

improves the performance of the transportation system.

A related challenge is to find ways to quickly develop and implement appropriate safety controls for new materials or technologies that are not covered by current regulatory requirements. Transportation is key to promoting the development and widespread utilization of new technologies. Government and industry must be able to address possible safety risks associated with new materials or technologies without undue delays in authorizing their transportation. One strategy may be for a company to invest in independent, third-party analyses of safety risks associated with a new material or technology that would then form the basis for development of rigorous transportation controls that would be approved by PHMSA pending promulgation of more general regulatory requirements.

C. Achieving Balance and Effectiveness—Consistency and Uniformity

A third challenge for the hazardous materials transportation safety program is to identify integrated strategies for advancing safety that involve the many regulatory agencies and non-federal jurisdictions with hazardous materials oversight responsibilities. A number of federal agencies, including the Environmental Protection Agency, the Occupational Safety and Health Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Department of Homeland Security, have regulatory authority over facilities that manufacture, handle, and store hazardous materials outside of transportation. In addition, state and local governments may elect to regulate facilities that manufacture or store hazardous materials within their jurisdictions. Because these agencies and authorities have different interests and goals, regulated entities are sometimes confronted with a myriad of differing and, perhaps, inconsistent requirements that impair productivity and efficiency and could adversely affect safety. At the same time, critical safety issues may not be addressed at all. A broad strategy to more closely integrate all of these programs would enhance system wide risk reduction through information and data sharing, early identification of safety problems, and leveraging of resources.

PHMSA invites all interested persons, including state and local officials, emergency response personnel, and hazardous materials shippers and carriers, to participate in this workshop. We would like to use this forum to

promote a dialogue among all interested stakeholders to help us identify the most appropriate strategies for identifying and addressing emerging transportation safety challenges. If you wish to participate in the public workshop, you must provide your name and organization to Ms. Maria Howard by telephone (202-366-0225) or e-mail (Maria.Howard@dot.gov) or Latoya Moore by telephone (202-366-0656) or e-mail (Latoya.Moore@dot.gov) no later than July 24, 2008. Non-federal personnel must also provide the last five digits of their social security numbers. Providing this information will facilitate the security screening process for entry into the building on the day of the workshop. Participants should plan to arrive at 8 a.m. and must present a picture ID to enter the building. Participants do not need to prepare oral comments, but rather, be prepared to take part in an open discussion on the issues outlined above.

Issued in Washington, DC on July 15, 2008.

Theodore L. Willke,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. E8-16503 Filed 7-17-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC-F-21028]

Delivery Acquisition, Inc.—Purchase—Transportation Management Systems, LLC and East West Resort Transportation, LLC

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving Finance Transaction.

SUMMARY: On June 19, 2008, Delivery Acquisition, Inc. (Delivery) an indirect subsidiary of Vail Resorts, Inc. (VRI), filed an application under 49 U.S.C. 14303 to acquire control, through purchase, of the properties of Transportation Management Systems, LLC f/k/a TMS, Inc.¹ (TMS) and East West Resort Transportation, LLC (EWRT). The application also sought Board authority for VRI to control Delivery, which will become a carrier upon its acquisition of the carrier assets, including operating authorities, of TMS

and EWRT. Persons wishing to oppose this application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by September 2, 2008. Applicants may file a reply by September 16, 2008. If no comments are filed by September 2, 2008, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC-F-21028 to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, send one copy of comments to Delivery's representative: Mark A. Davidson, Dufford & Brown P.C., 1700 Broadway, Suite 2100, Denver, CO 80290-2101, and send one copy of comments to TMS's representative: Thomas J. Burke, Jr., Jones & Keller, P.C., 1625 Broadway, Suite 1600, Denver, CO 80202-4727.

FOR FURTHER INFORMATION CONTACT: Julia Farr (202) 245-0359 [Federal Information Relay (FIRS) for the hearing impaired: 1-800-877-8339].

SUPPLEMENTARY INFORMATION: Delivery is a Colorado corporation and is a newly created direct subsidiary of The Vail Corporation, which is a subsidiary of Vail Holdings, Inc., which is, in turn, a subsidiary of VRI, a Delaware corporation. VRI operates year-round resorts in Colorado and controls, through The Vail Corporation, Grand Teton Lodge Company, a registered motor passenger carrier (MC-6259). Applicants seek authorization under 49 U.S.C. 14303(a)(5) for VRI, as a person in control of a carrier, to acquire control of the assets of EWRT and TMS through Delivery's transaction.

Following the transaction, Delivery will be a carrier. Delivery and Grand Teton Lodge Company will become affiliated carriers through VRI, although none of these carriers will be in control of the others.

Delivery will control, through purchase, the assets, including certificates of public convenience and necessity of EWRT and TMS² both of which are Delaware limited liability companies. TMS and EWRT are lessor and lessee, respectively, of the operating rights issued by the former Interstate Commerce Commission in MC-169714 and MC-174332, providing for special

¹ Pursuant to 49 CFR 365.413, *et seq.* a notice of name change has been furnished contemporaneously to the Federal Motor Carrier Safety Administration reflecting that the correct name of the entity referred to as TMS, LLC in the Board's decision in Docket No. MC-F-200996, served January 10, 2003, is Transportation Management Systems, LLC.

² TMS does business under the following trade names: Colorado Mountain Express and/or CME Premier and/or Premier VIP Transportation, and/or Resort Express.

and charter operations in interstate and foreign commerce, and in MC-181367, providing for interstate and intrastate regular route operations. TMS and EWRT are also lessor and lessee, respectively, of an operating right issued by the Public Utilities Commission of the State of Colorado. Delivery will acquire the intrastate operating authority as a result of the transaction.

To consummate the transaction, TMS and EWRT propose to sell all their assets, including their interests in the operating rights to Delivery, for a purchase price of \$41.5 million, subject to certain adjustments.³

Applicants state that the 12-month aggregate gross operating revenues of all motor carriers controlling, controlled by, or under common control with any party from all transportation sources exceed the \$2 million jurisdictional threshold of 49 U.S.C. 14303(g).

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Applicants have submitted information, as required by 49 CFR 1182.2(a)(7), to demonstrate that the proposed acquisition of control is consistent with the public interest under 49 U.S.C. 14303(b). Applicants state that the proposed transaction will improve the efficiency of transportation services available to the public, that the operations of the carriers involved will remain unchanged, that there are no fixed charges associated with the proposed transaction, and that the employees of EWRT and TMS will not be adversely affected. In addition, applicants have submitted all of the other statements and verifications required by 49 CFR 1182.8. Additional information, including a copy of the application, may be obtained from applicants' representative.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated, and unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment

period, this notice will take effect automatically and will be the final Board action.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed finance transaction is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this notice will be deemed as having been vacated.

3. This notice will be effective on September 2, 2008, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 950 Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Decided: July 14, 2008.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan,

Acting Secretary.

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Privacy Act of 1974, as Amended; System of Records

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Office of the Comptroller of the Currency, Treasury, is publishing its Privacy Act systems of records.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget (OMB) Circular No. A-130, the Comptroller of the Currency (OCC) has completed a review of its Privacy Act systems of records notices to identify minor changes that will more accurately describe these records.

This publication incorporates the amendment to Treasury/CC.600—Consumer Complaint and Inquiry Information System that was published on October 18, 2006, at 71 FR 61538. Other changes throughout the document are editorial in nature and consist principally of revising address information and minor editorial changes. The systems of records were last published in their entirety on July 11, 2005, at 70 FR 39853–39864.

On May 22, 2007, the Office of Management and Budget (OMB) issued Memorandum M-07-16 entitled "Safeguarding Against and Responding to the Breach of Personally Identifiable Information." It required agencies to publish a routine use providing for a breach remediation as recommended by the President's Identity Theft Task Force. As part of that effort, the Department published a notice of a proposed routine use on October 3, 2007, at 72 FR 56434, and it was effective on November 13, 2007. The new routine use has been added and is reflected in each OCC systems of records notices below.

Department of the Treasury regulations require the Department to publish the existence and character of all systems of records every three years (31 CFR 1.23(a)(1)). With respect to its inventory of Privacy Act systems of records, the OCC has determined that the information contained in its systems of records is accurate, timely, relevant, complete, and is necessary to maintain the proper performance of a documented agency function.

Systems Covered by This Notice

This notice covers all systems of records adopted by the OCC up to June 3, 2008. The systems notices are reprinted in their entirety following the Table of Contents.

Dated: July 11, 2008.

Elizabeth Cuffe,

Deputy Assistant Secretary for Privacy and Treasury Records.

The Comptroller of the Currency (OCC)

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³ The parties submitted a copy of the Asset Purchase Agreement, covering the entire transaction, with their application.