

(2) Install the placard in full view of the pilot. The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may install the placard as required in paragraph (f) of this AD.

#### Alternative Methods of Compliance (AMOCs)

(g) The Manager, Standards Office, Small Airplane Directorate, FAA, ATTN: Gunnar Berg, Aerospace Safety Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4141; fax: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(h) This AD is related to French AD Number F-2005-134, dated August 3, 2005. To get copies of the service information referenced in this AD, contact EADS SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; telephone: 33 (0)5 62 41 73 00; fax: 33 (0)5 62 41 76 54; or SOCATA AIRCRAFT, INC., North Perry Airport, 7501 South Airport Rd., Pembroke Pines, FL 33023; telephone: (954) 893-1400; fax: (954) 964-4141. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC, or on the Internet at <http://dms.dot.gov>. The docket number is Docket No. FAA-2006-25637; Directorate Identifier 2006-CE-43-AD.

Issued in Kansas City, Missouri, on September 20, 2006.

**David R. Showers,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 06-8277 Filed 9-26-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-25810; Directorate Identifier 2006-CE-49-AD]

RIN 2120-AA64

#### Airworthiness Directives; PZL-Bielsko Model SZD-50-3 "Puchacz" Gliders

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of

another country to identify and correct an unsafe condition on an aviation product. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by October 27, 2006.

**ADDRESSES:** You may send comments by any of the following methods:

- DOT Docket Web Site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Fax: (202) 493-2251.

- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Gregory Davison, Glider Program Manager, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone: (816) 329-4130; fax: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. The streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

#### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2006-25810; Directorate Identifier 2006-CE-49-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

#### Discussion

The European Aviation Safety Agency (EASA), which is the aviation authority for the European Union (EU), has issued Emergency Airworthiness Directive EAD No: 2006-0243-E (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states that the aircraft manufacturer has identified that a discrepancy between the design documentation and the Technical Service Manual has been identified. In 1981, a castellated nut with cotter pin was introduced to secure the rudder, replacing the self locking nut, through PZL Bielsko Bulletin No. BK 06/50 3/81. This change has not been introduced to the Technical Service Manual and use of a self locking nut, in accordance with the Manual, is still possible. This was probably the reason of rudder disconnection during flight which occurred recently.

If not corrected, loss of the nut could result and allow the rudder to slip out of its hinges, separate from the glider, and lead to loss of control.

The MCAI requires you to inspect and, if necessary, replace the Rudder Attachment parts in accordance with the instruction contained in the Allstar PZL Glider Sp. z o.o. Mandatory Bulletin No. BE 058/SZD 50 3/2006 "PUCHACZ", dated August 10, 2006. Concurrently, changes in the Technical Service Manual must be introduced in accordance with the referenced bulletin. You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

PZL-Bielsko has issued Allstar PZL Glider Sp. z o.o. Mandatory Bulletin No.

BE-058/SZD-50-3/2006 "PUCHACZ", dated August 10, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the proposed AD. These requirements, if ultimately adopted, will take precedence over the actions copied from the MCAI.

#### Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 8 products of U.S. registry. We also estimate that it would take about 1.5 work-hours per product to comply with the proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$2 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$976 or \$122 per product.

#### 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.

We are 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

We 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. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

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

Air transportation, Aircraft, Aviation safety, 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 AD:

**PZL-Bielsko:** FAA-2006-25810; Directorate Identifier 2006-CE-49-AD

#### Comments Due Date

(a) We must receive comments by October 27, 2006.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to PZL-Bielsko Model SZD-50-3 "Puchacz" gliders, all serial numbers, certificated in any category.

#### Reason

(d) The mandatory continuing airworthiness information (MCAI) states that the aircraft manufacturer has identified that a discrepancy between the design documentation and the Technical Service Manual has been identified. In 1981, a castellated nut with cotter pin was introduced to secure the rudder, replacing the self locking nut, through PZL Biesko Bulletin No. BK 06/50 3/81. This change has not been introduced to the Technical Service Manual and use of a self locking nut, in accordance with the Manual, is still possible. This was probably the reason of rudder disconnection during flight which occurred recently. If not corrected, loss of the nut could result and allow the rudder to slip out of its hinges, separate from the glider, and lead to loss of control.

#### Actions and Compliance

(e) Unless already done, do the following actions except as stated in paragraph (f) below: Within 30 days of the effective date of this AD or before further flight, whichever occurs later, inspect and, if necessary, replace the Rudder Attachment parts in accordance with the instruction contained in Allstar PZL Glider Sp. z o.o. Mandatory Bulletin No. BE 058/SZD 50 3/2006 "PUCHACZ", dated August 10, 2006. Concurrently, changes in the Technical Service Manual must be introduced in accordance with the referenced Bulletin.

#### FAA AD Differences

(f) None

#### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Gregory Davison, Glider Program Manager, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) *Return to Airworthiness:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated

agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) This AD is related to EASA EAD No: 2006-0243-E, which references Allstar PZL Glider Sp. z o.o. Mandatory Bulletin No. BE-058/SZD-50-3/2006 "PUCHACZ", dated August 10, 2006.

Issued in Kansas City, Missouri, on September 20, 2006.

**David R. Showers,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

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## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1500

#### Infant Cushions/Pillows; Advance Notice of Proposed Rulemaking; Request for Comments and Information

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** Under the Commission's regulations, any infant cushion/pillow that meets the criteria set forth in the Commission's regulations at 16 CFR 1500.18(a)(16)(i), is currently a banned hazardous substance. In July 2005, the Commission received a petition from Boston Billows, Inc. asking the Commission to amend 16 CFR 1500.18(a)(16)(i)(A)-(E) to provide an exception to the ban when the product is specifically designed, intended and promoted for mothers to use when breastfeeding and requested by a Pediatrician or a Board Certified Lactation Consultant. On July 10, 2006, the Commission voted to grant the petition to the extent it requests the Commission to commence a rulemaking process to evaluate whether the Boston Billow nursing pillow and other infant cushions/pillows or pillow-like products<sup>1</sup> could result in an amendment to the existing ban.

<sup>1</sup> The term "infant cushions/pillows or pillow-like products" used throughout this ANPR means infant cushions/pillows or pillow-like products intended for use by infants less than one year of age, including, but not limited to, nursing pillows, infant beanbag seats or carriers, infant sleep aid pillows or similar products.

Accordingly, this advance notice of proposed rulemaking (ANPR) initiates a rulemaking proceeding that could result in an amendment to the existing ban on infant cushions/pillows. This proceeding is commenced under the Federal Hazardous Substances Act (FHSA).

By this notice, the Commission solicits written comments from interested persons concerning, in general, the risk of injury associated with infant cushions/pillows or pillow-like products. The Commission requests written comments on the regulatory alternatives discussed in this notice and other possible ways to address these risks. The Commission also invites interested persons to submit an existing standard, or a statement of intent to modify or develop a voluntary standard, to address the risk of injury identified in the notice.

**DATES:** Written comments and submissions in response to this notice must be received by November 27, 2006.

**ADDRESSES:** Comments should be submitted to the Office of the Secretary by e-mail at [cpssc-os@cpssc.gov](mailto:cpssc-os@cpssc.gov), or mailed or delivered, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814. Comments may also be filed by facsimile to (301) 504-0127. Comments should be captioned "Infant Cushions/Pillows ANPR."

#### FOR FURTHER INFORMATION CONTACT:

Suad Wanna-Nakamura, Directorate for Health Sciences, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; telephone (301) 504-7252; e-mail [snakamura@cpssc.gov](mailto:snakamura@cpssc.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Between 1985 and 1992, there were 35 infant deaths associated with the use of infant cushions/pillows (also known, among other names, as "baby beanbag pillows" and "beanbag cushions"). The Commission initiated a rulemaking proceeding to determine whether a ban was necessary to address the unreasonable risks of injury and deaths associated with these types of infant cushions/pillows. 55 FR 42202. Due to the number of infant deaths associated with these products, the Commission proposed a rule to ban infant cushions/pillows with certain characteristics. 56 FR 32352. On June 23, 1992, the Commission issued a rule codified under 16 CFR 1500.18(a)(16)(i), banning infant cushions/pillows that: (1) Have a flexible fabric covering; (2) are loosely filled with a granular material,

including but not limited to, polystyrene beads or pellets; (3) are easily flattened; (4) are capable of conforming to the body or face of an infant; and (5) are intended or promoted for use by children under one year of age. 57 FR 27912.

On July 17, 2005, Boston Billows submitted a petition requesting an amendment to 16 CFR 1500.18(a)(16)(i)(A)-(E) to allow an exception to the ban when the product is specifically designed, intended and promoted for mothers to use when breastfeeding and requested by a Pediatrician or a Board Certified Lactation Consultant. The petitioner is the manufacturer of the Boston Billow nursing pillow, which is purportedly designed and promoted to aid mothers when breastfeeding.

The Commission published a notice in the **Federal Register** on October 13, 2005, requesting comments on the petition. 70 FR 59726. The Commission received a total of 5 comments on the petition. The Commission staff reviewed the petition, the comments, and available information and prepared a briefing package for the Commission (available at <http://www.cpsc.gov>). On July 10, 2006, the Commission voted 3-0 to grant the petition to commence an ANPR.

##### B. The Product

There has been a proliferation of infant cushions/pillows or pillow-like products in the marketplace in all different shapes and sizes that meet some or all of the criteria set forth in the ban. For example, an infant cushion may have a flexible fabric covering, which conforms to the body or face of an infant, and is used by a child under one year of age, but contains a filling that is made of cotton or polyfill, instead of being filled with a granular material, such as polystyrene beads or pellets. The Commission believes that an examination of these different types of infant cushions/pillows or pillow-like products may now be warranted, given the proliferation of these products in the marketplace and their varying characteristics, including sizes, shapes and uses.

##### C. The Risk of Injury

Between 1985 and 1992, there were 35 infant deaths associated with the use of infant cushions/pillows. The Commission is unaware of any deaths or injuries associated with infant cushions/pillows since the ban on infant cushions and pillows went into effect in 1992. At the time of the ban, the recommendation from pediatricians was to place infants to sleep in the prone position (on the