

public during the 12-month period used to compute projected midyear rate base. Those flotation costs for which an allowance shall be made must be identifiable, and must be directly attributable to underwriting fees, and printing, legal, accounting, and/or other administrative expenses. No allowance shall be made for any hypothetical costs such as those associated with market pressure and market break effects. The allowance shall be applied solely to the new common-stock equity and shall not be applied to the existing common-stock equity balance. The formula that shall be used to compute such an allowance is as follows:

$$k = Fs/(1+s)$$

where:

- k is the required increment to the cost of the carrier's common stock equity capital that will allow the company to recover its flotation costs;
- F is the flotation costs expressed as a decimal fraction of the dollar value of new common-stock equity sales; and
- s is the new common-stock equity sales expressed as a decimal fraction of the dollar value of existing common-stock equity capital.

(ii) *Flotation costs data (Schedules F-VII and F-VII(A)).* (A) In the event that new common-stock equity is to be issued during the 12-month period used to compute projected midyear rate base, the carrier shall show separately by category the estimated costs of floating the new issues to the extent that such costs are identifiable and are directly attributable to actual underwriting fees, and to printing, legal, accounting, and/or other administrative expenses that must be paid by the carrier. The carrier shall submit a statement explaining the method used in estimating the flotation costs. The carrier shall also show estimates of the date of issuance; number of shares to be issued; gross proceeds at issuance price; and net proceeds to the carrier.

(B) Where a carrier is a subsidiary that obtains its common-stock equity capital through a parent company, and the parent company intends to issue new common-stock equity during the 12-month period, the carrier shall show separately by category the estimated costs to the parent company of floating the new issues, and estimates of the above items relative to the parent company's issuance of new common-stock equity, provided that such carrier has applied for and been granted permission from the Commission to use a consolidated capital structure in computing the BTWACC.

(f) *Financial ratio methods*—(1) *Fixed charges coverage ratio.* * * *

(2) *Operating ratio.* * * *

By the Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 95-21845 Filed 9-1-95; 8:45 am]

BILLING CODE 6730-01-W

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-66; RM-8625]

Radio Broadcasting Services; Dayton, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Steven C. Hoffman, allots Channel 272A at Dayton, Washington, as the community's second local FM transmission service. See 60 FR 26712, May 18, 1995. Channel 272A can be allotted at Dayton in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.0 kilometers (1.9 miles) southwest to avoid short-spacings to the construction permit site for Station KRAO(FM), Channel 273C3, Colfax, Washington, and the licensed site for Station KORD(FM), Channel 274C, Richland, Washington. The coordinates for Channel 272A at Dayton are North Latitude 46-17-57 and West Longitude 117-59-52. Since Dayton is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been received.

DATES: Effective October 16, 1995. The window period for filing applications will open on October 16, 1995 and close on November 16, 1995.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-66, adopted August 24, 1995, and released August 30, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Channel 272A at Dayton.

Federal Communications Commission.

John A. Karousos,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-21908 Filed 9-1-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-48; RM-8590]

Television Broadcasting Services; Weaverville, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots UHF television Channel 32 to Weaverville, California, as that community's first local television broadcast service, in response to a petition for rule making filed by Mark C. Allen. See 60 FR 20950, April 28, 1995. Coordinates used for Channel 32 at Weaverville are 40-54-45 and 122-52-15. See Supplementary Information, *infra*. With this action the proceeding is terminated.

EFFECTIVE DATE: October 16, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-48, adopted August 23, 1995, and released August 30, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

Weaverville is located within the prohibited co-channel minimum distance separation of 280.8 kilometers (174.5 miles) to the Sacramento-Stockton television market, one of the designated television markets affected by the Commission's current freeze on allotments and applications pending the outcome of an inquiry into the use of advanced television systems in broadcasting. (See *Order, Advanced Television Systems and Their Impact on Existing Television Broadcasting Service*, 52 Fed. Reg. 28346, July 29, 1987). However, Channel 32 is allotted to Weaverville in compliance with the terms of the freeze *Order* at a restricted site. Interested parties should note that any application submitted for Channel 32 at Weaverville which does not specify a site beyond the "freeze zone" governing the allotment will not be accepted for filing.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of TV Allotments under California, is amended by adding Weaverville, Channel 32.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-21907 Filed 9-1-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 94-37; Notice 2]

RIN 2127-AF 22

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice adopts amendments to the Federal Motor

Vehicle Safety Standard on lighting to replace the currently incorporated SAE J576c with the more recent SAE J576 JUL91 as the referenced standard on plastics materials, to replace ASTM D 1003-61 with the more recent ASTM D 1003-92 in the test procedures, and to allow alternative processing techniques, sample sizes and thickness tolerances to those presently specified. These amendments represent the choice of Option 1 from the notice of proposed rulemaking published in November 1994.

DATES: The effective date of the final rule is March 1, 1996.

FOR FURTHER INFORMATION CONTACT: Kenneth O. Hardie, Office of Rulemaking, NHTSA (202-366-6987).

SUPPLEMENTARY INFORMATION: Heraeus DSET Laboratories, Inc. ("DSET"), of Phoenix, Arizona, petitioned NHTSA for rulemaking to amend Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Specifically, DSET asked that paragraph S5.1.2 be amended "to update the test specimen processing requirements of plastic material used for optical parts such as lenses and reflectors." Currently, these materials are required to conform to Society of Automotive Engineers (SAE) Recommended Practice J576c, May 1970. DSET wants NHTSA

to allow alternative processing techniques besides injection molding to produce test specimens, to allow test specimen sizes other than a 3 inch diameter disc and to change the specimen thickness tolerances from ± 0.005 inch to ± 0.010 inch.

Those requirements for injection molding and for the diameter and thickness of the test specimen are set forth in J576c, May 1970.

NHTSA granted the petition and published a notice of proposed rulemaking in response to it on November 2, 1994 (59 FR 54881). The notice proposed two alternative amendments of S5.1.2 as a means of implementing its grant of DSET's petition. The agency asked commenters for their views on each of the alternatives.

Option 1. This option would substitute SAE J576 JUL91 for SAE J576c, May 1970, and make conforming amendments in the text of S5.1.2. Option 1 would also replace American Society for Testing and Materials (ASTM) D 1003-61 with ASTM D 1003-92 with respect to measurement of haze (which, as currently specified, would not exceed 7 percent). A specimen thickness tolerance of ± 0.25 mm (0.010 in.) would also be allowed as there is no technical reason to limit the test

specimen thickness tolerance to ± 0.005 in., and the value proposed by NHTSA as recommended by DSET appears to be a more reasonable tolerance for test specimens.

Option 2. This option would retain the current SAE and ASTM specifications but would allow processing techniques other than injection molding to produce equivalent test specimens, test specimens other than a disc of 3-inch diameter, and a test specimen thickness tolerance of ± 0.010 inch.

Seven comments were received, five of which supported Option 1. These were from Flxible Corporation ("Flxible"), Transportation Safety Equipment Institute ("TSEI"), Robert Bosch, GmbH ("Bosch"), American Automobile Manufacturers Association ("AAMA"), and Ford Motor Company ("Ford"). Miles, Inc. opposed Option 1 and supported Option 2. The Plastics Division of General Electric Corporation ("GE") did not express a preference for either alternative.

Each of the commenters supporting Option 1 had a different concern. Flxible suggested that NHTSA adopt the base number of each SAE and ASTM standard/recommended practice, with the suffix notation "Latest Revision." In the company's view, this would eliminate the need to revise older materials and ensure that the safety standards reflect contemporary industry practice.

While this is an attractive notion, there are legal constraints against it. The SAE and ASTM materials per se are only guidelines and advisory in nature. Once they are incorporated into the Federal motor vehicle safety standards, they become "the law of the land", and a manufacturer must comply with them or face civil sanctions. Under the Administrative Procedure Act, a regulation imposing a substantive burden cannot be adopted in the absence of adequate public notice and an opportunity to comment. Under the approach suggested by Flxible, automatic updating of the safety standards to incorporate the latest SAE and ASTM revisions would occur with no prior public notice or opportunity to comment, and hence violate the Administrative Procedure Act. Further, NHTSA has found that many updated and revised materials change the previous materials in substantive ways. Some changes may not be in the interests of safety; the elimination of the heat test from SAE J576 JUL91 is one example of this. Other changes may increase, rather than reduce, a substantive burden upon industry. Regulated persons and the public must