FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87–267; FCC 98–69]

Implementation of the AM Expanded Band Allotment Plan

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration.

SUMMARY: In *Implementation of the AM Expanded Band Allotment Plan,* FCC 98–69, the Federal Communications Commission denied two petitions for reconsideration filed by Press Broadcasting, Co. (''Press'') and Kovas Communications, Inc. (''Kovas''). The Commission found that the issues raised by Press had been previously considered and rejected, and that the reconsideration filed by Kovas was without merit. The intended effect of this action is to affirm the Commission's previous order and the previously reissued Expanded Band Allotment Plan.

EFFECTIVE DATE: April 28, 1998.

FOR FURTHER INFORMATION CONTACT: Peter H. Doyle, Audio Services Division, Mass Media Bureau, (202) 418–2720.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order in MM Docket No. 87–267, adopted on April 14, 1998 and released on April 28, 1998. The full text of the *Implementation of the AM Expanded Band Allotment Plan,* FCC 98–69 is available for inspection and copying during normal business hours in the FCC Public Reference Room, Room 239, 1919 M Street, NW, Washington, D.C. (See MM Docket 87–267). The complete text of this order may also be purchased from the Commission's copy contractor, International Transcription Service (ITS), 1231 20th Street, NW, Washington, D.C., (202) 857–3800 (phone), (202) 857–3805 (facsimile). Synopsis of MO&O: In *Implementation of the AM Expanded Band Allotment Plan,* FCC 97–68, 62 FR 23176, April 29, 1997 (''Order III''), the Commission rescinded the second allotment plan, modified the frequency preclusion and allotment programs, and clarified the harmonic interference standard used in the frequency preclusion program. The Commission also reaffirmed the five-year transition period for dual frequency operations. Press's request for reconsideration sought to have the five year transition period reduced to a six-month period. The Commission noted that the issues raised by Press had been previously considered and rejected, and found Press's request unwarranted. The Commission also denied Kovas's challenge to the second harmonic interference protection standard and the staff's determination that Kovas was ineligible to receive an Expanded Band Allotment. The Commission found that Kovas failed to identify factors warranting reconsideration of the second harmonic standard. It also found that Kovas's analysis of the allotment plan was incorrect and the argument regarding its ineligibility to receive an allotment was without merit.

Procedural Matters

As required by section 604 of the Regulatory Flexibility Act, 5 U.S.C. 604 (''RFA''), a Final Regulatory Flexibility Analysis (''FRFA'') was incorporated into the *Implementation of the AM Expanded Band Allotment Plan,* FCC 97–68. The Petitions for Reconsideration filed in response to *Implementation of the AM Expanded Band Allotment Plan,* FCC 97–68, did not raise questions about FRFA. Based on the determination not to further amend the rules, no further Regulatory Flexibility Analysis is necessary.

List of Subjects in 47 CFR Part 73

Expanded band allotment plan, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–13912 Filed 5–22–98; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Part 252

Solicitation Provisions and Contract Clauses

CFR Correction

In title 48 of the Code of Federal Regulations, chapter 2, parts 201 to 299, revised as of October 1, 1997, on page 440, section 252.223–7004 was inadvertently reserved, the omitted text should read as follows:

252.223–7004 Drug-Free Work Force.

As prescribed in 223.570–4, use the following clause:

Drug-Free Work Force (Sep. 1988**)**

(a) *Definitions.* (1) *Employee in a sensitive position,* as used in this clause, means an employee who has been granted access to classified information; or employees in other positions that the Contractor determines involve national security, health or safety, or functions other than the foregoing requiring a high degree of trust and confidence.

(2) *Illegal drugs,* as used in this clause, means controlled substances included in Schedules I and II, as defined by section 802(6) of title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that title. The term ''illegal drugs'' does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

(b) The Contractor agrees to institute and maintain a program for achieving the objective of a drug-free work force. While this clause defines criteria for such a program, contractors are encouraged to implement alternative approaches comparable to the criteria in paragraph (c) that are designed to achieve the objectives of this clause.

(c) Contractor programs shall include the following, or appropriate alternatives:

(1) Employee assistance programs emphasizing high level direction, education, counseling, rehabilitation, and coordination with available community resources;

(2) Supervisory training to assist in identifying and addressing illegal drug use by Contractor employees;

(3) Provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues;

(4) Provision for identifying illegal drug users, including testing on a controlled and carefully monitored basis. Employee drug testing programs shall be established taking account of the following:

(i) The Contractor shall establish a program that provides for testing for the use of illegal drugs by employees in sensitive positions. The extent of and criteria for such testing shall be determined by the Contractor based on considerations that include the nature of the work being performed under the contract, the employee's duties, the efficient use of Contractor resources, and the risks to health, safety, or national security that could result from the failure of an employee adequately to discharge his or her position.

(ii) In addition, the Contractor may establish a program for employee drug testing—

(A) When there is a reasonable suspicion that an employee uses illegal drugs; or

(B) When an employee has been involved in an accident or unsafe practice;

(C) As part of or as a follow-up to counseling or rehabilitation for illegal drug use;

(D) As part of a voluntary employee drug testing program.

(iii) The Contractor may establish a program to test applicants for employment for illegal drug use.

(iv) For the purpose of administering this clause, testing for illegal drugs may be limited to those substances for which testing is prescribed by section 2.1 of subpart B of the ''Mandatory Guidelines for Federal Workplace Drug Testing Programs'' (53 FR 11980 (April 11 1988)), issued by the Department of Health and Human Services.

(d) Contractors shall adopt appropriate personnel procedures to deal with employees who are found to be using drugs illegally.

Contractors shall not allow any employee to remain on duty or perform in a sensitive position who is found to use illegal drugs until such times as the Contractor, in accordance with procedures established by the Contractor, determines that the employee may perform in such a position.

(e) The provisions of this clause pertaining to drug testing program shall not apply to the extent they are inconsistent with state or local law, or with an existing collective bargaining agreement; provided that with respect to the latter, the Contractor agrees that those issues that are in conflict will be a subject of negotiation at the next collective bargaining session.

(End of clause)

[57 FR 32737, July 23, 1992]

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