

Notice of Made in America Law Waiver Request

Action: Supplemental Notice, request for comments.

Web posting date: March 25, 2024

Close of public comment period: 15 days following the web posting date.

Summary: The Maritime Administration (MARAD) is seeking additional comments on whether a waiver of the domestic content requirement set forth in 46 CFR 298.13 should be granted to permit the inclusion of the following foreign components in the issuance of Federal Ship Financing Program (“Title XI”) loan guarantees to finance a portion of the construction costs of the Subsea Rock Installation Vessel (SRIV) by the Great Lakes Dredge and Dock Company (GLDD) for use in offshore windfarm construction and maintenance. MARAD first posted a notice for comment on February 22, 2024. Following that posting, GLDD submitted an updated list of foreign-sourced equipment. MARAD is seeking comments on the updated request and has indicated items not included in the first posting under **New Items** below.

New Items

- a. Survey Equipment, HPR Deployment System, Survey Frame and deployment system, Multi-beams, cameras, and supporting hardware / software
- b. Mission Equipment, hoppers, shakers, conveyor system, fall pipe deployment system, HPU / electrical equipment, controls, foundations, and cradles

Marine Propulsion

- a. Machinery Control System and associated sensors
- b. Exhaust Gas System

Navigation Systems

- a. Ships Network
- b. Public Address and Intercom system
- c. Master Clock system
- d. Heated Straight Line Wipers w/ Wash Nozzles

Auxiliary Systems

- a. Centrifugal Pumps, Piping and associated components
- b. Compressed Air System and associated components
- c. Steering Gear System, Bow Thruster(s) and associated components
- d. Vacuum Collection System and associated components
- e. Oil Purifiers, Oily Waste Separator, Sludge Davit and associated components
- f. Dredge Pump and associated components

- g. Water Mist, CO2, Foam Fire Suppression System and associated components
- h. Potable Water System including heaters, sterilizers and associated components
- i. Impressed Current System, Marine Growth System, and associated components
- j. Deck Machinery, Stern Equipment, Provisions Davit and associated components
- k. Refrigeration, and HVAC System

Electric Plant

- a. Main Switchboard, cabling and associated components
- b. Battery Charger and Distribution Board
- c. Test Panel
- d. Cable Trays

Outfitting and Furnishings

- c. Lighting Systems
- d. Machine Shop Equipment and associated components
- e. Life Rafts, Life Raft and Rescue Boat Davits and associated components
- f. Laundry, Galley Equipment, Plumbing Fixtures and Marine Heads
- g. Joiner Bulkheads, Doors, Ceiling Panels, Floor Coverings, Furnishings, and Insulation (Fire, Thermal)
- h. Specialty Castings, Hatches, Manholes, Miscellaneous Ladders, Mast and associated Components

Services

- a. Initial Vessel Design
- b. Integrated Logistics
- c. Construction Oversight
- d. Classification

Such ship components must be compatible for use in the SRIV, meet the inspection standards of the United States Coast Guard with respect to the operation of U.S.-flag vessels, and meet acceptable marine standards, warranties, and safety requirements of the American Bureau of Shipping (ABS) or other applicable classification society. Domestically manufactured components specified for the construction of a ship are often either unavailable or, if available, cannot be used as a substitute within a system of components that is foreign manufactured.

Great Lakes Dredge and Dock Company submitted requests to MARAD to waive the domestic content requirement for certain foreign components necessary for construction of the SRIV pursuant to 46 CFR 298.13(b)(2), as part of their application for Title XI loan guarantees. Each waiver request included the certification required by 46 CFR 298.13(b)(2), stating that the above items are either not available in the United States on a timely or price-competitive basis or the domestic item or service is not of sufficient quality. MARAD's Office of Shipyards and Marine

Engineering (OSME) reviewed the foreign components in the waiver requests and validated that such requests satisfied the Title XI regulatory requirements for the requested foreign costs.

The project consists of construction financing for the SRIV, which will be used to install scour protection, (a rock placement design) required to stabilize the sea floor on or around marine structures for fixed-bottom foundations on U.S. offshore wind farms. The project supports the Philly Shipyard in Philadelphia Pennsylvania, which is constructing the SRIV. The approval of the domestic content waivers for the SRIV is necessary to finalize the Title XI loan guarantee for the project.

MARAD will only consider a domestic content waiver when the conditions in 46 CFR 298.13 have been met. Rather than affirmatively requiring recipients to meet a domestic content standard as a condition of financial assistance, under Section 298.13(b)(2), MARAD excludes from the loan guarantee amount the costs of foreign components and services used in vessel construction unless MARAD grants a waiver for those costs. If the foreign component is available in the U.S. on a timely or price-competitive basis and is of sufficient quality, then MARAD will not approve the inclusion of that cost as part of the financeable cost of a project. MARAD will not consider requests to include costs for foreign components that are a major part of the ship's hull and superstructure.

MARAD will consider all comments received in the initial 15-day comment period during our evaluation of the waiver request. Comments received after this period, but before final determination, will be considered to the extent practicable.

Comments can be submitted via email at marinefinancing@dot.gov or by mail: David Gilmore, MARAD Office of Marine Financing, DOT—[Maritime Administration](#), Room W23-324, 1200 New Jersey Ave., S.E., Washington, D.C. 20590.

MARAD Contacts: For questions about the notice: David Gilmore, MARAD Office of Marine Financing, 202-366-5737, or via email at marinefinancing@dot.gov.

Public Participation

How do I prepare and submit comments?

To ensure that your comments are correctly filed, please include the title of this document in your comments.

If you are submitting comments electronically as a PDF (Adobe) File, MARAD asks that the documents be submitted using the Optical Character Recognition (OCR) process, thus allowing MARAD to search and copy certain portions of your submissions.

Please note that pursuant to the Data Quality Act, for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines.

How do I submit confidential business information?

Confidential business information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. MARAD will treat such marked submissions as confidential under the FOIA, and they will be exempt from release. In addition, we recommend that you submit at least a summary of the information that is otherwise considered CBI and from which you have deleted any claimed CBI. Any comments MARAD receives which are not specifically designated as CBI will be available to the public.

Will the agency consider late comments?

We will consider all comments received before the close of business on the comment closing date. To the extent possible, we will also consider comments received after that date.

How can I read the comments submitted by other people?

MARAD may make the comments it receives publicly available by posting them to its website after the comment closing date.

Privacy Act

Anyone can request the comments received under a Freedom of Information Act request. For information on DOT’s Privacy Program and compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.