

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

In the Matter of:

X-S Merchandise Inc.
(general service lamps)

Case Number: 2023-SE-57002

Issued: October 1, 2024

**THIRD NOTICE OF NONCOMPLIANCE
DETERMINATION**

General service lamps are covered products subject to federal energy conservation standards. *See* 42 U.S.C. § 6295(a)(1), 6295(i)(6), 10 C.F.R. § 430.32(dd). Effective July 25, 2022, the sale in the United States of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt (“lm/W”) is prohibited. 10 C.F.R. § 430.32(dd).

FINDINGS

On November 30, 2023, the U.S. Department of Energy (“DOE”) issued a Notice of Noncompliance Determination (“First NND”) to X-S Merchandise Inc. (“X-S”), in which DOE notified X-S that various general service lamp models sold in the United States by X-S do not meet the minimum efficacy standard. On April 22, 2024, X-S notified DOE that general service lamp models 64594, 46160, and 94401 are equivalent to models identified in the First NND, and that units of those models remained under X-S’s control and provided quantities. Accordingly, on April 26, 2024, DOE issued to X-S a Second NND finding that those models do not meet the minimum efficacy standard. In July and September 2024, X-S informed DOE that it had sold in the United States additional general service lamp models that do not meet the minimum efficacy standard and provided quantities. Accordingly, DOE has determined that the basic models containing the following individual models sold by X-S in the United States do not meet the applicable federal energy conservation standard of at least 45 lm/W:

10429	32014	42718	48695	64520	69168	76232	96647
11658	32022	42726	48699	64526	69780	76236	97763
11676	32041	42738	48701	64528	70334	76238	97785
11684	32043	42743	48702	64539	70335	76240	98764
12979	32044	42819	48707	66106	70336	76241	98842
12980	32766	42832	48713	66107	70337	81440	98844
12993	33139	42867	48714	66108	70429	81441	99420
14016	34648	42909	48917	66246	70504	81449	99461
14349	35771	42954	60076	66248	70802	81462	99470
16068	35774	42956	60206	66249	71395	81463	93107310

16703	35804	42960	60271	66279	71396	81662	93110044
17730	35809	42966	60276	66280	71675	81768	93120360
18011	35889	42971	62418	66281	72546	82142	93128829
20101	36023	44191	62452	66282	72549	82143	93129066
20330	36028	44536	62453	67392	72768	84290	93129067
20332	36030	44540	62460	67483	72777	85296	93129068
22157	39503	44723	62607	67485	72780	87768	93129071
22813	40639	44742	62616	67486	72802	87904	93129072
22883	40673	45145	62617	67533	73025	87949	93129252
22896	40681	45514	62703	67565	73026	89371	93129260
23091	40698	46079	62704	67773	73865	89656	46814
24872	40707	46162	62705	67774	74036	90177	70287
26804	40714	46888	62706	68498	74037	91182	70521
26805	40720	47576	63002	68528	75198	91190	89657
26806	40726	47577	63003	69136	75201	94403	30851
28824	40730	47629	63004	69164	75209	94404	70287
28871	40732	47683	63006	69165	75224	94417	76237
30539	40839	48341	63009	69166	75242	94834	24782
30773	40874	48342	63202	69167	75341	95918	
31109	40891	48694	63203		75793	95919	
31110			63204		76229	95920	
32008			63205		76230		
32013			63206				

NOTICE

Sale in the United States of a general service lamp that does not meet the applicable energy conservation standard is a violation subject to civil penalty, regardless of the issuance of this Notice. X-S informed DOE it has ceased selling in the United States or otherwise distributing in commerce all units of these basic models and any other basic models that do not comply with the minimum efficacy standard.

CONSEQUENCES FOR CONTINUING TO DISTRIBUTE THE BASIC MODELS

If X-S continues distributing any units of the above-listed basic models or any other basic models that do not comply with the applicable energy conservation standard, DOE may seek a judicial order to restrain further sale and may assess a higher civil penalty for units sold after the date of this Notice.

The sale in the United States 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 sold in violation of federal law.

Christina Studt
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