

section 2.9 of this appendix, and in between all test cycles.

(3) This order applies only to the following basic model: PG8056–208V.

(4) Representations. Miele may make representations about the energy use of its dishwasher products for compliance, marketing, or other purposes only to the extent that such products have been tested in accordance with the provisions outlined above and such representations fairly disclose the results of such testing.

(5) This waiver shall remain in effect consistent with the provisions of 10 CFR 430.27.

Issued in Washington, DC, on 4/4/2017.

**Kathleen B. Hogan,**

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

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## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

[Case No. CW–027]

#### Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver to Samsung Electronics America, Inc. From the Department of Energy Residential Clothes Washer Test Procedure

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

**ACTION:** Decision and order.

**SUMMARY:** The U.S. Department of Energy (DOE) gives notice of a decision and order (Case No. CW–027) that grants to Samsung Electronics America, Inc. (Samsung) a waiver from the DOE test procedure for determining the energy consumption of clothes washers. Under this decision and order, Samsung is required to test and rate its clothes washers with clothes containers greater than 6.0 cubic feet using an alternate test procedure that takes this larger capacity into account when measuring energy consumption.

**DATES:** This Decision and Order is effective April 10, 2017.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–5B, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: [Bryan.Berringer@ee.doe.gov](mailto:Bryan.Berringer@ee.doe.gov).

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0103. Telephone: (202) 586–7796. Email: [Elizabeth.Kohl@hq.doe.gov](mailto:Elizabeth.Kohl@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with Title 10 of the Code of Federal Regulations (10 CFR 430.27(f)(2)), DOE gives notice of the issuance of its decision and order as set forth below. The decision and order grants Samsung a waiver from the applicable clothes washer test procedure in 10 CFR part 430, subpart B, appendix J2 for certain basic models of clothes washers with capacities greater than 6.0 cubic feet, provided that Samsung tests and rates such products using the alternate test procedure described in this notice. Samsung's representations concerning the energy efficiency of these products must be based on testing consistent with the provisions and restrictions in the alternate test procedure set forth in the decision and order below, and the representations must fairly disclose the test results. Distributors, retailers, and private labelers are held to the same standard when making representations regarding the energy efficiency of these products. 42 U.S.C. 6293(c).

Not later than June 9, 2017, any manufacturer currently distributing in commerce in the United States a product employing a technology or characteristic that results in the same need for a waiver from the clothes washer test procedure must submit a petition for waiver. 10 CFR 430.27(j). Manufacturers not currently distributing such products in commerce in the United States must petition for and be granted a waiver prior to distribution in commerce in the United States. Manufacturers may also submit a request for interim waiver pursuant to the requirements of 10 CFR 430.27.

Issued in Washington, DC, on April 4, 2017.

**Kathleen Hogan,**

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

#### Decision and Order

*In the Matter of:* Samsung Electronics America, Inc. (Case No. CW–027)

##### I. Background and Authority

Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA) (42 U.S.C. 6291–6309) established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program that includes

residential clothes washers.<sup>1</sup> Part B includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part B authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results measuring energy efficiency, energy use, or estimated operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for residential clothes washers is contained in 10 CFR part 430, subpart B, appendix J2.

The regulations set forth in 10 CFR 430.27 contain provisions that allow a person to seek a waiver from the test procedure requirements for a particular basic model of a type of covered product when that basic model contains one or more design characteristics that: (1) Prevent testing according to the prescribed test procedure, or (2) cause the prescribed test procedures to evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(f)(2).

##### II. Samsung's Petition for Waiver: Assertions and Determinations

On August 24, 2016, Samsung submitted a petition for waiver from the DOE test procedure applicable to automatic and semi-automatic clothes washers set forth in 10 CFR part 430, subpart B, appendix J2. Samsung requested the waiver because the mass of the test load used in the procedure, which is based on the basket volume of the test unit, is currently not defined for basket sizes greater than 6.0 cubic feet. In its petition, Samsung seeks a waiver for a specified basic model with a capacity greater than 6.0 cubic feet. Table 5.1 of Appendix J2 defines the test load sizes used in the test procedure as linear functions of the basket volume. Samsung requests that DOE grant a waiver for testing and rating based on a revised Table 5.1. (See 77 FR 13888, Mar. 7, 2012; the "March 2012 Final Rule")

Samsung also requested an interim waiver from the existing DOE test procedure, which DOE granted. See 81 FR at 87030 (Dec. 2, 2016). After reviewing the alternate procedure suggested by Samsung, DOE granted the

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

interim waiver because DOE concluded that it would allow for the accurate measurement of the energy use of these products, while alleviating the testing problems associated with testing clothes washers with capacities greater than 6.0 cubic feet.

Samsung's petition was published in the **Federal Register** on December 2, 2016. 81 FR 87030. DOE received three comments from consumers opposing Samsung's petition due to recent recall of Samsung clothes washers. (Consumer Commenters, Nos. 3 at p. 1, 4 at p. 4, and 5 at p. 1)<sup>2</sup> The recall pertains to the washing machine top can unexpectedly detach from the washing machine chassis during use, posing a risk of injury from impact. This recall involves 34 models of Samsung top-load washing machines. Although the comments are about specific Samsung clothes washers that have been manufactured, the comments did not address the merits of the waiver, which would extend Table 5.1 of appendix J2 up to 8.0 cu. ft. for clothes washers that have not been manufactured for sale to date.

DOE granted a waiver to Whirlpool under a Decision and Order (81 FR 26251, May 2, 2016) to allow for the testing of clothes washers with container volumes between 6.0 cubic feet and 8.0 cubic feet. DOE also granted

a waiver to Samsung for a similar request under two Decisions and Orders (76 FR 13169, Mar. 10, 2011; 76 FR 50207, Aug. 12, 2011) to allow for the testing of clothes washers with container volumes between 3.8 cubic feet and 6.0 cubic feet. In addition to the previous waiver granted to Samsung, DOE granted waivers to LG (CW-016 (76 FR 11233, Mar. 1, 2011), CW-018 (76 FR 21879, Apr. 19, 2011), and CW-021 (76 FR 64330, Oct. 18, 2011)); General Electric (75 FR 76968, Dec. 10, 2010); Whirlpool (75 FR 69653, Nov. 15, 2010); and Electrolux (76 FR 11440, Mar. 2, 2011) to allow for the testing of clothes washers with container volumes between 3.8 cubic feet and 6.0 cubic feet.

For the reasons set forth in DOE's March 2012 Final Rule, DOE concludes that extending the linear relationship between test load size and container capacity to larger capacities represents the best possible approach to determining load size for large capacity washers. DOE will continue to evaluate this issue in the next revision to the DOE test procedure in appendix J2. In addition, DOE determines that testing a basic model with a capacity larger than 6.0 cubic feet using the current procedure at Appendix J2 could evaluate the basic models in a manner

so unrepresentative of their true energy consumption as to provide materially inaccurate comparative data.

III. Consultations with Other Agencies

DOE consulted with the Federal Trade Commission (FTC) staff concerning the Samsung petition for waiver. The FTC staff did not have any objections to granting a waiver to Samsung.

IV. Order

After careful consideration of all the material that was submitted by Samsung and the commenters, the testing and analysis conducted for the March 2012 Final Rule, and consultation with the FTC staff, in accordance with 10 CFR 430.27, it is ORDERED that:

(1) The petition for waiver submitted by the Samsung Electronics America, Inc. (Case No. CW-027) is hereby granted as set forth in the paragraphs below.

(2) Samsung must test and rate the Samsung basic model specified in paragraph (3) on the basis of the current test procedure contained in 10 CFR part 430, subpart B, appendix J2, except that Table 5.1 of appendix J2 is supplemented by the following additional rows:

TABLE 5.1—TEST LOAD SIZES—SUPPLEMENT

Container volume		Minimum load		Maximum load		Average load	
cu. ft. ≥ <	liter ≥ <	lb	kg	lb	kg	lb	Kg
6.00–6.10	169.9–172.7	3.00	1.36	24.80	11.25	13.90	6.30
6.10–6.20	172.7–175.6	3.00	1.36	25.20	11.43	14.10	6.40
6.20–6.30	175.6–178.4	3.00	1.36	25.60	11.61	14.30	6.49
6.30–6.40	178.4–181.2	3.00	1.36	26.00	11.79	14.50	6.58
6.40–6.50	181.2–184.1	3.00	1.36	26.40	11.97	14.70	6.67
6.50–6.60	184.1–186.9	3.00	1.36	26.90	12.20	14.95	6.78
6.60–6.70	186.9–189.7	3.00	1.36	27.30	12.38	15.15	6.87
6.70–6.80	189.7–192.6	3.00	1.36	27.70	12.56	15.35	6.96
6.80–6.90	192.6–195.4	3.00	1.36	28.10	12.75	15.55	7.05
6.90–7.00	195.4–198.2	3.00	1.36	28.50	12.93	15.75	7.14
7.00–7.10	198.2–201.0	3.00	1.36	28.90	13.11	15.95	7.23
7.10–7.20	201.0–203.9	3.00	1.36	29.30	13.29	16.15	7.33
7.20–7.30	203.9–206.7	3.00	1.36	29.70	13.47	16.35	7.42
7.30–7.40	206.7–209.5	3.00	1.36	30.10	13.65	16.55	7.51
7.40–7.50	209.5–212.4	3.00	1.36	30.60	13.88	16.80	7.62
7.50–7.60	212.4–215.2	3.00	1.36	31.00	14.06	17.00	7.71
7.60–7.70	215.2–218.0	3.00	1.36	31.40	14.24	17.20	7.80
7.70–7.80	218.0–220.9	3.00	1.36	31.80	14.42	17.40	7.89
7.80–7.90	220.9–223.7	3.00	1.36	32.20	14.61	17.60	7.98
7.90–8.00	223.7–226.5	3.00	1.36	32.60	14.79	17.80	8.07

(3) This order applies only to the following basic model: WA63M97\*\*A\*.

(4) This waiver shall remain in effect consistent with the provisions of 10 CFR 430.27.

Issued in Washington, DC, on 4/4/2017.  
Kathleen B. Hogan,

<sup>2</sup> A notation in the form "Consumer Commenters, No. 3 at p. 1, 4 at p. 4 and 5 at p. 1" identifies written comments: (1) Made by the Coy Garrett, Liz Rowan and Julia Ramirez (hereinafter the

"Consumer Commenters"); (2) recorded in document numbers 3, 4 and 5 that are filed in the docket of this waiver (Docket No. EERE-2016-BT-WAV-0038) and available for review at

[www.regulations.gov](http://www.regulations.gov); and (3) which appears on page 1 of document number 3, page 4 of document 4, and page 1 of document 5.

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

[FR Doc. 2017-07108 Filed 4-7-17; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* RP17-573-000.

*Applicants:* Transcontinental Gas Pipe Line Company.

*Description:* Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.403: Rate Schedule S-2 Tracking Filing, eff. April 1, 2017 to be effective 4/1/2017.

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5002.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-574-000.

*Applicants:* Equitrans, L.P.

*Description:* Equitrans, L.P. submits tariff filing per 154.203: Notice Regarding Non-Jurisdictional Gathering Facilities (F-538 W-4832).

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5004.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-575-000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate—Boston Gas to BBPC—793493 & 793498 to be effective 4/1/2017.

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5087.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-576-000.

*Applicants:* Pine Needle LNG Company, LLC.

*Description:* Pine Needle LNG Company, LLC submits tariff filing per 154.403(d)(2): 2017 Annual Fuel and Electric Power Tracker Filing to be effective 5/1/2017.

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5092.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-577-000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* Algonquin Gas Transmission, LLC submits tariff filing

per 154.204: Negotiated Rate—Col Gas to BBPC—793499 & 793524 & 793583 to be effective 4/1/2017.

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5097.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-578-000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rates—Spark Energy—793558 & 793557 & 793584 to be effective 4/1/2017.

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5102.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-579-000.

*Applicants:* Equitrans, L.P.

*Description:* Equitrans, L.P. submits tariff filing per 154.203: Notice Regarding Non-Jurisdictional Gathering Facilities (W-7527 F-823).

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5115.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-580-000.

*Applicants:* Colorado Interstate Gas Company, L.L.C.

*Description:* Colorado Interstate Gas Company, L.L.C. submits tariff filing per 154.601: Non-Conforming Negotiated Rate Update Filing (DCP) to be effective 5/1/2017.

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5139.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-581-000.

*Applicants:* Natural Gas Pipeline Company of America.

*Description:* Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: Mercuria Energy Negotiated Rate to be effective 4/1/2017.

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5279.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-582-000.

*Applicants:* Equitrans, L.P.

*Description:* Equitrans, L.P. submits tariff filing per 154.204: Negotiated Rate Service Agreement—Mercuria Energy America, Inc. LPS to be effective 5/1/2017.

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5301.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-583-000.

*Applicants:* Enable Gas Transmission, LLC.

*Description:* Enable Gas Transmission, LLC submits tariff filing per 154.204:

Negotiated Rate Filing- Non-Conforming April 2017 Cross Timbers 1007632 Removal to be effective 4/1/2017.

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5325.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-584-000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.204: Non-Conforming Agreements Filing (APS) to be effective 4/1/2017.

*Filed Date:* 03/31/2017.

*Accession Number:* 20170331-5002.

*Comment Date:* 5:00 p.m. Eastern Time on Wednesday, April 12, 2017.

*Docket Numbers:* RP17-585-000.

*Applicants:* ANR Pipeline Company.

*Description:* ANR Pipeline Company submits tariff filing per 154.601: 4 Neg Rate Agmts April 2017 to be effective 4/1/2017.

*Filed Date:* 03/31/2017.

*Accession Number:* 20170331-5004.

*Comment Date:* 5:00 p.m. Eastern Time on Wednesday, April 12, 2017.

*Docket Numbers:* RP17-586-000.

*Applicants:* Northern Border Pipeline Company.

*Description:* Northern Border Pipeline Company submits tariff filing per 154.601: Sequent Energy Neg Rate Agmt to be effective 4/1/2017.

*Filed Date:* 03/31/2017.

*Accession Number:* 20170331-5005.

*Comment Date:* 5:00 p.m. Eastern Time on Wednesday, April 12, 2017.

*Docket Numbers:* RP17-587-000.

*Applicants:* East Tennessee Natural Gas, LLC.

*Description:* East Tennessee Natural Gas, LLC submits 2015-2016 Cashout Report.

*Filed Date:* 03/30/2017.

*Accession Number:* 20170330-5361.

*Comment Date:* 5:00 p.m. Eastern Time on Tuesday, April 11, 2017.

*Docket Numbers:* RP17-588-000.

*Applicants:* Columbia Gas Transmission, LLC.

*Description:* Columbia Gas Transmission, LLC submits tariff filing per 154.403: OTRA—Summer 2017 to be effective 5/1/2017.

*Filed Date:* 03/31/2017.

*Accession Number:* 20170331-5059.

*Comment Date:* 5:00 p.m. Eastern Time on Wednesday, April 12, 2017.

*Docket Numbers:* RP17-589-000.

*Applicants:* Hardy Storage Company, LLC.

*Description:* Hardy Storage Company, LLC submits tariff filing per 154.204: RAM 2017 to be effective 5/1/2017.

*Filed Date:* 03/31/2017.

*Accession Number:* 20170331-5060.