

# Rules and Regulations

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## FEDERAL LABOR RELATIONS AUTHORITY

### 5 CFR Parts 2423 and 2429

#### Unfair Labor Practice Proceedings: Miscellaneous and General Requirements

**AGENCY:** Federal Labor Relations Authority.

**ACTION:** Clarification of final rule.

**SUMMARY:** This action clarifies the effective date of the Federal Labor Relations Authority's amended regulations regarding unfair labor practice (ULP) proceedings (Part 2423) and miscellaneous and general requirements (Part 2429). The amended regulations appeared in the **Federal Register** on July 31, 1997 (62 FR 40911). Those regulations showed an effective date of October 1, 1997. However, section 2423.1 of the amended regulations stated that the amended regulations were applicable to "any complaint filed on or after October 1, 1997," while the supplementary information regarding that section stated that "October 1, 1997 is the effective date of subparts B, C, and D of this part." By this document, the Federal Labor Relations Authority clarifies that subpart B of part 2423 applies to all complaints filed after the October 1, 1997 effective date. Subparts C and D of part 2423 and all revisions to part 2429 apply to all ULP complaints pending after October 1, 1997, regardless of when the complaints were filed.

**EFFECTIVE DATE:** October 1, 1997.

**ADDRESSES:** Office of Case Control, Federal Labor Relations Authority, 607 14th Street, N.W., Washington, D.C. 20424-0001.

**FOR FURTHER INFORMATION CONTACT:** Peter Constantine, Office of Case Control, at the address listed above or by telephone # (202) 482-6540.

Dated: August 27, 1997.

**Solly Thomas,**

*Executive Director, Federal Labor Relations Authority.*

[FR Doc. 97-23238 Filed 8-29-97; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1207

[FV-96-703IFR]

#### Potato Research and Promotion Plan; Suspension of Portions of the Plan; Amendments of the Regulations Regarding Importers' Votes; and Clarification of Reporting Requirements

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This rule will suspend portions of the Potato Research and Promotion Plan (Plan) that require National Potato Promotion Board (Board) members be nominated at meetings, suspends obsolete provisions in the Plan, amends the rules and regulations issued under the Plan to provide for mail balloting as an alternative means of selecting nominees for appointment, permits importer members of the Board to vote on the basis of the volume of imported potatoes, and provides in the rules and regulations that designated handlers must report to the Board those potatoes of their own production for which the assessment has been paid by another designated handler.

**DATES:** Effective September 3, 1997. Comments must be received by November 3, 1997.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposed rule to: Docket Clerk, Research and Promotion Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, STOP Code 0244, 1400 Independence Avenue, SW, Washington, DC 20250-0244, fax (202) 205-2800. Three copies of all written material should be submitted. Comments will be made available for public inspection at the Research and Promotion Branch during

regular business hours. All comments should reference the docket number and the date and page number of this issue of the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Georgia C. Abraham, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, STOP Code 0244, 1400 Independence Avenue, SW, Washington, DC 20250-0244; telephone (202) 720-5057 or (888) 720-9917 (toll free).

**SUPPLEMENTARY INFORMATION:** This rule is issued under the Potato Research and Promotion Plan (Plan) [7 CFR Part 1207]. The Plan is authorized by the Potato Research and Promotion Act, as amended [7 U.S.C. 2611-2627], hereinafter referred to as the Act.

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 311 of the Act, a person subject to a plan may file a petition with the Secretary of Agriculture (Secretary) stating that such plan, any provision of such plan, or any obligation imposed in connection with such plan is not in accordance with law; and requesting a modification of the plan or an exemption from the plan. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary will rule on the petition. The Act provides that the district court of the United States in any district in which such person is an inhabitant, or has principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided that a complaint is filed within 20 days after the date of entry of the ruling.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*]