

U.S. Department of Energy

1000 Independence Ave, SW
Washington, DC 20585

In the Matter of:

**Fuzhou Sunlight Lighting Electrical
Appliance Co., Ltd.**

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Case Number: 2010-SE-1402

NOTICE OF NONCOMPLIANCE DETERMINATION

CERTIFICATION

Manufacturers of certain covered products are required to certify compliance with the applicable energy conservation standards through submission of a compliance statement and a certification report. 10 CFR § 430.62. *See* 42 U.S.C. 6296. On June 4, 2010, Westinghouse provided to DOE copies of NVLAP test reports for a variety of models of incandescent reflector lamps. Westinghouse also provided a spreadsheet summarizing the information from the test reports. In relevant part, the spreadsheet (and test reports) details the following information:

Westinghouse Product Code	Lamp Description	Lamp Efficacy in Lumens	Wattage	Basic Model	Fuzhou Sunlight Report Number
0521000	50PAR30/H/LN/F/FL	10.36	50	50PAR30_F	950246
0521100	75PAR30/H/LN/F/FL	12.21	75	75PAR30_F	931041
0521300	45PAR38/H/F/FL	9.68	45	45PAR38/F	No report
0352600	75PAR38/H/F/FL	12.30	75	75PAR38/F	950412
0351700	90PAR38/H/F/FL/130	12.57	90	90PAR38/F_130	970087
0521400	90PAR38/H/F/FL	12.82	90	90PAR38/F	970720
0528400	90PAR38/H/FL/2	11.62	90	90PAR38	940036
0548400	90PAR38/H/FL	11.62	90	90PAR38	940036
0548600	90PAR38/H/VWFL	11.62	90	90PAR38	940036
0548700	90PAR38/H/SP	11.62	90	90PAR38	940036
3691700	90PAR38/H/FL/130	13.87	90	90PAR38_130	940019
3698900	90PAR38/H/SP/130	13.87	90	90PAR38_130	940019

Westinghouse identified Fuzhou Sunlight Lighting Electrical Appliance Co., Ltd. (Fuzhou Sunlight) as the manufacturer of these incandescent reflector lamps. Incandescent reflector lamps manufactured after November 1, 1995, must meet the minimum average lamp efficacy shown below:

Nominal lamp wattage	Minimum average lamp efficacy (lm/W)
45-50	10.5
67-85	12.5
86-115	14.0

FINDINGS

Based on the testing results described above, DOE has determined that the basic models covered by Fuzhou Sunlight test report numbers 950246, 931041, 950412, 970087, 970720, 940036, 940019 do not meet the applicable DOE energy conservation standards.

MANDATORY ACTIONS BY FUZHOU SUNLIGHT

In light of the above findings, Fuzhou Sunlight must take the following steps in accordance with 10 CFR § 430.71:

- (1) Immediately cease distribution in commerce in the United States of all units of the products identified above; and
- (2) Provide immediate written notification of this noncompliance determination to all persons to whom Fuzhou Sunlight has distributed units of these products in the United States; and
- (3) Provide within 30 calendar days of the date of this letter any and all records, reports, and other documentation pertaining to the acquisition, ordering, storage, shipment, or sale of these products to parties in the United States.

OPTIONAL ACTIONS BY FUZHOU SUNLIGHT

In addition to the mandatory steps listed above that Fuzhou Sunlight must complete, Fuzhou Sunlight may avail itself of other options with respect to the models that DOE has determined to be in noncompliance. Specifically, Fuzhou Sunlight may request additional testing or make immediate changes to its products to bring them into compliance with the applicable standard.

(1) Additional Testing

Fuzhou Sunlight may request that DOE conduct additional testing of each model found to be noncompliant.

All units must be tested in accordance with 10 CFR § 430.70(a)(1)-(5), and Fuzhou Sunlight shall bear the costs of all testing that is conducted.

Until DOE determines that a tested model complies with the applicable standard, that model may not be sold or otherwise distributed by Fuzhou Sunlight.

If, after this testing, DOE determines that a model complies with the applicable standard, DOE shall issue a notice of allowance to permit Fuzhou Sunlight to resume the distribution of the affected models.

(2) Modifications to Current Models

Fuzhou Sunlight may also elect to modify the basic models that have been determined to be noncompliant to bring them into compliance with the applicable standard.

Should Fuzhou Sunlight opt to do so, the 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 CFR Part 430.

Fuzhou Sunlight shall also maintain records that demonstrate that the modifications have been made to all units of the new basic model prior to distribution in commerce.

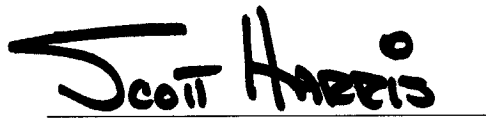
Records addressing these new basic models shall be maintained for a period of time that is consistent with DOE's regulations for product certification -- i.e., for a period of two years from the date that production has ceased. *See* 10 CFR § 430.62(d).

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Fuzhou Sunlight fail to immediately cease the distribution of the above models, this letter serves as notice that DOE will seek a judicial order within 15 calendar days to restrain further distribution of these models. If, however, Fuzhou Sunlight provides DOE with a satisfactory statement within that 15-day period detailing the steps that Fuzhou Sunlight will take to ensure that all noncompliant models will no longer be distributed in commerce, DOE may elect to defer seeking such an order until a more appropriate time, if needed.

The distribution of any noncompliant models, 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 distributed in violation of Federal law.

Dated: 6/16/10



Scott Blake Harris
General Counsel