

expect to receive, *i.e.*, that the depicted results are not representative.

(a) What would be the effects on advertisers and consumers of requiring clear and conspicuous disclosure of the generally expected performance whenever the testimonial is not generally expected performance whenever the testimonial is not generally representative of what consumers can expect from the advertised product?

(b) What information, other than what is required to substantiate an efficacy or performance claim, would be required for an advertiser to determine generally expected results? How difficult would it be for the advertiser to make this determination? Do the answers to these questions vary by product type and, if so, how?

#### IV. Material Connections

Section 255.5 of the Guides states that advertisers must disclose connections between themselves and their endorsers that might materially affect the weight or credibility of the endorsement (*i.e.*, the connection is not reasonably expected by the audience).

Section 255.5 also indicates that consumers will ordinarily expect that endorsers who are well known personalities (*i.e.*, celebrities) or experts will be compensated for their endorsements; therefore, an advertiser need not disclose the payment of compensation to such endorsers. A September 2003 petition submitted to the Commission by Commercial Alert suggests an exception to the principle that consumers will ordinarily expect that endorsers who are well known personalities are compensated for their endorsements. According to an August 11, 2002 New York Times article cited by the petitioners, "dozens of celebrities \* \* \* have been paid hefty fees to appear on television talk shows and morning news programs and to disclose intimate details of ailments that afflict them or people close to them. Often, they mention brand-name drugs without disclosing their financial ties to the medicine's maker." The Commission is interested in any extrinsic evidence regarding consumer expectations about celebrity endorsements made during an interview. Specifically, the Commission solicits written public comment on the following questions.

(1) Is there any research showing whether consumers have any expectations regarding compensation paid to celebrities who speak favorably about particular products while being interviewed outside the context of an advertisement (*e.g.*, during television

talk shows) and, if so, what does that research show?

(2) Would knowledge that a celebrity endorsing a product during such an interview is being paid for doing so affect the weight or credibility consumers give to the celebrity's endorsement?

#### V. Invitation to Comment

All persons are hereby given notice of the opportunity to submit written data, views, facts, and arguments addressing the issues raised by this Notice. Written comments must be received on or before March 19, 2007. All comments should be filed as prescribed in the **ADDRESSES** section above.

#### List of Subjects in 16 CFR Part 255

Advertising, Trade practices.

**Authority:** 15 U.S.C. 41–58.

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

[FR Doc. 07–197 Filed 1–17–07; 8:45 am]

**BILLING CODE 6750–01–M**

### CONSUMER PRODUCT SAFETY COMMISSION

#### 16 CFR Part 1211

#### Safety Standard for Automatic Residential Garage Door Operators

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Consumer Product Safety Commission is proposing to amend 16 CFR part 1211, Safety Standard for Automatic Residential Garage Door Operators, to reflect changes made by Underwriters Laboratories, Inc. in its standard UL 325.

**DATES:** Written comments in response to this document must be received by the Commission no later than February 20, 2007.

**ADDRESSES:** Comments should be filed by e-mail to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments also may be filed by telefacsimile to (301) 504–0127 or they may be mailed or delivered, preferably in five copies, to the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814–4408; telephone (301) 504–7923. Comments should be captioned "Garage door operators."

**FOR FURTHER INFORMATION CONTACT:** John Murphy, Directorate for Engineering Sciences, Consumer Product Safety Commission, 4330 East-West Highway,

Bethesda, Maryland, 20814–4408, telephone 301–504–7664 or e-mail: [jmurphy@cpsc.gov](mailto:jmurphy@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission issued part 1211 on December 21, 1992 to minimize the risk of entrapment by residential garage door openers. As mandated by section 203 of Public Law 101–608, subpart A of part 1211 codifies garage door operator entrapment provisions of Underwriter Laboratories, Inc. ("UL") standard UL 325, third edition, "Door, Drapery, Louver and Window Operators and Systems." Subparagraph (c) of section 203 of Public Law 101–608 also required the Commission to incorporate into part 1211 any revisions that UL proposed to the entrapment protection requirements of UL 325, unless the Commission notified UL that the revision does not carry out the purposes of Public Law 101–608.

Recently, UL revised some provisions of UL 325 in response to a request from Commission staff. The staff identified several incidents in which children became entrapped beneath a garage door that had been left partially open. In most of these incidents, a child tried to crawl under the partially open door and became stuck under the door. A bystander pressed the wall control button thinking the door would go up and release the child. Instead, the garage door moved down compressing and further entrapping the child. The Commission determined that the entrapment related revisions incorporated into the UL standard do carry out the purposes of Public Law 101–608. The proposed rule would revise part 1211 to reflect the changes UL made to UL 325. UL set an effective date of February 21, 2008 for these provisions in the UL standard. The Commission proposes the same effective date for these provisions in the CPSC standard.

To address the same entrapment hazard, UL also added to its standard a requirement that the statement "Never go under a stopped partially open door" be added to garage door operator instruction manuals. The Commission is proposing to make this change in the CPSC standard as well. UL set an effective date of September 14, 2004 for this provision in UL 325. The Commission proposes that the instruction manual provision in the CPSC standard would become effective when it is published as a final rule.

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant impact on a substantial number of small

entities. The changes are minor. Moreover, UL has already made these changes to its UL 325 standard which is widely followed by the industry. The Commission also certifies that this rule will have no environmental impact. The Commission's regulations state that safety standards for products normally have little or no potential for affecting the human environment. 16 CFR 1021.5(c)(1). Nothing in this proposed rule alters that expectation.

Public Law 101-608 contains a preemption provision. It states: "those provisions of laws of States or political subdivisions which relate to the labeling of automatic residential garage door openers and those provisions which do not provide at least the equivalent degree of protection from the risk of injury associated with automatic residential garage door openers as the consumer product safety rule" are subject to preemption under 15 U.S.C. 2075. Public Law 101-608, section 203(f).

#### List of Subjects in 16 CFR Part 1211

Consumer protection, Imports, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR part 1211 is proposed to be amended as follows:

#### PART 1211—SAFETY STANDARDS FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPENERS

1. The authority citation for part 1211 continues to read as follows:

**Authority:** Sec. 203 of Public Law 101-608, 104 Stat. 3110; 15 U.S.C. 2063 and 2065.

2. Section 1211.7 is amended by revising paragraphs (a), (b), (f) and (g) to read as follows:

##### § 1211.7 Inherent entrapment protection requirements.

(a)(1) Other than for the first 1 foot (305mm) of door travel from the full upmost position both with and without any external entrapment protection device functional, the operator of a downward moving residential garage door shall initiate reversal of the door within 2 seconds of contact with the obstruction as specified in paragraph (b) of this section. After reversing the door, the operator shall return the door to, and stop at, the full upmost position. Compliance shall be determined in accordance with paragraphs (b) through (i) of this section.

(2) The door operator is not required to return the door to, and stop the door at, the full upmost position when the operator senses a second obstruction during the upward travel.

(3) The door operator is not required to return the door to, and stop the door at, the full upmost position when a control is actuated to stop the door during the upward travel—but the door can not be moved downward until the operator reverses the door a minimum of 2 inches (50.8 mm).

(b)(1) A solid object is to be placed on the floor of the test installation and at various heights under the edge of the door and located in line with the driving point of the operator. When tested on the floor, the object shall be 1 inch (25.4 mm) high. In the test installation, the bottom edge of the door under the driving force of the operator is to be against the floor when the door is fully closed.

(2) For operators other than those attached to the door, a solid object is not required to be located in line with the driving point of the operator. The solid object is to be located at points at the center, and within 1 foot of each end of the door.

(3) To test operators for compliance with requirements in paragraphs (a)(3), (f)(3), and (g)(3) of this section, § 1211.10(a)(6)(iii), and § 1211.13(c), a solid rectangular object measuring 4 inches (102 mm) high by 6 inches (152 mm) wide by a minimum of 6 inches (152 mm) long is to be placed on the floor of the test installation to provide a 4-inch (102 mm) high obstruction when operated from a partially open position.

\* \* \* \* \*

(f)(1) An operator, using an inherent entrapment protection system that monitors the actual position of the door, shall initiate reversal of the door and shall return the door to, and stop the door at, the full upmost position in the event the inherent door operating "profile" of the door differs from the originally set parameters. The entrapment protection system shall monitor the position of the door at increments not greater than 1 inch (25.4 mm).

(2) The door operator is not required to return the door to, and stop the door at, the full upmost position when an inherent entrapment circuit senses an obstruction during the upward travel.

(3) The door operator is not required to return the door to, and stop the door at, the full upmost position when a control is actuated to stop the door during the upward travel—but the door can not be moved downward until the operator reverses the door a minimum of 2 inches (50.8 mm).

(g)(1) An operator, using an inherent entrapment protection system that does not monitor the actual position of the

door, shall initiate reversal of the door and shall return the door to and stop the door at the full upmost position, when the lower limiting device is not actuated in 30 seconds or less following the initiation of the close cycle.

(2) The door operator is not required to return the door to, and stop the door at, the full upmost position when an inherent entrapment circuit senses an obstruction during the upward travel. When the door is stopped manually during its descent, the 30 seconds shall be measured from the resumption of the close cycle.

(3) The door operator is not required to return the door to, and stop the door at, the full upmost position when a control is actuated to stop the door during the upward travel—but the door can not be moved downward until the operator reverses the door a minimum of 2 inches (50.8 mm). When the door is stopped manually during its descent, the 30 seconds shall be measured from the resumption of the close cycle.

3. Section 1211.10 is amended by revising paragraph (a)(1) and adding a new paragraph (a)(6) to read as follows:

##### § 1211.10 Requirements for all entrapment protection devices.

(a) *General requirements.* (1) An external entrapment protection device shall perform its intended function when tested in accordance with paragraphs (a)(2) through (4) and (6) of this section.

\* \* \* \* \*

(6)(i) An operator using an external entrapment protection device, upon detecting a fault or an obstruction in the path of a downward moving door, shall initiate reversal and shall return the door to, and stop the door at, the full upmost position.

(ii) The door operator is not required to return the door to, and stop the door at, the full upmost position when an inherent entrapment circuit senses an obstruction during the upward travel.

(iii) The door operator is not required to return the door to, and stop the door at, the full upmost position when a control is actuated to stop the door during the upward travel—but the door can not be moved downward until the operator has reversed the door a minimum of 2 inches (50.8 mm).

4. Section 1211.13 is amended by adding a new paragraph (c) to read as follows:

##### § 1211.13 Inherent force activated secondary door sensors.

(a) \* \* \*

(b) \* \* \*

(c) *Obstruction test.* For a door traveling in the downward direction,

when an inherent secondary entrapment protection device senses an obstruction and initiates a reversal, a control activation shall not move the door downward until the operator reverses the door a minimum of 2 inches (50.8 mm). The test is to be performed as described in § 1211.7(b)(3).

5. Section 1211.14 is amended by revising paragraph (b)(2) to read as follows:

**§ 1211.14 [Amended]**

(a) \* \* \*

(b) *Specific required instructions.*

(1) \* \* \*

(2) The User Instructions shall include the following instructions:

**Important Safety Instructions**

**Warning**—To reduce the risk of severe injury or death:

1. Read and Follow all Instructions.
2. Never let children operate, or play with door controls. Keep the remote control away from children.
3. Always keep the moving door in sight and away from people and objects until it is completely closed. No One Should Cross the Path of the Moving Door.
4. NEVER GO UNDER A STOPPED PARTIALLY OPEN DOOR.
5. Test door opener monthly. The garage door MUST reverse on contact with a 1½ inch object (or a 2 by 4 board laid flat) on the floor. After adjusting either the force or the limit of travel, retest the door opener. Failure to adjust the opener properly may cause severe injury or death.
6. For products requiring an emergency release, if possible, use the emergency release only when the door is closed. Use caution when using this release with the door open. Weak or broken springs may allow the door to fall rapidly, causing injury or death.
7. Keep Garage Door Properly Balanced. See owner's manual. An improperly balanced door could cause severe injury or death. Have a qualified service person make repairs to cables, spring assemblies and other hardware.
8. Save These Instructions.

Dated: January 11, 2007.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. E7-580 Filed 1-17-07; 8:45 am]

**BILLING CODE 6335-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 261 and 302**

[EPA-HQ-RCRA-2006-0984, FRL-8270-7]

**RIN 2050-AG15**

**Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to amend today the list of hazardous wastes from non-specific sources (called F-wastes) under 40 CFR 261.31 by modifying the scope of the EPA Hazardous Waste No. F019 (Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process). The Agency would be amending the F019 listing to exempt wastewater treatment sludges from zinc phosphating, when such phosphating is used in the motor vehicle manufacturing process. EPA is proposing two options that would require that the wastes be disposed in a landfill unit that meets certain liner design criteria. These proposed modifications to the F019 listing would not affect any other wastewater treatment sludges either from the chemical conversion coating of aluminum, or from other industrial sources. Additionally, this action would amend the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list of Hazardous Substances and Reportable Quantities under 40 CFR 302.4 so that the F019 listing description is consistent with the proposed amendment to F019 under 40 CFR 261.31.

**DATES:** Comments must be received on or before March 19, 2007. Under the Paperwork Reduction Act, comments on the information collection provisions must be received by OMB on or before February 20, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-RCRA-2006-0984 by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *E-mail*: Comments may be sent by electronic mail (e-mail) to [rcra.docket@epamail.epa.gov](mailto:rcra.docket@epamail.epa.gov), Attention

Docket ID No. EPA-HQ-RCRA-2006-0984.

• *Mail*: Comments may be submitted by mail to: OSWER Docket, Office of Solid Waste, U.S. Environmental Protection Agency, Mailcode: 5305T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-RCRA-2006-0984. Please include a total of three copies of your comments. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

• *Hand Delivery*: Deliver your comments to: EPA Docket Center, Public Reading Room, Room 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460, Attention Docket ID No. RCRA-2006-0984. Such deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays) and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-RCRA-2006-0984. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as a part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects