

weight assembly. The unsafe condition, if not addressed, could cause weakening of the complete structure and lead to loss of the trim tab and counter balance weight, which may result in reduced airplane control.

#### (f) Compliance

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

#### (g) Previously Required Actions Retained From AD 78-02-03

(1) Within 50 hours time-in-service (TIS) after January 26, 1978 (the effective date of AD 78-02-03), do the following inspections and modifications.

(i) For airplanes with serial numbers 27-7654001 through 27-7754054, inspect both stabilator tip ribs for missing rivets and missing tube and weight assembly attachment screws and if necessary alter in accordance with Piper Service Bulletin (SB) 547, dated March 1, 1977.

(ii) For airplanes with serial numbers 27-7654001 through 27-7754127, 27-7754130, 27-7754131, 27-7754133 through 27-7754136, and 27-7754138 through 27-7754144, replace the right and left stabilator tab forward inboard rib/horn assemblies by installing Piper Kit 761 143 or equivalent kit in accordance with Piper SB 569, dated August 24, 1977.

(iii) For airplanes with serial numbers 27-7654001 through 27-7754041 equipped with stabilators Piper part number (P/N) 15658-2, 15658-3, 15658-22 or 15658-23, reinforce the mounting of the stabilator tube and weight assemblies by installing additional nose-ribs with Piper Kit 761 141 or equivalent kit in accordance with Piper Service Letter 807A, dated September 8, 1977.

(2) Before further flight after completing the alterations in paragraphs (g)(1)(ii) and (iii) of this AD, balance the stabilator.

#### (h) Inspection of Stabilator Tip Tube and Weight Assembly

Within 10 hours TIS after the effective date of this AD or within 100 hours TIS after completing the last inspection required by paragraph (a) of AD 78-02-03, whichever occurs later, and thereafter at intervals not to exceed 100 hours TIS, inspect the left and right stabilator balance weight assemblies for cracks and complete any necessary repairs by following Parts I and II of the Instructions in Piper SB No. 540B, dated February 9, 2021, except you are not required to contact Piper for repair instructions. Instead, repair in accordance with FAA-approved procedures.

#### (i) Credit for Previous Actions

You may take credit for the initial inspection and corrective actions required by paragraph (h) of this AD if you performed those actions before the effective date of this AD using Piper SB No. 540, dated January 4, 1977, or SB No. 540A, dated October 20, 1980.

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

(1) The Manager, Atlanta ACO 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 certification office, send it to the attention of the person identified in Related Information.

(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.

(3) For service information that contains steps that are labeled as Required for Compliance (RC), the following provisions apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

#### (k) Related Information

(1) For more information about this AD, contact John Marshall, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474-5524; fax: (404) 474-5605; email: [john.r.marshall@faa.gov](mailto:john.r.marshall@faa.gov).

(2) For service information identified in this AD, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 299-2141; website: <https://www.piper.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 (816) 329-4148.

Issued on September 9, 2021.

#### Ross Landes,

Deputy Director for Regulatory Operations,  
Compliance & Airworthiness Division,  
Aircraft Certification Service.

[FR Doc. 2021-19959 Filed 9-15-21; 8:45 am]

BILLING CODE 4910-13-P

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1634

[Docket No. CPSC-2008-0005]

### Standard for the Flammability of Residential Upholstered Furniture

AGENCY: Consumer Product Safety Commission.

ACTION: Termination of rulemaking.

SUMMARY: The Consumer Product Safety Commission is withdrawing its proposed rule on flammability

standards for residential upholstered furniture that published March 4, 2008 in the **Federal Register**. This rulemaking is no longer active because it has been superseded by the COVID-19 Regulatory Relief and Work From Home Safety Act.

DATES: As of September 16, 2021 the proposed rule published March 4, 2008 at 73 FR 11701 is withdrawn.

ADDRESSES: National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850.

#### FOR FURTHER INFORMATION CONTACT:

Andrew Lock, Project Manager, Directorate for Laboratory Sciences, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850; telephone: 301-987-2099; email: [alock@cpsc.gov](mailto:alock@cpsc.gov).

#### SUPPLEMENTARY INFORMATION:

#### A. Upholstered Furniture Rulemaking Under the FFA

1. *Advance Notice of Proposed Rulemaking.* In 1993, the National Association of State Fire Marshals (NASFM) petitioned the Commission to issue regulations under the FFA addressing upholstered furniture fire risks. On June 15, 1994, the Commission granted the petition, in part, and issued an advance notice of proposed rulemaking (ANPR) on the specific risk of small, open flame-ignited fires. 59 FR 30735. The Commission denied the petition regarding large, open flame-ignited fires, and deferred action on the petition for cigarette-ignited fires. On October 23, 2003, the Commission published a subsequent ANPR, expanding the upholstered furniture proceeding to address ignition of upholstered furniture by small open flames and smoldering cigarettes. 68 FR 60629.

2. *Notice of Proposed Rulemaking.* On March 4, 2008, the Commission issued a notice of proposed rulemaking (2008 NPR) for a flammability standard for residential upholstered furniture under the FFA. 73 FR 11702. The 2008 NPR proposed performance requirements to reduce the likelihood of upholstered furniture fires ignited by cigarettes or small open flames. Manufacturers and importers of upholstered furniture could choose one of two possible methods for compliance: (1) Use upholstery cover material that met the specified cigarette-ignition performance test, *i.e.*, "Type I" furniture; or (2) incorporate an interior fire barrier between the cover fabric and interior filling materials that met both the smoldering and small open-flame resistance tests, *i.e.*, "Type II" furniture. An "interior fire barrier" was defined as a fire-resistant material that is

interposed between the upholstery cover fabric and any interior filling material. The 2008 NPR on upholstered furniture flammability focused on performance standards which did not prescribe requirements for filling materials or require manufacturers or importers to use FR chemical additives to achieve compliance.

### B. The COVID-19 Act

On December 27, 2020, the “COVID-19 Regulatory Relief and Work From Home Safety Act,” became law. Public Law 116-260. Section 2101(c) of the COVID-19 Act mandated that, 180 days after the date of enactment of the COVID-19 Act, the standard for upholstered furniture set forth by the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation of the Department of Consumer Affairs of the State of California in Technical Bulletin (TB) 117-2013 (TB 117-2013), entitled, “Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture,” published June 2013, “shall be considered to be a flammability standard promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act (15 U.S.C. 1193).”

Thus, under the COVID-19 Act, the California standard, TB 117-2013, is a federal flammability standard promulgated under section 4 of the FFA. TB 117-2013 sets forth the requirements, test procedure, and apparatus for testing the smolder resistance of materials used in upholstered furniture from hazards associated with smoldering ignition. The standard provides methods for smolder resistance of cover fabrics, barrier materials, resilient filling materials, and decking materials for use in upholstered furniture. The COVID-19 Act and the FFA (15 U.S.C. 1191 *et seq.*) does not preempt or otherwise affect any State or local law, regulation, code, standard, or requirement that concerns health risks associated with upholstered furniture; and is not designed to protect against the risk of occurrence of fire, or to slow or prevent the spread of fire, with respect to upholstered furniture. In addition, sections 1374 through 1374.3 of title 4, California Code of Regulations (except for subsections (b) and (c) of section 1374 of that title), as in effect on the date of enactment of the COVID-19 Act are not preempted. Finally, the California standard may not be preempted.

On April 9, 2021, the Commission published a direct final rule that

codified the relevant statutory text of section 2101 of the COVID-19 Act under 16 CFR part 1640. 86 FR 18440. This part establishes the regulatory text of the California standard, TB 117-2013, as the mandatory federal flammability standard for upholstered furniture under section 4 of the FFA, and sets forth the statutory requirements. Because the Commission did not consider any comment received on the direct final rule to be a significant adverse comment, the rule went into effect on June 25, 2021, and applies to all upholstered furniture manufactured, imported, or reupholstered on or after that date. However, the compliance date for the new labeling requirement will go into effect on June 25, 2022.

### C. Termination of the Upholstered Furniture Rulemaking

The direction in the COVID-19 Act requiring that the California standard, TB 117-2013, be a federally mandated flammability standard promulgated by the CPSC under section 4 of the FFA, supersedes the upholstered furniture rulemaking proceeding initiated by the Commission under the FFA in 1994. Accordingly, on March 30, 2021, the Commission voted to terminate the rulemaking associated with upholstered furniture and directed that notification of the termination of rulemaking be issued in the **Federal Register**.<sup>1</sup> Through this document, the Commission has terminated the upholstered furniture rulemaking proceeding that began with the issuance of the ANPR in 1994, and all subsequent rulemakings in that proceeding including the 2008 NPR.

**Alberta E. Mills,**

*Secretary, Consumer Product Safety Commission.*

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**BILLING CODE 6355-01-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1700

[Docket No. CPSC-2021-0027]

### Poison Prevention Packaging Requirements; Proposed Exemption of Baloxavir Marboxil Tablets in Packages Containing Not More Than 80 mg of the Drug

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of proposed rulemaking.

<sup>1</sup> See *RCA-Upholstered-Furniture-Flammability-Standard-TB117-2013-DFR-and-NPR.pdf* (cpsc.gov).

**SUMMARY:** The Consumer Product Safety Commission (Commission or CPSC) is proposing to amend the child-resistant packaging requirements to exempt baloxavir marboxil tablets in packages containing not more than 80 mg of the drug, currently marketed as XOFLUZA,<sup>TM</sup> from the special packaging requirements. XOFLUZA is used to treat the flu, and is taken in one dose within 48 hours of experiencing flu symptoms. The proposed rule would exempt this prescription drug product on the basis that child-resistant packaging is not needed to protect young children from serious injury or illness because the product is not acutely toxic and lacks adverse human experience associated with ingestion.

**DATES:** Comments should be submitted no later than November 30, 2021.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC-2021-0027, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. The CPSC does not accept comments submitted by electronic mail (email), except through <https://www.regulations.gov>. The CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

*Mail/Hand Delivery/Courier Written Submissions:* Submit comments by mail/hand delivery/courier to: Division of the Secretariat, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7479.

*Instructions:* All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit electronically confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information please submit it according to the instructions for written submissions.

*Docket:* For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC-2021-0027, into the “Search” box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:** Cheryl A. Scorpio, Ph.D., Division of