

Currently there is no provision to test dishwashers using 208 Volts. There are many instances where only 208 Volts are provided to the consumer. Dishwashers rated at 240 Volts would not allow the proper operation of a dishwasher when connected to a 208 Volt supply. To achieve the data plate rating, appropriate voltage components are used in the design of the 208 Volt dishwashers.

The proposed test procedure would allow for a variation in electrical supply voltage to 208 Volts based on the electrical safety test data plate rating. In the case of the PG8056–208V, a rating of 208 Volts  $\pm 2$  percent and within 1 percent of its nameplate frequency as specified by the manufacturer would be used to perform the energy test.

Miele requests immediate relief by grant of the proposed interim waiver, justified by the following reasons:

**Economic Hardship.** Since the Miele PG8056–208V dishwasher is intended to be sold in applications where 240 volts power supply is not available to the consumer, denial of this Application for Interim Waiver and Petition for Waiver would eliminate the possibility of high performance dishwasher sales where a compatible voltage is not present. This will also greatly affect sales of all other Miele product categories where consumers most frequently choose one brand of appliance for their home.

**Acceptance of Predicate Model** A Petition for Waiver submitted for the previous design generation of Miele dishwasher rated for 208 volts, (Case No. DW–006) was granted by the DOE on December 27, 2011 as a waiver from the applicable residential dishwasher test procedure in 10 CFR part 430, subpart B, appendix C for certain basic models of dishwashers with a 208 volt supply voltage, provided that Miele tests and rates such products using the alternate test procedure described in the petition.

**Public Policy Merits.** The public policy benefits of encouraging business success and fostering innovation in high performance dishwasher design are additional reasons for prompt approval of the requested interim waiver.

We hereby certify that all dishwasher manufacturers of domestically-marketed units known to Miele Inc. have been notified by letter of this application, copies of which are attached.

Thank you for your timely attention to this Application for Interim Waiver and Petition for Waiver.

Best regards,  
Steve Polinski  
Senior Manager Regulatory Affairs  
Miele Incorporated  
9 Independence Way  
Princeton, New Jersey 08540  
SPolinski@MieleUSA.com  
Phone: 609 419 9898

richard.bollard@fp.co.nz;  
EARL.JONES@GE.COM  
John.taylor@lge.com  
AHAMORGANIZATION@AHAM.ORG  
jcleary@AHAM.org  
Bernt.Svensson@asko.se  
wayne\_p\_klug@whirlpool.com  
manfred.staebler@bshg.com  
dennis.a.poyner@electrolux.com  
jmiller@vikingrange.com

richard\_j\_koenes@whirlpool.com  
marco.darsie@indesit.com;  
brian.wylie@subzero.com  
szbugay@arcelik.com  
mtroisi@haieramerica.com

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## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

[Case No. CW–027]

#### Notice of Petition for Waiver of Samsung Electronics America, Inc. From the Department of Energy Clothes Washer Test Procedure, and Grant of Interim Waiver

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

**ACTION:** Notice of petition for waiver, notice of grant of interim waiver, and request for comments.

**SUMMARY:** This notice announces receipt of a petition for waiver from Samsung Electronics America, Inc. (Samsung) seeking an exemption from specified portions of the U.S. Department of Energy (DOE) test procedure for determining the energy consumption of residential clothes washers. Samsung seeks to use an alternate test procedure to address certain issues involved in testing one clothes washer basic model, as identified in its petition, with a container volume between 6.0 cubic feet and 8.0 cubic feet. Samsung contends the basic model cannot be accurately tested using the currently applicable DOE test procedure. DOE solicits comments, data, and information concerning Samsung's petition and its suggested alternate test procedure. This notice also grants Samsung an interim waiver from the residential clothes washer test procedure for the specified basic model, subject to use of the alternative test procedure set forth in this notice.

**DATES:** DOE will accept comments, data, and information with respect to the Samsung petition until January 3, 2017.

**ADDRESSES:** You may submit comments, identified by Case Number CW–027, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* [AS\\_Waiver\\_Requests@ee.doe.gov](mailto:AS_Waiver_Requests@ee.doe.gov). Include "Case No. CW–027" in the subject line of the message.

- *Mail:* Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B,

Petition for Waiver Case No. CW–027, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. 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:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., 6th Floor, Washington, DC 20024. Telephone: (202) 586–6636. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

*Docket:* The docket, which includes Federal Register notices, comments, and other supporting documents/materials, is available for review at [www.regulations.gov](http://www.regulations.gov). All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

#### 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:

##### I. Background and Authority

Title III, Part B<sup>1</sup> of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6291–6309), established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program that includes the clothes washers that are the focus of this notice.<sup>2</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 that measure energy efficiency,

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

<sup>2</sup> All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act of 2015 (EEIA), Public Law 114–11 (April 30, 2015).

energy use, or estimated operating costs during a representative average-use cycle, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for automatic and semi-automatic clothes washers (both residential and commercial) is contained in 10 CFR part 430, subpart B, appendix J2, *Uniform Test Method for Measuring the Energy Consumption of Automatic and Semi-automatic Clothes Washers*.

DOE's regulations set forth at 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 consumer product when: (1) The petitioner's basic model for which the petition for waiver was submitted contains one or more design characteristics that prevent testing according to the prescribed test procedure, or (2) the prescribed test procedures may 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). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption. 10 CFR 430.27(b)(1)(iii).

DOE may grant a waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(f)(2). As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule. 10 CFR 430.27(l).

The waiver process also allows DOE to grant an interim waiver if it appears likely that the petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 430.27(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 430.27(h)(1). When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 430.27(h)(2).

## II. Petition for Waiver of Test Procedure and Application for Interim Waiver

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.

Samsung also requests an interim waiver from the existing DOE test procedure. An interim waiver may be granted if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. See 10 CFR 430.27(e)(2).

DOE understands that absent an interim waiver, Samsung's products cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. DOE has reviewed the alternate procedure suggested by Samsung and concludes that, generally, it will allow for the accurate measurement of the energy use of these products, while alleviating the testing problems associated with Samsung's implementation of clothes washer containers larger than 6.0 cubic feet. Consequently, DOE has determined that Samsung's petition for waiver will likely be granted. Furthermore, as explained below, DOE has granted similar waivers to Samsung and other manufacturers, and has determined that it is desirable for public policy reasons to grant Samsung immediate relief pending a determination of the petition for waiver.

DOE recently granted a waiver to Whirlpool under Decision and Order (81 FR 26251, May 2, 2016) to allow for the testing of certain basic models 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 Decision and Order Samsung (76 FR 13169, Mar. 10, 2011; 76 FR 50207, Aug. 12, 2011) to allow for the testing of certain basic models of clothes washers

with container volumes between 3.8 cubic feet and 6.0 cubic feet. In addition, 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 certain basic models of clothes washers with container volumes between 3.8 cubic feet and 6.0 cubic feet.

The current DOE test procedure specifies test load sizes only for machines with capacities up to 6.0 cubic feet. (77 FR 13888, Mar. 7, 2012; the "March 2012 Final Rule") 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 is valid. In addition, testing a basic model with a capacity larger than 6.0 cubic feet using the current procedure could evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data.

Based on these considerations, and the waivers granted to LG, GE, Electrolux and Whirlpool, as well as the previous waivers granted to Samsung for similar requests, it appears likely that the petition for waiver will be granted. As a result, DOE grants an interim waiver to Samsung for the basic models of clothes washers with container volumes greater than 6.0 cubic feet specified in its petition for waiver. DOE also provides for the use of an alternative test procedure extending the linear relationship between test load size and container capacity, as described below.

## III. Summary of Grant of Interim Waiver

For the reasons stated above, DOE has granted Samsung's application for interim waiver from testing for its specified clothes washer basic models. The substance of DOE's Interim Waiver Order is summarized below.

Samsung is required to test and rate the clothes washer basic model Samsung WA63M97\*\*A\* according to the alternate test procedure as set forth in section IV, "Alternate Test Procedure."

Samsung is permitted to make representations about the energy use of this basic model for compliance, marketing, or other purposes only to the extent that such products have been tested in accordance with the provisions set forth in the alternate test procedure

and such representations fairly disclose the results of such testing in accordance with 10 CFR 429.20.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. Samsung may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 430.27(g). In addition, DOE notes that granting of an interim waiver or waiver does not release a petitioner from the certification requirements set forth at 10 CFR part 429. See also 10 CFR 430.27(a) and (i).

The interim waiver shall remain in effect consistent with the provisions of 10 CFR 430.27(h). Furthermore, this interim waiver is conditioned upon the presumed validity of statements, representations, and documents provided by the petitioner. DOE may rescind or modify a waiver or interim waiver at any time upon a

determination that the factual basis underlying the petition for waiver or interim waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic model's true energy consumption characteristics. See 10 CFR 430.27(k).

**IV. Alternate Test Procedure**

EPCA requires that manufacturers use DOE test procedures when making representations about the energy consumption and energy consumption costs of products and equipment covered by the statute. (42 U.S.C. 6293(c); 6314(d)) Consistent representations about the energy efficiency of covered products and equipment are important for consumers evaluating products when making purchasing decisions and for manufacturers to demonstrate compliance with applicable DOE energy conservation standards. Pursuant to its regulations applicable to waivers and interim waivers from applicable test procedures at 10 CFR 430.27 and after considering public comments on the

petition, DOE will announce its decision as to an alternate test procedure for Samsung in a subsequent Decision and Order.

The alternate procedure approved today is intended to allow Samsung to make valid representations regarding Samsung clothes washer basic model WA63M97\*\*A\*.

In the alternate test procedure described below, DOE has corrected an error in the proposed Samsung load size table:

- For the 6.80–6.90, the average load size was not calculated correctly. The average load size should be the numerical average of the minimum and maximum load sizes. It should have been 7.05 kg instead of 7.04 kg.

During the period of the interim waiver granted in this notice, Samsung must test clothes washer basic model WA63M97\*\*A\* according to the provisions of 10 CFR part 430 subpart B, appendix J2, except that Samsung shall substitute the expanded Table 5.1 below for Table 5.1 of appendix J2.

TABLE 5.1—TEST LOAD SIZES

Container volume		Minimum load		Maximum load		Average load	
cu. ft. ≥ <	liter ≥ <	lb	kg	lb	kg	lb	Kg
0–0.80	0–22.7	3.00	1.36	3.00	1.36	3.00	1.36
0.80–0.90	22.7–25.5	3.00	1.36	3.50	1.59	3.25	1.47
0.90–1.00	25.5–28.3	3.00	1.36	3.90	1.77	3.45	1.56
1.00–1.10	28.3–31.1	3.00	1.36	4.30	1.95	3.65	1.66
1.10–1.20	31.1–34.0	3.00	1.36	4.70	2.13	3.85	1.75
1.20–1.30	34.0–36.8	3.00	1.36	5.10	2.31	4.05	1.84
1.30–1.40	36.8–39.6	3.00	1.36	5.50	2.49	4.25	1.93
1.40–1.50	39.6–42.5	3.00	1.36	5.90	2.68	4.45	2.02
1.50–1.60	42.5–45.3	3.00	1.36	6.40	2.90	4.70	2.13
1.60–1.70	45.3–48.1	3.00	1.36	6.80	3.08	4.90	2.22
1.70–1.80	48.1–51.0	3.00	1.36	7.20	3.27	5.10	2.31
1.80–1.90	51.0–53.8	3.00	1.36	7.60	3.45	5.30	2.40
1.90–2.00	53.8–56.6	3.00	1.36	8.00	3.63	5.50	2.49
2.00–2.10	56.6–59.5	3.00	1.36	8.40	3.81	5.70	2.59
2.10–2.20	59.5–62.3	3.00	1.36	8.80	3.99	5.90	2.68
2.20–2.30	62.3–65.1	3.00	1.36	9.20	4.17	6.10	2.77
2.30–2.40	65.1–68.0	3.00	1.36	9.60	4.35	6.30	2.86
2.40–2.50	68.0–70.8	3.00	1.36	10.00	4.54	6.50	2.95
2.50–2.60	70.8–73.6	3.00	1.36	10.50	4.76	6.75	3.06
2.60–2.70	73.6–76.5	3.00	1.36	10.90	4.94	6.95	3.15
2.70–2.80	76.5–79.3	3.00	1.36	11.30	5.13	7.15	3.24
2.80–2.90	79.3–82.1	3.00	1.36	11.70	5.31	7.35	3.33
2.90–3.00	82.1–85.0	3.00	1.36	12.10	5.49	7.55	3.42
3.00–3.10	85.0–87.8	3.00	1.36	12.50	5.67	7.75	3.52
3.10–3.20	87.8–90.6	3.00	1.36	12.90	5.85	7.95	3.61
3.20–3.30	90.6–93.4	3.00	1.36	13.30	6.03	8.15	3.70
3.30–3.40	93.4–96.3	3.00	1.36	13.70	6.21	8.35	3.79
3.40–3.50	96.3–99.1	3.00	1.36	14.10	6.40	8.55	3.88
3.50–3.60	99.1–101.9	3.00	1.36	14.60	6.62	8.80	3.99
3.60–3.70	101.9–104.8	3.00	1.36	15.00	6.80	9.00	4.08
3.70–3.80	104.8–107.6	3.00	1.36	15.40	6.99	9.20	4.17
3.80–3.90	107.6–110.4	3.00	1.36	15.80	7.16	9.40	4.26
3.90–4.00	110.4–113.3	3.00	1.36	16.20	7.34	9.60	4.35
4.00–4.10	113.3–116.1	3.00	1.36	16.60	7.53	9.80	4.45
4.10–4.20	116.1–118.9	3.00	1.36	17.00	7.72	10.00	4.54
4.20–4.30	118.9–121.8	3.00	1.36	17.40	7.90	10.20	4.63
4.30–4.40	121.8–124.6	3.00	1.36	17.80	8.09	10.40	4.72

TABLE 5.1—TEST LOAD SIZES—Continued

Container volume		Minimum load		Maximum load		Average load	
cu. ft. ≥ <	liter ≥ <	lb	kg	lb	kg	lb	Kg
4.40–4.50	124.6–127.4	3.00	1.36	18.20	8.27	10.60	4.82
4.50–4.60	127.4–130.3	3.00	1.36	18.70	8.46	10.85	4.91
4.60–4.70	130.3–133.1	3.00	1.36	19.10	8.65	11.05	5.00
4.70–4.80	133.1–135.9	3.00	1.36	19.50	8.83	11.25	5.10
4.80–4.90	135.9–138.8	3.00	1.36	19.90	9.02	11.45	5.19
4.90–5.00	138.8–141.6	3.00	1.36	20.30	9.20	11.65	5.28
5.00–5.10	141.6–144.4	3.00	1.36	20.70	9.39	11.85	5.38
5.10–5.20	144.4–147.2	3.00	1.36	21.10	9.58	12.05	5.47
5.20–5.30	147.2–150.1	3.00	1.36	21.50	9.76	12.25	5.56
5.30–5.40	150.1–152.9	3.00	1.36	21.90	9.95	12.45	5.65
5.40–5.50	152.9–155.7	3.00	1.36	22.30	10.13	12.65	5.75
5.50–5.60	155.7–158.6	3.00	1.36	22.80	10.32	12.90	5.84
5.60–5.70	158.6–161.4	3.00	1.36	23.20	10.51	13.10	5.93
5.70–5.80	161.4–164.2	3.00	1.36	23.60	10.69	13.30	6.03
5.80–5.90	164.2–167.1	3.00	1.36	24.00	10.88	13.50	6.12
5.90–6.00	167.1–169.9	3.00	1.36	24.40	11.06	13.70	6.21
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

## V. Summary and Request for Comments

Through this notice, DOE grants Samsung an interim waiver from the specified portions of the test procedure applicable to clothes washer basic model WA63M97\*\*A\*. and announces receipt of Samsung's petition for waiver from those same portions of the test procedure. DOE is publishing Samsung's petition for waiver pursuant to 10 CFR 430.27(b)(1)(iv). The petition contains no confidential information. The petition includes a suggested alternate test procedure to determine the energy consumption of clothes washer basic model WA63M97\*\*A\*. DOE is considering including the corrected alternate procedure in its subsequent Decision and Order.

DOE solicits comments from interested parties on all aspects of the petition, including the suggested alternate test procedure and calculation methodology. Pursuant to 10 CFR 430.27(d), any person submitting written comments to DOE must also send a copy of such comments to the

petitioner. The contact information for the petitioner is Jenni Chun, Regulatory & Environmental Affairs Manager, Samsung Electronics America, Inc., QA Lab America, 19 Chapin Rd. Building D, Pine Brook, NJ 07058. All comment submissions to DOE must include the Case Number CW-027 for this proceeding. Submit electronic comments in Microsoft Word, Portable Document Format (PDF), or text (American Standard Code for Information Interchange (ASCII)) file format and avoid the use of special characters or any form of encryption. Wherever possible, include the electronic signature of the author. DOE does not accept telefacsimiles (faxes).

Issued in Washington, DC, on November 22, 2016.

**Kathleen Hogan,**

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

Samsung Electronics America, Inc.  
QA Lab America  
19 Chapin Rd. Building D

Pine Brook, NJ 07058

August 24, 2016

The Honorable David Friedman  
Assistant Secretary, Energy Efficiency and Renewable Energy  
United States Department of Energy  
Forrestal Building (Mail Station EE-1)  
1000 Independence Avenue SW.,  
Washington, DC 20585

Dear Assistant Secretary Friedman:

Samsung Electronics America, Inc. ("Samsung") respectfully submits the Application for Petition for Waiver and Application for Interim Waiver to the Department of Energy ("DOE" or "the Department") regards to Samsung's residential clothes washers with a capacity over 6.0 cubic feet.

### Reasoning

The 10 CFR 431.401(a)(1) allows a person to submit a petition to waive for a particular basic model any requirements of § 430.23 upon the grounds that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures, or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy

consumption characteristics as to provide materially inaccurate comparative data. Additionally, 10 CFR part 430.27(b)(2) allows an applicant to request an Interim Waiver if economic hardship and/or competitive disadvantage is likely to result absent a favorable determination on the Application for Interim Waiver.

The current test procedure, Appendix J2 to Subpart B of Part 430 ("Appendix J2") Table 5.1, does not contain load sizes for capacities greater than 6.0 cubic feet, preventing Samsung from appropriately testing the clothes washer models with capacity greater than 6.0 cubic feet. The Department previously granted a similar waiver to

Whirlpool (75 FR 69653, Nov. 15, 2010 and 81 FR 26251, May 2, 2016). Samsung also proposes an alternative procedure by extending the linear relationship between test load sizes and container volume in Table 5.1, as the following load size table for clothes washer with capacity between 6.0 cubic feet and 8.0 cubic feet:

TABLE 5.0—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	7.04
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

**Conclusion**

In summary, Samsung respectfully requests to grant Samsung a Waiver and Interim

Waiver to use the alternate expanded Table 5.1 of Appendix J2 that appears in DOE's clothes washer test procedure NOPR (79 FR 23061, April 25, 2014). Samsung is seeking

the Department to grant a Waiver and Interim waiver for Samsung clothes washer basic model **WA63M97\*\*A\***:

Brand	Model name	Capacity load	Type	Reason
Samsung	WA63M97**A*	6.3 cu. ft.	Top Load	Over 6.0 cu. ft.

Please feel free to contact me if you have any questions regarding this Petition for Waiver and Application for Interim Waiver. I will be happy to discuss should any questions arise.

Sincerely,  
Jenni Chun,  
Regulatory & Environmental Affairs Manager.  
[FR Doc. 2016-28980 Filed 12-1-16; 8:45 am]

BILLING CODE 6450-01-P

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Combined Notice of Filings #1**

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC17-39-000.

*Applicants:* Agera Energy LLC, energy.me midwest llc, Aequitas Energy, Inc.  
*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act and Request for Confidential Treatment and Request for Expedited Review of Agera Energy LLC.  
*Filed Date:* 11/23/16.  
*Accession Number:* 20161123-5197.  
*Comments Due:* 5 p.m. ET 12/14/16.

Take notice that the Commission received the following exempt wholesale generator filings:  
*Docket Numbers:* EG17-33-000.  
*Applicants:* Footprint Power Salem Harbor Development LP.  
*Description:* Footprint Power Salem Harbor Development LP submits Notice of Self-Certification of Exempt Wholesale Generator Status.  
*Filed Date:* 11/28/16.  
*Accession Number:* 20161128-5119.

*Comments Due:* 5 p.m. ET 12/19/16.  
Take notice that the Commission received the following electric rate filings:  
*Docket Numbers:* ER10-2331-060; ER10-2319-051; ER10-2317-051; ER13-1351-033; ER10-2330-058.  
*Applicants:* J.P. Morgan Ventures Energy Corporation, BE CA LLC, BE Alabama LLC, Florida Power Development LLC, Utility Contract Funding, L.L.C.  
*Description:* Notice of Non-Material Change in Status of the J.P. Morgan Sellers.  
*Filed Date:* 11/25/16.  
*Accession Number:* 20161125-5044.  
*Comments Due:* 5 p.m. ET 12/16./16.  
*Docket Numbers:* ER14-649-005.  
*Applicants:* Midcontinent Independent System Operator, Inc., Entergy Services, Inc.