

# 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-2024-2135; Project Identifier MCAI-2024-00157-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 all Schempp-Hirth Flugzeugbau GmbH Model Duo Discus and Duo Discus T gliders. This proposed AD was prompted by reports of gliders' canopies opening during air tow. This proposed AD would require modifying the canopy locking mechanism. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this NPRM by October 15, 2024.

**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 *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.

*AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA-2024-2135; 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 mandatory

continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For Schempp-Hirth Flugzeugbau GmbH material identified in this proposed AD, contact Schempp-Hirth Flugzeugbau GmbH, Kребенstrasse 25, Kirchheim unter Teck, Germany; phone: +49 7021 7298-0; email: [info@schempp-hirth.com](mailto:info@schempp-hirth.com); website: [schempp-hirth.com](http://schempp-hirth.com).

- You may view this material 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.

**FOR FURTHER INFORMATION CONTACT:** Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (206) 231-2346; email: [fred.guerin@faa.gov](mailto:fred.guerin@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 **ADDRESSES**. Include "Docket No. FAA-2024-2135; Project Identifier MCAI-2024-00157-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 *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 Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. 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 2024-0059, dated March 5, 2024 (also referred to as the MCAI), to correct an unsafe condition on all Schempp-Hirth Flugzeugbau GmbH Model Duo Discus, Duo Discus T, Nimbus-4D, and Nimbus-4DT/DM sailplanes (gliders). The MCAI states that occurrences have been reported of the canopy opening during air tow on the Model Duo Discus and Nimbus gliders. The investigation concluded that the fuselage could be temporarily deformed due to forces related to acceleration, which allowed the locking mechanism to move into the open position. The MCAI requires modifying the canopy locking mechanism. These conditions, if not addressed, could lead to the canopy opening in flight, resulting in loss of control of the glider.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA-2024-2135.

#### Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Schempp-Hirth Flugzeugbau GmbH Technical Note No. 380-1, No. 396-6 dated July 27, 2004, with Appendix to Technical Note No. 380-1/396-6 attached (issued as one document); and Schempp-Hirth Flugzeugbau GmbH Technical Note No. 868-4, No. 890-5 dated February 23, 2005, with Appendix to Technical Note No. 868-4/890-5 attached (issued as one document), which specify procedures for installing a compression

spring in the canopy locking mechanism, installing spring washers at the canopy actuating levers, and modifying the front actuating lever to include a magnet and applying a red mark to the front and aft inside the left canopy frame or installing a front actuating lever that has a magnet. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in ADDRESSES.

**FAA’s Determination**

These products have been approved by the aviation authority of another country and are 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 material referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

**Proposed AD Requirements in This NPRM**

This proposed AD would require accomplishing the actions specified in the material already described, except as discussed under “Differences Between this Proposed AD and the MCAI.”

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

While the MCAI applies to Schempp-Hirth Flugzeugbau GmbH Model Nimbus-4D and Nimbus-4DT/DM gliders, this proposed AD does 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 34 gliders of U.S. registry.

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

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modify canopy locking mechanism .....	2 work-hours × \$85 per hour = \$170 .....	\$100	\$270	\$9,180

**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.

**§ 39.13 [Amended]**

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

**Schempp-Hirth Flugzeugbau GmbH:** Docket No. FAA–2024–2135; Project Identifier MCAI–2024–00157–G.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by October 15, 2024.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Schempp-Hirth Flugzeugbau GmbH Model Duo Discus and

Duo Discus T gliders, all serial numbers, certificated in any category.

**(d) Subject**

Joint Aircraft System Component (JASC) Code 5200, Doors; 5210, Passenger/Crew Doors.

**(e) Unsafe Condition**

This AD was prompted by reports of gliders’ canopies opening during air tow. The FAA is issuing this AD to address the canopy locking mechanism opening during flight. The unsafe condition, if not addressed, could lead to the canopy opening in flight, resulting in loss of control of the glider.

**(f) Compliance**

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

**(g) Required Actions**

Within 12 months after the effective date of this AD, modify the canopy locking mechanism by installing a compression spring in the canopy locking mechanism, installing spring washers at the canopy actuating levers, modifying the front actuating lever to include a magnet and applying a red mark to the front and aft inside the left canopy frame; or installing a front actuating lever that has a magnet, in accordance with the applicable technical note specified in paragraph (g)(1) or (2) of this AD.

(1) For Model Duo Discus gliders: Appendix to Technical Note No. 380–1/396–6 attached to Schempp-Hirth Flugzeugbau GmbH Technical Note No. 380–1, No. 396–6 dated July 27, 2004 (issued as one document).

(2) For Model Duo Discus T gliders: Appendix to Technical Note No. 868–4/890–5 attached to Schempp-Hirth Flugzeugbau GmbH Technical Note No. 868–4, No. 890–5 dated February 23, 2005 (issued as one document).

