

households must be recertified and must execute a tenant certification form at least annually or whenever a change in household income of \$100 or more per month occurs.

The 8.7% cost-of-living adjustment (COLA) will begin with benefits payable in January 2023. As this would require recertifications for most Social Security recipients, the Agency is temporarily waiving the recertification requirement for tenants whose household income, regardless of income type, has increased by \$100 or more, but less than \$200. Accordingly, during the exception period, tenants will not be required to execute a tenant certification form unless their household income changes by \$200 or more per month. This temporary change also aligns the MFH program with the current Housing and Urban Development (HUD) regulatory requirement. This is a temporary waiver that will be in place through calendar year 2023, expiring on December 31, 2023.

#### Temporary Change in Tenant Recertification Requirements

Pursuant to 7 CFR 3560.8, the RHS Administrator may make an exception to any provision of part 3560 or address any omissions provided that the exception is consistent with the applicable statute, does not adversely affect the interest of the Federal Government, and does not adversely affect the accomplishment of the purposes of the MFH programs or application of the requirement would result in undue hardship on the tenants. To alleviate the burden of unnecessary work for management agents and tenants, the following guidance is being provided for interim tenant certifications:

The Agency is temporarily waiving the recertification requirement for tenants whose household income has changed by \$100 or more, but less than \$200 per month. During the period of the waiver, tenant households must be recertified and must execute a tenant certification form at least annually or whenever a change in household income of \$200 or more per month occurs.

This temporary exception is effective January 1, 2023, and will expire on December 31, 2023.

The requirement that borrower must recertify for changes of \$50 per month, if the tenant requests that such a change be made, is still in effect.

This exception does not apply to, or change the requirements for, annual renewal certifications.

Agency Field staff will be advised to provide a copy of this notice to all

borrowers and management agents. Through the provided notification, borrowers and management agents will be instructed to provide a written copy of the notice to all tenants immediately, including posting the notice at each property.

#### Paperwork Reduction Act

The temporary exception to tenant recertification requirements contains no new reporting or recordkeeping burdens under OMB control number 0575-0189 that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

#### Non-Discrimination Statement

In accordance with Federal civil rights laws and USDA civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720-2600 (voice and TTY); or the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at [https://www.ascr.usda.gov/complaint\\_filing\\_cust.html](https://www.ascr.usda.gov/complaint_filing_cust.html), from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

(1) *Mail*: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, Washington, DC 20250-9410; or (2) *Fax*: (833) 256-1665 or (202) 690-7442; or (3) *Email*: [Program.Intake@usda.gov](mailto:Program.Intake@usda.gov).

**Jamal Habibi,**

*Acting Administrator, Rural Housing Service.*

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**BILLING CODE 3410-XV-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. FAA-2021-0891; Special Condition No. 25-825-SC]

#### Special Conditions: Airbus Model A321neoXLR Airplane; Passenger Protection From External Fire

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Airbus Model A321neoXLR airplane. This airplane will have a novel or unusual design feature when compared to the technology envisaged by the airworthiness standards for transport category airplanes. This design feature is an integral rear center tank (RCT). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** Effective January 5, 2023.

**FOR FURTHER INFORMATION CONTACT:** Shannon Lennon, Human Machine Interface, AIR-626, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206-231-3209; email [shannon.lennon@faa.gov](mailto:shannon.lennon@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 16, 2019, Airbus applied for an amendment to Type Certificate No. A28NM to include the new Model A321neoXLR airplane. The Model A321neoXLR airplane, which is a derivative of the Model A321neoACF airplane currently approved under Type

Certificate No. A28NM, is a twin-engine transport category aircraft that seats 244 passengers and has a maximum takeoff weight of 202,000 lbs.

### Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Airbus must show that the Model A321neoXLR airplane meets the applicable provisions of the regulations listed in Type Certificate No. A28NM, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Airbus Model A321neoXLR airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A321neoXLR airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

### Novel or Unusual Design Feature

The Airbus Model A321neoXLR airplane will incorporate the following novel or unusual design feature:

An integral RCT.

### Discussion

The Airbus Model A321neoXLR incorporates an integral RCT. This tank is a “center” fuel tank, in that it is located in the airplane fuselage rather than in its wings. The tank is a “rear” tank, in that it is located aft of the wheel bay; it will be in an area of the lower fuselage that partially replaces the aft cargo compartment of the airplane from which this model is derived. The top of

the tank will be directly below the floor of the passenger cabin. The fuel tank will be “integral” to the airplane, in that its walls will be part of the airplane structure. The exterior skin of the airplane fuselage will constitute part of the walls of the fuel tank, and these areas will lack the thermal/acoustic insulation that usually lines the exterior skin of an airplane fuselage.

This design was not envisaged by the FAA’s regulatory requirements for insulation installations on transport category airplanes. 14 CFR 25.856(b) requires all thermal/acoustic insulation in the lower half of the airplane fuselage and their installation to comply with the flame penetration resistance test of appendix F, part VII. The FAA adopted § 25.856(b) to raise the level of post-crash fire safety on transport category airplanes. Part VII of appendix F to part 25 requires a stringent test method for all thermal/acoustic insulation proposed for installation in the lower half of the fuselage. The FAA’s intent in imposing this requirement was to ensure that this insulation provides an additional barrier between the occupants and an external post-crash fire, especially a fire resulting from a pool of spilled aviation fuel.<sup>1</sup> This barrier extends the time available for evacuation.

While the rule applies to the thermal/acoustic insulation that an applicant proposes as part of their design, it does not require applicants to install such insulation. Since the fuselage skins of the lower half of transport category airplanes are generally insulated, and were at the time these standards were developed, the FAA considered this approach to be sufficient to ensure safety. The rule also noted, however, that if applicants began to propose designs that omitted this thermal/acoustic insulation, the FAA would revisit the need for a specific fuselage burnthrough standard.<sup>2</sup>

Thus, since this design will lack thermal/acoustic insulation under the fuselage skin in the area of the fuel tank, current FAA regulations do not ensure that it will provide a continuous flame penetration (burnthrough) resistant barrier between the passengers and an external fire, nor that it will provide enough protection, against an external post-crash fire, to allow time for passengers to evacuate.

According to Airbus, its design does not allow for compliant thermal/

acoustic insulation to be placed beneath the cabin floor. This large volume of unheated liquid (fuel), directly below the floor of the passenger cabin, would, without mitigation, create a ‘cold feet’ effect for the passengers above it. Therefore, Airbus will install insulation panels between the fuel tank and the cabin floor, for comfort reasons. These insulation panels would normally be required to meet § 25.856(b). However, Airbus states that it is technically not feasible to install thermal/acoustic insulation that complies with § 25.856(b), due to the lack of space in this area and the need to keep nearby decompression panels free of blockages and ensure adequate ventilation.

Special conditions are needed to address the assumption in the FAA’s current flammability standards that proposed airplane designs would include thermal/acoustic insulation in the lower fuselage, and to ensure that this proposed design does not reduce the time available for passenger evacuation in the case of a post-crash external fire. Specifically, the FAA will require that the lower half of the airplane fuselage, spanning the longitudinal area of the tank, be resistant to fire penetration. “Resistant to fire penetration” will, for this special condition, mean that this area provides fire penetration resistance equivalent to the resistance which would be provided if the fuselage were lined with thermal/acoustic insulation that meets the flame penetration resistance test requirements of part VII of appendix F of part 25. The applicant’s method of compliance may, but is not required to, be based upon any inherent flame penetration resistance capability provided by the construction of the fuel tank and/or other surrounding features.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

### Discussion of Comments

The FAA issued Notice of Proposed Special Conditions No. 25–21–04–SC for the Model A321neoXLR airplane, which was published in the **Federal Register** on April 6, 2022 (87 FR 19811). The FAA received four comments from the Boeing Company (Boeing).

*Comment Summary:* Boeing requested that the discussion section of these special conditions describe the RCT as an “auxiliary,” rather than “center,” fuel tank because the airplane also has a “center” wing (main) tank, and because, as described by Advisory Circular (AC) 25–8, *Auxiliary Fuel*

<sup>1</sup> See pg. 2 of FAA Advisory Circular 25.856–2A, *Installation of Thermal/Acoustic Insulation for Burnthrough Protection*.

<sup>2</sup> *Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used In Transport Category Airplanes*, 68 FR 45046, 45049 (Jul. 31, 2003).

*Systems Installations*, the RCT would be connected to the main tank with a fuel feed line. Boeing also requested that the discussion section describe the tank as an “aft” fuel tank rather than a “rear” tank, because it will be aft of the wheel bay.

*FAA Response:* No change to the terms used to describe the RCT in these special conditions is necessary. The existing terms are accurate, consistent with the applicant’s nomenclature, and adequate for their purpose.

*Comment Summary:* Boeing requested that the discussion section of these special conditions acknowledge that AC 25.856–2A<sup>3</sup> provides guidance for center wing tank designs. Boeing further requested that the discussion, according to guidance provided in that AC for the wing box area, also indicate that insulation panels installed above a fuel tank are not required to meet § 25.856(b).

*FAA Response:* The discussion for these special conditions acknowledges that § 25.856(b) does not adequately address designs like the RCT of the A321neoXLR. This aircraft presents a novel fuselage design that does not incorporate thermal/acoustic insulation in areas where the RCT is integral to the fuselage, nor does it include thermal/acoustic insulation above the RCT that will meet § 25.856(b). This design presents a fire penetration resistance (burnthrough) vulnerability that is addressed by these special conditions. The same vulnerability does not exist with transport airplane wing box construction due to that structure’s significant mass, and large surface area that dissipates heat. Therefore, adding insulation over the wingbox, would not contribute to its fire penetration resistance. 14 CFR 25.856(b) excepts the installation of insulation in locations where it would not contribute to fire penetration resistance. However, the wing box example in AC 25.856–2A only addresses the FAA’s assessment of the wing box area in consideration of thermal/acoustic insulation installations that would not contribute to fire penetration resistance. It does not suggest that all center fuel tanks do not necessitate the installation of thermal/acoustic insulation that meets § 25.856(b). For this reason, the FAA declines to change the discussion section of these special conditions.

*Comment Summary:* Boeing requested that the special conditions require the RCT fire penetration resistance capability to either be equivalent to the

capability provided by the wing box area or meet the requirements of 14 CFR 25.963(e)(2). Boeing’s rationale was that the FAA’s proposed standard of fire penetration resistance equivalent to that of a fuselage lined with thermal/acoustic insulation that meets the flame penetration resistance test requirements of part VII of appendix F, does not address hazards associated with fuel tanks and is not applicable to the wing box area.

*FAA Response:* These special conditions are intended to ensure that the existing RCT area fuselage design establishes the same level of safety as would 14 CFR 25.856(b). When thermal/acoustic insulation is installed, either along the fuselage skin or under the passenger cabin floor, it should be fire penetration resistant and delay the onset of fire into the passenger cabin. These special conditions are not intended to ensure the RCT is constructed to provide a fire penetration resistance capability that is similar to that of the wing box area. It is also unnecessary to require that the RCT meet rules such as 14 CFR 25.963(e)(2), which provides standards for fuel tank access covers.

The special conditions are adopted as proposed.

#### Applicability

As discussed above, these special conditions are applicable to the Airbus Model A321neoXLR airplane. Should Airbus apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

#### Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

#### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

#### Authority Citation

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

#### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Airbus Model A321neoXLR airplanes.

#### Passenger Protection From External Fire

The lower half of the fuselage, spanning the longitudinal location of the rear center fuel tank, must be resistant to fire penetration.

Issued in Kansas City, Missouri, on November 30, 2022.

**Patrick R. Mullen,**

*Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2022–1472; Airspace Docket No. 22–AWA–8]

RIN 2120–AA66

#### Amendment of Class C Airspace; Manchester, NH

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

**ACTION:** Final rule.

**SUMMARY:** This action amends the Manchester, NH Class C airspace description to update the Manchester Airport name and airport reference point (ARP) geographic coordinates to match the FAA’s National Airspace System Resources (NASR) database information. This action also updates the Nashua Airport name. Additionally, references to the Manchester, NH (MHT), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and Boire Field Airport and their geographical coordinates are added to the Class C description header. This action does not change the boundaries, altitudes, or operating requirements of the Class C airspace area.

**DATES:** Effective date 0901 UTC, February 23, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

<sup>3</sup> See pg. 2 of FAA Advisory Circular 25.856–2A, *Installation of Thermal/Acoustic Insulation for Burnthrough Protection*.