

on Government Procurement approved the accession of “the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu” (Chinese Taipei) to the World Trade Organization (“WTO”) Agreement on Government Procurement (“GPA”). Chinese Taipei submitted its instrument of accession to the Secretary-General of the WTO on June 15, 2009. The GPA will enter into force for Chinese Taipei on July 15, 2009. The United States, which is also a party to the GPA, has agreed to waive discriminatory purchasing requirements for eligible products and suppliers of Taiwan (known in the WTO as Chinese Taipei) beginning on July 15, 2009.

Section 1–201 of Executive Order 12260 of December 31, 1980 delegated the functions of the President under sections 301 and 302 of the Trade Agreements Act of 1979 (“the Trade Agreements Act”) (19 U.S.C. 2511, 2512) to the United States Trade Representative.

**Determination:** In conformity with sections 301 and 302 of the Trade Agreements Act, and in order to carry out U.S. obligations under the GPA, I hereby determine that:

1. Taiwan (known in the WTO as Chinese Taipei) has become a party to the GPA and will provide appropriate reciprocal competitive government procurement opportunities to United States products and services and suppliers of such products and services. In accordance with section 301(b)(1) of the Trade Agreements Act, Taiwan (known in the WTO as Chinese Taipei) is so designated for purposes of section 301(a) of the Trade Agreements Act.

2. Accordingly, beginning on July 15, 2009, with respect to eligible products (namely, those goods and services

covered under the GPA for procurement by the United States) of Taiwan (known in the WTO as Chinese Taipei) and suppliers of such products, the application of any law, regulation, procedure, or practice regarding government procurement that would, if applied to such products and suppliers, result in treatment less favorable than that accorded—

(A) To United States products and suppliers of such products, or

(B) To eligible products of another foreign country or instrumentality which is a party to the GPA and suppliers of such products, shall be waived. This waiver shall be applied by all entities listed in United States Annexes 1 and 3 of GPA Appendix 1.

3. The Trade Representative may modify or withdraw the designation in paragraph 1 and the waiver in paragraph 2.

**Ron Kirk,**

*United States Trade Representative.*

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**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation’s Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the “Nature of Application” portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

**DATES:** Comments must be received on or before August 13, 2009.

*Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION:** Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue, SE., Washington, DC or at <http://fdms.gov>.

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 7, 2009.

**Delmer F. Billings,**

*Director, Office of Hazardous Materials Special Permits and Approvals.*

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Office of Hazardous Materials Safety; Notice of Application for Special Permits**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications for Special Permits.

**NEW SPECIAL PERMITS**

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14871–N ....	.....	Calico Brands, Inc., Ontario, CA.	49 CFR 172.302(c) and 173.308(c)(2).	To authorize the transportation in commerce of lighters containing flammable gas in non-DOT specification containers that are capable of meeting UN performance standards at the PG II performance level that are further overpacked in a corrugated container. (mode 1)
14872–N ....	.....	Arkema, Inc., Philadelphia, PA.	49 CFR 173.31(e)(2)(ii) and 173.314(c).	To authorize the transportation in commerce of methyl mercaptan in certain DOT I 05J300W tank cars. (mode 2)
14873–N ....	.....	Matson Navigation Company, Inc., Oakland, CA.	49 CFR 176.116(e)(3) .....	To authorize the transportation in commerce of certain Class I (explosive) hazardous materials in an alternative stowage configuration. (mode 3)
14875–N ....	.....	Canton Railroad Company, Baltimore, MD.	49 CFR 174.85 .....	To authorize transportation of hazardous materials by rail without the use of a buffer car between the rail car containing the hazardous materials and the locomotive. (mode 2)
14877–N ....	.....	Halon Banking Systems, New Hope, MN.	49 CFR 173.304a .....	To authorize the one-time, one-way transportation in commerce of non-DOT specification cylinders containing a refrigerant gas. (modes 1, 2)

## NEW SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14878-N ....	.....	Humboldt County Waste Management Authority, Eureka, CA.	49 CFR 172.102 Special Provision 130.	To authorize the transportation in commerce of certain dry batteries in packaging without protecting against short circuits. (mode 1)
14881-N ....	.....	United Parcel Service, Atlanta, GA.	49 CFR 172.404(b) .....	To authorize the transportation in commerce of small un palletized packages in an overpack (reusable, collapsible consolidation bins) without hazard warning labels on the overpack. (modes 1, 2)
14883-N ....	.....	Structural Composites Industries (SCI), Pomona, CA.	49 CFR 173.302a and 173.304a.	To authorize the manufacture, marking, sale and use of non-DOT specification fully wrapped carbon-fiber reinforced aluminum lined cylinders. (modes 1, 2, 3, 4)

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0078]

#### Commercial Driver's License (CDL) Standards; Rotel North American Tours, LLC; Amendment of Exemption

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to grant Rotel North American Tours, LLC (Rotel), amendment of its existing exemption that permits 22 named drivers, employed by Rotel and possessing German CDLs, to operate commercial motor vehicles (CMVs) in the U.S. without a CDL issued by one of the States. The Rotel roster of its 22 exempt drivers is amended to permit three new Rotel drivers to be substituted for three drivers no longer employed by Rotel. The new Rotel drivers are subject to all the terms and conditions of the current exemption, including its expiration date of July 30, 2010.

**DATES:** This exemption is effective upon publication and expires on July 30, 2010.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert F. Schultz, Jr., FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations; Telephone: 202-366-4325. E-mail: MCPSD@dot.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4007 of the Transportation Equity Act for the 21st Century (Pub. L. 105-178, 112 Stat. 107, June 9, 1998) amended 49 U.S.C. 31315 and 31136(e) to provide FMCSA authority to grant exemptions from its motor carrier safety

regulations, including the HOS rules. The procedure for requesting an exemption is prescribed in 49 CFR part 381. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted, and to comment on the request.

The Agency must review the safety analyses and public comments. Then it may grant the exemption for up to 2 years if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption" (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for denying or, in the alternative, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which the exemption is granted. The notice must also specify the effective period of the exemption and its terms and conditions.

Rotel provides seasonal motorcoach tours for non-English speaking tourists. The service is unique because the drivers of these buses serve as the tour guides, providing oral commentary to the passengers in their native language, usually German. Rotel states that none of the States of the U.S. will issue CDLs to these drivers because they are not State residents. Until recent years, Rotel drivers were able to obtain a nonresident CDL from certain States. Rotel asserts that without the exemption from the requirement that its drivers have a CDL issued by a State, it would have to terminate these tour operations. Complete details of Rotel's operations, including the names of the drivers, can be found in its original application, dated August 27, 2007, which is contained in the docket of this notice.

On July 30, 2008, FMCSA granted, after notice and comment, Rotel's request to allow 22 drivers, each holding a German CDL, to operate Rotel motor coaches in the U.S. without a CDL issued by one of the States as required by 49 CFR 383.23 (73 FR 44313). FMCSA found that these drivers, operating specialty tour buses in the U.S., would "likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption," in accordance with 49 CFR 381.305. The two-year exemption expires on July 30, 2010.

#### Comments

On May 5, 2009, FMCSA published notice of this application to withdraw 3 Rotel drivers previously approved for this exemption but no longer employed by Rotel, Jens Radloff, Christian Hafner, and Ludwig Gerslberger, and to substitute 3 new drivers, Klaus Endres, Sebastian Nicki, and Karl-Heinz Schmitz, in their place on the roster of exempt Rotel drivers. The Agency asked for public comment (74 FR 20776). No comments were submitted to the docket.

#### FMCSA Decision

The FMCSA has evaluated Rotel's application for amendment. The Agency grants Rotel's request that three former Rotel drivers, originally approved for this exemption, Jens Radloff, Christian Hafner, and Ludwig Gerslberger be dropped from the roster of exempt drivers. The Agency believes that the three new drivers, Klaus Endres, Sebastian Nicki, and Karl-Heinz Schmitz, are qualified to replace the drivers dropped from the Rotel roster. Like the other 19 Rotel drivers already operating under the exemption, the three new drivers are non-residents of the U.S. and holders of German CDLs. The FMCSA finds that they possess sufficient knowledge, skills, and experience to ensure a level of safety that is equivalent to, or greater than, the