

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

In the Matter of:

Alliance Laundry Systems LLC
(residential clothes washers)

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Case Number: 2015-SE-20008

Issued: March 23, 2016

NOTICE OF NONCOMPLIANCE DETERMINATION

Residential clothes washers are covered products subject to federal energy conservation standards. 42 U.S.C. §§ 6291, 6295(g); 10 C.F.R. § 430.32(g). Manufacturers (including importers) and private labelers are prohibited from distributing covered products in the United States that do not comply with applicable federal energy conservation standards. 10 C.F.R. § 429.102(a)(6); 42 U.S.C. § 6302(a)(5).

TESTING

On September 23, 2015, DOE completed testing of one unit of residential clothes washer basic model R9, manufactured by Alliance Laundry Systems LLC (“Alliance”). On November 25, 2015, DOE completed testing of three additional units of this basic model. All four tests were conducted in accordance with the applicable DOE test procedure. *See* 10 C.F.R. Part 430, Subpart B, Appendix J2 (Jan. 1, 2015 edition).

All top-loading standard residential clothes washers manufactured on or after March 7, 2015, and before January 1, 2018, must have an Integrated Modified Energy Factor (“IMEF”) of at least 1.29. 10 C.F.R. § 430.32(g)(3). The four units of basic model R9 that DOE tested had IMEFs of 0.95, 0.94, 0.91, and 0.97; this is an average of twenty-eight percent below the federal requirement.

Based on Alliance’s certifications, basic model R9 includes Speed Queen brand clothes washer models AWN432SP113+ and LWN432SP113+, EuroDesign brand clothes washer model DWN432SP113+, and Huebsch brand clothes washer model ZWN432SP113+.

FINDING

Based on the facts stated above, DOE has determined, after applying the calculations set forth in 10 C.F.R. Part 429, Subpart C, Appendix A, that the residential clothes washer basic model R9, manufactured by Alliance Laundry Systems LLC (“Alliance”), is not in compliance with the Integrated Modified Energy Factor energy conservation standard.

MANDATORY ACTIONS BY ALLIANCE

In light of the above findings, Alliance must take the following steps in accordance with 10 C.F.R. § 429.114(a):

- (1) Immediately cease distribution in U.S. commerce of all units of each model within the basic model;
- (2) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom Alliance has distributed units of the basic model;
- (3) Provide to DOE within 15 calendar days of the date of this Notice a copy of the written notification required by paragraph (2) and a list of the parties Alliance notified; and
- (4) Provide to DOE within 30 calendar days of the date of this Notice any and all records, reports, and other documentation pertaining to the acquisition, ordering, storage, shipment, or sale of units of basic model R9 in the United States since March 7, 2015.¹

OPTIONAL ACTIONS

In addition to the mandatory steps listed above that Alliance must complete, Alliance may elect to modify the basic model to bring it into compliance with the applicable standard. A modified basic model shall be treated as a new basic model under the regulations and must be certified in accordance with the provisions of 10 C.F.R. Part 429. In addition to satisfying all requirements of this part, any models within the basic model must be assigned new model numbers and Alliance must also maintain, and provide upon request to DOE, records that demonstrate that modifications have been made to all units of the new basic model prior to distribution in commerce. Prior to distribution in commerce in the United States, Alliance must provide to DOE test data demonstrating that the modified basic model complies with the applicable standard. All units must be tested in accordance with DOE regulations, and Alliance shall bear the costs of all such testing that is conducted.

If, after this testing, DOE determines that the modified basic model complies with the applicable standard, DOE will issue a Notice of Allowance to permit Alliance to distribute the modified basic model in the United States. Until DOE determines that the modified basic model complies with the applicable standard, Alliance is prohibited from selling or otherwise distributing units in commerce in the United States.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

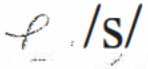
If Alliance fails to cease immediately the distribution in the United States of all units of the basic model, this letter serves as notice that DOE will seek a judicial order within 30 calendar days to restrain further distribution. If, however, Alliance provides DOE with a satisfactory statement

¹ Please note that “[t]he terms ‘to distribute in commerce’ and ‘distribution in commerce’ mean to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.” 42 U.S.C. § 6291(16).

² DOE may require that this testing be performed at an independent, third-party testing facility.

within that 30-day period detailing the steps that Alliance will take to ensure that units of the noncompliant basic model will no longer be distributed in commerce in the United States, DOE may elect to defer seeking such an order until a more appropriate time, if needed.

The distribution of any units of a noncompliant basic model, including during any manufacturer initiated testing as described above, 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.

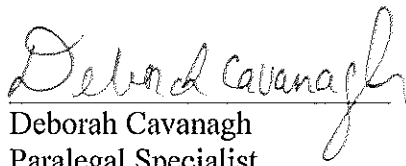


Laura L. Barhydt
Assistant General Counsel
for Enforcement

Certificate of Service

This is to certify that on March 23, 2016, the undersigned served the designated copy of the Notice of Noncompliance Determination in case number 2015-SE-20008 on the party listed below in the manner indicated.

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