

Counsel, Room 9316, (202) 366-1936 (telephone) or (202) 366-3809 (fax).

SUPPLEMENTARY INFORMATION: The above referenced waiver is as follows:

May 15, 2002

Mr. Patrick Lock, Transit OEM Account Manager, Webasto Theromsystems Inc., 3333 John Conley Dr., Lapeer, Michigan 48446.

Mr. Scott Winton, Sales & Marketing Manager, Thermal Division, Teleflex Thermal Technology, 3831 No. 6 Road, Richmond, BC, Canada V6V 1P6.

Mr. John Dennehy, Vice President of Marketing and Communications, Espar Products, Inc., 6435 Kestrel Road, Mississauga, Ontario, Canada L5T128.

Dear Messrs. Lock, Winton, and Dennehy: This is in response to Mr. Lock's letters of March 5, 2002, and April 1, 2002, in which he requested a Buy America component waiver. The request is based on the domestic non-availability of auxiliary heaters used in bus heating systems. For the reasons below, I have determined that a waiver is appropriate here.

We received a similar request from Teleflex on July 28, 2001, which was ultimately denied. The reason for that denial was discussed in our September 28, 2001, letter. We considered the fact that the auxiliary heaters comprised a small percentage of the overall material content of the vehicle and FTA's unwillingness to create a competitive advantage where there might be more than [sic] one foreign manufacturer. In that case, no further information was provided concerning the market or other manufacturers, and therefore, we were not presented with enough information on which to base a waiver.

However, the request by Webasto contained the information needed to grant this waiver; specifically, we were given information about all known auxiliary heater manufacturers. We then verified this information with many vehicle manufacturers and were told that the three companies listed here were, in fact, the only known manufacturers of such auxiliary heaters and that all three companies supply foreign products. We are now confident that no domestic manufacturer of this product currently exists.

The Federal Transit Administration's (FTA) requirements concerning domestic preference for federally funded transit

projects are set forth in 49 U.S.C. 5323(j). Section 5323(j)(2)(C) contains the general requirements for the procurement of rolling stock. This section provides that when rolling stock is procured with FTA funds, the cost of the components and subcomponents produced in the United States must be at least 60 percent of the cost of the components of the rolling stock, and the vehicle must undergo final assembly in the U.S. See also, 49 CFR 661.11. Section 5323(j)(2)(B) states that those requirements shall not apply if the item is not produced in sufficient and reasonably available amounts in the U.S. See also, 49 CFR 661.7(c). The implementing regulation allows a bidder or supplier to request a non-availability waiver for a component or subcomponent of rolling stock. 49 CFR 661.7(f) and 661.9(d).

Based on the above-referenced information, I have determined that the grounds for a "non-availability" waiver do exist for Webasto, Teleflex, and Espar. Therefore, pursuant to the provisions of 49 U.S.C. 5323(j)(2)(B), the waiver is hereby granted for all contracts for auxiliary heaters entered into within two years of the date of this letter, or until such time as a domestic source for this type of product becomes available, whichever occurs first. In order to ensure that the public is aware of this waiver, particularly potential manufacturers, it will be published in the **Federal Register**.

If you have any questions, please contact Meghan G. Ludtke at (202) 366-1936.

Very truly yours,

Gregory B. McBride,
Deputy Chief Counsel.

Dated: Issued July 16, 2002.

Jennifer L. Dorn,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Delays in Processing of Exemption Applications

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), RSPA is publishing the following list of exemption applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: J. Suzanne Hedgepeth, Director, Office of Hazardous Materials, Exemptions and Approvals, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001, (202) 366-4535.

Key to "Reasons for Delay"

1. Awaiting additional information from applicant
2. Extensive public comment under review
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of exemption applications

Meaning of Application Number Suffixes

N—New application

M—Modification request

PM—Party to application with modification request

Issued in Washington, DC, on July 16, 2002.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Applicant	Reason for delay	Estimated date of completion
New Exemption Applications			
11862-N	The BOC, Group Murray Hill, NJ	4	8/30/2002
11927-N	Alaska Marine Lines, Inc., Seattle, WA	4	8/30/2002
12381-N	Ideal Chemical & Supply Co., Memphis, TN	4	8/30/2002
12412-N	Great Western Chemical Company, Portland, OR	4	8/30/2002
12440-N	Luxfer Inc., Riverside, CA	4	8/30/2002
12571-N	Air Products & Chemicals, Inc., Allentown, PA	4	8/30/2002
12630-N	Chemetall GmbH Gesellschaft Langelsheim, DE	4	8/30/2002
12648-N	Stress Engineering Services, Inc., Houston, TX	4	9/30/2002
12676-N	Hawks Logistics, Edmond, OK	4	9/30/2002
12701-N	Fuel Cell Components & Integrators, Inc., Hauppauge, NY	1	8/30/2002
12706-N	Raufoss Composites AS, Raufoss, NO	4	8/30/2002

Application No.	Applicant	Reason for delay	Estimated date of completion
12715-N	Arkansas Eastman Division, Eastman Chemical Co., Batesville, AR	4	8/30/2002
12718-N	Weldship Corporation, Bethlehem, PA	4	8/30/2002
12751-N	Defense Technology Corporation, Casper, WY	4	7/31/2002
12753-N	Praxair, Inc., Danbury, CT	4	7/31/2002
12820-N	Trinity Manufacturing, Hamlet, NC	4	7/31/2002
12843-N	United States Enrichment Corporation, Bethesda, MD	4	8/30/2002
12845-N	Qantas Airways Limited, Los Angeles, CA	4	8/30/2002
12859-N	Atlantic Research Corporation, Gainesville, VA	4	8/30/2002
12867-N	G.L.I. Citergaz, 964 Civray, FR	4	8/30/2002
12872-N	Southern California Edison, San Clemente, CA	4	7/31/2002
12874-N	Zomeworks Corporation, Albuquerque, NM	4	7/31/2002
12876-N	Asai Glass Fluoropolymers USA, Inc., Bayonne, NJ	4	7/31/2002
12900-N	Syngenta Crop Protection, Inc., Greensboro, NC	4	8/30/2002
12902-N	C&S Railroad Corp., Jim Thorpe, PA	4	9/30/2002
12904-N	Chemex Corp., San Juan, PR	4	9/30/2002
12924-N	Infineum USA LP, Linden, NJ	4	8/30/2002

Modifications to Exemptions

4884-M	Matheson Tri-Gas, East Rutherford, NJ	4	7/31/2002
7060-M	Federal Express, Memphis, TN	4	7/31/2002
7277-M	Structural Composites Industries, Pomona, CA	4	7/31/2002
8162-M	Structural Composites Industries, Pomona, CA	4	7/31/2002
8308-M	Tradewind Enterprises, Inc., Hillsboro, OR	4	7/31/2002
8308-M	American Courier Express Corporation, Miramar, FL	4	7/31/2002
8554-M	Orica USA Inc. Englewood, CO	4	7/31/2002
8718-M	Structural Composites Industries, Pomona, CA	4	7/31/2002
10019-M	Structural Composites Industries, Pomona, CA	4	7/31/2002
10440-M	MASS Systems (A Unit of Ameron Global, Inc.), Baldwin Park, CA	4	7/31/2002
11327-M	Phoenix Services, Inc., Pasadena, MD	1	8/30/2002
11379-M	TRW Automotive, Occupant Safety Systems, Washington, MI	4	7/31/2002
11380-M	Baker Atlas (Houston Technology Center), Houston, TX	4	7/31/2002
11537-M	JCI Jones Chemicals, Inc., Milford, VA	4	7/31/2002
11769-M	Great Western Chemical Company, Portland, OR	4	8/30/2002
11769-M	Great Western Chemical Company, Portland, OR	4	8/30/2002
11769-M	Hydrite Chemical Company, Brookfield, WI	4	8/30/2002
11791-M	The Coleman Company, Inc., Wichita, KS	4	7/31/2002
11850-M	Air Transport Association, Washington, DC	4	8/30/2002
11911-M	Transfer Flow, Inc., Chico, CA	4	8/30/2002
11911-M	Transfer Flow, Inc., Chico, CA	4	8/30/2002
12065-M	Petrolab Company, Latham, NY	4	7/31/2002
12449-M	Chlorine Service Company, Inc., Kingwood, TX	4	7/31/2002
12599-M	Voltaix, Inc., North Branch, NJ	4	7/31/2002

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