

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

In the Matter of:)
)
)
HMC Enterprises LLC) Case Number: 2015-SE-42069
(commercial refrigerators, freezers and)
refrigerator-freezers))

NOTICE OF ALLOWANCE TO RESUME DISTRIBUTION

Issued: April 26, 2018

Manufacturers of certain covered equipment that the Department of Energy (“DOE”) has determined to be noncompliant with the applicable energy conservation standard may be allowed to resume distribution, per 10 C.F.R. § 429.114(d), if the manufacturer modifies the basic model in such a manner as to make it comply with the applicable energy conservation standard.

On November 9, 2017, DOE issued a Notice of Noncompliance Determination to HMC Enterprises LLC (“HMC”) based on DOE enforcement test data of HMC’s commercial refrigerator basic model S32E-3. This data documented that the model failed to meet the applicable energy conservation standard. Accordingly, DOE determined that the basic model, including each individual model within the basic model, does not comply with the applicable energy conservation standard.

HMC modified the noncompliant basic model and provided DOE test results indicating that the modified basic model complies with the applicable energy conservation standard. HMC also indicated that, once it receives a notice of allowance from DOE to distribute the modified model as a new basic model, it will do so as basic model S32E-3-200.

Based on the test data HMC provided, the new basic model, S32E-3-200, appears to comply with the applicable performance standards and is a suitable replacement for the noncompliant model. As such, HMC may distribute basic model S32E-3-200 after it has submitted the required certification report for the basic model. HMC must maintain records that demonstrate that modifications have been made to all units prior to distribution in commerce. Unmodified units may not be distributed in commerce in the U.S.

/s/ _____
Laura Barhydt
Assistant General Counsel
for Enforcement