

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

In the Matter of:)

Sanden Vendo America Inc.)
(refrigerated bottled or canned beverage vending)
machines))

Case Number: 2014-SE-52002

Issued: April 25, 2014

NOTICE OF NONCOMPLIANCE DETERMINATION

Manufacturers and private labelers are prohibited from distributing covered equipment that does not comply with applicable federal energy conservation standards. 10 C.F.R. § 429.102; 42 U.S.C. § 6316.

DOE testing of one unit of Sanden Vendo America Inc.’s (“SVA”) Vue30 (with 1128127 cassette refrigeration deck), conducted pursuant to 10 C.F.R. § 429.104, found that the basic model may not meet the applicable energy conservation standard. On November 12, 2013, DOE issued a Test Notice pursuant to 10 C.F.R. § 429.110(b), requiring SVA to ship three additional units of basic model Vue 30 to a designated test lab. In January of 2014, DOE completed testing of these units in accordance with DOE test procedures. DOE’s additional testing found that these three units met the applicable energy conservation standard. Upon further investigation, however, DOE learned that these units were Vue30 (with 1216973 cassette refrigeration deck) and were not the same basic model as the unit initially tested by DOE. *See* 10 C.F.R. § 431.292 (definition of basic model). DOE has further learned that SVA no longer has any units of the Vue30 (with 1128127 cassette refrigeration deck) in stock or within the distribution chain and no longer manufactures this model.

Based on this model’s unavailability for testing, DOE relies upon the results from the testing performed pursuant to 10 C.F.R. § 429.104 and finds the Vue30 (with 1128127 cassette refrigeration deck) has a maximum daily energy consumption of 5.3 kWh/day, in excess of the regulatory maximum of 4.1 kWh/day.¹ *See* 10 C.F.R. § 429.110(e)(1)(iv).

FINDING

Based on the facts stated above, DOE has determined that SVA’s Class A refrigerated bottled or canned beverage vending machine model Vue30 (with 1128127 cassette refrigeration deck) does

¹ According to 10 C.F.R. § 431.296, the maximum daily energy consumption of a Class A refrigerated bottled or canned beverage vending machine manufactured on or after August 31, 2012, may not exceed 0.055 x Volume + 2.56.

not comply with the applicable federal energy conservation standard in place as of August 31, 2012.

MANDATORY ACTIONS BY SVA

SVA has previously informed DOE that they have ceased distribution in commerce in the United States of all units of the Vue30 (with 1128127 cassette refrigeration deck). In addition, SVA must take the following 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 SVA has distributed units of the Vue30 (with 1128127 cassette refrigeration deck) since August 31, 2012; and
- (2) 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 SVA notified.

The response 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 SVA claims 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, SVA 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 SVA's request for confidential treatment.

ADDITIONAL ACTIONS

SVA has already elected to modify basic model Vue 30 to bring it into compliance with the applicable standard by replacing the 1128127 cassette refrigeration deck with the 1216973 cassette refrigeration deck. This modified basic model shall be treated as a new basic model under the regulations. Based upon the testing DOE has performed of the Vue 30 (with 1216973 cassette refrigeration deck), the modified basic model appears to comply with the applicable standard, and DOE shall issue a Notice of Allowance to allow SVA to distribute the modified basic model in the United States.

/signed/

Laura L. Barhydt
Assistant General Counsel
for Enforcement