

## Saint Lawrence Seaway Development Corporation

### Advisory Board; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 2:00 p.m., June 20, 1996, at the Corporation's Washington, D.C. office, 400 7th Street, S.W., Suite 5424, Washington, D.C. 20590. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Review of Programs; Business; and Closing Remarks.

Attendance at meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact not later than June 17, 1996, Marc C. Owen, Advisory Board Liaison, Saint Lawrence Seaway Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590; 202-366-0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C. on May 29, 1996.

Marc C. Owen,

Advisory Board Liaison.

[FR Doc. 96-14012 Filed 6-4-96; 8:45 am]

BILLING CODE 4910-61-M

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

[STB Ex Parte No. 523 (Sub-No. 1)]

### Railroad Cost of Capital—1995

AGENCY: Surface Transportation Board.

ACTION: Notice of decision.

**SUMMARY:** On June 5, 1996, the Board served a decision to update its estimate of the railroad industry's cost of capital for 1995. The composite cost of capital rate for 1995 is found to be 11.7%, based on a current cost of debt of 7.4%,

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10704.

a cost of common equity capital of 13.4%, a cost of preferred equity capital of 3.2%, and a 26.0% debt, 72.8%

common equity, 1.2% preferred equity capital structure mix. The cost of capital finding made in this proceeding will be used in a variety of Board proceedings.

**EFFECTIVE DATE:** This action is effective June 6, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Leonard J. Blistein, (202) 927-6171. (TDD for the hearing impaired: (202) 927-5721.)

**SUPPLEMENTARY INFORMATION:** The cost of capital finding in this decision shall be used to evaluate the adequacy of railroad revenues for 1995 under the standards and procedures promulgated in *Standards for Railroad Revenue Adequacy*, 3 I.C.C.2d 261 (1986). This finding may also be used in other Board proceedings involving, for example, the prescription of maximum reasonable rate levels and proposed abandonments of rail lines. Additional information is contained in the Board's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Room 2229, 1201 Constitution Avenue, NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927-5721.)

#### Environmental and Energy Considerations

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

#### Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of this action are to update the annual railroad industry cost of capital finding by the Board. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

Authority: 49 U.S.C. 10704(a).

Decided: May 22, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-14088 Filed 6-4-96; 8:45 am]

BILLING CODE 4915-00-P

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

[STB Finance Docket No. 32968]

### Luxapalila Valley Railroad, Inc.—Acquisition and Operation Exemption—Rail Lines of Norfolk Southern Railway Co. and Columbus and Greenville Railway Co.

Luxapalila Valley Railroad, Inc. (LVR), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 to acquire and to operate approximately 34.2 miles of connecting, separately owned main rail lines in Mississippi and Alabama. The lines to be acquired are currently owned by Norfolk Southern Railway Company (NS) and Columbus and Greenville Railway Company (C&G).<sup>2</sup> The trackage lies between NS milepost 884.9 at Belk, AL, and NS milepost 919.1 at Columbus, MS. NS currently owns and operates the 24.5-mile Alabama portion, lying between NS milepost 884.9 at Belk and NS milepost 909.4 at the Mississippi-Alabama state line. The 9.7-mile Mississippi portion, lying between NS milepost 909.4 and NS milepost 919.1 at Columbus, is owned by C&G but has been operated by NS since 1926 under a lease that expired in 1995.

The transaction was intended to be consummated shortly after May 30, 1996.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32968, must be filed with

<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. 10901.

<sup>2</sup> LVR and C&G are owned by CAGY Industries, Inc., a noncarrier that controls several class III rail carriers. Because CAGY Industries owns other carriers, it would require the prior approval of this Board under 49 U.S.C. 11323(a)(5) and 11324(d), or exemption therefrom under 49 U.S.C. 10502, to continue in control of these other carriers when LVR becomes a carrier by its acquisition of the line in question. In STB Finance Docket No. 32968 (Sub-No. 1), CAGY Industries has filed a petition for exemption to permit such continuance in control. Because LVR will connect with another carrier controlled by CAGY Industries (C&G), CAGY Industries cannot invoke the class exemption at 49 CFR 1180.2(d)(2) for continuance-in-control transactions. Prior to closure of this transaction and pending approval of the exemption sought in the (Sub-No. 1) proceeding, LVR's stock will be placed into an independent voting trust.

the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Patricia E. Kolesar, Esq., Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC. 20036.

Decided: May 29, 1996.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.  
Vernon A. Williams,  
Secretary.

[FR Doc. 96-14086 Filed 6-4-96; 8:45 am]

BILLING CODE 4915-00-P

#### [Finance Docket No. 32691]<sup>1</sup>

#### **North Charleston Terminal Company— Lease Exemption—South Carolina Division of Public Railways, Cosgrove Yard, North Charleston, SC**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of exemption.

**SUMMARY:** The Board, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 11343-45 the lease by North Charleston Terminal Company of South Carolina Division of Public Railways' Cosgrove Yard, consisting of approximately 9.3 miles of yard track and other railroad facilities, in North Charleston, Charleston County, SC, subject to standard labor protective conditions.

**DATES:** This exemption will be effective July 5, 1996. Petitions to stay must be filed by June 20, 1996, and petitions to reopen must be filed by July 1, 1996.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 32691 to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423, and (2) Petitioner's representative: Robert J. Cooney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-2191.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10902 and 49 U.S.C. 11323-25. Therefore, this notice applies the law in effect prior to the ICCTA, and citations are to the former sections of the statute, unless otherwise indicated.

**FOR FURTHER INFORMATION CONTACT:**  
Beryl Gordon, (202) 927-7513. (TDD for the hearing impaired: (202) 927-5721.)

**SUPPLEMENTARY INFORMATION:**  
Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., Room 2229, 1201 Constitution Ave., NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927-5721.)

Decided: May 21, 1996.

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

Vernon A. Williams,  
Secretary.

[FR Doc. 96-14087 Filed 6-4-96; 8:45 am]

BILLING CODE 4915-00-P

#### **DEPARTMENT OF THE TREASURY**

##### **Customs Service**

[T.D. 96-47]

##### **Petroleum Refineries in Foreign Trade Subzones**

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** General notice; modification of T.D. 66-16.

**SUMMARY:** This document publishes an attribution schedule approved in accordance with the foreign trade zone regulations for use by the Valero Refining Company, operating as Foreign Trade Subzone No. 122j, in Corpus Christi, Texas, covering three feedstocks not otherwise covered by a published schedule, for the purpose of calculating the amount of selected feedstock which would be required to produce a given category of product in the subzone, with inventory accounting for feedstock and product, as well as duty assessment for any such product removed from or consumed within the subzone, being determined accordingly.

**FOR FURTHER INFORMATION CONTACT:**  
Louis Hryniw, Office of Regulatory Audit, (202) 927-0677.

##### **SUPPLEMENTARY INFORMATION:**

##### **BACKGROUND**

By a final rule document published in the Federal Register as T.D. 95-35 (60 FR 20628) on April 27, 1995, Customs amended its foreign trade zone regulations (19 CFR part 146) to add special procedures and requirements governing the operation of petroleum

refineries approved as foreign trade subzones, in implementation of § 9002 of the Technical and Miscellaneous Revenue Act of 1988, codified as 19 U.S.C. 81c(d). These regulations, issued as a new subpart H to part 146 (§§ 146.91-146.96), essentially establish procedures to account for the various products refined in a subzone as well as the feedstocks that are used therein in such refining operations, with duty assessment being determined accordingly.

Specifically in this connection, § 146.93(a) requires that all final product refined in, and either removed from or consumed within, a petroleum refinery subzone, be attributed to feedstock admitted into the subzone in the current or prior manufacturing period.

One method of attribution permits a quantity of product to be attributed as having been refined from a given quantity of feedstock to the extent that the quantity of such product was producible (could have been produced) from the stated quantity of feedstock. 19 CFR 146.95(a) (1) and (2). This method, known as producibility, calls for the establishment of objective production standards to govern its application. Such standards, called industry standards of potential production on a practical operating basis, have already been established, adopted and published in T.D. 66-16. 19 CFR 146.95(a)(2). In this regard, T.D. 66-16 lists several categories of products as well as a number of different feedstocks, together with the noted industry standards expressed in percentages.

Section 146.95(a)(3)(i) deals with the attribution of product to feedstock not listed in T.D. 66-16, and requires in this situation that the operator submit a proposed attribution schedule, supported by a technical memorandum, to the appropriate port director. The port director must refer the request to the Director, Office of Regulatory Audit, who is responsible for reviewing and verifying the refiner's records and approving or denying the request, following due coordination with the Director, Office of Laboratories and Scientific Services.

In the present case, Valero Refining Company, operating as Foreign Trade Subzone No. 122j, in Corpus Christi, Texas, has submitted such a request, which has since been evaluated by Customs as described, and approved, concerning the establishment of a verified attribution schedule for heretofore unlisted residual cracking feedstocks of classes I, II, and III, respectively. Section 146.95(a)(3)(i)