

reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Ms. Heather Coady, Regulatory Policy Specialist, Plants for Planting Policy, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851-2076.

**SUPPLEMENTARY INFORMATION:**

On April 25, 2013, we published in the **Federal Register** (78 FR 24634–24663, Docket No. APHIS–2008–0011) a proposal that would restructure the regulations governing the importation of plants for planting in 7 CFR part 319.

Comments on the proposed rule were required to be received on or before June 24, 2013. We reopened and extended the deadline for comments until September 10, 2013, in a document published in the **Federal Register** on July 12, 2013 (78 FR 41866–41867, Docket No. APHIS–2008–0011).

Among other changes, we proposed to establish a framework for the development of integrated pest risk management measures in the regulations. We did not propose to require any specific pest risk management measures; rather, we intended the proposed regulatory text to serve as a framework for their eventual development. We based the provisions for the integrated pest risk management measures on the North American Plant Protection Organization's Regional Standard for Phytosanitary Measures (RSPM) No. 24, which addresses trade in plants for planting. As we stated in the proposed rule, our framework for integrated pest risk management measures is also consistent with the International Plant Protection Convention's International Standard for Phytosanitary Measures (ISPM) No. 36, which addresses the same topic.

One element of RSPM No. 24 that we included in the proposed framework was a requirement that persons trading in plants for planting intended for export without growing the plants (whom we referred to in the proposal as plant brokers) be approved by the national plant protection organization of the exporting country. In addition, we proposed to require plant brokers to ensure the traceability of export consignments to an approved place of production or production site, and to maintain the phytosanitary status of the plants in a manner equivalent to an approved place of production from purchase, storage, and transportation to the export destination. (The "phytosanitary status" refers to their freedom from exposure to the

quarantine pests addressed by the integrated pest risk management measures.)

We received several comments on our decision to base the proposed framework for integrated pest risk management measures on RSPM No. 24, rather than ISPM No. 36. Most of the commenters preferred that we base our measures on ISPM No. 36. Some commenters on the proposed rule stated that the two standards differed significantly and that the framework we proposed was not consistent with ISPM No. 36. We also received several comments on our proposed requirement for approval of plant brokers, with some commenters indicating that such a requirement would be unworkable and that there could be other means for ensuring that plants for planting that are intended for export retain their phytosanitary status after leaving the place of production. We are considering whether to revise the proposed framework to base it on ISPM No. 36 and what other means might be available to ensure that the phytosanitary status of plants for planting is maintained after they leave an approved place of production.

We are reopening the comment period on Docket No. APHIS–2008–0011 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments. We are particularly interested in detailed comments on the issues discussed above; specific comments will help us to evaluate potential changes to the proposed rule. We will also consider all comments received between September 10, 2013, and the date of this notice.

**Authority:** 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 20th day of December 2013.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2013–31146 Filed 12–30–13; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF ENERGY

### 10 CFR Parts 429 and 430

[Docket No. EERE–2012–BT–TP–0046]

RIN 1904–AC52

### Energy Conservation Program: Test Procedure for Set-Top Boxes

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The U.S. Department of Energy (DOE) withdraws a proposed rule published January 23, 2013 to establish a test procedure to measure the energy consumption of set-top boxes (STBs). 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 rule is withdrawn December 31, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Jeremy Dommu, 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.Dommu@ee.doe.gov](mailto:Jeremy.Dommu@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 the Energy Policy and Conservation Act (42 U.S.C. 6291, *et seq.*; "EPCA") sets forth a variety of provisions designed to improve energy efficiency. (All references to EPCA refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Pub. L. 112–210 (Dec. 18, 2012)). 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 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 at 34914. Subsequently, DOE initiated the rulemaking process to

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

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 at 78174. DOE then published a notice of proposed rulemaking (NPR) 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 NPR.

### 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, that are a result of a consensus among and including all relevant parties. 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 test procedure for STBs. 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 determine STBs as a covered product.

### IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this withdrawal.

#### List of Subjects

##### 10 CFR Part 429

Confidential business information, Energy conservation, Household

appliances, Imports, Reporting and recordkeeping requirements.

##### 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, 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. 2013-31264 Filed 12-30-13; 8:45 am]

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## DEPARTMENT OF ENERGY

### 10 CFR Part 430

[Docket No EERE-2013-BT-DET-0057]

RIN 1904-AD14

#### Energy Conservation Program for Consumer Products: Proposed Determination of Hearth Products as a Covered Consumer Product

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

**ACTION:** Proposed determination of coverage.

**SUMMARY:** The U.S. Department of Energy (DOE or the "Department") has tentatively determined that hearth products qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), as amended. More specifically, DOE has tentatively determined that hearth products meet the criteria for covered products because classifying products of such type as covered products is necessary or appropriate to carry out the purposes of EPCA (which is to improve the efficiency of covered consumer products to conserve the energy resources of the Nation), and the average annual U.S. household energy use for hearth products is likely to exceed 100 kilowatt-hours (kWh) per year.

**DATES:** DOE will accept written comments, data, and information on this notice, but no later than January 30, 2014.

**ADDRESSES:** Interested persons are encouraged to submit comments electronically. However, interested persons may submit comments, identified by docket number EERE-2013-BT-DET-0057 or Regulatory

Information Number (RIN) 1904-AD14, by any of the following methods:

- **Federal eRulemaking Portal:** [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

- **Email:** [HearthHtgProd2013DET0057@ee.doe.gov](mailto:HearthHtgProd2013DET0057@ee.doe.gov). Include EERE-2013-BT-DET-0057 and/or RIN 1904-AD14 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, portable document format (PDF), or American Standard Code for Information Exchange (ASCII) file format, and avoid the use of special characters or any form of encryption.

- **Postal Mail:** Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE-2J, Proposed Determination for Hearth Products, EERE-2013-BT-DET-0057 and/or RIN 1904-AD14, 1000 Independence Avenue SW., Washington, DC 20585-0121.

**Telephone:** (202) 586-2945. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

- **Hand Delivery/Courier:** Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. **Telephone:** (202) 586-2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

**Instructions:** All submissions received must include the agency name and docket number or RIN for this rulemaking. No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section VI of this document (Public Participation).

**Docket:** The docket is available for review at [www.regulations.gov](http://www.regulations.gov), including **Federal Register** notices, comments, and other supporting documents/materials (search EERE-2013-BT-DET-0035). All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

A link to the docket Web page can be found at: <http://www.regulations.gov/#/docketDetail;D=EERE-2013-BT-DET-0057>. This Web page contains a link to the docket for this notice on the [www.regulations.gov](http://www.regulations.gov) site. The [www.regulations.gov](http://www.regulations.gov) Web page contains instructions on how to access all documents, including public comments, in the docket.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Cymbalsky, U.S. Department of

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