

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

In the Matter of:)
)
Simkar Corporation) Case Number: 2012-SE-5408
 (metal halide lamp fixtures))
)

Issued: December 5, 2012

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).

Simkar Corporation (“Simkar”) notified the U.S. Department of Energy (“DOE”) that Simkar had manufactured¹ and distributed in commerce the following metal halide lamp fixtures (“the Simkar Basic Models”), each of which has a ballast efficiency of less than 94% (if magnetic probe-start) or 88% (if pulse-start):

Start Type: Magnetic Probe

Basic Model Number	Ballast Efficiency
CFM0425-M	84%
CFM0440-M	88%
FBD4440-M	88%
FBD4440-M5	87%
FCM8440-M	88%
FFM8425-M	86%
FFS8417-M	83%
GVV3417-M	83%
JM0417M	83%
JM0440M	88%
WFM0417-M	83%
WSL0425-M	84%
WSL0440-M5	87%
WSM9417-M	83%
YP0425M	84%
YP02405	88%
YP0240MQ	88%

¹ “Manufacture” means to manufacture, produce, assemble or import. 42 U.S.C. § 6291(16).

YP0440M	88%
FBD4425-1P	84%
FBM8425-2P	84%
FBM8440-2P	88%
FBM8440-5	89%
FBM8440-MBK	88%
FBM8440-MGR	88%
FFM8440-1P	88%
FPM8417-M	83%
FPM8425-MWT	86%
GVV3417-MWT	83%
JM0240M	88%
JM0440MQ	88%
JM24401	88%
JM24403-S1-8FT	88%
WPL0417-1	83%
WPL0417-TBK	83%
WSL0417-M	83%
WSM0417-1BWT	83%
WSM0417-4B	83%
WSM0417-M5	84%
YP12405	88%
YP0425MQ	84%

Start Type: Pulse

Basic Model Number	Part Number	Ballast Efficiency
FCM8820-M-BK	83-10320	86%
FFM8825-1P	80-11185	86%
JM0820M	88-02119	86%
JM0820MW	88-03249	86%
JM0920M	88-02137	86%
JM28201	88-02216	86%
JM28204	88-03247	86%
JM08325-GQ	88-04520	87%
JM28325	88-02229	87%
WPL0820-1	86-00362	86%
WSL0820-1B	86-00534	86%
JM0820MQ	88-02121	86%
WPL0820-1BK	86-00472	86%
WPL0820-4	86-00704	86%
WSL0820-M	86-00106	86%
WSL0825-1B	86-00356	86%

FINDINGS

Accordingly, DOE finds that these Simkar 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% and that pulse-start ballasts in metal halide lamp fixtures have a minimum ballast efficiency of 88%.

MANDATORY ACTIONS BY SIMKAR

In light of the above findings, Simkar 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 Simkar 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 Simkar has distributed units of any of the Simkar Basic Models; and
- (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 Simkar notified.

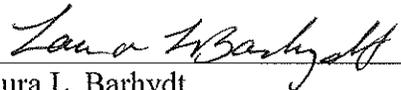
Simkar has provided to DOE information regarding the distribution in commerce in the U.S. of the Simkar Basic Models. Because Simkar has already provided information related to the acquisition, ordering, and sale of the Simkar Basic Models, Simkar need not take further steps to provide additional information on this subject.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Simkar 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.

Simkar may modify the Simkar 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.



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Enforcement