

the employee is separated based on unacceptable performance); or

(2) An involuntary separation for reasons other than misconduct or unacceptable performance (e.g., an involuntary separation resulting from a reduction in force or medical reasons).

**§ 537.108 Loss of eligibility for student loan repayment benefits.**

(a) An employee receiving student loan repayment benefits from an agency is ineligible for continued benefits from that agency if the employee—

- (1) Separates from the agency;
- (2) Does not maintain an acceptable level of performance, as determined under standards and procedures prescribed by the agency; or
- (3) Violates a condition in the service agreement, if the agreement specifically provides that eligibility is lost when the condition is violated.

(b) For the purpose of applying paragraph (a)(2) of this section, an acceptable level of performance is one that is equivalent to level 3 ("Fully Successful" or equivalent) or higher, as described in 5 CFR 430.208(d). An employee loses eligibility for student loan repayment benefits if his or her most recent official performance evaluation does not meet this requirement.

**§ 537.109 Employee reimbursements to the Government.**

(a) An employee is indebted to the Federal Government and must reimburse the paying agency for the amount of any student loan repayment benefits received under a service agreement if he or she—

- (1) Fails to complete the period of service required in the applicable service agreement (except as provided by paragraph (b) of this section); or
- (2) Violates any other condition that specifically triggers a reimbursement requirement under the agreement.

(b) An agency may not apply paragraph (a) of this section based on an employee's failure to complete the required period of service established under a service agreement if—

- (1) The employee is involuntarily separated for reasons other than misconduct or unacceptable performance; or

(2) The employee leaves the paying agency voluntarily to enter into the service of any other agency, unless reimbursement to the agency is otherwise required in the service agreement, as provided by § 537.107(e).

(c) If an agency and an employee mutually agree to modify an existing service agreement to provide additional student loan repayment benefits for

additional service (as provided by § 537.107(b)), the modified service agreement may stipulate that, if the employee completes the initial service period but fails to complete the additional service period, he or she is required to reimburse the paying agency only for the amount of any student loan repayment benefits received during the additional service period.

(d) If an employee fails to reimburse the paying agency for the amount owed under paragraph (a) of this section, a sum equal to the amount outstanding is recoverable from the employee under the agency's regulations for collection by offset from an indebted Government employee under 5 U.S.C. 5514 and 5 CFR part 550, subpart K, or through the appropriate provisions governing Federal debt collection if the individual is no longer a Federal employee.

(e) An authorized agency official may waive, in whole or in part, a right of recovery of an employee's debt if he or she determines that recovery would be against equity and good conscience or against the public interest. (See 5 U.S.C. 5379(c)(3).)

(f) Any amount reimbursed by, or recovered from, an employee under this section must be credited to the appropriation account from which the amount involved was originally paid. Any amount so credited must be merged with other sums in such account and must be available for the same purposes and time period, and subject to the same limitations (if any), as the sums with which merged. (See 5 U.S.C. 5379(c)(4).)

**§ 537.110 Records and reports.**

(a) Each agency must keep a record of each determination to provide student loan repayment benefits under this part and make such records available for review upon request by OPM. Such a record may be destroyed when 3 years have elapsed since the end of the service period specified in the employee's service agreement.

(b) By March 31st of each year, each agency must submit a written report to OPM containing information about student loan repayment benefits it provided to employees during the previous calendar year. Each report must include the following information:

(1) The number of employees who received student loan repayment benefits;

(2) The job classifications of the employees who received student loan repayment benefits; and

(3) The cost to the Federal Government of providing student loan repayment benefits.

[FR Doc. E7-101 Filed 1-8-07; 8:45 am]

BILLING CODE 6325-39-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2006-26696; Directorate Identifier 2006-SW-19-AD]

RIN 2120-AA64

**Airworthiness Directives; Robinson Helicopter Company Model R44 and R44 II Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This document proposes adopting a new airworthiness directive (AD) for Robinson Helicopter Company (Robinson) Model R44 and R44 II helicopters that have a certain seat belt buckle (buckle) assembly installed. The AD would require removing the buckle assembly and the buckle assembly spacer, and replacing them with airworthy parts. This proposal is prompted by an accident in which a seat belt failed, and also by reports of cracking in the buckle assembly stainless support strap (support strap). The actions specified by the proposed AD are intended to prevent cracking in the support strap and failure of a seat belt.

**DATES:** Comments must be received on or before March 12, 2007.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD:

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

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> follow the instructions for sending your comments electronically;

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

- *Fax:* 202-493-2251; or

- *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.

You may get the service information identified in this proposed AD from Robinson Helicopter Company, 2901 Airport Drive, Torrance, California 90505, telephone (310) 539-0508, fax (310) 539-5198.

You may examine the comments to this proposed AD in the AD docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Venessa Stiger, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712-4137, telephone (562) 627-5337, fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES**. Include the docket number "FAA-2006-26696, Directorate Identifier 2006-SW-19-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light 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 with FAA personnel concerning this proposed rulemaking. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

**Examining the Docket**

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Management System (DMS) Docket Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5227) is located at the plaza level of the Department of Transportation Nassif Building in Room PL-401 at 400 Seventh Street, SW., Washington, DC. Comments will be available in the AD docket shortly after the DMS receives them.

**Discussion**

This document proposes adopting a new AD for Robinson model R44 helicopters, through serial number (S/N) 1576, and Model R44 II helicopters, through S/N 11107, that have a C628-4, revision M or prior, buckle assembly installed. The AD would require, within 100 hours time-in-service, removing the

buckle assembly and the A130-52 buckle assembly spacer, and replacing them with a C628-4, revision N buckle assembly and a new A130-52 buckle assembly spacer. The A130-52 buckle assembly spacers have been redesigned to be slightly longer than the previous A130-52 buckle assembly spacers, to reduce friction in the joint. This proposal is prompted by an investigation in which a seat belt failed during an accident, and also by reports of cracking in the buckle assembly support strap. Excessive bending of the buckles can damage their stainless support straps. The actions specified by the proposed AD are intended to prevent cracking in the support strap and failure of a seat belt.

We have reviewed Robinson Service SB-56, dated March 29, 2006, which describes procedures for inspecting the buckle assemblies for cracks and replacing the buckle assemblies. This proposed AD would not require inspecting the buckle assemblies for cracks.

This unsafe condition is likely to exist or develop on other helicopters of the same type design. Therefore, the proposed AD would require removing any C628-4, revision M or prior, buckle assembly and any A130-52 buckle assembly spacer, and replacing them with a C628-4, revision N buckle assembly and a new A130-52 buckle assembly spacer. Replacing the buckle assembly and buckle assembly spacer with a C628-4, Revision N buckle assembly and a new A130-52 buckle assembly spacer would be the terminating action for the requirements of this proposed AD. The replacement would be required to be accomplished by following specified portions of the service bulletin described previously.

We estimate that this proposed AD would affect 900 helicopters of U.S. registry, and replacing a buckle assembly would take approximately 0.2 work hour per buckle to accomplish at an average labor rate of \$80 per work hour. Required parts would cost approximately \$105 for each C628-4, revision N buckle assembly, and \$8.25 for each A130-52 buckle assembly spacer. Based on these figures, the total cost impact of the proposed AD on U.S. operators would be \$517 for each helicopter, or \$465,300 for the entire fleet, assuming that four buckle assemblies and buckle assembly spacers are replaced in each helicopter.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. Additionally, 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 that the 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 draft economic evaluation of the estimated costs to comply with this proposed AD. See the DMS to examine the draft economic evaluation.

**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.

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

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

**Robinson Helicopter Company:** Docket No. FAA-2006-26696; Directorate Identifier 2006-SW-19-AD.

**Applicability:** Model R44 helicopters, through serial number (S/N) 1576, and Model R44 II helicopters, through S/N 11107, with a seat belt buckle assembly (buckle assembly) part number C628-4, revision M or prior, installed, certificated in any category.

**Compliance:** Required within 100 hours time-in-service, unless accomplished previously.

To prevent cracking in the buckle assembly stainless support strap and failure of a seat belt, accomplish the following:

(a) Remove the buckle assembly and any A130-52 buckle assembly spacer, and replace them with a C628-4, revision N buckle assembly and a new A130-52 buckle assembly spacer, in accordance with the Compliance Procedure, paragraph 3, in Robinson Helicopter Company Service Bulletin SB-56, dated March 29, 2006. The new A130-52 buckle assembly spacers have been redesigned to be slightly longer than the previous A130-52 buckle assembly spacers, to reduce friction in the joint.

**Note:** Inspecting the buckle assembly for cracks is not required by this AD.

(b) Replacing the buckle assembly and buckle assembly spacer with a C628-4, Revision N buckle assembly and a new A130-52 buckle assembly spacer is a terminating action for the requirements of this AD.

(c) to request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Los Angeles Aircraft Certification Office, FAA, ATTN: Venessa Stiger, Aviation Safety Engineer, 3960 Paramount Blvd., Lakewood, California 90712-4137, telephone (562) 627-5337, fax (562) 627-5210, for information about previously approved alternative methods of compliance.

Issued in Fort Worth, Texas, on December 18, 2006.

**David A. Downey,**

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 07-26 Filed 1-8-07; 8:45 am]

**BILLING CODE 4910-13-M**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1500

#### Children's Jewelry Containing Lead; Advance Notice of Proposed Rulemaking; Request for Comments and Information

**AGENCY:** Consumer Product Safety Commission.

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

**SUMMARY:** The Consumer Product Safety Commission (CPSC or Commission) is considering whether there may be a need to ban children's metal jewelry containing more than 0.06% lead by weight in metal components. This advance notice of proposed rulemaking (ANPR) initiates a rulemaking proceeding under the Federal Hazardous Substances Act (FHSA). The Commission is soliciting written comments concerning the risks of injury associated with children's jewelry containing lead, the regulatory options discussed in this notice, other possible ways to address these risks, and the economic impacts of the various regulatory alternatives. 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 described in this notice.

**DATES:** Written comments and submissions in response to this document must be received by March 12, 2007.

**ADDRESSES:** Comments should be e-mailed to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments should be captioned "Children's Jewelry Containing Lead ANPR." Comments may also be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, Maryland 20814, or delivered to the same address (telephone (301) 504-7923). Comments also may be filed by facsimile to (301) 504-0127.

#### FOR FURTHER INFORMATION CONTACT:

Kristina Hatlelid, PhD, M.P.H., Directorate for Health Sciences, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; telephone (301) 504-7254, e-mail [khatlelid@cpsc.gov](mailto:khatlelid@cpsc.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On May 16, 2006, the CPSC docketed Sierra Club's request for a ban on children's jewelry containing more than 0.06% lead by weight as a petition under the Federal Hazardous Substances Act (FHSA) (Petition No. HP 06-1). 71 FR 35416. Information obtained from the petition and CPSC staff investigations indicate that excess lead exposure may result when children ingest metal jewelry containing more than 0.06% lead by weight in metal components. On December 11, 2006, the Commission voted to grant the petition and begin a rulemaking proceeding to

address the risk of injury described in this notice.<sup>1</sup>

##### B. The Risk of Injury

The scientific community generally recognizes a level of 10 micrograms of lead per deciliter of blood (µg/dL) as a level of concern with respect to lead poisoning in children. Continuing national, state and local efforts to remove lead hazards from children's environments (e.g., eliminating lead from household paint, gasoline, and food cans) have resulted in reductions in mean blood lead levels (BLLs) and in the number of children with BLLs exceeding 10 µg/dL. Data from a recent national survey indicated that an estimated 310,000 U.S. children aged one to five years have BLLs exceeding this level (about 1.6 percent of children aged one to five years). Currently, lead-based paint in older housing remains the most common source for excess lead exposure for children, but exposures from other sources of lead, such as certain ethnic medicines, imported candy and spices, ceramicware, and other types of consumer products, including jewelry, have been documented.

Investigations by the CPSC Laboratory staff indicated that the extractability of lead from children's metal jewelry is strongly associated with the lead content of these items. Staff investigations also indicated that when metal jewelry is ingested by children, excess lead exposure is likely for items that contain more than 0.06% lead, and that the amount of exposure likely increases with increasing lead content in the item.

##### C. Statutory Authority

This proceeding is conducted pursuant to the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261 *et seq.* Section 2(f)(1)(A) of the FHSA defines "hazardous substance" to include any substance or mixture of substances which is toxic and may cause substantial illness as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children. 15 U.S.C. 1261(f)(1)(A).

Under section 2(q)(1)(B) of the FHSA, a substance is a "banned hazardous substance" if the Commission determines that, "notwithstanding such cautionary labeling as is or may be required under this Act for that substance, the degree or nature of the hazard involved in the presence or use

<sup>1</sup> Acting Chairman Nancy A. Nord filed a statement which is available from the Office of the Secretary or on the Commission's Web site at <http://www.cpsc.gov>.