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FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2429

Agency Rule Implementing the Law Governing Selection of Court for Multiple Appeals

AGENCY: Federal Labor Relations Authority.

ACTION: Final rule.

SUMMARY: The Federal Labor Relations Authority (FLRA) amends its rules and regulations as required by Public Law 100-236, which was enacted to provide for the selection of the court of appeals to decide multiple appeals of an agency order. The statute obligates the agency to designate an officer and office to receive petitions to review agency orders that are filed with the courts of appeals.

EFFECTIVE DATE: February 26, 1990.

FOR FURTHER INFORMATION CONTACT: William E. Persina, Solicitor, Federal Labor Relations Authority, 500 C Street, SW., Washington, DC 20424. Telephone: (202) 382-0781.

SUPPLEMENTARY INFORMATION: Public Law 100-236 was enacted to provide a procedure for selection of an appropriate court of appeals to review an agency order when multiple appeals to the order are filed with more than one court of appeals. Formerly, the practice of selecting the "court of venue" when an appeal was filed in more than one circuit was determined by the circuit where the appeal of the agency orders was first filed. The "first to file" rule, however, gave rise to "races to the courthouse" in order to file in a circuit which a lawyer believed would be sympathetic to the client's position. (H.R. Rep. No. 100-72 at 1-2 (1987)).

In order to alleviate the need for a circuit race when multiple appeals are filed, Public Law 100-236 establishes a procedure for a random selection of a circuit from among those circuits in which petitions are filed. In order to qualify for participation in the random selection process, a person must file a petition for review of the agency order and submit a copy of the petition to the agency within 10 days of issuance of the order. The statute requires agencies to designate by rule an office and officer to receive the petition for review. Therefore, the Federal Labor Relations Authority is amending part 2429 of its rules and regulations to provide that its Solicitor will receive petitions for court review of agency orders.

List of Subjects in 5 CFR Part 2429

Administrative practice and procedure, Government employees, Labor-management relations.

For the reasons set forth in the preamble, 5 CFR part 2429 is amended as follows:

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

1. The authority citation for part 2429 is revised to read as follows:

Authority: 5 U.S.C. 7134; § 2429.18 also issued under 28 U.S.C. 2112(a).

2. Part 2429, subpart A is amended by adding § 2429.18 to read as follows:

§ 2429.18 Service of petitions for review of final authority orders.

Any aggrieved person filing pursuant to 5 U.S.C. 7123(a) a petition for review of a final Authority order in an appropriate Federal circuit court of appeals within 10 days of issuance of the Authority's final order must ensure that a court-stamped copy of the petition for review is received by the Solicitor of the Authority within that 10-day period in order to qualify for participation in the random selection process established in Public Law No. 100-236 for determining the appropriate court of appeals to review an agency final order when petitions for review of that order are filed in more than one court of appeals.

Dated: January 22, 1990.

Jean McKee,

Chairman.

Tony Armendariz,

Member.

Pamela Talkin,

Member.

[FR Doc. 90-1693 Filed 1-24-90; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1762

RIN 0572-AA21

REA Contract Form 515, Telephone System Construction Contract, Labor and Materials

AGENCY: Rural Electrification Administration, USDA.

ACTION: Correction to final rule.

SUMMARY: This notice corrects a minor typographical error in 7 CFR part 1762 published as a final rule on January 3, 1990, at 55 FR 130. This rule issues a revised REA Contract Form 515, Telephone System Construction Contract, Labor and Materials. Through an error, the date entry in the table for the revised contract has the words "Date of final rule" instead of the "January 1990," the actual date of issue of the revised contract. The text of the regulation with the correct date appears below.

FOR FURTHER INFORMATION CONTACT: Garnett G. Adams, Chief, Outside Plant Branch, Telecommunications Staff Division, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382-8667.

List of Subjects in 7 CFR Part 1762

Loan programs—communications, Telecommunications, telephone.

In view of the above, REA hereby amends 7 CFR part 1762 by issuing revised form 515

PART 1762—[AMENDED]

1. The authority cited for part 1762 continues to read:

Authority: 7 U.S.C. 901 *et seq.*, 7 U.S.C. 1921 *et seq.*

2. The table in § 1762.01 is amended by revising the entry for REA Form 515

to read as set forth below and footnote (1) is republished as follows:

§ 1762.01 List of standard forms of telecommunications contracts.

REA form No.	Issue date	Title	Purpose	Source of copies
515	January 1990.....	Telephone System Construction Contract (Labor and Materials).	Telephone outside plant construction, including direct buried plant, conduit and manholes, underground cable, pole lines, aerial cable, service entrances and station protector.	Supt. of Doc., GPO, Wash DC 20402. ^a

^a A limited number of copies of the publication will be furnished by REA upon request. As this document is produced by the Federal Government and is, therefore, in the public domain, additional copies may be duplicated locally by any user as desired. Requests for copies should be sent to the Director, Administrative Services Division, U.S. Department of Agriculture, Washington, DC 20250. The telephone number of the REA Publications Office is (202)382-8674.

^b This contract form is for sale by the Superintendent of Documents, Government Printing Office, Washington, DC 20402. REA Form 33, Order Blank for REA Contract Forms from the Government Printing Office should be used to order the publication. Follow the procedure under (1) to obtain copies of Form 33 from REA.

Dated: January 18, 1990.

Jack Van Mark,

Acting Administrator.

[FR Doc. 90-1709 Filed 1-24-90; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 85P-0584]

Cheeses: Amendment of Standards of Identity To Permit Use of Antimicrobials on the Exterior of Bulk Cheeses During Curing and Aging; Update of the Formats of Several Standards; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date for compliance with the final rule that amended the standards of identity for several cheeses to permit the use of antimicrobials on the exterior of bulk cheeses during curing and aging and on the exterior of those cheeses for manufacturing. The final rule also amended several standards to update the format and language of the standards to make them consistent with the natural cheese standards that FDA revised in 1983, to provide for safe and suitable functional ingredient categories, and to provide for optional ingredient labeling requirements.

EFFECTIVE DATE: Effective date confirmed: October 3, 1989, for all products initially introduced or initially delivered for introduction into interstate commerce on or after this date.

FOR FURTHER INFORMATION CONTACT:

James F. Lin, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C Street, SW., Washington, DC 20204, 202-485-0122.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 4, 1989 (54 FR 32050), FDA issued a final rule that was based on a citizen petition from the National Cheese Institute (NCI), a trade association representing U.S. cheese manufacturers. In that document, FDA amended the standards of identity for brick cheese (21 CFR 133.108), brick cheese for manufacturing (21 CFR 133.109), washed curd and soaked curd cheese (21 CFR 133.136), washed curd cheese for manufacturing (21 CFR 133.137), granular and stirred curd cheese (21 CFR 133.144), granular cheese for manufacturing (21 CFR 133.145), monterey cheese and monterey jack cheese (21 CFR 133.153), muenster and munster cheese (21 CFR 133.160), muenster and munster cheese for manufacturing (21 CFR 133.161), and, by cross-reference, high-moisture jack cheese (21 CFR 133.154) to permit the expanded use of safe and suitable antimicrobials (currently permitted on cuts and slices in consumer-size packages for a number of standardized cheeses) on the exterior of bulk cheeses during curing and aging, and on the exterior of those cheeses for manufacturing.

FDA also amended the standards of identity for brick cheese (21 CFR 133.108), cook cheese, koch kaese (21 CFR 133.127), cream cheese (21 CFR 133.133), cream cheese with other foods (21 CFR 133.134), washed curd and soaked curd cheese (21 CFR 133.136), gammelost cheese (21 CFR 133.140), gorgonzola cheese (21 CFR 133.141), granular and stirred curd cheese (21 CFR 133.144), grated cheeses (21 CFR 133.146), monterey cheese and monterey

jack cheese (21 CFR 133.153), muenster and munster cheese (21 CFR 133.160), neufchatel cheese (21 CFR 133.162), nuworld cheese (21 CFR 133.164), roquefort cheese, sheep's milk blue-mold, and blue-mold cheese from sheep's milk (21 CFR 133.104), sap sago cheese (21 CFR 133.186), spiced cheeses (21 CFR 133.190) and, by cross-reference, part-skim spiced cheeses (21 CFR 133.191) to make the format and language of these standards consistent with the format and language of nine natural cheese standards that FDA revised in 1983 (48 FR 2736; January 21, 1983) to conform more closely to the Codex international standards for those foods. The amendments also included provisions for safe and suitable functional ingredient categories and for optional ingredient labeling requirements.

FDA also amended the standard of identity for blue cheese (21 CFR 133.106) by removing paragraph (a)(2) which established a maximum phenol equivalent value when unpasteurized dairy ingredients are used in the manufacture of the cheese.

FDA gave interested persons until September 5, 1989, to file written objections or request a hearing on the specific provisions to which there were objections. No objections or requests for a hearing were received in response to the final regulation.

List of Subjects in 21 CFR Part 133

Cheese, Food grades and standards.

PART 133—CHEESES AND RELATED CHEESE PRODUCTS

Therefore, under sections 201, 401, 403, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, 376) and under authority delegated to the Commissioner