

PTIDS also has fail-safe mechanisms and uses algorithms to prevent false alarms, which plague many other platform intrusion detection systems on the market. In addition, LACMTA states that some components of this system are custom-designed. For instance, the PTIDS uses a radio-wave based sensor sub-system, a signal processing sub-system, a video sub-system, and a communications sub-system that provides alerts to operators. All of these sub-systems work together and are connected to one another by custom cables that are designed for the particular rail system and equipment. Honeywell currently manufactures the safety system equipment in Germany. LACMTA states that some PTIDS components currently are not available in the United States and no U.S. manufacturers make acceptable substitutes. Therefore, LACMTA requested a Buy America non-availability waiver for certain PTIDS components that are manufactured abroad. 49 CFR 661.7.

According to LACMTA's request, six of the 12 components that comprise the PTIDS are foreign-made and require a non-availability waiver under 49 CFR 661.7. Those components requiring a waiver are: The AXIS fixed outdoor dome camera manufactured in Sweden; the AXIS wall mount for dome cameras manufactured in Sweden; the Honeywell Module Radar Sensor Modules Pair manufactured in Germany; the Honeywell GPC/CCU controller units manufactured in Germany; the Honeywell GPC Cabinet for equipment manufactured in Germany and; the Honeywell Custom Cables for interconnection manufactured in Germany.

FTA also conducted a scouting search through its Interagency Agreement with the U.S. Department of Commerce's National Institute of Standards and Technology (NIST). The scouting search identified three domestic manufacturers as potential matches for this opportunity: Extreme Endeavors in West Virginia, Innovative Solutions Through Technology in Kentucky, and BFW, Inc. in Kentucky. The manufacturers identified either produce similar products to the PTIDS sought, possess the capabilities to produce this PTIDS, have produced an item similar to the PTIDS in the past, or have expressed a business interest in producing the PTIDS. However, none of these U.S. manufacturers identified currently produce the exact PTIDS that LACMTA is seeking, as described in this Notice.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be

appropriated to carry out its program for a project unless "the steel, iron, and manufactured goods used in the project are produced in the United States." 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product take place in the United States; and (2) all of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). If, however, FTA determines that "the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality," then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

LACMTA requested a Buy America non-availability waiver in order to conduct research on and test the PTIDS for future use. LACMTA also notes that Honeywell may consider domestic manufacturing of certain elements of the PTIDS if this research and testing is successful and if there is adequate industry demand.

On Tuesday, September 29, 2015, and in accordance with 49 U.S.C. 5323(j)(3)(A), FTA published a notice in the **Federal Register** announcing the LACMTA Buy America waiver request (80 FR 58530), seeking comment from all interested parties, including potential vendors and suppliers. The comment period closed on October 13, 2015, and no comments were received. Based on the representations from LACMTA, the lack of any comments, and the fact that the NIST supplier scouting search did not identify a domestically made PTIDS, FTA is granting a non-availability waiver for the procurement of a PTIDS described above.

Issued on December 7, 2015.

**Dana Nifosi,**  
*Deputy Chief Counsel.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA-2015-0027]

#### Notice of Buy America Waiver for Voith Propulsion Unit

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of Buy America waiver.

**SUMMARY:** The Federal Transit Administration (FTA) received a request from the Virginia Department of Transportation (VDOT) for a Buy America waiver for Voith Turbo Schneider Propeller GmbH (Voith) 21/R5 propulsion units based on non-availability. Voith, located in Germany, is the sole manufacturer of the required propulsion units. VDOT is procuring the propulsion units as part of an engine and drive system replacement for the Ferry Boat Pocahontas, which is operated by VDOT. There are no domestic manufacturers of equivalent propulsion units. In accordance with 49 U.S.C. 5323(j)(3)(A), FTA published a notice of the waiver request and sought public comment in deciding whether to grant the request. Having received no comments opposing the waiver, FTA is hereby granting a non-availability waiver for this one procurement of the specific Voith Turbo Schneider Propeller GmbH identified in this waiver request, and not to any future procurement by VDOT or others.

**DATES:** This waiver is effective immediately.

**FOR FURTHER INFORMATION CONTACT:**

Laura Ames, FTA Attorney-Advisor, at (202) 366-2743 or [laura.ames@dot.gov](mailto:laura.ames@dot.gov).

**SUPPLEMENTARY INFORMATION:** The

purpose of this Notice is to announce that FTA is granting a non-availability waiver to VDOT for the purchase of two (2) Voith 21/R5 propulsion units based on non-availability. On August 12, 2015, VDOT requested a Buy America waiver for the procurement of the propulsion units. VDOT's request identified Voith, located in Germany, as the sole manufacturer of the required propulsion units. No known domestic equivalents exist. VDOT is procuring the propulsion units as part of an engine and drive system replacement for the Ferry Boat Pocahontas, which is operated by VDOT on the Jamestown-Scotland ferry route crossing the James River in Virginia.

The original propulsion units have reached the end of their useful life. Although the new ferry engines will be manufactured domestically by Caterpillar, Inc., the vessel has a specific propulsion design utilizing a vertical axis cycloidal propeller. The Pocahontas was designed around the vertical propeller configuration. The entirety of the vessel's hull, the engine housing, the dimensions of the vessel, and the ballast locations, are all configured to work with a vertical propulsion unit, which ensures proper piloting and vessel stability. As part of the procurement planning, VDOT contracted with Alion Science and Technology Corp. (Alion) to develop the design of the entire

engine replacement. Alion concluded that the Voith propulsion units were paired appropriately (in terms of performance and cost) with the engines manufactured domestically by Caterpillar.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless "the steel, iron, and manufactured goods used in the project are produced in the United States." 49 U.S.C. 5323(j)(1). If, however, FTA determines that "the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality," then FTA may issue a non-availability waiver. 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

FTA also conducted a scouting search through its Interagency Agreement with the U.S. Department of Commerce's National Institute of Standards and Technology (NIST). The scouting search identified one domestic manufacturer as a potential match for this opportunity, Astro Manufacturing and Design in Ohio. This manufacturer produces a similar item to the Vertical Axis Cycloidal Propeller and possesses the capabilities to produce the propeller. However, the U.S. manufacturer identified does not currently produce the exact propeller that VDOT is seeking, as described in this Notice.

On Tuesday, September 29, 2015, and in accordance with 49 U.S.C. 5323(j)(3)(A), FTA published a notice in the **Federal Register** announcing the VDOT Buy America waiver request (80 FR 58530), seeking comment from all interested parties, including potential vendors and suppliers. The comment period closed on Thursday, October 29, 2015 and no comments were received. Based on the representations from VDOT, the lack of any comments, and the fact that the NIST supplier scouting search did not identify any domestically made propulsion units utilizing a vertical axis cycloidal propeller, FTA is granting a non-availability waiver for the procurement of Voith Turbo Schneider Propeller GmbH (Voith) 21/ R5 propulsion units described above.

Issued on: December 7, 2015.

**Dana Nifosi,**

*Deputy Chief Counsel.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2015-0107; Notice 1]

#### Notice of Receipt of Petition for Decision That Nonconforming Model Year 2012 Fisker Karma Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Receipt of petition.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that model year (MY) 2012 Fisker Karma passenger cars (PC) that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2012 Fisker Karma PC) and they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is January 11, 2016.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001
- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- **Fax:** 202-493-2251.

**Instructions:** Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change

to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

**How To Read Comments submitted to the Docket:** You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at <http://www.regulations.gov>. Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

**FOR FURTHER INFORMATION CONTACT:** George Stevens, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then