equipped with a water softener under the current DOE test procedure may lead to information that could be considered misleading to consumers.

1. Identification of Basic Models

The Dishwasher models manufactured by BSH which contain an integrated water softener and were not included in previous Waiver applications is as follows:
Bosch brand:
- Basic Model—SHE43T5###
- Basic Model—SHX43T5###
- Basic Model—SHE33T5###

Kenmore brand:
- Basic Model—S38KML4###
- Basic Model—S48KML2###
- Basic Model—S48KML3###
- Basic Model—S38KML5###
- Basic Model—S37KMK2###

Gaggenau brand:
- Basic Model—DF261761
- Basic Model—DF260761

2. Background

The design characteristic that is unique among the above listed models is an integrated water softener. The primary function of a water softener is to reduce the high mineral content of ''hard'' water. Hard water reduces the effectiveness of detergents leading to additional detergent usage. Hard water also causes increased water spots on dishware, resulting in the need to use more rinse aid to counterbalance this effect. ''Hard'' water can reduce customer satisfaction with Dishwasher performance resulting in increased pre-rinsing and/or hand washing as well as increased detergent and rinse agent usage.

The water softening process requires water usage for both the regeneration process and to flush the system. For purposes of this Waiver request, the term ''regeneration'' will include the water and energy used in both the flushing and regeneration process of the water softener. The water used in the regeneration process is in addition to the water used in the dish washing process. The water used in the regeneration process does not occur with each use of the Dishwasher. The frequency of the regeneration process is dependent upon an adjustable water softener setting that is controlled by the end user, and based on the home water hardness. Regeneration frequency will vary greatly depending upon the customer setting of the water softener. Data from the U.S. Geological Survey shows considerable variation in the water hardness within the U.S. and for many locations the use of a water softener is not necessary. Water hardness varies throughout the U.S. with the mean hardness of 217 mg/liter or 12.6 grains/gallon (based on information provided by the U.S. Geological Survey located at *http://water.usgs.gov/owq/hardness-alkalinity.html).*

Calculations

Water Use

- Based on the DOE Energy Test for Dishwashers, the BSH Dishwashers listed in this waiver with an internal water softener use an average of approximately 9 liters of water per dish cleaning cycle.
- Based on an average U.S. water hardness of 12.6 grains/gallon, the internal BSH Dishwasher water softener system would be set on ''3''.
- Based on a BSH Dishwasher internal water softening system setting of ''3'' and the dishwasher using 9 liters of water per run, the water regeneration process would occur every 6th cycle.
- When using the Dishwasher 215 times per year (per DOE test procedure), the regeneration process would occur 35.8 times (36).
- The internal BSH water softening system uses approximately 5.0 per regeneration cycle.
- Water usage calculation based on above data.
  - $36 \times 5 = 180$ liters per year (47.6 gallons) or .84 liters (.22 gallons) each time the dishwasher is used.

Energy Used in kWh

- Formula $W = V \times T \times K$
  - V = Weighted Average Water Usage per DOE
  - T = Nominal water heater temperature rise of 39° C
  - K = Specific heat of water 0.00115
- Calculated Energy use—$180 \times 39 \times .00115 = 8.0$ kWh/yr

Summary

- A Dishwasher built by BSH with an integrated water softener in a home with a 12.6 grain per gallon water hardness would be cycled through the water softening regeneration process approximately every 6 dish cleaning cycles. When the water used in the water softener regeneration process is apportioned evenly over all dishwasher runs, the amount of energy and water usage per cycle is very low. Based on the assumptions provided, BSH estimates the typical water used in the internal Dishwasher water softener regeneration process at .84 liters (.22 gallons) per use; furthermore, using about 8.0 kWh per year to heat this water in the home hot water heater.

3. Requirements Sought To Be Waived

Dishwashers are subjected to test methods outlined in 10 CFR Part 430, Subpart B, App. C, Section 4.3, which specifies the method for the water energy calculation.

- BSH is requesting approval to estimate the water and energy used in the water softening process based on the design of the BSH Dishwasher and the calculations and assumptions outlined above.

4. Grounds for Waiver and Interim Waiver

10 CFR 430.27(a)(1) provides that a Petition to waive a requirement of 430.23 may be submitted upon 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.

If a water softener regeneration process was to occur while running an energy test, the water usage would be overstated. In this case, the water energy usage would be unrepresentative of the product providing inaccurate data resulting in a competitive disadvantage to BSH.

Granting of an Interim Waiver in this case is justified since the prescribed test procedures would potentially evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. In addition, a similar Interim Waiver and Waiver have previously been granted to BSH.

5. Manufacturers of Similar Products and Affected Manufacturers

Web based research shows that at least two other manufacturers are currently selling dishwashers with an integrated water softener, Miele Inc. and Whirlpool Corporation (Waiver Granted).

Manufacturers selling dishwashers in the United States include AGA Marvel, Arcelik A.S., ASKO Appliances, Inc., Electrolux North America, Inc., Fagor America, Inc., Fisher & Paykel Appliances, GE Appliances and Lighting, Haier America, Indesit Company Sa, Teka USA, Inc., LG Electronics USA, Miele, Inc., Samsung Electronics Co., Viking Range Corporation and Whirlpool Corporation.

BSH will notify all companies listed above (as well as AHAM), as required by the Department's rules, providing them with a copy of this Petition for Waiver and Interim Waiver.

6. Conclusion

BSH Home Appliances Corporation hereby requests approval of the Waiver petition and Interim Waiver. By granting said Waivers the Department of Energy will further ensure that water energy is measured in the same way by all Dishwasher Manufacturer's that have a integrated water softener. Further, BSH would request that these Waivers be in good standing until such time that the test procedure can be formally modified to account for integrated water softeners.

BSH Home Appliances certifies that all manufacturers of domestic Dishwashers as listed above have been notified by letter.

With Best Regards,
Mike Edwards
Senior Engineer, Performance and Consumption
BSH Home Appliances Corporation (FNbG)
100 Bosch Blvd., Building 102
New Bern, NC 28562–6924
mike.edwards@bshg.com
Phone (252) 672–9161
Fax (949) 809 6177

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Request for Information (RFI) for Commercial Building Energy Asset Score

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

ACTION: Notice for Request for Information.

SUMMARY: The U.S. Department of Energy (DOE) has developed a preliminary commercial building energy asset score (hereinafter ''score''). The score provides information regarding the efficiency of a building's major energy consuming systems and is intended to enable greater understanding of building performance and potential savings. DOE is developing this voluntary program as part of its effort to achieve a 20 percent improvement in the energy efficiency of commercial buildings by 2020.

DATES: Comments may be submitted on or before March 11, 2013.

ADDRESSES: Submit comments via email to *asset.score@ee.doe.gov* or send mail to: Joan Glickman, Attn: Commercial Building Asset Score RFI, EE–2J, 1000 Independence Ave., SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Joan Glickman, *asset.score@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: The methodology used to score buildings and generate other relevant information is described in detail in the document entitled ''Commercial Building Energy Asset Score: Program Overview and Technical Protocol Version 1.0'' (hereinafter ''the Protocol''). This request for information (RFI) seeks input on the following three components of the Protocol:

1. Data collection and validation;
2. The asset score report; and
3. Score durability.

This RFI provides an overview of the three program components. Additional detail on each of the three topics is provided in the Protocol. Stakeholders are encouraged to download the Protocol, which is available at the following link: *http://www1.eere.energy.gov/buildings/commercial_initiative/pdfs/energy_asset_score_technical_protocol_phase1.pdf*

This is the second RFI that DOE has issued related to the score. On August 8, 2011, DOE issued an RFI seeking input to inform overall development of the voluntary program. In addition, DOE conducted market research and outreach to better understand the perspective of industry and other interested groups. These efforts, along with initial pilot testing of the score with commercial building owners and operators in 2012, informed the development of the current score. More information on the asset score development process can be found at this site: *http://www1.eere.energy.gov/buildings/commercial/assetscore.html.*

DOE plans to continue to work with commercial building owners and operators to pilot test the score in 2013, including application of the score to additional building types. During this testing period, DOE will continue to refine the program as well as conduct additional analysis to inform future program development. Future development of the program will continue to be guided by previously established principles, as described in Section 2.2 of the Protocol. In brief, the system must produce credible scores and useful information at an affordable cost.

1. Data Collection and Validation

To obtain an energy asset score using the tool, building owners must input at least the minimum required set of information about a building. This ''simple-level'' use of the tool requires filling in approximately 20–30 data fields. Based on this information, the tool produces a preliminary report not intended to be used for official purposes such as public display or a real estate transaction. DOE recommends that building owners who want to display a report publicly or use the score for transactional purposes obtain an advanced report, which requires completion of approximately 60–80 fields of data and will likely also require that the data is validated and submitted by a person qualified to collect this information. When a user leaves a non-required data entry field blank, the tool uses a default value (an estimate based on the building type, location, and age) to complete the energy model.

A preliminary data input list for the simple and the advanced use levels can be found in Appendix C of the Protocol. DOE is collecting feedback on the data collection process through pilot testing. The full list will not be finalized until after a pilot period, during which users can respond to the usefulness of the results and the difficulty of data collection. The total time required for the simple-level score is estimated to be 6–8 hours; the total time required for the advanced-level data collection is estimated to be less than 20 hours. The simple-level time estimate was tested during the first pilot project in 2012 and will be further tested during the second pilot project in 2013. DOE invites comments from respondents on the preliminary data classification, data collection time, and method that can be used to maintain a balance between reasonable cost of data collection and acceptable accuracy of results.

In addition to seeking input on data required for the simple and advanced scores, DOE also invites input on methods that can be used to validate scores in cases where a score is being used for official purposes (e.g., marketing to lessees, real estate sales). Considerations might include assessor qualification requirements, methods for verifying or testing assessor qualifications, as well as quality assurance requirements and implementation options.

2. Energy Asset Score Report

The energy asset scoring tool produces a report that includes four sections: A whole-building score, a system evaluation, identified opportunities for improvement, and a description of building assets. The primary modeling output of the energy asset scoring tool is the energy use intensity (EUI), which is used to generate the energy asset score. No baseline buildings are needed because the calculated EUI is placed on a fixed scale. Two sets of scores and associated modeled EUIs are presented on the same energy asset score scale: Current score and potential score.

System evaluations are provided for building components, including envelope (roof, wall, window), lighting, heating, cooling, and service hot water systems. This information can help users identify parts of the building in need of attention. Two buildings with the same energy asset score may have different system evaluations. These evaluations can give users insight into their building's strengths and weaknesses. Based on the entered building information, the energy asset scoring tool also identifies potential improvement opportunities in each system evaluated.

Section 5 of the Protocol provides detailed descriptions of the score calculations, system evaluations methods, and the generation of a cost-effective upgrade package. DOE welcomes comments on critical information to be included in the energy asset score report and the methodology used to evaluate systems and generate recommendations.

3. Durability of Energy Asset Score

DOE expects that a building's score will remain current for at least 10 years, as long as the building does not undergo significant infrastructure changes including replacement of asset-related energy systems. If DOE makes any significant changes to the scoring methodology or tool, users will be notified and can receive an updated energy asset score report based on the latest version of the scoring tool.

After establishing 100-point scales for all relevant building types, DOE expects

that the scales can remain static for at least 10 years. The overall efficiency of the U.S. building stock is not expected to change dramatically enough to warrant scale revisions within 10 years.

Although building equipment will degrade over time, equipment performance is affected by multiple factors, most of which are related to operation and maintenance. Given this combination of influences, equipment degradation is not accounted for in the score and will not affect the durability of the score.

DOE will incorporate new software releases of EnergyPlus as they are developed. However, DOE expects that most new features that extend modeling capability or increase simulation speed will have little effect on the energy asset score. If a software update of EnergyPlus or other updates to the scoring tool result in a change of the modeling results, prior users of the tool will receive an updated score report.

More information about the score durability is described in Section 3.2.4 of the Protocol. DOE welcomes stakeholder comments on the durability of the energy asset score scale and the period for which a building should be able to maintain its score.

Submitting Comments to DOE

DOE invites comments on all elements discussed above, as well as additional issues that respondents deem important. Specifically, DOE requests comments on (1) Data classification for the simple and advanced levels of tool use as well as score validation methods; (2) critical information to be included in the energy asset score report; and (3) durability of the energy asset scores.

Comments may be submitted in writing via direct mail or email within on or before March 11, 2013. Please limit comments to no more than 3 pages per program area, not to exceed a total of 8 pages.

Disclaimer and Important Notes

This is an RFI issued solely for information and program planning purposes; this RFI does not constitute a formal solicitation for proposals or abstracts. Your response to this notice will be treated as information only. DOE will not provide reimbursement for costs incurred in responding to this RFI. Respondents are advised that DOE is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this RFI. Responses to this RFI do not bind DOE to any further actions related to this topic.

Confidential Business Information

According to 10 CFR 1004.11, any person submitting information he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Issued in Washington, DC, on February 1, 2013.

Kathleen B. Hogan,

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

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–9777–4]

Adequacy Status of the Motor Vehicle Emission Budgets for Metropolitan Washington DC Area (DC–MD–VA) 1997 8-Hour Ozone Non-Attainment Area's 2009 Attainment Plan and 2010 Contingency Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that the Motor Vehicle Emissions Budgets (MVEBs) for volatile organic compounds (VOCs) and nitrogen oxides (NO_X) in the 2009 Attainment Plan and 2010 Contingency Plan submitted as a State Implementation Plan (SIP) revision on June 4, 2007 by the Maryland Department of the Environment (MDE) and June 12, 2007 by both the Virginia Department of Environmental Quality (VADEQ) and the District of Columbia Department of Health (DCDOH) are adequate for transportation conformity purposes. As a result of EPA's finding, the Washington DC–MD–VA Nonattainment Area for the 1997 8-Hour Ozone National Ambient Air Quality Standard (the Metropolitan Washington Area) must use the MVEBs from the June 4, 2007 and June 12, 2007 Attainment Plan and Contingency Plan for future conformity determinations for the 1997 8-hour ozone standard.

DATES: The adequacy finding for MVEBs for VOCs and NO_X is effective February 22, 2013.

FOR FURTHER INFORMATION CONTACT: Martin Kotsch, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 at (215) 814–3335 or by email at: *kotsch.martin@epa.gov.* The finding is available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm.*

SUPPLEMENTARY INFORMATION: The word ''budgets'' refers to the motor vehicle emission budgets for VOCs and NO_X. The word ''SIP'' in this document refers to the Attainment Plan and Contingency Plan for the Metropolitan Washington Area, 1997 8-Hour Ozone Nonattainment Area submitted to EPA as a SIP revision on June 4, 2007 by MDE and June 12, 2007 by VADEQ and DCDOH.

Today's notice is simply an announcement of a finding that EPA has already made. In this notice, EPA is notifying the public that we have found that the MVEBs in the 2009 Attainment Plan and 2010 Contingency Plan, submitted on June 4, 2007 by MDE and June 12, 2007 by VADEQ and DCDOH, are adequate for transportation conformity purposes. As a result of EPA's finding, the Metropolitan Washington Area must use the MVEBs from the 2009 Attainment Plan and 2010 Contingency Plan for future conformity determinations for the 1997 8-hour ozone standard. This finding has also been announced on EPA's conformity Web site: *http://*