of 300 DPI; print speed of 6 ppm; compatible with Windows; must be able to print 4” thermal roll paper and and 8.5” sheet feed thermal paper; product weight of 1.1 lbs; USB 2.0 connectivity; and Bluetooth capability.

NHTSA conducted a market analysis that did not locate any comparable American manufactured e-citation printers that are compatible with North Carolina’s state-wide e-citation program. NHTSA was able to identify the FieldPro Series, a direct thermal mobile printer manufactured in the United States by Printek, Inc. However, it does not appear that the FieldPro Series meets the specifications required by North Carolina. The FieldPro Series printer is unable to print 8.5” sheet feed thermal paper and it prints at 2.6 ips and at a resolution of 203 dpi. Since the FieldPro Series printer does not meet the specifications required by NCGHSP, NHTSA has determined that there are no comparable products manufactured domestically. Therefore, a Buy America waiver is appropriate since Printek’s FieldPro Series does not meet the specification required by NCGHSP for its e-citation program. NHTSA invites public comment on this conclusion.

Lastly, NCGHSP seeks a waiver to purchase HP printer cartridges and imaging drums for existing HP printers. The State intends to use the printer cartridges and imaging drums in the Injury Prevention section of its Buckle Up Kids/Safe Kids NC program. The requested equipment will be used to print outreach and educational materials for the program. NCGHSP states that only HP cartridges and imaging drums should be used in the program’s HP printers because equipment produced by other manufacturers may cause degradation or quality issues when used in place of HP products. It is unable to identify any printer cartridges and imaging drums for existing HP printers that meet the Buy America requirements. The State noted that HP is a large, multinational corporation with facilities, including manufacturing facilities, worldwide. NCGHSP is unable to identify the location of the facilities that produce the replacement HP printer cartridges and imaging drums. NHTSA conducted similar assessments and cannot confirm that HP printer cartridges and imaging drums are produced domestically and is not aware of any comparable printer cartridges and imaging drums produced in the United States. Therefore, the Buy America waiver is appropriate. NHTSA invites public comment on this conclusion.

In light of the above discussion, and pursuant to 23 U.S.C. 313(b)(2), NHTSA finds that it is appropriate to grant waivers from the Buy America requirements to NCGHSP in order for it to use Federal highway safety grant funds to purchase e-citation printers and HP printer cartridges and imaging drums. These waivers apply to North Carolina and all other States seeking to use section 405(c) funds to purchase e-citation printers meeting the specifications described above and section 402 funds for HP printer cartridges and imaging drums for the purposes mentioned herein. These waivers will continue through fiscal year 2015 and will allow the purchase of these items as required for North Carolina’s Governor’s Highway Safety Program. Accordingly, these waivers will expire at the conclusion of fiscal year 2015 (September 30, 2015). In accordance with the provisions of Section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), NHTSA is providing this notice as its finding that a waiver of the Buy America requirement is appropriate.

NHTSA also determines that it is inappropriate to grant a waiver from the Buy America requirement for NCGHSP to use Federal highway safety grant funds to purchase various models of car seats in its Child Passenger Safety Program.

Written comments on these findings may be submitted through any of the methods discussed above. NHTSA may reconsider these findings, if through comment, it learns of additional relevant information regarding its decisions related to NCGHSP’s waiver requests.

These findings should not be construed as an endorsement or approval of any products by NHTSA or the U.S. Department of Transportation. The United States Government does not endorse products or manufacturers.


O. Kevin Vincent,
Chief Counsel.

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DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration

[Notice of Buy America Waiver]

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of Buy America waiver.

SUMMARY: This notice provides NHTSA’s finding with respect to a request to waive the requirement of Buy America from the Traffic Safety Office (TSO) of the Ohio Department of Public Safety. NHTSA finds that a non-availability waiver of the Buy America requirement is appropriate for the purchase of printers using Federal highway traffic safety grant funds because there are no suitable products produced in the United States.

DATES: The effective date of this waiver is March 2, 2015. Written comments regarding this notice may be submitted to NHTSA and must be received on or before: March 11, 2015.

ADDRESSES: Written comments may be submitted using any one of the following methods:

• Mail: Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
• Fax: Written comments may be faxed to (202) 493–2251.
• Internet: To submit comments electronically, go to the Federal regulations Web site at http://www.regulations.gov. Follow the online instructions for submitting comments.

• Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Instructions: All comments submitted in relation to this waiver must include the agency name and docket number. Please note that all comments received will be posted without change to http://www.regulations.gov, including any personal information provided. You may also call the Docket at 202–366–9324.

FOR FURTHER INFORMATION CONTACT: For program issues, contact Barbara Sauer, Office of Regional Operations and Program Delivery, NHTSA (phone: 202–366–0144). For legal issues, contact Andrew DiMarsico, Office of Chief Counsel, NHTSA (phone: 202–366–5263). You may send mail to these officials at the National Highway Traffic
SUPPLEMENTARY INFORMATION: This notice provides NHTSA’s finding that a waiver of the Buy America requirement, 23 U.S.C. 313, is appropriate for Ohio’s TSO to purchase printers using grant funds authorized under 23 U.S.C. 405(c) (section 405) and its predecessor, 23 U.S.C. 408.1 Section 405(c) funds are available for use by State highway traffic safety programs to support the development and implementation of effective State programs that, among other things, improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of State traffic safety data. 23 U.S.C. 405(c)(1).

Buy America provides that NHTSA “shall not obligate any funds authorized to be appropriated to carry out the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or [Title 23] and administered by the Department of Transportation, unless steel, iron, and manufactured products used in such project are produced in the United States.” 23 U.S.C. 313. However, NHTSA may waive those requirements if “(1) their application would be inconsistent with the public interest; (2) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.” 23 U.S.C. 313(b). In this instance, NHTSA has determined that a non-availability waiver is appropriate for the printers that Ohio’s TSO seeks to purchase using Federal grant funds. Ohio’s waiver to purchase 250 Brother Pocket Jet 6 Plus printer vehicle kits at $468.90 per unit to be used in Ohio’s mobile ticketing e-citation system and software package as part of a pilot program.2 Ohio indicates that it has used the Brother printer in enforcement vehicles for several years and it has proven to be a durable mobile printing device for the type of environment they are used in and the applications used by law enforcement.

Ohio’s TSO is unable to identify any domestically manufactured mobile printers that meet the requirements specified for the mobile printers for use in its enforcement vehicles.3 NHTSA conducted similar assessments4 and was unable to locate domestic manufacturers of mobile printers with the specifications required by Ohio’s TSO. Since a mobile printer that meets the requirements identified by TSO for use by its police officers is unavailable from a domestic manufacturer, the Buy America waiver is appropriate. NHTSA invites public comment on this conclusion.

In light of the above discussion, and pursuant to 23 U.S.C. 313(b)(2), NHTSA finds that it is appropriate to grant a waiver of the Buy America requirement to TSO in order to purchase 250 Brother Pocket Jet 6 Plus printer vehicle kits. This waiver applies to Ohio and all other States seeking to use section 405(c) and eligible section 408 funds to purchase 250 Brother Pocket Jet 6 Plus printer vehicle kits for the purposes mentioned herein. This waiver will continue through fiscal year 2015 and will allow the purchase of these items as required for Ohio’s TSO. Accordingly, this waiver will expire at the conclusion of fiscal year 2015 (September 30, 2015). In accordance with the provisions of Section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), NHTSA is providing this notice as its finding that a waiver of the Buy America requirement is appropriate for the Brother Pocket Jet 6 Plus printer vehicle kits.

Written comments on this finding may be submitted through any of the methods discussed above. NHTSA may reconsider this finding, if through comment, it learns of additional relevant information regarding its decisions to grant and deny TSO’s waiver request. This finding should not be construed as an endorsement or approval of any products by NHTSA or the U.S. Department of Transportation. The United States Government does not endorse products or manufacturers. Authority: 23 U.S.C. 313; Pub. L. 110–161.

1 23 U.S.C. 408 was repealed by the Moving Ahead for Progress in the 21st Century (MAP–21) Act, Public Law 114–141 § 31109(d), 126 Stat. 756 (2012), and recodified at 23 U.S.C. 408(c).
2 As part of its initial request, TSO sought a waiver for vehicle printer mounts. However, TSO has withdrawn its waiver request for those items.
3 TSO requires mobile printers that are small (10.04” long x 2.17” width x 1.18” height), 300 x 300 DPI, Bluetooth enabled, direct thermal, uses full letter size page (8½” x 11”) and prints at 6 pages per minute.