

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

In the Matter of:

**General Electric Lighting Solutions**  
(traffic signal modules and pedestrian modules)

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) Case Number: 2013-SE-4901  
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Issued: January 11, 2013

**NOTICE OF NONCOMPLIANCE DETERMINATION**

Traffic signal modules and pedestrian modules are covered products subject to federal energy conservation standards as described in 42 U.S.C. § 6295(z) and 10 C.F.R. §§ 431.2, 431.226. Specifically, traffic signal modules manufactured on or after January 1, 2006, are subject to a maximum nominal wattage of 8 watts. Manufacturers and private labelers are prohibited from distributing covered products that do not comply with the applicable energy conservation standards. 10 C.F.R. § 429.102(a)(6); 42 U.S.C. § 6302(a)(5).

General Electric Lighting Solutions (“GE”) notified the U.S. Department of Energy (“DOE”) that GE basic models DR4-RTFB-23B and DR4-RTFB-77A-002, which GE has distributed in commerce in the U.S., have nominal wattages of more than 8 watts. Basic model DR4-RTFB-23B includes individual model DR4-RTFB-23B. Basic model DR4-RTFB-77A-002 includes individual models DR4-RCFB-77A-002, DR4-RTFB-77A-002, +DR4-RCFB-77A-002, and +DR4-RTFB-77A-002. GE informed DOE that GE is not currently distributing in commerce in the United States of traffic signal module basic models DR4-RTFB-23B and DR4-RTFB-77A-002.

**FINDINGS**

DOE finds that GE traffic signal module basic models DR4-RTFB-23B and DR4-RTFB-77A-002 do not comply with the applicable federal energy conservation standard, which became effective January 1, 2006, and requires that traffic signal modules have a maximum nominal wattage of 8 watts.

**MANDATORY ACTIONS BY GE**

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

- (1) Immediately cease distribution in commerce in the United States of all units of basic models DR4-RTFB-23B and DR4-RTFB-77A-002;

- (2) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom GE has distributed units of basic model DR4-RTFB-23B or DR4-RTFB-77A-002 in the past three years;
- (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 GE 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 models DR4-RTFB-23B and DR4-RTFB-77A-002 in the United States in the past three years.

The response required by paragraph (4) should be dated, signed, and notarized.

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 C.F.R. § 429.7. Failure to adhere to these procedures will result in a rejection of your request for confidential treatment.

#### OPTIONAL ACTIONS BY GE

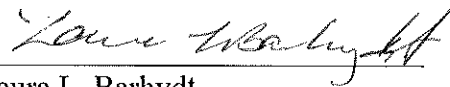
In addition to the mandatory steps listed above that GE must complete, GE may elect to modify a basic model to bring it into compliance with the applicable standard. A modified basic model shall be treated as a new basic model under the regulations and must be certified in accordance with the provisions of 10 C.F.R. Part 429. Prior to distribution in commerce in the United States, GE 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 GE 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 shall issue a notice of allowance to permit GE to resume the distribution of the modified basic model in the United States. Until DOE determines that the modified basic model complies with the applicable standard, no units of basic models DR4-RTFB-23B or DR4-RTFB-77A-002 may be sold or otherwise distributed by GE in the United States.

#### CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

If GE fails to cease immediately the distribution in the United States of all units of basic models DR4-RTFB-23B and DR4-RTFB-77A-002, this letter serves as notice that DOE will seek a judicial order within 30 calendar days to restrain further distribution. If, however, GE provides DOE with a satisfactory statement within that 30-day period detailing the steps that GE 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.



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for Enforcement