

Issued in Fort Worth, Texas on August 22, 1996.

Mark R. Schilling,

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

[FR Doc. 96-23090 Filed 9-10-96; 8:45 am]

BILLING CODE 4910-13-M

### **Aviation Rulemaking Advisory Committee Meeting on Air Carrier and General Aviation Maintenance Issues**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this notice to advise the public of a meeting of the FAA Aviation Rulemaking Advisory Committee to discuss Air Carrier and General Aviation Maintenance Issues.

**DATES:** The meeting will be held on September 26, 1996, beginning at 1:00 p.m., and continue on September 27, 1996, from 8:30 a.m. to 4:00 p.m. Arrange for presentations by September 16, 1996.

**ADDRESSES:** The meeting will be held at the Air Transport Association of America, Suite 1100, 1301 Pennsylvania Avenue, NW., Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Mr. David B. Higginbotham, Federal Aviation Administration, Office of Rulemaking (ARM-207), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3498; fax (202) 267-5075.

**SUPPLEMENTARY INFORMATION:** Pursuant to § 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to be held on September 26, 1996, at the Air Transport Association of America, Suite 1100, 1301 Pennsylvania Avenue, NW., Washington, DC 20004. The agenda will include:

- Opening remarks.
- Committee Administration.
- New business.
- A discussion of future meeting dates, locations, activities, and plans.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by September 16, 1996, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to the meeting. In addition, sign and oral interpretation can be made available at

the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on September 5, 1996.

Chris A. Christie,

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. 96-23094 Filed 9-10-96; 8:45 am]

BILLING CODE 4910-13-M

### **Surface Transportation Board<sup>1</sup>**

**[STB Finance Docket No. 33007]**

**Laidlaw Transit, Inc., et al.—Control and Merger Exemption—National School Bus Service, Inc., Charterways Transportation Limited, Enterprise Transit Corp., and MCS Interstate, Inc.**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of filing of petition for exemption.

**SUMMARY:** Laidlaw Transit, Inc. (Laidlaw Transit), a noncarrier, and its direct and indirect corporate affiliates (collectively petitioners)<sup>2</sup> seek an exemption under 49 U.S.C. 13541 from the prior approval requirements of 49 U.S.C. 14303(a)(1) and (a)(4) for Laidlaw Transit to acquire control of, and subsequently merge with, four motor carriers of passengers. Expedited action has been requested. **DATES:** Comments must be filed by September 26, 1996. Petitioners may file a reply by October 1, 1996.

**ADDRESSES:** Send an original and 10 copies of comments referring to STB Finance Docket No. 33007 to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Petitioners' Representative: Mark J. Andrews, Barnes & Thornburg, 1401 Eye

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (1995) (ICCTA), abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board) effective on January 1, 1996. This notice relates to a motor carrier passenger acquisition of control and merger transaction that is subject to Board jurisdiction under 49 U.S.C. 13541 and 14303.

<sup>2</sup> Laidlaw Transit is a wholly owned subsidiary of Laidlaw Transportation, Inc., a noncarrier and wholly owned subsidiary of Laidlaw Investments Ltd., a noncarrier and a wholly owned subsidiary of Laidlaw Inc. (Laidlaw). A controlling interest in Laidlaw is held by Canadian Pacific Railway Company (CP Rail), a wholly owned subsidiary of Canadian Pacific Limited, a publicly held noncarrier holding company. CP Rail operates as CP Rail System, a Class I rail carrier, on the lines of the former Soo Line Railroad Company.

Street, N.W., Suite 500, Washington, D.C. 20005.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Laidlaw Transit holds a 100% beneficial interest in the stock of two of the carriers it seeks to acquire: Enterprise Transit Corp. (ETC), a motor common carrier of passengers (MC-161299)<sup>3</sup>; and MCS Interstate, Inc. (MCSI), a motor common and contract carrier of passengers (MC-200701). The stock of ETC and MCSI is currently held in separate, independent voting trusts that are to terminate when this exemption is granted.<sup>4</sup>

Laidlaw Transit seeks to acquire control of the other two carriers, National School Bus Service, Inc. (NSBS) (MC-69623), and Charterways Transportation Limited (Charterways) (MC-102189), and has purchased more than 99% of the stock of their corporate parent, Scott's Hospitality Inc. (Scott), a noncarrier.<sup>5</sup> According to petitioners, NSBS primarily provides school transportation services within the United States and holds both interstate authority as a motor common and contract carrier of passengers in regular route service and charter and special operations and intrastate authorities to transport passengers in eight states. Charterways primarily provides school transportation services within Canada and holds interstate authority as a motor common carrier of passengers in regular route service and charter and special operations.<sup>6</sup>

<sup>3</sup> According to the records of the Federal Highway Administration, Office of Motor Carrier Records (FHWA), ETC's authority under this docket was revoked on April 26, 1996.

<sup>4</sup> Petitioners state that, as a CP Rail affiliate, Laidlaw Transit was barred from acquiring or becoming a regulated motor carrier unless the special rail-motor acquisition criteria of former 49 U.S.C. 11344(c) could be satisfied. Under the criteria, it had to be shown that the rail carrier could use the acquired motor carrier "to public advantage in its operations." Thus, the stock of ETC and MCS had to be held in separate, independent voting trusts because they primarily engaged in non-regulated school bus transportation and, as a consequence, Laidlaw Transit was unable to make the required showing. Because the intermodal acquisition restrictions of former 49 U.S.C. 11344(c) were repealed by the ICCTA, petitioners state that the proposed exemption will remove the final impediment to terminating the voting trusts.

<sup>5</sup> NSBS's stock is owned indirectly by a wholly owned subsidiary of Scott, and Charterways' stock is owned directly by Scott. Scott also has subsidiaries that are engaged in food services. The food service businesses are to be sold to third parties.

<sup>6</sup> According to petitioners, Charterways does not operate from, to, or within the United States. FHWA records indicate that the authority under this docket was revoked on September 1, 1995. Petitioners also

Continued

After the acquisition is completed, the four carriers will be wholly owned subsidiaries of Laidlaw Transit, and will subsequently be merged upstream into Laidlaw Transit.<sup>7</sup>

Petitioners state that the proposed transactions will have only an incidental effect on regulated transportation because they primarily concern carriers providing non-regulated school transportation services. Laidlaw Transit is the largest provider of school transportation in North America;<sup>8</sup> only 5% of its revenues allegedly are derived from regulated operations. Petitioners anticipate that the acquisition of NSBS and Charterways will not appreciably change this percentage.<sup>9</sup>

Petitioners state that the proposed transaction will permit the use of their buses to perform regulated charter and special operation services when the buses would otherwise be idle (i.e. during the school day, in the evenings, and on weekends and vacations). Additionally, they state that the proposed exemption will also reduce their administrative burdens, including those associated with duplicative regulatory filings for multiple corporate entities, and those related to unnecessary trustee arrangements and fees.

Petitioners certify that they plan no significant changes in operations or employment levels as a result of the transaction. Moreover, they assert that

state that, through a special division, Charterways holds inactive authority to transport property (MC-134301).

<sup>7</sup> Petitioners state that Laidlaw has two other motor carrier affiliates that hold common and contract property authority: Corsan Trucking, Inc. (Corsan) (MC-200565); and PPM Canada Inc. (PPM) (MC-241369). They assert that the stock of Corsan is 100% beneficially owned by Laidlaw Environmental Services, Inc., a wholly owned Laidlaw subsidiary, and legal title is currently held in an independent voting trust. PPM is described as inactive; it does not currently provide motor carrier service within the United States. Petitioners state that they intend to terminate the voting trust for Corsan, but, before they do, they request that continued control of Corsan and PPM be included within the requested exemption or that jurisdiction over these affiliations be disclaimed.

Although petitioners acknowledge that it is not within our jurisdiction, they request that the MC number currently assigned to ETC (MC-161299) be assigned to Laidlaw Transit after the merger is completed. They contend that this would be more economical because the ETC number appears on the great majority of vehicles that will be designated for use in regulated operations, and, as a consequence, repainting costs would be minimized.

<sup>8</sup> According to petitioners, Laidlaw Transit holds intrastate operating authority as a motor carrier of passengers in 17 states; it holds no interstate operating authority.

<sup>9</sup> Because Laidlaw Transit holds no interstate operating authority, its regulated revenues presumably are derived from the regulated operations (charter and special operations) of its affiliates, but MCSI is described as inactive, and ETC's authority appears to have been revoked.

the validity of all collective bargaining agreements to which the involved carriers are party will be recognized.

Additional information may be obtained from petitioners' representatives.

Decided: August 28, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,  
*Secretary.*

[FR Doc. 96-23216 Filed 9-10-96; 8:45 am]

BILLING CODE 4915-00-P

#### [STB Finance Docket No. 33014]

#### **Modesto and Empire Traction Company, Beard Land and Investment Co., Beard Land Improvement Company, and New Modesto and Empire Traction Company—Corporate Family Transaction Exemption**

Modesto<sup>1</sup> and Empire Traction Company (MET), Beard Land and Investment Co. (BI), Beard Land Improvement Company (BL), and New Modesto and Empire Traction Company (NMET), have filed a joint notice of exemption to undertake a corporate family transaction. MET, a short line rail carrier, will merge into its parent BI, a noncarrier. BI and BL, a noncarrier subsidiary of MET, will concurrently transfer certain rail properties to NMET, a noncarrier company, in exchange for its common stock. The name of the surviving corporation will then be changed to Modesto and Empire Traction Company. The proposed transaction was to be consummated on the date of final agreement of parties but not sooner than August 19, 1996, the effective date of the exemption.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers operating outside applicants' corporate family. The purpose of the transaction is to simplify corporate structure to achieve certain economies and efficiencies in the surviving corporation.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323.

obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III railroad carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33014, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: John B. Lowry, McCutchen, Doyle, Brown & Enersen, Three Embarcadero Center, 18th Floor, San Francisco, CA 94111.

Decided: September 5, 1996.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

Vernon A. Williams,  
*Secretary.*

[FR Doc. 96-23215 Filed 9-10-96; 8:45 am]

BILLING CODE 4915-00-P

#### DEPARTMENT OF THE TREASURY

##### [Treasury Order Number 107-06]

#### **Alternative Dispute Resolution, Authority Delegation**

1. Pursuant to the authority vested in the Secretary of the Treasury, including the authority in 5 U.S.C. 301 and 31 U.S.C. 321(b), I hereby designate the General Counsel to be the Department's Dispute Resolution Specialist and delegate to the General Counsel authority over all matters that are commonly referred to, and related to, alternative dispute resolution, including negotiated rulemaking.

2. The authority delegated by this Order includes but is not limited to:

- a. the promulgation of Departmentwide policy and the promulgation of regulations; and
- b. the development of guidance necessary to comply with applicable law and Executive Orders.

3. With respect to the exercise of authority delegated pursuant to paragraph 2.a., the General Counsel shall consult with other concerned offices in the Departmental Offices and the Treasury bureaus, as appropriate.