



Federal Aviation Administration

Memorandum

Date: 11/8/2016

To: See Distribution List

From: Richard E. Jennings, Acting Manager, Design, Manufacturing, & Airworthiness
Division, AIR-100

Prepared by: Richard Posey, Airworthiness Certification Section, AIR-113

Subject: Deviation to FAA Order 8130.34C, *Airworthiness Certification of Unmanned Aircraft Systems and Optionally Piloted Aircraft*

Memo No: AIR100-16-110-DM18



FusionFlight has requested an experimental certificate to operate their Jet Rocket aircraft. This aircraft flies like a rocket and recovers with a parachute, but does not have a 14 CFR part 1.1 defined rocket propulsion system. The aircraft is powered by a jet engine. The Office of Commercial Space Transportation, Office of Aviation Safety, Office of the Chief Counsel, and the Air Traffic Organization has determined that the appropriate certification process for this vehicle is to use the FAA Order 8130.34C. FAA Order 8130.34C describes national policy for issuing experimental certificates to unmanned aircraft systems (UAS) and optionally piloted aircraft. It is understood that the applicant's vehicle does not meet the definition of a UAS as defined in Public Law 112-95, FAA Orders 8900.1, and 8130.34, because there is no external pilot or control link. The aircraft follows preprogrammed trajectory.

This deviation memorandum authorizes the geographic MIDO to use the UAS special airworthiness certification procedures in FAA Order 8130.34C to issue an experimental certificate to the FusionFlight Jet Rocket, Model AB1.3 and any future FusionFlight model jet-powered vehicles conducted at the Oklahoma Air & Space Port, Burns Flat, Oklahoma, or Black Rock Desert, Nevada.

The following Order 8130.34C processes/requirements do not apply to the FusionFlight Jet Rocket: Air Traffic Organization Certificate of Waiver or Authorization (COA), initial flight test plan, weight and balance data, PIC qualification and currency, PIC and observer visual line of sight requirements, and control station & data link inspection. The pilot will possess an airman's certificate, other than a private pilot's certificate, that is acceptable to AFS-800, per an exemption to 61.113, issued to FusionFlight.

If you have any questions, please contact the Airworthiness Certification Section, AIR-113, at 202-267-1575.

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