

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

In the Matter of:)
)
QSSI Lighting & Electrical Products) Case Number: 2012-SE-5403
Group Inc.)
(metal halide lamp fixtures))
)

Issued: February 14, 2013

NOTICE OF NONCOMPLIANCE DETERMINATION

Metal halide lamp fixtures are covered products subject to federal energy conservation standards as described in 42 U.S.C. §§ 6292(a)(19), 6295(hh) and 10 C.F.R. § 431.326. Manufacturers and private labelers are prohibited from distributing covered products or equipment that do not comply with the applicable conservation standards. 10 C.F.R. § 429.102(a)(6); 42 U.S.C. § 6302(a)(5). Specifically, metal halide lamp fixtures manufactured on or after January 1, 2009 and distributed in commerce in the United States with magnetic probe-start ballasts must have a minimum ballast efficiency of 94%. 10 C.F.R. § 431.326(a)(2).

In an October 2, 2012 subpoena response, QSSI Lighting & Electrical Products Group Inc. (“QSSI”) notified the U.S. Department of Energy (“DOE”) that QSSI had manufactured¹ and distributed in commerce the following metal halide lamp fixtures (“the QSSI Basic Models”), each of which was manufactured on or after January 1, 2009 and has a magnetic probe-start ballast with a ballast efficiency of less than 94%:

Basic Model Numbers		
VNGL40M175QLW	EB21M250QR22DL	WP20M175QMGL
VNGL30M175QLGR	HB11M400QYR16L	WP25M175QLW
VNGL30M175QLW	KH40M400QL	WP35M175QLB
WPC36M175QL	LB20M400QC16DL	WP35M175QLW
FL65M400QL	LB20M400QR16DL	WP36M175QLW
WP15M175QL	LB20M400QR16DLW	WPA25M175QMGL
WP15M175QL	LB20M400QR22DL	FL70BRM250Q
WP25M400QL	LB20M400QR22DLW	WPC15M175QLB
WP25M400QL	LB20M400QR22GL	WPC15M175QLW
FL70M400QL	LB20M400QR22L	WPC25M175QL
FL65M250QLSY	EB21M250QR22L	WPC35M175QLZ
FL45M175QL	LB20M400QYR16DL	WPR40HCM175QLBC

¹ “Manufacture” means to manufacture, produce, assemble or import. 42 U.S.C. § 6291(10).

SP50M400QLAR19	SP50M400QLAR3	WPR40HCM175QLZC
HB11M400QL	SP50M400QLAR45	WPR40OFM175QLBC
EB21M400QY	SP50M400QLAR6	WPR40OFM175QLWC
LB20M250QC22DL	WP25M400480L	FL70BRM250QL
LB20M400Q	WP25M40050L	WPS40M175QL
WP20M250QL	WP25M400Q	EB21M250QY
WH25M400QL	EB21M250QRD16L	EB21M400QYCS
WH15M175QL	WP25M400QLW	EB21M400QYCSO
WPC25M250QL	WPA25M400QL	EB21M400QYO
WPC25M400QL	WPC20M400QL	FL45M175QLY
WPC15M175QL	WPC25M400Q	FL65M400QLSYY
VN41M175QL	WPC25M400QLW	FL70M400QLSFX
WPS30M175QL	WPE25M400QL	FL70FM250QLEM6
FL65M175QL	WPS40M400480	HB11M400QY
FL46M175QL	WPS40M400QL	VN41M175QLY
WP25M250QL	AD20CM175QL	WP15M175QLY
AD405M250QL	EB21M250QWGLU	WP20M250QLY
EB21M250QC22L	AD20FM175QL	WP25M400QLY
FL70M400QLEM6W	AL73M175QL	WPC15M175QLY
FL70M400QLSFX	AL74M175QLEM6	FL70M250QBR
FL70M400QLW	FL45M175QYL	FL70M400QLSF
FL70M400QSFX	FL505M175QL	FL46M175MQL
FL70SFM400Q	FL50FM175QL	FL70M250QL
FL70SFM400QL	FL50M175QL	VN41M175QL
FL70SFM400QLW	WP15M175QMGL	FL65M400480LSY
FL70WM400QL	EB21M250QYR16L	FL70M250QLEM10
FL70WM400QLEM6	FL50M175QLEM6	AL70CM250QLSF
FL70WM400QLEM6R	FL50M175QLSF	FL70M250QLEM18
EB21M250QLWGCSU	FL61M17550L	FL70M250QLEM6
FL70WM400QLSF	FL61M175QL	FL70M250QLEM6BL
HB11M400480	FL61M175QLSF	FL70M250QLSF
HB11M400480L	FL61SFM175QL	FL70M250QLSFW
HB11M400480R16L	FL62M175QL	FL70SFM250QL
HB11M40050L	FL62M175QLSF	FL70WM250QLEM6
HB11M40050R16L	FL65M175480LSF	HB11M250QC16DL
HB11M400Q0R16L	FL65M17550LSY	HB11M250QC16L
HB11M400QC16DL	EB21M250QYR22L	HB11M250QC22DL
HB11M400QC16L	FL65M175QLLY	AL73M250QL
HB11M400QC16OL	FL65M175QLSY	HB11M250QC22L
EB21M250QR16L	FL705M175QLEM10	HB11M250QOR16L
HB11M400QC22L	FL705M175QLEM6	HB11M250QR16DL
HB11M400QC22OL	FL70BRM175QL	HB11M250QR16L
HB11M400QO	FL70FM175QLEM6	LB20M250QR16DL
HB11M400QOC22L	FL70FM175QLSF	LB20M250QR22DL
HB11M400QOR16L	FL70M175QL	WP20M250Q

HB11M400QR16L	FL70M175QLBR	WP20M250QLW
HB11M400QR22DL	FL65M250QLSF	AL73M250QLSF
HB11M400QR22GL	FL70M175QLEM6	WP25M250480L
HB11M400QR22L	FL70M175QLSF	WPC20M250QL
EB21M250QC16L	FL70WM175QLEM6	WPC20M250QLB
FL65M40050LSY	HB11M175QC16DLC	WPC20M250QLWH
FL65M400QLLY	HB11M175QC22MGL	WPS40M250QL
FL65M400QLSF	HB11M175QLC16	AL73M400QLBR
FL65M400QLSY	HB11M175QMGL	AL73M400QLEM6
FL705M400QL	HB11M175QMGR16L	AL73M400QLSF
FL705M400QLEM6	HB11M175QR22DL	EB21M400QC16DL
FL705M400QLSFW	KH20M175QL	AL74M250QLEM6
FL70FBRM400QL	AD40CM250QL	EB21M400QC16L
FL70M400480LBR	LB20M175QR16DL	EB21M400QC22DL
EB21M250QC22DL	LB20M175QR16GL	EB21M400QC22L
FL70M40050BR	LB20M175QR22DL	EB21M400QLWG
FL70M40050L	PF10M175QMDL	EB21M400QLWGCSU
FL70M400Q	PF10M175QMGL	EB21M400QLYWG
FL70M400QBRYL	PF50M175QMGL	EB21M400QOC22L
FL70M400QLBR	VN41M175QLW	EB21M400QOLWG1U
FL70M400QLBRB	VN41M175QYL	EB21M400QR16
FL70M400QLEM10	FL705M250QL	EB21M400QR16GL
FL70M400QLEM18	WCDM175QLW	EB21M250QC16DL
FL70M400QLEM6	WCSM175QLZ	EB21M400QR16L
EB21M400QR22DL	WP15M175480L	EB21M400QR16OL
EB21M400QR22GL	WP15M17550L	WP15M175QY
EB21M400QR22L	WP15M175QLB	WP15M175QZ
EB21M400QR22OL	WP15M175QLW	WP20M175QLB
EB21M400QYCS	FL705M400QL	FL65M400480LSF
EB31M400QR16L		

FINDINGS

Accordingly, DOE finds that units of these QSSI Basic Models manufactured on or after January 1, 2009, do not comply with the applicable federal energy conservation standard, which requires that magnetic probe-start ballasts in metal halide lamp fixtures have a minimum ballast efficiency of 94%.

MANDATORY ACTIONS BY QSSI

In light of the above findings, QSSI 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 the QSSI Basic Models manufactured on or after January 1, 2009;
- (2) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom QSSI has distributed units of any of the QSSI Basic Models; and
- (3) Provide to DOE within 15² calendar days of the date of this Notice a copy of the written notification required by paragraph (2) and a list of the parties QSSI notified.

QSSI has provided to DOE some information regarding the distribution in commerce in the United States of the QSSI Basic Models and currently is not required to provide records, reports and other documentation pertaining to the acquisition, ordering, storage, shipment, or sale of the QSSI Basic Models. In the future, however, DOE may require additional information related to the acquisition, ordering, and sale of the QSSI Basic Models.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should QSSI fail to take the required step described above, this letter serves as notice that DOE may seek civil penalties as authorized under 10 C.F.R. § 429.114(c). 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.

QSSI may modify the QSSI Basic Models in such manner as to make them comply with the applicable standard. Such a modified basic model shall then be treated as a new basic model and must be certified in accordance with the provisions of 10 C.F.R. Part 429, except that in addition to satisfying all requirements of this part, any models within the basic model must be assigned new model numbers and the manufacturer shall also maintain, and provide upon request to DOE, records that demonstrate that modifications have been made to all units of the new basic model(s) prior to distribution in commerce in the United States.

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

² Due to the large number of noncompliant basic models, if QSSI believes that it will require additional time to fulfill this requirement, QSSI must immediately contact Christina Studt of my staff at christina.studt@hq.doe.gov to request an extension of time.