

2 “Distribute in Commerce” or “Distribution in Commerce” means 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).

- c. Respondent knowingly³ failed to submit a certification report for the basic models, in violation of 10 C.F.R. §§ 429.64 and 431.36.
7. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of covered equipment without submitting to DOE a certification report certifying that those basic models complied with the applicable energy conservation standards. *See* 42 U.S.C. §§ 6302 and 6316; 10 C.F.R. §§ 429.64 and 431.36.
8. Accordingly, pursuant to 10 C.F.R. § 431.382, 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$60,000 **AND ORDER** that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh
General Counsel

³ Knowingly means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including knowledge obtainable upon the exercise of due care. 42 USC § 6303(b).