

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

In the Matter of:

Teco Electric and Machinery Company
(electric motors)

Case Number: 2018-SE-65002

Issued: July 31, 2018

NOTICE OF NONCOMPLIANCE DETERMINATION

Electric motors are covered equipment subject to federal energy conservation standards. *See* 10 C.F.R. §§ 431.12, 431.25. Manufacturers and private labelers are prohibited from distributing electric motors in the United States that do not comply with the applicable federal energy conservation standards. 10 C.F.R. § 431.382(a)(7).

On October 13, 2017, Teco Electric and Machinery Company (“Teco”) submitted certification reports at CCMS #130381 to the U.S. Department of Energy (“DOE”) in an attempt to certify the compliance of various basic models of electric motors. In response to a Request for Data issued by DOE on November 13, 2017, Teco submitted to DOE test reports for the five basic models underlying the substantiation of its alternative efficiency determination method (“AEDM”). That test data provides the following test results:

Basic model AETHPE is a 1-horsepower, 6-pole, enclosed, NEMA Design B electric motor tested by Teco at 60 Hz, 230 volts using IEEE 112-2004 Test Method B. The measured full-load efficiencies were determined by Teco to be 82.1, 81.8, 81.8, 81.7, and 81.6. The mean of the sample is 81.8 and the LCL is 82.3. The energy conservation standard for a 1-horsepower, 6-pole, enclosed, NEMA Design B electric motor is 82.5.

Basic model AEEHED is a 2-horsepower, 6-pole, enclosed, NEMA Design B electric motor tested by Teco at 60 Hz, 230 volts using IEEE 112-2004 Test Method B. The measured full-load efficiencies were determined by Teco to be 88, 88, 88.1, 88, and 88. The mean of the sample is 88.0 and LCL is 88.4. The energy conservation standard for a 2-horsepower, 6-pole, enclosed, NEMA Design B electric motor is 88.5.

FINDINGS

Based on the facts stated above, DOE has determined by applying the enforcement provisions of Appendix A to Subpart U of Part 431 that the basic models do not comply with the applicable energy conservation standards for electric motors. *See* Appendix A to Subpart U of Part 431.

Further, DOE notes that these two models were used to substantiate the AEDM using nominal efficiencies that were not supported by test data. Accordingly, Teco is advised that other motors rated using the AEDM may also be noncompliant. In particular, basic models GH0016, GP0016, GPV0016C, JMGP0016, JPGP0016, HH0016, HB0016, EP0016, EP00165, JMP0016, JPP0016, NP0016, XP0016C, XP0016, HBV0016C, EPV0016C, NPV0016C, XV0016C, DTP0016, and DJMP0016 are also certified as the least efficient basic models within the 1-horsepower, 6-pole, enclosed, NEMA Design B rating using an AEDM and that basic models GP0026, GPV0026C, JMGP0026, JPGP0026, HH0026, HB0026, EP0026, EP00265, JMP0026, JPP0026, NP0026, XP0026C, XP0026, HBV0026C, EPV0026C, NPV0026C, and XV0026C are also certified as the least efficient basic models within the 2-horsepower, 6-pole, enclosed, NEMA Design B rating using an AEDM.

MANDATORY ACTIONS BY TECO

In light of the above findings, Teco must take the following steps in accordance with 10 C.F.R. § 431.385(a):

- (1) Immediately cease distribution in commerce in the United States of all units of the basic models;
- (2) Provide to DOE within 30 calendar days of the date of this Notice a list of each individual model within the basic models that Teco distributed in commerce in the United States.
- (3) Provide to DOE within 30 calendar days of the date of this Notice records sufficient to show the number of units of each basic model that Teco distributed in commerce in the United States, including all units imported into the United States.

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 CFR § 431.407. Failure to adhere to these procedures will result in a rejection of your request for confidential treatment.

OPTIONAL ACTIONS BY TECO

In addition to the mandatory steps listed above that Teco must complete, Teco may elect to modify the basic models to bring them into compliance with the current 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 431. In addition to satisfying all requirements of this part, any models within the basic models must be assigned new model numbers and Teco must also maintain, and provide upon request to DOE, records that demonstrate that modifications have been made to all units of the new basic models prior to distribution in commerce. Prior to distribution of the modified basic models in commerce in the United States, Teco must provide to DOE test data demonstrating that the modified basic models

comply with the applicable standard. All units must be tested in accordance with DOE regulations, and Teco shall bear the costs of all such testing.

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

Teco must ensure it is conducting the required subsequent verification testing (10 C.F.R. 431.17(a)(4)) to ensure the accuracy of its AEDM and the compliance of the motors it distributes in the U.S.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Teco fail to cease immediately the distribution in the United States of all units of models within the basic model, this letter serves as notice that DOE may seek a judicial order within 30 calendar days to restrain further distribution. If, however, Teco provides DOE with a satisfactory statement within that 30-day period detailing the steps that Teco 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 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.

_____/S/_____
Laura L. Barhydt
Assistant General Counsel
for Enforcement