

Web site [http://www.pcouncil.org/wp-content/uploads/SRWC\\_MSE\\_2012\\_02\\_28.pdf](http://www.pcouncil.org/wp-content/uploads/SRWC_MSE_2012_02_28.pdf) and by mail upon request. NMFS is specifically interested in comments and information regarding a preferred control rule analyzed in the MSE for ocean salmon fisheries south of Point Arena that is responsive to the abundance of the species. The control rules are described in the MSE report as "management strategies" and are as follows: management strategy 1 allowed for a zero age-3 impact rate, management strategy 2 used a historical impact rate of 25 percent, management strategy 3 used the current era impact rate of 20 percent, and management strategies 4 through 6 required a reduction in impact rates at certain abundance thresholds. The control rule included in the current RPA (referred to as "management strategy SWR" in the Winship *et al.* 2012 addendum, beginning on page 57 of the document at [http://www.pcouncil.org/wp-content/uploads/SRWC\\_MSE\\_2012\\_02\\_28.pdf](http://www.pcouncil.org/wp-content/uploads/SRWC_MSE_2012_02_28.pdf) was also analyzed with results presented in Winship *et al.* 2012 (addendum); we welcome comments on this control rule as well.

## References

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- Winship, A.J., M.R. O'Farrell, and M.S. Mohr. 2013. Management strategy evaluation applied to the conservation of an endangered population subject to incidental take. Biological Conservation 158:155–166.

Dated: January 16, 2014.

**Sean F. Corson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2014–01239 Filed 1–22–14; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Meeting of the Board of Advisors to the Presidents of the Naval Postgraduate School and the Naval War College

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Board of Advisors (BOA) to the Presidents of the Naval Postgraduate School (NPS) and the Naval War College (NWC) and its two subcommittees will be held. This meeting will be open to the public.

**DATES:** The meeting will be held on Wednesday, February 19, 2014, from 8:00 a.m. to 4:00 p.m. and on Thursday, February 20, from 8:00 a.m. to 4:00 p.m. Eastern Time Zone.

**ADDRESSES:** The meeting will be held at 900 N. Glebe Road, Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jaye Panza, Naval Postgraduate School, Monterey, CA, 93943–5001, telephone number 831–656–2514.

**SUPPLEMENTARY INFORMATION:** The Committee examines the effectiveness with which the NPS and the NWC are accomplishing its missions. The agenda is as follows:

(1) February 19, 2014: General deliberations and inquiry by the NWC BOA Subcommittee and its parent committee NPS/NWC BOA into its programs and mission priorities; re-accreditation preparedness; administration; state of morale of the student body, faculty, and staff; fiscal affairs; and any other matters relating to the operations of the NWC as the board considers pertinent.

(2) February 20, 2014: The purpose of the meeting is to elicit the advice of the NPS BOA subcommittee on the Naval Service's Postgraduate Education Program and the collaborative exchange and partnership between the NPS and the Air Force Institute of Technology. With its parent committee NPS/NWC BOA, the board will inquire into programs and curricula; instruction; administration; state of morale of the student body, faculty, and staff; fiscal affairs; as well as reviewing the updates on recommendations cited in the 2012 Navy Inspector General's report. The committee will review any other matters relating to the operations of the NPS as the board considers pertinent.

Individuals without a DoD Government Common Access Card require an escort at the meeting location. For access, information, or to send written statements for consideration at the committee meeting must contact Ms. Jaye Panza, Naval Postgraduate School, 1 University Circle, Monterey, CA 93943–5001 or by fax 831–656–3145 by February 7, 2014.

Dated: January 15, 2014.

**N. A. Hagerty-Ford,**

*Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2014–01265 Filed 1–22–14; 8:45 am]

**BILLING CODE 3810–FF–P**

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

[Case No. CD–009]

#### Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver to Indesit Company from the Department of Energy Residential Clothes Dryer 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 the

decision and order (Case No. CD-009) that grants to Indesit Company (Indesit) a waiver from the DOE clothes dryer test procedure. The waiver pertains to the models of condensing residential clothes dryer specified in Indesit's petition. Condensing clothes dryers cannot be tested using the currently applicable DOE test procedure. Under today's decision and order, Indesit shall not be required to test and rate its specified models of residential condensing clothes dryer pursuant to the current test procedure.

**DATES:** This Decision and Order is effective January 23, 2014.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Office, 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-71, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585-0103. Telephone: (202) 586-0796. 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), Section 430.27(l), DOE gives notice of the issuance of its decision and order as set forth below. The decision and order grants Indesit a waiver from the applicable residential clothes dryer test procedure at 10 CFR part 430 subpart B, appendix D, for the three models of condensing clothes dryer specified in its petition.

DOE notes that it has promulgated a final test procedure for clothes dryers that provides a mechanism for testing condensing clothes dryers. (76 FR 972, Jan. 6, 2011). Use of this test procedure will be required on the compliance date of DOE's amended standards for clothes dryers, established by direct final rule in 2011. (76 FR 22454, April 21, 2011). The compliance date of these standards is January 1, 2015. (76 FR 26656, May 9, 2011). Issued in Washington, DC, on January 16, 2014.

**Kathleen B. Hogan,**

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

**Decision and Order**

*In the Matter of:* Indesit Company (Case No. CD-009).

**Background**

Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA), Pub. L. 94-163 (42 U.S.C. 6291-6309, as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances, which includes the residential clothes washers that are the focus of this notice.<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 which measure energy efficiency, energy use, or estimated operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

DOE's regulations contain provisions allowing a person to seek a waiver from the test procedure requirements for covered consumer products if at least one of the following conditions is met: (1) the petitioner's basic model contains one or more design characteristics that prevent testing according to the prescribed test procedure, or (2) when 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)) Petitioners must include in their petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption characteristics.

The Assistant Secretary for Energy Efficiency and Renewable Energy (the Assistant Secretary) may grant a waiver subject to conditions, including adherence to alternate test procedures. (10 CFR 430.27(l)) Waivers remain in effect pursuant to the provisions of 10 CFR 430.27(m).

On October 22, 2013, Indesit filed a petition for waiver and an application for interim waiver from the test procedure applicable to residential clothes dryers set forth in 10 CFR Part 430, subpart B, appendix D. Indesit seeks a waiver from the applicable test procedure for its Ariston TCL73XNA and TCL73XSNA condensing clothes dryers because, Indesit asserts, design characteristics of these models prevent testing in accordance with the currently prescribed test procedure, as described

in greater detail in the following paragraph.

In support of its petition, Indesit claims that the current clothes dryer test procedure applies only to vented clothes dryers because the test procedure requires the use of an exhaust restrictor on the exhaust port of the clothes dryer during testing. Because condensing clothes dryers operate by blowing air through the wet clothes, condensing the water vapor in the airstream, and pumping the collected water into either a drain line or an in-unit container, these products do not use an exhaust port like a vented dryer does. Indesit plans to market its condensing clothes dryers for situations in which a conventional vented clothes dryer cannot be used, such as high-rise apartments and other buildings where exhaust venting is not practical or is cost prohibitive.

The Indesit petition requests that DOE grant a waiver from the existing test procedure to allow for the sale of two models (TCL73XNA and TCL73XSNA) until DOE prescribes final test procedures and minimum energy conservation standards appropriate to condensing clothes dryers. Similar to the other manufacturers of condensing clothes dryers, Indesit did not include an alternate test procedure in its petition.

**Assertions and Determinations**

**Indesit's Petition for Waiver**

On October 22, 2013, Indesit filed a petition for waiver from the test procedure applicable to residential clothes dryers set forth in 10 CFR part 430, subpart B, appendix D for particular models of condensing clothes dryer. On November 13, 2013, DOE published in the **Federal Register** a petition for waiver from Indesit for its condensing clothes dryer and granted Indesit an interim waiver from the test procedure. DOE received no comments on the petition. DOE granted similar waivers for the same type of clothes dryer to Bosch (BSH) (76 FR 33271, June 8, 2011), Miele Appliance, Inc. (Miele) (60 FR 9330, February 17, 1995; 76 FR 17637, March 30, 2011), LG Electronics (73 FR 66641, November 10, 2008), Whirlpool Corporation (74 FR 66334, December 15, 2009), General Electric (75 FR 13122, March 18, 2010), and ASKO Appliances, Inc. (ASKO) (78 FR 53446, August 29, 2013). Indesit claims that its condensing clothes dryers cannot be tested pursuant to the DOE procedure and requests that the same waiver granted to other manufacturers be granted for Indesit's Ariston TCL73XNA and TCL73XSNA models.

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

Therefore, for the reasons discussed above, and in light of the previous waivers to other manufacturers, DOE grants Indesit's petition for waiver from testing of its Ariston TCL73XNA and TCL73XSNA condenser clothes dryers.

#### Consultations With Other Agencies

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

#### Conclusion

After careful consideration of all the material that was submitted by Indesit and consultation with the FTC staff, it is ordered that:

(1) The petition for waiver submitted by Indesit Company (Case No. CD-009) is hereby granted as set forth in the paragraphs below.

(2) Indesit shall not be required to test or rate its Ariston TCL73XNA and TCL73XSNA condensing clothes dryer models on the basis of the test procedures at 10 CFR part 430, subpart B, appendix D.

(3) This waiver shall remain in effect from the date this decision and order consistent with the provisions of 10 CFR 430.27(m).

(4) This waiver is issued on the condition that the statements, representations, and documentary materials provided by the petitioner are valid. DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect.

(5) This waiver applies to only those models specifically set out in Indesit's petition. Indesit may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional models of clothes dryers for which it seeks a waiver from the DOE test procedure. Grant of this petition for waiver also does not release a petitioner from any applicable certification requirements set forth at 10 CFR Part 429.

Issued in Washington, DC, on January 16, 2014.

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. RF-036]

#### Notice of Petition for Waiver of Samsung Electronics America, Inc. From the Department of Energy Residential Refrigerator and Refrigerator-Freezer 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) regarding specified portions of the U.S. Department of Energy (DOE) test procedure for determining the energy consumption of electric refrigerators and refrigerator-freezers. In its petition, Samsung provides an alternate test procedure identical to the test procedure DOE published in a final rule setting out testing requirements for manufacturers to follow starting in 2014. DOE solicits comments, data, and information concerning Samsung's petition and the suggested alternate test procedure. Today's notice also grants Samsung an interim waiver from the electric refrigerator and refrigerator-freezer test procedure, 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 February 24, 2014.

**ADDRESSES:** You may submit comments, identified by case number "RF-036," 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 the case number (Case No. RF-034) in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-5B/1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 586-2945. Please submit one signed original paper copy.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Please submit one signed original paper copy.

*Docket:* For access to the docket to review the background documents relevant to this matter, you may visit the U.S. Department of Energy, 950 L'Enfant Plaza SW., Washington, DC 20024; (202) 586-2945, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Available documents include the following items: (1) This notice; (2) public comments received; (3) the petition for waiver and application for interim waiver; and (4) prior DOE waivers and rulemakings regarding similar refrigerator-freezer products. Please call Ms. Brenda Edwards at the above telephone number for additional information.

#### 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).  
Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC-71, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585-0103. Telephone: (202) 586-8145. Email: [Michael.Kido@hq.doe.gov](mailto:Michael.Kido@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Authority

Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94-163 (42 U.S.C. 6291-6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances, which includes the electric refrigerator-freezers that are the focus of this notice.<sup>1</sup> Part B includes definitions, test procedures, labeling provisions, and energy conservation standards for various consumer products and provides DOE with 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 which measure the energy efficiency, energy use, or estimated annual operating costs of a covered product, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The current test procedure for electric refrigerators and refrigerator-freezers is contained in 10 CFR part 430, subpart B, appendix A1.

The regulations set forth in 10 CFR 430.27 contain provisions that enable a

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