

**SUMMARY:** The Federal Aviation Administration (FAA) is making a minor technical change to a final rule, Commuter Operations and General Certification and Operations Requirements. This final rule established the requirements for certain management officials for certificate holders. In the final rule the FAA unintentionally included an incorrect experience requirement for the Director of Maintenance for commuter and on-demand operators. This amendment corrects that experience requirement.

**DATES:** Effective on September 27, 2007.

**FOR FURTHER INFORMATION CONTACT:** Kim A. Barnette, Flight Standards Service (AFS-350), Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC; phone (202) 493-4922; e-mail [Kim.A.Barnette@faa.gov](mailto:Kim.A.Barnette@faa.gov).

**SUPPLEMENTARY INFORMATION:** On December 20, 1995 (60 FR 65832), the FAA published a final rule in the **Federal Register**, better known as “the commuter rule”, that established the requirements for certain management officials in parts 121 and 135. Although the FAA clearly stated in the preamble to this final rule that “In addition to other requirements, these candidates will have to have three years of experience (within their respective fields) within the past six years to be eligible for a Director position,” the specific years of experience in the rule language in part 135 was incorrect. The part 121 experience requirement of § 119.67 correctly states this “3 years within 6 years” experience requirement; however the part 135 requirement in § 119.71 was incorrectly stated as “3 years within 3 years.”

By petition for rulemaking dated September 5, 2007, the Regional Air Cargo Carriers Association (RACCA) asked the FAA to correct this technical error. The RACCA correctly pointed out that it makes no sense to have an experience requirement in part 135 that is more stringent than the same requirement in part 121.

**Technical Amendment**

This technical amendment will correct an unintentional error in the years of experience requirement in § 119.71 to make it consistent with § 119.67.

**Justification for Immediate Adoption**

Because this action corrects an unintentional error in rule language for § 119.71, the FAA finds that good cause exists under 5 U.S.C. 553(d) for making this rule effective upon publication.

**List of Subjects in 14 CFR Part 119**

Administrative practice and procedure, Air carriers, Aircraft, Aviation safety, Charter flights, Reporting and recordkeeping requirements.

**The Amendment**

■ In consideration of the foregoing, the FAA amends 14 CFR chapter I as follows:

**PART 119—CERTIFICATION: AIR CARRIERS AND COMMERCIAL OPERATORS**

■ 1. The authority citation for part 119 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 1153, 40101, 40102, 40103, 40113, 44105, 44106, 44111, 44701-44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105.

■ 2. Amend § 119.71 by revising paragraphs (e)(1) and (2) to read as follows:

**§ 119.71 Management personnel: Qualifications for operations conducted under part 135 of this chapter.**

\* \* \* \* \*

(e) \* \* \*

(1) Have 3 years of experience within the past 6 years maintaining aircraft as a certificated mechanic, including, at the time of appointment as Director of Maintenance, experience in maintaining the same category and class of aircraft as the certificate holder uses; or

(2) Have 3 years of experience within the past 6 years repairing aircraft in a certificated airframe repair station, including 1 year in the capacity of approving aircraft for return to service.

\* \* \* \* \*

Issued in Washington, DC, on September 19, 2007.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

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**CONSUMER PRODUCT SAFETY COMMISSION**

**16 CFR Part 1211**

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

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final rule.

**SUMMARY:** The Consumer Product Safety Commission is amending 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:** This rule is effective on February 21, 2008, except for § 1211.14(b)(2) which is effective September 27, 2007.

**FOR FURTHER INFORMATION CONTACT:** Renae Rauchschalbe, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland, 20814-4408, telephone 301-504-7664 or e-mail: [rrauchschalbe@cpsc.gov](mailto:rrauchschalbe@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission is amending its garage door operator standard, 16 CFR part 1211, to incorporate changes made to Underwriter Laboratories, Inc. (“UL”) standard UL 325, third edition, “Door, Drapery, Louver and Window Operators and Systems.” In 1991, Congress mandated the entrapment protection provisions of the UL 325 standard as a consumer product safety standard. Sec 203 of Public Law 101-608. Congress 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 to address the hazard of children becoming entrapped if a child becomes stuck under a partially open door and the door moves down when a bystander presses the wall control button. The Commission determined that the entrapment related revisions incorporated into the UL standard do carry out the purposes of Public Law 101-608. On January 18, 2007, the Commission issued a notice of proposed rulemaking (“NPR”) to revise part 1211 to reflect the changes UL made to UL 325. 72 FR 2217. The Commission received no comments on the proposal and is now making the revisions final.

UL set an effective date of February 21, 2008 for the changes to the entrapment protection requirements in the UL standard. The Commission is specifying the same effective date for these provisions in the CPSC standard.

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 making this change in the CPSC standard as well. UL set an effective date of September 14, 2004 for this provision in UL 325. The instruction manual provision in the CPSC standard would become effective when published as a final rule in the **Federal Register**.

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), in the NPR the Commission certified that this rule will not have a significant impact on a substantial number of small entities. The Commission also certified in the NPR that this rule will have no environmental impact.

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 amended as follows:

**PART 1211—SAFETY STANDARDS FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPERATORS**

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

**Authority:** Sec. 203 of Pub. L. 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).

#### § 1211.14 [Amended]

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

(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: September 18, 2007.

#### Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 157

[Docket No. RM06-7-002; Order No. 686-B]

### Revisions to the Blanket Certificate Regulations and Clarification Regarding Rates

Issued September 20, 2007.

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Final rule; order on rehearing.

**SUMMARY:** On June 22, 2007, the Commission issued an Order on Rehearing and Clarification in response to motions seeking rehearing and clarification of an October 19, 2006 Final Rule. The Final Rule expanded the scope and scale of activities that may be undertaken pursuant to blanket certificate authority and clarified Commission rate policy. The revised regulations allow interstate natural gas pipelines to employ the streamlined blanket certificate procedures for larger projects and for a wider variety of projects, thereby increasing efficiencies, and decreasing the time and cost associated with the construction and maintenance of the nation's natural gas infrastructure. This order grants a request for rehearing of the June 22, 2007 Order.

**DATES:** *Effective Date:* This final rule will become effective October 29, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Gordon Wagner, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, [gordon.wagner@ferc.gov](mailto:gordon.wagner@ferc.gov), (202) 502-8947.

Michael McGehee, Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, [michael.mcgehee@ferc.gov](mailto:michael.mcgehee@ferc.gov), (202) 502-8962.

Lonnie Lister, Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, [lonnie.lister@ferc.gov](mailto:lonnie.lister@ferc.gov), 202-502-8587.

#### SUPPLEMENTARY INFORMATION:

Before Commissioners: Joseph T. Kelliher, Chairman; Suedeen G. Kelly, Marc Spitzer, Philip D. Moeller, and Jon Wellingshoff.

### Revisions to the Blanket Certificate Regulations and Clarification Regarding Rates; Order on Rehearing

#### I. Introduction

1. On October 19, 2006, the Federal Energy Regulatory Commission (Commission) issued a Final Rule in Order No. 686<sup>1</sup> amending Part 157, Subpart F, of its regulations to expand the scope and scale of activities that may be undertaken pursuant to blanket certificate authority by (1) Broadening the types of natural gas projects permitted under blanket certificate authority to include certain mainline, storage, and liquefied natural gas (LNG) and synthetic gas pipeline facilities, and (2) increasing the blanket certificate project cost limits from \$8,200,000 to \$9,600,000 for automatic authorization projects and from \$22,700,000 to \$27,400,000 for prior notice projects.<sup>2</sup> In addition, Order No. 686 clarified that a natural gas company is not necessarily engaged in an unduly discriminatory practice if it charges different customers different rates for the same service when those customers commit to service on different dates. The revised blanket certificate regulations are intended to allow interstate natural gas companies to employ the streamlined blanket certificate procedures for larger projects and additional types of projects, thereby increasing efficiencies and decreasing the time and cost associated with the construction and maintenance of the nation's natural gas infrastructure. On June 22, 2007, the Commission issued an order in response to motions seeking rehearing and clarification of the October 2006 Final Rule.<sup>3</sup> In this order, for the reasons discussed below, the Commission grants a request for rehearing of the June 2007 Order.

#### II. Request for Rehearing

2. New § 157.210 permits companies to rely on blanket certificate authority to “acquire, construct, modify, replace, and operate natural gas mainline facilities, including compression and

<sup>1</sup> Order No. 686, *Revisions to the Blanket Certificate Regulations and Clarification Regarding Rates*, 71 FR 63680 (October 31, 2006), FERC Stats & Regs ¶ 31,231 (2006). This rulemaking proceeding was initiated in response to a petition submitted under 18 CFR 385.207(a) (2007) of the Commission's regulations by the Interstate Natural Gas Association of America jointly with the Natural Gas Supply Association.

<sup>2</sup> These cost limits now stand at \$9,900,000 for an automatic authorization project and \$28,200,000 for a prior notice project. See *Natural Gas Pipelines; Project Cost and Annual Limits*, 72 FR 5614 (Feb. 7, 2007).

<sup>3</sup> Order No. 686-A, *Order on Rehearing and Clarification*, 72 FR 37431 (July 10, 2007), FERC Statutes and Regulations ¶ 31,249 (2007) (June 2007 Order).