



# Federal Aviation Administration

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## Memorandum

Date: **APR 23 2012**

To: Airport Division Managers

From: Frank SanMartin, Manager, Airports Financial Assistance Division, APP-500

Subject: **ACTION:** Waiver to Buy American Preference Requirements for Certain LED Airfield Lighting and Navigational Aid Equipment.

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The purpose of this memorandum is to notify you that the Federal Aviation Administration, Office of Airports Financial Assistance Division has waived Buy American Preference requirements found in 49 U.S.C. § 50101 for certain Light Emitting Diode (LED) airfield lighting and navigational aid equipment.

Under 49 U.S.C. § 50101(b)(2), the FAA may waive the Buy American Preferences if steel or manufactured goods are not produced in a sufficient or reasonable quantity in the United States. On December 13, 2011 the FAA issued a Federal Register Notice (76 FRN 67018) requesting manufacturers producing LED airfield lighting and navigational aid equipment to advise the FAA of the equipment they manufacture. Following a review of the responses, the FAA has determined that there is an insufficient quantity of LED airfield lighting and navigational aid equipment manufactured in the United States. In the past the FAA has concluded that when there are two or more manufacturers in a particular market sufficient quantity may exist and fair competition within the market can occur. Based on the information received following the publication of the Federal Register Notice, the FAA was not able to identify any manufacturers who can meet the Buy American requirements. As a result, the FAA is waiving the Buy American Preferences under 49 U.S.C. § 50101(b)(2) for the below manufacturers of airfield lighting and navigational aid equipment. This waiver is good until the FAA determines that a revaluation of the waiver status is necessary because of new entrants into the market.

<i>Type</i>	<i>Manufacturer(s)</i>
L-850-A(L)	Cooper Crouse-Hinds & Safegate Group ( <i>Pending FAA Certification</i> )
L-850-B(L)	Cooper Crouse-Hinds & Safegate Group ( <i>Pending FAA Certification</i> )
L-852-A(L)	Cooper Crouse-Hinds
L-852-B(L)	Cooper Crouse-Hinds
L-852-C(L)	Cooper Crouse-Hinds
L-852-D(L)	Cooper Crouse-Hinds
L-852-J(L)	Cooper Crouse-Hinds
L-852-K(L)	Cooper Crouse-Hinds & Safegate Group
L-880(L),881(L)	Metalite Aviation Lighting ( <i>Pending FAA Certification</i> )

While the above manufacturers are being issued a waiver under an insufficient quantity or quality, the FAA was able to identify one manufacturer producing certain LED airfield lighting equipment that contains at least 60 percent U.S. content and thus can meet a different waiver requirement under 49 U.S.C. § 50101(b)(3). Under this statutory provision the FAA is permitted to waive the Buy American requirements if a manufactured good is produced with at least 60 percent United States content and final assembly is conducted in the United States. The FAA has determined that certain equipment manufactured by ADB Airfield Solutions meets the waiver requirements of 49 U.S.C. § 50101(b)(3). As a result the FAA is waving the Buy American requirements for their following ADB Airfield Solutions' equipment: L-850-A(L), L-850-B(L), L-852-K(L), L-852-S(L), and L-849-A(L). This waiver is only applicable to the equipment manufactured at ADB Airfield Solutions' manufacturing facility in Columbus, Ohio.

This information will be reflected on the FAA Buy American Conformance List that is posted on the FAA Airports webpage. If you have any questions please contact Nancy Williams at (202)-267-8822 or Dan Favarulo at (202)-267-8826.