

its Executive Order 13563 review. *See* 78 FR 36365.

#### IV. Comments on Sufficiency of the Science and Precedential Effects

In responding to the August 16, 2013, **Federal Register** petition document, many commenters questioned the scientific and economic basis of the SCC values. These commenters made extensive comments about: the alleged lack of economic theory underlying the models; the sufficiency of the models for policy-making; potential flaws in the models' inputs and assumptions (including the discount rates and climate sensitivity chosen); whether there was adequate peer review of the three models; whether there was adequate peer review of the TSD supporting the 2013 SCC values;<sup>17</sup> whether the SCC estimates comply with OMB's "Final Information Quality Bulletin for Peer Review"<sup>18</sup> and DOE's own guidelines for ensuring and maximizing the quality, objectivity, utility and integrity of information disseminated by DOE; whether DOE's use of the updated SCC values has precedential effect for other agency rulemakings; and why DOE is considering global benefits of carbon dioxide emission reductions rather than solely domestic benefits. (*See* CEI, No. 34; Heritage, No. 24; IER, No. 9; Cato, No. 8; AFFORD, No. 20; ATR, No. 12; ACC, No. 29; AFPM, No. 16; FMEA, No. 19; Heritage, No. 26; IECA, No. 22; TRCS, No. 25; SEEP No. 27; Kiefer, No. 4; ACC, No. 29; Chamber, No. 23; Laclede, No. 7; API, No. 30; APGA, No. 13; GWU-RSC, No. 5; AGA, No. 10; GRU, No. 21; NAM, No. 29; George Mason, No. 11)

As described above, OMB has announced minor technical corrections to the 2013 SCC values and a new opportunity for public comment on the revised TSD underlying the SCC estimates. Comments regarding the underlying science and potential precedential effect of the SCC estimates resulting from the interagency process should be directed to that process. *See* 78 FR 70586. Additionally, as EDF documented in its comments, several current rulemakings also use the 2013 SCC values and the public is welcome to comment on the values as applied in those rulemakings just as the public was welcome to comment on the use and application of the 2010 SCC values in the many rules that were published

using those values in the past three years. (EDF, No. at pp. 4–5).

Finally, in addition to the topics above, commenters provided feedback on several other issues that go beyond the scope of the notice asking for comments on whether DOE should reconsider the microwave oven rule. IECA commented that the use of SCC values in regulation will negatively impact U.S. manufacturers, shipping U.S. production, jobs and investments overseas, which IECA contends would lead to more CO emissions by non-U.S. energy sources. IECA also questioned why the benefits of U.S. production to U.S. consumers and the economy are not considered by DOE. (IECA, No. 22) Other comments include statements about whether climate change is occurring at all, contentions that climate change may be natural and not human-caused, and that climate change may not have significant, adverse impacts; statements that all fossil-fueled power plants should be replaced with nuclear power plants and DOE should be reorganized to only work on nuclear issues; suggestions to use the IPCC Fifth Assessment Report when considering SCC values; statements that effects due to other greenhouse gases and other harms to society need to be included in the SCC as well; comments that the standards rule (apart from the SCC portion) must be reopened because the regulation fails to pass benefit-cost tests because it assumes irrational consumer behavior; and questions about why comments on the Draft National Climate Assessment were not addressed in DOE's rule.

#### V. Conclusion

After reviewing LLF's petition and comments on the petition, DOE has concluded that it has provided sufficient notice and the opportunity for public comment as required under the Administrative Procedure Act and a level of transparency in accordance with Executive Order 13563 regarding the use of SCC values in the microwave oven SNOPIR and final rule. DOE has also concluded that reconsidering the microwave oven final rule would not result in any change to the standard ultimately adopted by DOE. As a result of the above analysis, and in consideration of LLF's petition and the comments received thereon, DOE denies the petition.

Issued in Washington, DC, on December 24, 2013.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.*

[FR Doc. 2013–31273 Filed 12–30–13; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 430

[Docket No. EERE–2010–BT–DET–0040]

RIN 1904–AC52

#### Energy Conservation Program: Proposed Determination of Set-Top Boxes and Network Equipment as a Covered Consumer Product

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Proposed determination; withdrawal.

**SUMMARY:** The U.S. Department of Energy (DOE) withdraws a proposed determination published June 15, 2011 that set-top boxes (STBs) and network equipment qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), as amended. DOE is taking this action in light of a consensus agreement entered by a broadly representative group that DOE believes has the potential to achieve significant energy savings in STBs.

**DATES:** The proposed determination is withdrawn December 31, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Domm, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9870. Email: [Jeremy.Domm@ee.doe.gov](mailto:Jeremy.Domm@ee.doe.gov).

Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6122. Email: [Celia.Sher@hq.doe.gov](mailto:Celia.Sher@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Authority

Title III of EPCA (42 U.S.C. 6291, *et seq.*) sets forth a variety of provisions designed to improve energy efficiency. Part A of Title III of EPCA (42 U.S.C. 6291–6309) established the "Energy Conservation Program for Consumer Products Other Than Automobiles," which covers consumer products and

<sup>17</sup> Available at: [http://www.whitehouse.gov/sites/default/files/omb/foreg/social\\_cost\\_of\\_carbon\\_for\\_ria\\_2013\\_update.pdf](http://www.whitehouse.gov/sites/default/files/omb/foreg/social_cost_of_carbon_for_ria_2013_update.pdf).

<sup>18</sup> Available at: [http://www.cio.noaa.gov/services\\_programs/pdfs/OMB\\_Peer\\_Review\\_Bulletin\\_m05-03.pdf](http://www.cio.noaa.gov/services_programs/pdfs/OMB_Peer_Review_Bulletin_m05-03.pdf).

certain commercial products (hereafter referred to as “covered products”).<sup>1</sup> In addition to specifying a list of covered residential and commercial products, EPCA contains provisions that enable the Secretary of Energy to classify additional types of consumer products as covered products. (42 U.S.C. 6292(a)(20)) DOE may prescribe test procedures for any product it classifies as a “covered product.” (42 U.S.C. 6293(b))

## II. Background

On June 15, 2011, DOE published a notice of proposed determination that tentatively determined that STBs and network equipment qualify as a covered product. 76 FR 34914. Subsequently, DOE initiated the rulemaking process to establish a test procedure for STBs. First, DOE issued a request for information document on December 16, 2011, requesting stakeholders to provide technical information regarding various test procedures used by industry to measure the energy consumption of STBs and network equipment. 76 FR 78174. DOE then published a notice of proposed rulemaking (NOPR) on January 23, 2013 to establish a new test procedure focused exclusively on STBs. 78 FR 5076. DOE held a public meeting and requested stakeholder comments on all aspects of the NOPR.

## III. Discussion

In September, 2013 a broadly representative group of Pay-TV, consumer electronics industries and energy advocates announced a Voluntary Agreement for Ongoing Improvement to the Energy Efficiency of Set-Top Boxes (Agreement).<sup>2</sup> The Agreement established a five-year written commitment to continue improvements in the energy efficiency of STBs used in the distribution of digital video signals. Under the terms of the Agreement, it is predicted that consumers will realize significant annual residential electricity savings. DOE encourages the development of market-based solutions, such as the Agreement. DOE also recognizes that there are multiple paths forward to ensure that the maximum economic benefits and energy savings occur through increasing the efficiency of STBs. DOE believes that the Agreement has the potential to achieve significant energy savings in STBs. Thus, in light of the newly adopted Agreement, DOE withdraws its proposed rule to determine STBs and network equipment

as a covered product. DOE notes that it will continue to monitor the STB market closely and would consider reinitiating the rulemaking if it was found that the energy efficiency gains for STBs and consumer savings envisioned in the Agreement were not being realized.

By separate action published elsewhere in today's **Federal Register**, DOE is withdrawing its proposed rule to establish a test procedure for STBs.

## IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this withdrawal.

### List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on December 20, 2013.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary of Energy Efficiency, Energy Efficiency and Renewable Energy.*

[FR Doc. 2013–31275 Filed 12–30–13; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG–140974–11]

**RIN 1545–BK66**

#### Definitions and Reporting Requirements for Shareholders of Passive Foreign Investment Companies

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** In the Rules and Regulations section of this issue of the **Federal Register**, the IRS and the Department of the Treasury (Treasury Department) are issuing temporary regulations that provide guidance on determining the ownership of a passive foreign investment company (PFIC), the annual filing requirements for shareholders of PFICs, and an exclusion from certain filing requirement for shareholders that constructively own interests in certain foreign corporations. The temporary regulations primarily affect shareholders of PFICs that do not currently file Form

8621, “Information Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund”, with respect to their PFIC interests. The temporary regulations also affect certain shareholders that rely on a constructive ownership exception to the requirement to file Form 5471, “Information Return of U.S. Persons with Respect to Certain Foreign Corporations.” The text of those temporary regulations published in this issue of the **Federal Register** also serves as the text of these proposed regulations.

**DATES:** Comments and requests for a public hearing must be received by March 31, 2014.

**ADDRESSES:** Send submissions to: CC:PA:LPD:PR (REG–140974–11), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–140974–11), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at <http://www.regulations.gov> (IRS REG–140974–11).

#### FOR FURTHER INFORMATION CONTACT:

Concerning the proposed regulations, Susan E. Massey or Barbara E. Rasch, (202) 317–6934; concerning submissions of comments or requests for a public hearing, Oluwafunmilayo Taylor, (202) 317–6901 (not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

#### Background and Explanation of Provisions

The temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Income Tax Regulations (26 CFR part 1) under sections 1291 and 1298 of the Internal Revenue Code (Code). The text of the temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the temporary regulations and these proposed regulations.

#### Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13653. Accordingly, a regulatory assessment is not required.

It is hereby certified that the collection of information in this regulation will not have a significant economic impact on a substantial

<sup>1</sup> For editorial reasons, upon codification in the U.S. code, Part B was re-designated Part A.

<sup>2</sup> <http://www.ncta.com/energyagreement>.