

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-1170; Project Identifier MCAI-2020-01572-G]

RIN 2120-AA64

#### Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Schempp-Hirth Flugzeugbau GmbH Model Janus, Mini-Nimbus HS-7, Nimbus-2, and Standard Cirrus gliders. This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a disconnected pendulum elevator. This proposed AD would require installing colored markings and revising the existing aircraft flight manual (FM) and service manual (SM). The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by February 17, 2022.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12 140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Schempp-Hirth Flugzeugbau GmbH, Krehenstrasse 25, 73230 Kirchheim/Teck, Germany; phone: +49 7021 7298-0; fax: +49 7021 7298-199; email: [info@schempp-hirth.com](mailto:info@schempp-hirth.com); website: <https://www.schempp-hirth.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110.

#### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1170; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329-4165; fax: (816) 329-4090; email: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2021-1170; Project Identifier MCAI-2020-01572-G" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR

11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

#### Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Jim Rutherford, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

#### Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0260, dated November 26, 2020 (referred to after this as "the MCAI"), to address an unsafe condition on certain serial numbered Schempp-Hirth Flugzeugbau GmbH Model Janus, Mini-Nimbus HS 7, Nimbus-2, Standard Cirrus, Standard Cirrus B, Standard Cirrus CS 11-75L, and Nimbus-2M gliders. The MCAI states:

During an aero tow of a Standard Cirrus, the pendulum elevator disconnected. The technical investigation concluded that the elevator attachment was not properly locked. Due to similarity of design, this kind of event could also occur on other Schempp-Hirth sailplanes, including Nimbus-2M powered sailplanes.

This condition, if not corrected, could lead to failure of the elevator connection and loss of control of the (powered) sailplane.

To address this potential unsafe condition, Schempp-Hirth published the [technical note] TN, providing instructions to install an optical indicator and to update the Aircraft Flight Manual (AFM).

For the reasons described above, this [EASA] AD requires installation of an optical indicator and amendment of the AFM.

You may examine the MCAI in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-1170.

#### Related Service Information Under 14 CFR Part 51

The FAA reviewed Schempp-Hirth Flugzeugbau GmbH Technical Note No. 278-40/286-36/295-33/328-14/798-4, Revision 1, dated November 12, 2020 (issued as one document). The service information contains procedures for

installing colored markings to the top of the elevator on both sides of the locking mechanism and revising the existing aircraft FM and SM. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

#### FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining the unsafe condition described previously is likely to exist or develop on other products of the same type design.

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per glider	Cost on U.S. operators
Install markings .....	1 work-hour × \$85 per hour = \$85 .....	\$10	\$95	\$8,265
Revise FM and SM .....	1 work-hour × \$85 per hour = \$85 .....	0	85	7,395

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and

responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

#### Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information already described, except as described under "Differences Between this Proposed AD and the MCAI."

#### Differences Between This Proposed AD and the MCAI

The MCAI applies to Schempp-Hirth Flugzeugbau GmbH Model Standard Cirrus B, Standard Cirrus CS 11-75L, and Nimbus-2M gliders, and this proposed AD would not because these models do not have an FAA type certificate.

#### Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 87 gliders of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

#### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**Schempp-Hirth Flugzeugbau GmbH:** Docket No. FAA-2021-1170; Project Identifier MCAI-2020-01572-G.

#### (a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 17, 2022.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Schempp-Hirth Flugzeugbau GmbH Model Janus, Mini-Nimbus HS-7, Nimbus-2, and Standard Cirrus gliders, with a serial number listed in Schempp-Hirth Flugzeugbau GmbH Technical Note No. 278-40/286-36/295-33/328-14/798-4, Revision 1, dated November 12, 2020, certificated in any category.

#### (d) Subject

Joint Aircraft System Component (JASC) Code 2700, Flight Control System.

#### (e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a disconnected pendulum elevator. The FAA is

issuing this AD to prevent an improperly locked elevator attachment. The unsafe condition, if not addressed, could result in failure of the elevator connection and loss of control of the glider.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Required Actions

Within 90 days after the effective date of this AD, do the following actions concurrently.

(1) Install colored markings on the elevator in accordance with Action 1 in Schempp-Hirth Flugzeugbau GmbH Technical Note No. 278–40/286–36/295–33/328–14/798–4, Revision 1, dated November 12, 2020 (issued as one document).

(2) Revise the existing aircraft flight manual (FM) and service manual (SM) for your glider by replacing the pages specified in Action 2 in Schempp-Hirth Flugzeugbau GmbH Technical Note No. 278–40/286–36/295–33/328–14/798–4, Revision 1, dated November 12, 2020 (issued as one document), as applicable to your glider, with the revised pages for the manual applicable to your glider dated June 2020.

(3) The action required by paragraph (g)(2) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417.

#### (h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in (i)(1) of this AD and email to: [9-AVS-AIR-730-AMOC@faa.gov](mailto:9-AVS-AIR-730-AMOC@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

#### (i) Related Information

(1) For more information about this AD, contact Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov).

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2020–0260, dated November 26, 2020, for more information. You may examine the EASA AD in the AD docket at <https://www.regulations.gov> by searching for and locating it in Docket No. FAA–2021–1170.

(3) For service information identified in this AD, contact Schempp-Hirth Flugzeugbau GmbH, Krehenstrasse 25, 73230 Kirchheim/Teck, Germany; phone: +49 7021 7298–0; fax: +49 7021 7298–199; email: [info@schempp-hirth.com](mailto:info@schempp-hirth.com); website: <https://www.schempp-hirth.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

Issued on December 22, 2021.

**Lance T. Gant,**

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–28320 Filed 12–30–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF EDUCATION

### 34 CFR Chapter II

[Docket ID ED–2021–OESE–0116]

#### Proposed Requirement—American Rescue Plan Act Elementary and Secondary School Emergency Relief Fund

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Proposed requirement.

**SUMMARY:** The Department of Education (Department) proposes a requirement for the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund, under the American Rescue Plan Act of 2021 (ARP Act). This requirement is intended to promote accountability and transparency by requiring each State educational agency (SEA) to post on its website maintenance of equity information for each applicable local educational agency (LEA).

**DATES:** We must receive your comments on or before February 2, 2022.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

• **Federal eRulemaking Portal:** Go to [www.regulations.gov](https://www.regulations.gov) to submit your comments electronically. Information on using [Regulations.gov](https://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “FAQ.”

• **Postal Mail, Commercial Delivery, or Hand Delivery:** If you mail or deliver your comments about the proposed requirement, address them to U.S. Department of Education, 400 Maryland Avenue SW, Room 3W113, Washington, DC 20202.

**Privacy Note:** The Department’s policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](https://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** Britt Jung, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W113, Washington, DC 20202. Telephone: (202) 453–5563. Email: [ESSERF@ed.gov](mailto:ESSERF@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** *Invitation to Comment:* We invite you to submit comments regarding the proposed requirement. To ensure that your comments have maximum effect in developing the requirement, we urge you to clearly identify the specific section of the proposed requirement that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from the proposed requirement.

During and after the comment period, you may inspect all public comments about the proposed requirement by accessing [Regulations.gov](https://www.regulations.gov). You may also inspect the comments in person. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT** to make arrangements to inspect the comments in person.

**Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record:** On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed requirement. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**Purpose of Program:** The ARP ESSER Fund provides nearly \$122 billion to