

Issued in Washington, DC, on October 13, 2011.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.*

For the reasons set forth in the preamble, DOE amends parts 429 and 431 of chapter II of title 10 of the Code of Federal Regulations to read as follows:

**PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT**

■ 1. The authority citation for part 429 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6317.

■ 2. Revise § 429.12(i)(6) to read as follows:

**§ 429.12 General requirements applicable to certification reports.**

\* \* \* \* \*

(i) \* \* \*

(6) Metal halide lamp ballasts and fixtures, October 22, 2012.

■ 3. Revise § 429.53(b) to read as follows:

**§ 429.53 Walk-in coolers and walk-in freezers.**

\* \* \* \* \*

(b) *Certification reports.* (1) Except that § 429.12(b)(6) applies to the certified component, the requirements of § 429.12 are applicable to manufacturers of the components of walk-in coolers and freezers (WICFs) listed in paragraph (b)(2) of this section, and;

(2) Pursuant to § 429.12(b)(13), a certification report shall include the following public product-specific information:

(i) For WICF doors: The door type, R-value of the door insulation, and a declaration that the manufacturer has incorporated the applicable design requirements. In addition, for those WICFs with transparent reach-in doors and windows: The glass type of the doors and windows (e.g., double-pane with heat reflective treatment, triple-pane glass with gas fill), and the power draw of the antisweat heater in watts per square foot of door opening.

(ii) For WICF panels: The R-value of the insulation (except for glazed portions of the doors or structural members)

(iii) For WICF fan motors: The motor purpose (i.e., evaporator fan motor or condenser fan motor), the horsepower,

and a declaration that the manufacturer has incorporated the applicable design requirements.

**PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT**

■ 4. The authority citation for part 431 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6317.

■ 5. Section 431.304 is amended by:

- a. Redesignating paragraph (b) as paragraph (c);
- b. Adding a new paragraph (b);
- c. In newly redesignated paragraph (c), revising the paragraph heading; adding new introductory text prior to paragraph (c)(1); redesignating paragraphs (c)(5) through (c)(8) as paragraphs (c)(7) through (c)(10); and adding new paragraphs (c)(5) and (c)(6).

The revisions and additions read as follows:

**§ 431.304 Uniform test method for the measurement of energy consumption of walk-in coolers and walk-in freezers.**

\* \* \* \* \*

(b) *Testing and Calculations—EISA 2007 Test Procedure.* Manufacturers shall use this paragraph (b) for the purposes of certifying compliance with the applicable energy conservation standards of the R-value of panels until January 1, 2015.

(1) The R value shall be the 1/K factor multiplied by the thickness of the panel.

(2) The K factor shall be based on ASTM C518 (incorporated by reference, see § 431.303).

(3) For calculating the R value for freezers, the K factor of the foam at 20 degrees Fahrenheit (average foam temperature) shall be used.

(4) For calculating the R value for coolers, the K factor of the foam at 55 degrees Fahrenheit (average foam temperature) shall be used.

(5) Foam shall be tested after it is produced in its final chemical form. Foam produced inside of a panel (“foam-in-place”) must be tested in its final foamed state and must not include any structural members or non-foam materials other than the panel’s protective skins or facers. A test sample less than or equal to 4 inches thick must be taken from the center of the foam-in-place panels. Foam produced as board stock may be tested prior to its incorporation into a final panel.

(6) Manufacturers are not required to consider non-foam member and/or edge regions in ASTM C518 testing.

(c) *Testing and Calculations—Amended Test Procedures.*

Manufacturers shall use this paragraph (c) for any representations of energy efficiency/energy use starting on October 12, 2011 and to certify compliance to the energy conservation standards of the R-value of panels on or after January 1, 2015.

\* \* \* \* \*

(5) For ASTM C518 testing, foam shall be tested after it is produced in its final chemical form. Foam produced inside of a panel (“foam-in-place”) must be tested in its final foamed state and must not include any structural members or non-foam materials other than the panel’s protective skins or facers. A test sample less than or equal to 4 inches thick must be taken from the center of the foam-in-place panels. Foam produced as board stock may be tested prior to its incorporation into a final panel.

(6) Manufacturers are not required to consider non-foam member and/or edge regions in ASTM C518 testing.

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**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Customs and Border Protection**

**DEPARTMENT OF THE TREASURY**

**19 CFR Parts 10, 24, 162, 163, and 178**

[USCBP–2010–0041; CBP Dec. 11–19]

RIN 1515–AD68

**United States-OMAN Free Trade Agreement**

**AGENCIES:** U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document adopts as a final rule, without change, interim amendments to the Customs and Border Protection (“CBP”) regulations which were published in the **Federal Register** on January 6, 2011, as CBP Dec. 11–01 to implement the preferential tariff treatment and other customs-related provisions of the United States—Oman Free Trade Agreement entered into by the United States and the Sultanate of Oman.

**DATES:** Final rule effective November 21, 2011.

**FOR FURTHER INFORMATION CONTACT:** Textile Operational Aspects: Nancy Mondich, Office of International Trade, (202) 863–6524. Other Operational Aspects: Seth Mazze, Office of

International Trade, (202) 863-6567. Legal Aspects: Elif Eroglu, Office of International Trade, (202) 325-0277.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 19, 2006, the United States and the Sultanate of Oman (the "Parties") entered into the U.S.-Oman Free Trade Agreement ("OFTA" or "Agreement"). The provisions of the OFTA were adopted by the United States with the enactment of the United States-Oman Free Trade Agreement Implementation Act (the "Act"), Public Law 109-283, 120 Stat. 1191 (19 U.S.C. 3805 note), on September 26, 2006. Section 206 of the Act requires that regulations be prescribed as necessary pending the President issuing a proclamation to implement the Agreement.

Following Presidential Proclamation 8332, CBP published on January 6, 2011, CBP Dec. 11-01 in the **Federal Register** (76 FR 697), setting forth interim amendments to implement the preferential tariff treatment and customs-related provisions of the OFTA. In order to provide transparency and facilitate their use, the majority of the OFTA implementing regulations set forth in CBP Dec. 11-01 were included within new subpart P in part 10 of the CBP regulations (19 CFR part 10). However, in those cases in which OFTA implementation was more appropriate in the context of an existing regulatory provision, the OFTA regulatory text was incorporated in an existing part within the CBP regulations. For a detailed description of the pertinent provisions of the Agreement and of the OFTA implementing regulations, please see CBP Dec. 11-01.

Although the interim regulatory amendments were promulgated without prior public notice and comments procedures and took effect on January 6, 2011, CBP Dec. 11-01 provided for the submission of public comments that would be considered before adopting the interim regulations as a final rule. The prescribed comment period closed on March 7, 2011.

**Discussion of Comment Received in Response to CBP Dec. 11-01**

One favorable response was received to the solicitation of comments on the interim rule set forth in CBP Dec. 11-01 which recommended that the government have more free trade agreements like the OFTA.

**Conclusion**

Accordingly, CBP believes that the interim regulations published as CBP

Dec. 11-01 should be adopted as a final rule without change.

**Executive Order 12866**

This document is not a regulation or rule subject to the provisions of Executive Order 12866 of September 30, 1993 (58 FR 51735, October 1993), because it pertains to a foreign affairs function of the United States and implements an international agreement, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

**Regulatory Flexibility Act**

CBP Dec. 11-01 was issued as an interim rule rather than a notice of proposed rulemaking because CBP had determined that the interim regulations involve a foreign affairs function of the United States pursuant to section 553(a)(1) of the Administrative Procedure Act. Because no notice of proposed rulemaking was required, the provisions of the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et seq.*), do not apply to this rulemaking. Accordingly, this final rule is not subject to the regulatory analysis requirements or other requirements of 5 U.S.C. 603 and 604.

**Paperwork Reduction Act**

The collections of information in these regulations are under review by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1651-0117. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and an individual is not required to respond to, a collection of information unless it displays a valid OMB control number.

The collections of information in these regulations are in §§ 10.863, 10.864, 10.881, and 10.884. This information is required in connection with claims for preferential tariff treatment and for the purpose of the exercise of other rights under the OFTA and the Act and will be used by CBP to determine eligibility for a tariff preference or other rights or benefits under the OFTA and the Act. The likely respondents are business organizations including importers, exporters and manufacturers.

The estimated average annual burden associated with the collection of information in this final rule is 0.2 hours per respondent or recordkeeper.

**Signing Authority**

This document is being issued in accordance with § 0.1(a)(1) of the CBP regulations (19 CFR 0.1(a)(1)) pertaining to the authority of the Secretary of the

Treasury (or his/her delegate) to approve regulations related to certain customs revenue functions.

**List of Subjects**

*19 CFR Part 10*

Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements.

*19 CFR Part 24*

Accounting, Customs duties and inspection, Reporting and recordkeeping requirements.

*19 CFR Part 162*

Administrative practice and procedure, Customs duties and inspection, Reporting and recordkeeping requirements.

*19 CFR Part 163*

Administrative practice and procedure, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements.

*19 CFR Part 178*

Reporting and recordkeeping requirements.

**Amendments to the CBP Regulations**

■ Accordingly, the interim rule amending parts 10, 24, 162, 163, and 178 of the CBP regulations (19 CFR parts 10, 24, 162, 163, and 178), which was published at 76 FR 697 on January 6, 2011, is adopted as a final rule without change.

**Alan D. Bersin,**

*Commissioner, U.S. Customs and Border Protection.*

Approved: October 18, 2011.

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*

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**BILLING CODE 9111-14-P**

**SOCIAL SECURITY ADMINISTRATION**

**20 CFR Parts 404 and 416**

[Docket No. SSA-2007-0092]

RIN 0960-AG72

**Amendments to Procedures for Certain Determinations and Decisions**

**AGENCY:** Social Security Administration.

**ACTION:** Final Rules.

**SUMMARY:** We are revising the procedures for how claimants who receive fully favorable revised determinations based on prehearing case reviews or fully favorable attorney advisor decisions may seek further