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.


By direction of the Commission.

Donald S. Clark,
Secretary.

[F.R. 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.


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. Comments may also 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.

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.

SUPPLEMENTARY INFORMATION: The Commission issued part 1211 on December 21, 1992 to minimize the risk of entrapment by residential garage door operators. 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 609(b) of the Regulatory Flexibility Act, 5 U.S.C. 609(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:


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 (305 mm) 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.

(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 1 1⁄2 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.


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


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, Attention


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


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

deliveries of boxed information.

Instructions: Direct your comments to


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, 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

or e-mail. The 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 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