

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2008–0289]

Filing Requirements of 49 U.S.C. 14123; The Motor Carrier Financial and Operating Statistics Program (the Annual Form M Filing); Application for Exemption From Swift Transportation Corporation**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of final disposition.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) published a **Federal Register** notice of an application by Swift Transportation Corporation (Swift Transportation) for an exemption from the requirement annually to report certain financial information (49 CFR 369.1). Swift Transportation stated that disclosing this information would cause competitive harm. The Agency received one comment to the public docket. The Agency has considered the comment and grants Swift Transportation's request for exemption.

DATES: This exemption is effective until December 31, 2011.

FOR FURTHER INFORMATION CONTACT: Rhonda Scott, Office of Information Technology, IT Operations Division, (202) 366–4134; Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:**Background**

Although 49 U.S.C. 14123 requires certain motor carriers annually to file financial and safety reports with FMCSA, subsection (c) authorizes exemptions from the filing requirements or from public release of the information. Exemption requests must comply with 49 CFR 369.9, and the request must be published in the **Federal Register**.

Swift Transportation's Application for Exemption

On December 14, 2007, Swift Transportation applied for an exemption under 49 CFR 369.9 from disclosing confidential business information to the public. A privately held corporation, Swift Transportation argued that disclosure of this information would result in competitive harm.

Comments

FMCSA published a **Federal Register** notice announcing the application on

November 6, 2008 (73 FR 66095). One comment was submitted to the docket. The commenter concurred with the request on the ground that the data is not being used and the requirement is no longer needed.

FMCSA Decision

FMCSA reviewed the comment and the documentation submitted by the applicant. The Agency determined that Swift Transportation is not a publicly held corporation and that it provided sufficient support for the claim of competitive harm, both of which are preconditions for an exemption under 49 CFR 369.9. The Agency therefore grants the exemption, which will be effective from March 31, 2008 through December 31, 2011 (§ 369.9(g)).

Issued on: March 18, 2009.

Rose A. McMurray,*Acting Deputy Administrator.*

[FR Doc. E9–6460 Filed 3–30–09; 8:45 am]

BILLING CODE 4910–EX–P**DEPARTMENT OF TRANSPORTATION****Pipeline and Hazardous Materials Safety Administration****International Standards on the Transport of Dangerous Goods; Public Meeting**

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that PHMSA will conduct a public meeting in preparation for the 35th session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE TDG) to be held June 22–26, 2009 in Geneva, Switzerland. During this meeting, PHMSA is also soliciting comments relative to potential new work items which may be considered for inclusion in its international agenda, and comments relative to a potential future rulemaking action regarding the use and applicability of international standards.

Information Regarding the UNSCOE TDG Meeting**DATES:** Wednesday, June 17, 2009; 9:30 a.m.–12 p.m.

ADDRESSES: The meeting will be held at the DOT Headquarters, West Building, Oklahoma City Conference Room, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Conference Call Capability/Live Meeting Information: Conference call-in and “live meeting” capability will be provided for this meeting. Specific information on call-in and live meeting access will be posted when available at <http://www.phmsa.dot.gov/hazmat/regs/international>.

FOR FURTHER INFORMATION CONTACT: Mr. Duane Pfund, Director, Office of International Standards or Mr. Shane Kelley, International Transportation Specialist, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590; (202) 366–0656.

SUPPLEMENTARY INFORMATION: The primary purpose of this meeting will be to prepare for the 35th session of the UNSCOE TDG. The 35th session of the UNSCOE TDG is the first meeting in the current 2009–2010 biennium. The UNSCOE will consider proposals for the 16th Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations which will come into force in the international regulations from January 1, 2013. Topics on the agenda for the UNSCOE TDG meeting include:

- Explosives and related matters;
- Listing, classification and packing;
- Electric storage systems;
- Miscellaneous proposals of amendments to the Model Regulations on the Transport of Dangerous Goods;
- Electronic data interchange (EDT) for documentation purposes;
- Cooperation with the International Atomic Energy Agency (IAEA);
- Global harmonization of transport of dangerous goods regulations with the UN Model Regulations;
- Guiding principles for the Model Regulations; and
- Issues relating to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

In addition, PHMSA is soliciting comments on how to further enhance harmonization for international transport of hazardous materials. PHMSA has finalized a broad international strategic plan and welcomes input on items which stakeholders believe should be included as specific initiatives within this plan. PHMSA's Office of International Standards Strategic Plan can be accessed at: <http://www.phmsa.dot.gov/hazmat/regs/international>.

Finally, PHMSA is soliciting comments regarding a potential future rulemaking action regarding the use of international regulations, in particular the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous

Goods by Air (ICAOTI) and the International Maritime Dangerous Goods Code (IMDG Code). PHMSA is considering proposing to mandate the use of these regulations for the international transportation (see 49 CFR 171.8) of hazardous materials by aircraft or vessel. PHMSA requests comments regarding this prospective proposal. PHMSA is interested in comments including, but not limited to, comments related to the safety and economic implications of mandating the use of these regulations for international shipments, as well as implications to training of personnel.

The public is invited to attend without prior notification. Due to the heightened security measures participants are encouraged to arrive early to allow time for security checks necessary to obtain access to the building. Following the 35th session of the UNSCOE TDG, PHMSA will place a copy of the Sub-Committee's report and a summary of the results on PHMSA's Hazardous Materials Safety Homepage at <http://www.phmsa.dot.gov/hazmat/regs/international>.

Documents

Copies of documents for the UNSCOE TDG meeting and the meeting agenda may be obtained by downloading them from the United Nations Transport Division's Web site at: <http://www.unec.org/trans/main/dgdb/dgsubc/c32009.html>. PHMSA's site at <http://www.phmsa.dot.gov/hazmat/regs/international> also provides additional information regarding the UNSCOE TDG and related matters such as summaries of decisions taken at previous sessions of the UNSCOE TDG.

Theodore L. Willke,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. E9-7042 Filed 3-30-09; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of establishment of a new system of records.

SUMMARY: The Privacy Act of 1974, 5 U.S.C. 552(e)(4), requires that all agencies publish in the **Federal Register** a notice of the existence and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is establishing a new system of records entitled

“Automated Safety Incident Surveillance and Tracking System—VA” (99VA13).

DATES: Comments on the establishment of this new system of records must be received no later than April 30, 2009. If no public comment is received, the new system will become effective April 30, 2009.

ADDRESSES: Written comments may be submitted through <http://www.Regulations.gov>; by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420; or by fax to (202) 273-9026. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment. In addition, during the comment period, comments may be viewed Online through the Federal Docket Management System (FDMS).

FOR FURTHER INFORMATION CONTACT: Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC, 20420, telephone (704) 245-2492.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), the Department of Veterans Affairs (VA) published a notice of a new system of records entitled “Automated Safety Incident Surveillance and Tracking System—VA” (99VA13) (ASISTS). 71 FR 62347 (Oct. 24, 2006). If no comments were received during the 30-day comment period, the system of records was to be effective on November 24, 2006. Due to comments that were received and indication that additional comments may be submitted, notice was provided that the system of records would not be effective until October 9, 2007. 71 FR 67957 (Nov. 24, 2006); 72 FR 17631 (Apr. 9, 2007). Due to comments received during that time, VA has revised the system notice and republishing the notice in its entirety.

I. Description of Proposed Systems of Records

The Automated Safety Incident Surveillance and Tracking System (ASISTS) is a bifurcated information system used to manage work-related injuries and illnesses by identifying, characterizing, and tracking occupational injuries and illnesses and the progress of injured or ill current and former employees, trainees, contractors, subcontractors, volunteers, and other

individuals working with or performing services for VA. In limited circumstances, when such an individual chooses to file a workers' compensation claim with the Department of Labor (DoL), data required to file the claim is entered into the claim form that is then submitted to DoL. For the purpose of this system of records, current and former employees, trainees, contractors, subcontractors, volunteers, and other individuals working with or performing services for VA are characterized collectively as employees.

With respect to occupational safety, information regarding a workplace injury or illness, including the description of the incident, any correction action taken, results of any investigation, and recommendations for employees' safety and health, is entered into ASISTS by the supervisor of an injured or ill employee and the health and safety personnel of the facility. These records are used to identify specific incidents of work-related injuries and illnesses; track and evaluate services and medical care of injured or ill workers; and determine emerging causes, clusters of incidents, and outbreaks. In addition, VA uses the information to identify system-wide problems and opportunities for focused education; evaluate through statistical analysis the effectiveness health and safety systems; develop and manage the planning, distribution, and utilization of resources; and support further research in the area of occupational medicine. Some of this data is then compiled for reporting to the Occupational Safety and Health Administration (OSHA) of the Department of Labor (DoL), in accordance with the 29 CFR part 1960. Further, the records may be used by institutional members of an accident review board or an incident review board, a multidisciplinary group of health and safety professionals and representatives from human resources, safety, occupational health, and unions/labor representatives and infection control to determine root causes of injuries and illnesses; and by VA hospitals and regional offices, VA Central Office, and the VA Office of Inspector General (OIG) for audits, reviews, and investigations of such events.

Where one of the injured or ill employees whose information is captured in the system chooses to file a workers' compensation claim under the Federal Employee Compensation Act (FECA), 5 U.S.C. 8101 *et seq.*, ASISTS provides a mechanism for electronic transmission of claims to the DoL Office of Workers' Compensation Programs (OWCP). For those employees who do