

Twine, Documentary Services, Room PL-401, (202) 366-9329.

**SUPPLEMENTARY INFORMATION:** On March 15, 1995, at 60 FR 14050, the DOT issued a public meeting notice concerning the centralization and computerization of DOT dockets. On June 10, 1996, at 61 FR 29282, the Office of the Secretary of the DOT published a final rule revising filing procedures for OST dockets.

The FHWA docket transition to the centralized dockets begins on February 28, 1997. All open dockets will be available for inspection and copying in Room 2200-G within the TASC Library of the Nassif Building from 9 a.m. to 3:30 p.m., e.t., Monday through Friday, except for Federal holidays, from March 3 through April 7, 1997. All comments to open dockets should be clearly marked with the appropriate docket number and submitted to the U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001.

At this time, the U.S. DOT Dockets will accept only paper filings for an original document.

To ensure that the highest quality image is captured during the scanning process, documents must be typed double-spaced on 8½ by 11 inch white paper with dark type (not green) to provide adequate contrast for photographic reproduction. With one exception, original documents must be unbound, without tabs, to reduce possible damage during removal of pins and staples and to facilitate the use of a high-speed mechanism for automated scanning. Documents of more than one page may be clipped with a removable clip or similar device. In cases assigned by order to an Administrative Law Judge for hearing, the filing requirements with respect to tabbing and binding and the number of copies required will be set by order of the Administrative Law Judge. Filers are requested to provide one-sided original documents to speed the physical scanning process, but the software capability to sort double-sided copies is available.

Material that cannot be scanned will be given special handling and a cross-reference to this material will be noted in the docket file.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: February 24, 1997.

Jane Garvey,

*Acting Administrator.*

[FR Doc. 97-5022 Filed 2-27-97; 8:45 am]

BILLING CODE 4910-22-P

## Surface Transportation Board

[STB Finance Docket No. 33353]

### Clarkdale Arizona Central Railroad, L.C.—Acquisition and Operation Exemption—Arizona Central Railroad, Inc.

Clarkdale Arizona Central Railroad, L.C. (CACR) has filed a verified notice of exemption under 49 CFR 1150.31 to acquire approximately 38.74 miles of rail line owned by Arizona Central Railroad, Inc. (AZCR), between milepost 0 + 15 feet at Drake, AZ, to the Phoenix Cement Plant at milepost 38 + 3940.3 feet near Clarkdale, AZ (the Clarkdale Branch).<sup>1</sup> CACR will become a Class III rail carrier.<sup>2</sup> Consummation was expected to occur on or shortly after February 7, 1997. Although this notice of exemption for acquisition and operation was filed on January 29, 1997, and the exemption thus became effective on February 5, 1997, the transition could not lawfully have been consummated until February 10, 1997, at the earliest, because the related notice of exemption for continuance in control was filed on February 3, 1997, and, as a result, that exemption did not become effective until February 10, 1997.

If the notice contains false or misleading information, the exemption is void *ab initio*. 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. 33353, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423<sup>3</sup> and served on: Walter T. Merrill, Durbano & Merrill, 3340 Harrison Boulevard, Suite 200, Ogden, UT 84403.

Decided: February 19, 1997.

<sup>1</sup> CACR states that the Clarkdale Branch is the only rail asset owned by AZCR, although AZCR owns other assets. For liability and accounting purposes, and as part of a restructuring of the business organizations under common control, the decision was made to transfer AZCR's only rail asset to CACR. After consummation of the transaction, AZCR will no longer be a rail carrier subject to Board jurisdiction.

<sup>2</sup> This proceeding is related to STB Finance Docket No. 33354, wherein David L. Durbano, a noncarrier individual, has filed a notice of exemption to continue in control of CACR upon CACR's becoming a Class III rail carrier.

<sup>3</sup> Due to the Board's scheduled relocation on March 16, 1997, any filings made after March 16, 1997, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, D.C. 20423-0001.

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

Vernon A. Williams,  
Secretary.

[FR Doc. 97-4866 Filed 2-27-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33354]

### David L. Durbano—Continuance in Control Exemption—Clarkdale Arizona Central Railroad, L.C.

David L. Durbano (Applicant) has filed a verified notice of exemption to continue in control of Clarkdale Arizona Central Railroad, L.C. (CACR), upon CACR's becoming a Class III rail carrier.

The notice stated that Applicant expected the transaction to be consummated on or after February 7, 1997. Because this notice of exemption for continuance in control was filed on February 3, 1997, however, the 7-day effective date of this notice was February 10, 1997, which was thus the earliest date consummation could lawfully occur.

This transaction is related to STB Finance Docket No. 33353, *Clarkdale Arizona Central Railroad, L.C.—Acquisition and Operation Exemption—Arizona Central Railroad, Inc.*, wherein CACR seeks to acquire 38.74 miles of rail line owned by Arizona Central Railroad, Inc. (AZCR).

Applicant controls five existing Class III rail common carriers. In addition to controlling AZCR, operating in Arizona, applicant controls: Wyoming and Colorado Railroad Company, Inc. (WYCO), operating in Wyoming; Oregon Eastern Railroad Company, Inc. (OER), operating in Oregon; Southwestern Railroad Company, Inc. (SWR), operating in New Mexico, Oklahoma, and Texas; and Cimarron Valley Railroad, L.C. (CVR), operating in Kansas, Oklahoma, and Colorado.

Applicant states that: (i) CACR will not connect with WYCO, OER, SWR, or CVR; (ii) the continuance in control is not part of a series of anticipated transactions that would connect CACR with WYCO, OER, SWR, or CVR; and (iii) the transaction does not involve any Class I carriers. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

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