

significantly smaller than either.”<sup>33</sup> Accordingly, any move toward loosening the waiver requirements in this context must also be assessed in terms of competition. A waiver that might be acceptable in terms of its impact upon diversity might create such market power in a single entity that it would not be tolerable in terms of competition. In this regard, we note that in 1995, local newspapers captured 49% of local advertising expenditures (20.1% of all advertising) as against a total of 13.3% of local advertising (5.5% of all advertising) captured by radio stations.<sup>34</sup> And the 49% share is usually captured by a single newspaper while the 13.3% radio share is typically divided among a number of radio stations. In considering newspaper/radio waiver requests, should we consider from a competition standpoint the size of the newspaper involved? That is, should we view a proposed newspaper/radio combination differently if it involves a large major daily newspaper rather than a small, but not failing, local daily? If so, what test should we use to measure the size or competitive power of the newspaper involved in a waiver request? Should we require information on the percentage of local advertising dollars that the newspaper commands? Alternatively, should we look at the percentage of such dollars that would be commanded by the proposed newspaper/radio combination?<sup>35</sup> How should we determine whether the proposed newspaper/radio combination will possess market power? If we establish a test based on the proportion of local advertising dollars that the proposed combination would command, should we establish an objective, bright line benchmark and, if so, what should that level be? What other objective test might we use to determine whether a proposed local newspaper/radio combination would possess such market power that our competition concerns would be undermined by grant of a waiver? Will entry barriers for prospective radio broadcasters or newspaper owners be increased by relaxation of our waiver policy? What impact, if any, should the size of the

media outlets involved also have on our diversity analysis?

#### Administrative Matters

I. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before December 9, 1996, and reply comments on or before January 8, 1997. To file formally in this proceeding, you must file an original plus six copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus eleven copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20554.

II. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission Rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

#### Ordering Clause

III. Accordingly, *it is ordered* that pursuant to the authority contained in Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154 and 303, this Notice of Inquiry *is adopted*.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96-26313 Filed 10-11-96; 8:45 am]

BILLING CODE 6712-01-P

#### 47 CFR Part 73

[MM Docket No.96-204; RM-8876]

#### Radio Broadcasting Services; Martin and Tiptonville, TN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Thunderbolt Broadcasting Company, licensee of Station WCMT(FM), Channel 269A, Martin, Tennessee, requesting the substitution of Channel 267C3 for Channel 269A at Martin, Tennessee, and the modification of Station WCMT(FM)'s license to specify

operation on the higher powered channel. Petitioner also requests the deletion of vacant Channel 267C3 at Tiptonville, Tennessee. Channel 267C3 can be allotted to Martin in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.1 kilometers (8.8 miles) northwest to accommodate Thunderbolt's desired site. The coordinates for Channel 267C3 at Martin, Tennessee, are 36-26-09 and 88-57-30. The coordinates for Channel 267C3 at Tiptonville, Tennessee, are 36-22-42 and 89-28-30.

**DATES:** Comments must be filed on or before November 25, 1996, and reply comments on or before December 10, 1996.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John R. Garziglia, Pepper & Corazzini, L.L.P., 1776 K Street, NW., Suite 200, Washington, DC 20006 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-204, adopted September 27, 1996, and released October 4, 1996. 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 contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

<sup>33</sup> *Second Report and Order*, *supra* at 1057.

<sup>34</sup> McCann-Ericson, *U.S. Advertising Volume*, Advertising Age (May 20, 1996).

<sup>35</sup> Given the present ability of an entity or individual to obtain attributable ownership interests in up to eight radio stations in a single market (depending on the number of stations in the market) a different case might be presented by a situation in which the licensee of several stations in a market purchases, or is purchased by, a major daily newspaper in that market than would be presented if a single station/newspaper combination was proposed.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-26365 Filed 10-11-96; 8:45 am]

BILLING CODE 6712-01-F

## DEPARTMENT OF ENERGY

### 48 CFR Parts 917, 950, 952, and 970

RIN 1991-AB28

#### Acquisition Regulation; Department of Energy Management and Operating Contracts

**AGENCY:** Department of Energy.

**ACTION:** Correction to Notice of limited reopening of the comment period.

**SUMMARY:** This document corrects the notice of reopening of the comment period published on October 10, 1996 (61 FR 53185). The notice reopening the comment period proposed additional changes to the Department's proposed rule published on June 24, 1996 (61 FR 32588) incorporating certain contract reform initiatives. The notice reopening the comment period proposed additional changes to 48 CFR 970.5204-2, Environment, Safety and Health. The purpose of today's correction is to republish the clause proposed in the October 10, 1996 notice.

**DATE:** Written comments (1 copy) on this document must be submitted by October 25, 1996.

**ADDRESSES:** All comments are to be submitted to Connie P. Fournier, Office of Policy (HR-51), Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586-8245; (202) 586-0545 (facsimile); connie.fournier@hq.doe.gov (Internet).

#### SUPPLEMENTARY INFORMATION:

##### Need for Correction

As published, the notice reopening the comment period contained errors in the clause which could be confusing to the reader. Due to the editorial nature of the changes and because the Department has sent actual copies of this notice to those who commented on the Notice of Proposed Rulemaking, the Department has not extended the comment period which remains October 25, 1996.

##### Correction of Publication

Accordingly, the notice reopening the comment period for 48 CFR Parts 917, 950, 952 and 970 published on October 10, 1996, which was the subject of FR Doc. 96-26083 is corrected as follows:

#### 970.5204-2 [Corrected]

1. At page 53186, beginning at column 1, § 970.5204-2 is corrected to read:

#### 970.5204-2 Integration of Environment, Safety and Health into Work Planning and Execution

As prescribed in 48 CFR (DEAR) 970.2303-2(a), insert the following clause.

*Integration of Environment, Safety and Health into Work Planning and Execution (Month and Year TBE)*

(a) In performing work under this contract, the contractor shall perform work safely, in a manner that ensures adequate protection for employees, the public, and the environment, and shall be accountable for the safe performance of work. Employees include subcontractor employees. In accomplishment of this requirement, the contractor shall implement programs to prevent accidents, releases, and exposures. The contractor shall ensure that management of environment, safety and health (ES&H) functions and activities becomes an integral and discernible part of the contractor's work planning and execution processes. The contractor shall, in the performance of work, ensure that:

(1) Line management is responsible for the protection of employees, the public, and the environment. Line management includes those contractor and subcontractor employees managing or supervising employees performing work.

(2) Clear and unambiguous lines of authority and responsibility for ensuring ES&H are established and maintained at all organizational levels.

(3) Personnel possess the experience, knowledge, skills, and abilities that are necessary to discharge their responsibilities.

(4) Resources are effectively allocated to address ES&H, programmatic, and operational considerations. Protecting employees, the public, and the environment is a priority whenever activities are planned and performed.

(5) Before work is performed, the associated hazards are evaluated and an agreed-upon set of ES&H standards and requirements are established which, if properly implemented, provide adequate assurance that employees, the public, and the environment are protected from adverse consequences.

(6) Administrative and engineering controls to prevent and mitigate hazards are tailored to the work being performed and associated hazards. Emphasis should be on designing the work and/or controls to reduce or eliminate the hazards.

(7) The conditions and requirements to be satisfied for operations to be initiated and conducted are clearly established and agreed-upon. These agreed-upon conditions and requirements are requirements of the contract and binding upon the contractor. The extent of documentation and level of authority for agreement shall be tailored to the complexity and hazards associated with the work and shall be established in the Safety Management System (System).

(b) The contractor shall manage and perform work in accordance with a

documented System that fulfills all conditions in paragraph (a) of this clause at a minimum. The contractor shall exercise a degree of care commensurate with the work and the associated hazards. Documentation of the System shall describe how the contractor will:

- (1) define the scope of work
- (2) identify and analyze hazards associated with the work
- (3) develop and implement hazard controls
- (4) perform work within controls, and
- (5) provide feedback on adequacy of controls and continue to improve safety management.

(c) The System shall describe how the contractor will establish, document, and implement safety performance objectives, performance measures, and commitments in response to DOE program and budget execution guidance while maintaining the integrity of the System. The System shall also describe how the contractor will measure system effectiveness.

(d) The contractor shall comply with, and assist the Department of Energy in complying with all applicable laws and regulations, and applicable directives identified in the clause of this contract on Laws, Regulations, and DOE Directives. The contractor shall cooperate with Federal and non-Federal agencies having jurisdiction over ES&H matters under this contract.

(e) The contractor shall submit to the contracting officer documentation of its System for review and approval. Dates for submittal, discussions, and revisions to the System will be established by the contracting officer. Guidance on the preparation, content, review, and approval of the System addressing all aspects of ES&H is provided in DOE Guide G 450.4, "Integrated Safety Management," and successor documents. Additional guidance regarding the System may be provided by the contracting officer. On an annual basis, the contractor shall review and update, for DOE approval, its safety performance objectives, performance measures, and commitments consistent with and in response to DOE's program and budget execution guidance and direction. Resources shall be identified and allocated to meet the safety objectives and performance commitments as well as maintain the integrity of the entire System. Accordingly, the System shall be integrated with the contractor's business processes for work planning, budgeting, authorization, execution, and change control.

(f) The contractor shall promptly evaluate and resolve any noncompliance with applicable ES&H requirements and the System. If the contractor fails to provide resolution or if, at any time, the contractor's acts or failure to act causes substantial harm or an imminent danger to the environment or health and safety of employees or the public, the contracting officer may issue an order stopping work in whole or in part. Any stop work order issued under this clause (including a stop work order issued by the contractor to a subcontractor in accordance with paragraph (g) of this clause) shall be without prejudice to any other legal or contractual rights of the Government. Thereafter, an order authorizing the