

**BEFORE THE
U.S. DEPARTMENT OF ENERGY
WASHINGTON, D.C. 20585**

In the Matter of:

ET Industries, Inc.
Respondent

)
)
)
)
)

Case Number: 2012-SE-2902

ORDER

By the General Counsel, U.S. Department of Energy:

1. In this Order, I adopt the attached Compromise Agreement entered into between the U.S. Department of Energy (“DOE”) and ET Industries, Inc. (“Respondent”). The Compromise Agreement resolves the case initiated against Respondent pursuant to 10 C.F.R. § 429.122 by Notice of Proposed Civil Penalty, alleging that Respondent distributed in commerce in the United States the “Thunderhead” showerhead basic model, which failed to meet the applicable standard for water usage. *See* 10 C.F.R. § 430.32(p).

2. The DOE and Respondent have negotiated the terms of the Compromise Agreement that resolves this matter. A copy of the Compromise Agreement is attached hereto and incorporated by reference.

3. After reviewing the terms of the Compromise Agreement and evaluating the facts before me, I find that the public interest would be served by adopting the Compromise Agreement, which completes the adjudication of the case.

4. Based on the information in the case file and Respondent’s admission of violation in the Compromise Agreement, I find that Respondent committed Prohibited Acts by failing to comply with 10 C.F.R. § 430.32(p). *See also* 42 U.S.C. § 6295(j).

5. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. § 6303, **I HEREBY ASSESS** a civil penalty of \$39,000 **AND ORDER** that the Compromise Agreement attached to this Order is adopted.

/s/


Gregory H. Woods
General Counsel


Date