FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2303]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

November 10, 1998.

Petitions for reconsideration and clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by December 3, 1998. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations (MM Docket No. 97–138).

Number of Petitions Filed: 5.

Federal Communications Commission.

Shirley Suggs,

Chief, Publications Branch.

[FR Doc. 98–30809 Filed 11–17–98; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL LABOR RELATIONS AUTHORITY

[FLRA Docket No. DA–RO–60006]

Notice of Opportunity To Submit Amici Curiae Briefs in Representation Proceeding Pending Before the Federal Labor Relations Authority

AGENCY: Federal Labor Relations Authority.

ACTION: Notice of the opportunity to file briefs as amici curiae in a proceeding before the Federal Labor Relations Authority in which the Authority is determining the standard for evaluating a union petition for a representation election where an activity has unlawfully assisted the petitioning union.

SUMMARY: The Federal Labor Relations Authority provides an opportunity for all interested persons to file briefs as amici curiae on significant issues arising in a case pending before the Authority. The Authority is considering this case pursuant to its responsibilities under the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101–7135 (the Statute) and its Regulations, set forth at 5 CFR part 2422. The issues in this case concern the standard for evaluating a union petition for a representation election where an activity has unlawfully assisted the petitioning union.

DATES: Briefs submitted in response to this notice will be considered if received by mail or personal delivery in the Authority's Office of Case Control by 5 p.m. on or before Friday, December 18, 1998. Placing submissions in the mail by this deadline will not be sufficient. Extensions of time to submit briefs will not be granted.

ADDRESSES: Mail or deliver written comments to Peter J. Constantine, Director, Case Control Office, Federal Labor Relations Authority, 607 14th Street, NW., Suite 415, Washington, DC 20424–0001.

FORMAT: All briefs shall be captioned: *United States Army Air Defense Artillery Center, and Fort Bliss, Fort Bliss, Texas, Case No. DA–RO–60006, Amicus Brief.* Briefs shall also contain separate, numbered headings for each issue discussed. An original and four (4) copies of each amicus brief must be submitted, with any enclosures, on 8½×11 inch paper. Briefs must include a signed and dated statement of service that complies with the Authority's regulations showing service of one copy of the brief on all counsel of record or other designated representatives. 5 CFR 2429.27 (a) and (c). Copies of the Authority's decision granting the application for review in this case and a list of the designated representatives for the case may be obtained by mail or by facsimile by contacting Peter J. Constantine at the Authority's Case Control Office at the address set forth above.

FOR FURTHER INFORMATION CONTACT: Peter J. Constantine, at the address listed above or by telephone: (202) 482–6540.

SUPPLEMENTARY INFORMATION: On November 3, 1998, the Authority granted an application for review of the RD's Decision and Order in *United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas,* Case No. DA–RO–60006 (54 FLRA No. 127 (1998)). A summary of that case follows.

1. Background

Following organizing efforts, the National Federation of Federal Employees (NFFE) filed a petition pursuant to section 7111 of the Statute and § 2422.2 of the Authority's Regulations, 5 CFR 2422.2, (the Regulations in effect prior to March 15, 1996, are applicable in this case), seeking an election to represent a bargaining unit represented by the National Association of Government Employees (NAGE). NAGE filed an unfair labor practice (ULP) charge, claiming that the Activity unfairly aided NFFE in its attempt to collect signatures by allowing a non-employee NFFE organizer onto its premises. The Regional Director (RD) held the representation case in abeyance until the charge was resolved. NAGE contended that the Activity had permitted the non-employee NFFE organizer access to work areas where employees represented by NAGE worked. NAGE and the Activity settled the ULP charge. Without admitting a violation of the Statute, the Activity agreed to post a notice indicating that it would not permit NFFE access to its premises.

After the settlement of the ULP charge, NFFE argued that the RD should schedule an election and that no hearing was required because the ULP charge had been settled. Instead, the RD scheduled a hearing to determine whether the petition should be dismissed because of the Activity's alleged improper conduct. At the hearing, NFFE claimed that a large number of signatures were lawfully obtained by employees who were assisting NFFE in its organizing efforts and were not obtained by its non-employee organizer, and that there was no showing that its organizer unlawfully obtained any signatures supporting the showing of interest petition. NAGE contended that a hearing was appropriate in the circumstances of this case.

2. The Regional Director's Decision

The RD found that the Activity had improperly granted NFFE access to its premises. The RD determined, based on employees' testimony, that the organizer was seen in work areas during duty hours soliciting signatures, but that no one actually saw the organizer obtain signatures during those times. The RD also determined that NFFE obtained approximately 75 percent of the signatures it collected during a time period that roughly corresponded to the organizer's activity.

Relying on *Social Security Administration and National Treasury Employees Union,* 52 FLRA 1159 (1997) (*Social Security*), *rev'd in part sub nom. National Treasury Employees Union* v. *FLRA,* 139 F.3d 214 (D.C. Cir. 1998), the RD found that the Activity improperly assisted NFFE, in violation of section 7116(a)(3) of the Statute, when it failed to determine whether NFFE had other