

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

In the Matter of:)
)
Midea America Corp., Hefei Hualing) Case Numbers: 2010-SE-0110
Co., Ltd., and China Refrigeration) 2012-SE-1402
Industry Co., Ltd.)
(refrigerators/refrigerator-freezers/freezers))
)

Issued: November 26, 2012

AMENDED NOTICE OF NONCOMPLIANCE DETERMINATION¹

Manufacturers and private labelers are prohibited from distributing covered products that do not comply with applicable federal energy conservation standards. 10 C.F.R. § 429.102; 42 U.S.C. § 6302.

On November 20, 2012, Midea America Corp., Hefei Hualing Co., Ltd., and China Refrigeration Industry Co., Ltd. (“Midea”²) admitted in a Compromise Agreement that basic model HD-146F and basic model HS-390C do not meet the applicable federal energy conservation standards, set forth at 10 C.F.R. § 430.32(a).

FINDINGS

Based on the facts stated above, DOE finds that Midea basic model HD-146F and basic model HS-390C do not comply with the applicable federal energy conservation standards.

MANDATORY ACTIONS BY MIDEA

Midea has represented to DOE that Midea ceased distribution in commerce in the U.S. of basic models HD-146F and HS-390C. Further, Midea has provided DOE with data regarding the numbers of units of basic models HD-146F and HS-390C that Midea distributed in commerce in the U.S.

¹ This Notice amends DOE’s October 5, 2011 Notice of Noncompliance Determination in case number 2010-SE-0110 and is the first Notice of Noncompliance Determination in case number 2012-SE-1402.

² “Midea” means the parties in the caption of this Notice—Midea America Corp., Hefei Hualing Co., Ltd., and China Refrigeration Industry Co., Ltd.—or one or more of those three companies, all of which are subsidiaries or affiliates of GD Midea Holding Co., Ltd.

Midea must take the following additional steps in accordance with 10 C.F.R. § 429.114(a):

- (1) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom Midea has distributed units of basic model HD-146F and/or basic model HS-390C; and
- (2) Provide to DOE within 15 calendar days of the date of this Notice a copy of the written notification required by paragraph (1) and a list of the parties Midea notified.

The response to DOE required by paragraph (2) must be dated, signed, and notarized, and must include a declaration under penalty of perjury that the contents of the responses are true. Specifically, the person signing the response must attest the following: "I declare under penalty of perjury that the statements contained in this response are true, correct, and complete."

If you claim that any of the information sought by this Notice constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. § 1905, you must (1) provide one complete and full copy and one copy with the confidential information deleted and (2) submit supporting information together with the materials that are the subject of the confidentiality request. *See* 10 C.F.R. § 429.7. Failure to adhere to these procedures will result in a rejection of your request for confidential treatment.

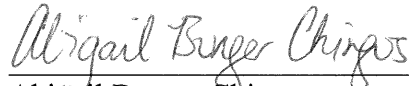
CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Midea fail to permanently cease the distribution in the United States of all units of basic model HD-146F and basic model HS-390C, this letter serves as notice that DOE will seek a judicial order within 30 calendar days to restrain further distribution.

The distribution of any units of a noncompliant basic model, including during any manufacturer-initiated testing, may result in DOE seeking all appropriate legal remedies available under federal law, including injunctive relief and civil penalties with respect to each unit of the basic model distributed in violation of federal law.



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