

This document, concerning the Proposed Determination of Computer Servers as a Covered Consumer Product, is a rulemaking action issued by the Department of Energy. Though it is not intended or expected, should any discrepancy occur between the document posted here and the document published in the *Federal Register*, the *Federal Register* publication controls. This document is being made available through the Internet solely as a means to facilitate the public's access to this document.

[6450-01-P]

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE-2013-BT-DET-0034]

RIN: 1904-AD03

Energy Conservation Program: Proposed Determination of Computer Servers 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 for further consideration a proposed determination that computer servers (servers) qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), as amended.

EFFECTIVE DATE: The proposed determination is withdrawn [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Domm, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue, SW,

Washington, DC, 20585-0121. Telephone: (202) 586-9870. E-mail:

DOE_computer_standards@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. E-mail: 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 certain commercial products (hereafter referred to as “covered products”).¹ 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. Discussion

On July 12, 2013, DOE published a notice of proposed determination (Notice) that tentatively determined that servers qualify as a covered product. 78 FR at 41868. In light of public comments received from interested parties addressing the nature and use of servers, DOE

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

is withdrawing the Notice. DOE's current approach with regard to the coverage of servers can be found in its updated coverage proposal for computers, published elsewhere in today's Federal Register.

III. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this withdrawal.

List of Subjects

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 February 21, 2014.



Kathleen B. Hogan
Deputy Assistant Secretary of Energy Efficiency
Energy Efficiency and Renewable Energy