the mooring lines have colored pennants or streamers attached at no more than 50-foot intervals, beginning at 150 feet above the surface of the earth and which are visible from at least one mile.

§ 48.14 Rapid deflation device.

Moored balloons shall be equipped with a device or means that will automatically and rapidly deflate the balloon in the event of an escape from its moorings. If such device does not function properly, the nearest air traffic control facility shall be notified immediately of the location and time of escape and the estimated flight path.

(Sec. 307, 72 Stat. 749 U.S.C., 1348)

This regulation is effective on June 4, 1962.

Issued in Washington, D.C., on March 30, 1962.

N. E. HALABY,
Administrator.

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