

**NATIONAL LABOR RELATIONS BOARD****29 CFR Part 102****Procedural Rules**

**AGENCY:** National Labor Relations Board.

**ACTION:** Final rule.

**SUMMARY:** The National Labor Relations Board is amending its rules that govern compliance proceedings to clarify that Regional Directors have authority, in appropriate circumstances, to issue a compliance specification at any stage during the pendency of an unfair labor practice proceeding. The amendments are being adopted in order to resolve any possible ambiguity that may exist with respect to this authority. The intended effect of the revisions is to avoid needless challenges to this procedure.

**EFFECTIVE DATE:** March 4, 1997.

**FOR FURTHER INFORMATION CONTACT:** John J. Toner, Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W. Room 11600, Washington, D.C. 20570-0001, Telephone: (202) 273-1940.

**SUPPLEMENTARY INFORMATION:** Section 102.54 of the National Labor Relations Board's Rules and Regulations, 29 CFR 102.54, sets forth procedures for the initiation of formal compliance proceedings and for the issuance of a compliance specification and notice of hearing. Although compliance specifications ordinarily are issued to resolve disputes that arise with respect to an outstanding Board order, there have been circumstances in which it was considered appropriate to issue a compliance specification in advance of a Board order. Section 102.54(b) presently provides that such a compliance specification may be consolidated with an outstanding complaint and notice of hearing issued pursuant to § 102.15, 29 CFR 102.15.

Section 102.54(b) never was intended to imply that a compliance specification could only be issued in advance of a Board order when it was to be consolidated with proceedings on an outstanding complaint. For, there may be other circumstances in which it is appropriate to issue a compliance specification in advance of a Board order. This could occur, for example, where the compliance specification is issued to plead a specific amount in controversy in some collateral proceeding in which the Board is seeking prejudgment relief to avoid dissipation of assets before a Board order can issue.

There have been instances in which respondents have interposed in collateral litigation the argument that the Board's rules, as drafted, preclude the agency from issuing a compliance specification in advance of a Board order without consolidating it with the related complaint and notice of hearing. Although we are not aware of any case in which this argument has prevailed, the Board considers it prudent to clarify the rule to avoid litigation over this issue in the future.

Accordingly, a new paragraph (b) of § 102.54 is being added to reflect that a compliance specification may issue based on an outstanding complaint whenever the Regional Director deems it necessary to effectuate the purposes and policies of the Act or to avoid unnecessary costs or delay. Current paragraph (b) of § 102.54 is being redesignated paragraph (c). In all other respects, § 102.54 remains unchanged.

**Regulatory Requirements**

This rule relates solely to agency organization, procedure and practice, and will not have a significant economic impact on a substantial number of small businesses or impose any information collection requirements. Accordingly, the Agency finds that prior notice and comment is not required for these rules and that good cause exists for waiving the general requirement of delaying the effective date under the Administrative Procedure Act (5 U.S.C. 553), and that the rules are not subject to the Regulatory Flexibility Act (5 U.S.C. 601), Small Business Regulatory Enforcement Act (5 U.S.C. 801), Paperwork Reduction Act (44 U.S.C. 3501), or Executive Order 12866.

**List of Subjects in 29 CFR Part 102**

Administrative practice and procedure, Labor management relations. 29 CFR part 102 is amended as follows:

1. The authority citation for 29 CFR part 102 continues to read as follows:

Authority: Section 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156). Section 102.117(c) also issued under section 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)). Sections 102.143 through 102.155 also issued under section 504(c)(1) of the Equal Access to Justice Act, as amended (5 U.S.C. 504(c)(1)).

2. In section 102.54, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added to read as follows:

**§ 102.54 Initiation of formal compliance proceedings; issuance of compliance specification and notice of hearing.**

\* \* \* \* \*

(b) Whenever the Regional Director deems it necessary in order to effectuate the purposes and policies of the Act or to avoid unnecessary costs or delay, the Regional Director may issue a compliance specification, with or without a notice of hearing, based on an outstanding complaint.

\* \* \* \* \*

Dated, Washington, DC, February 27, 1997.

By direction of the Board:

John J. Toner,

*Executive Secretary.*

[FR Doc. 97-5283 Filed 3-3-97; 8:45 am]

BILLING CODE 7545-01-P

**FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 65**

[Docket No. FEMA-7208]

**Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

**DATES:** These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Executive Associate Director, Mitigation Directorate, reconsider the changes. The modified elevations may be changed during the 90-day period.

**ADDRESSES:** The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

**SUPPLEMENTARY INFORMATION:** The modified base flood elevations are not

listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that

the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

**National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act**

The Executive Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

**Regulatory Classification**

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of

September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

**Executive Order 12612, Federalism**

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

**Executive Order 12778, Civil Justice Reform**

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

**List of Subjects in 44 CFR Part 65**

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

**PART 65—[AMENDED]**

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 65.4 [Amended]**

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modifications	Community No.
Arizona: Maricopa.	Town of Cave Creek.	Dec. 16, 1996, Dec. 23, 1996, <i>Arizona Republic</i> .	The Honorable Tom Augerton, Mayor, Town of Cave Creek, 37622 North Cave Creek Road, Cave Creek, Arizona 85331.	Nov. 27, 1996 ...	040129
Arizona: Maricopa.	City of Phoenix	Jan. 24, 1997, Jan. 31, 1997, <i>Arizona Republic</i> .	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, Arizona 85003-1611.	Dec. 19, 1996 ...	040051
Arizona: Maricopa.	City of Phoenix	Jan. 7, 1997, Jan. 14, 1997, <i>Arizona Republic</i> .	The Honorable Skip Rimsza, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, Arizona 85003-1611.	Dec. 6, 1996 .....	040051
Arkansas: St. Francis.	City of Forrest City.	Jan. 24, 1997, Jan. 31, 1997, <i>Forrest City Times-Herald</i> .	The Honorable Danny Ferguson, Mayor, City of Forrest City, P.O. Box 1074, Forrest City, Arkansas 72335.	Jan. 3, 1997 .....	050187
Arkansas: Benton.	City of Rogers ..	Dec. 16, 1996, Dec. 23, 1996, <i>Benton County Daily Record</i> .	The Honorable John W. Sampier, Jr., Mayor, City of Rogers, 300 West Poplar, Record Rogers, Arkansas 72756.	Dec. 3, 1996 .....	050013
Arkansas: White	City of Searcy ...	Jan. 24, 1997, Jan. 31, 1997, <i>Daily Citizen</i> .	The Honorable David Evans, Mayor, City of Searcy, 401 West Arch Avenue, Searcy, Arkansas 77143-5392.	Dec. 20, 1996 ...	050229
California: Ventura.	City of Camarillo	Jan. 22, 1997, Jan. 29, 1997, <i>Ventura County Star</i> .	The Honorable David Smith, Mayor, City of Camarillo, P.O. Box 248, Camarillo, California 93011.	Jan. 2, 1997 .....	065020
California: Orange.	City of Fullerton	Jan. 23, 1997, Jan. 30, 1997, <i>Fullerton News-Tribune</i> .	The Honorable Chris Norby, Mayor, City of Fullerton, 303 West Commonwealth Avenue, Fullerton, California 92832.	Jan. 6, 1997 .....	060219
California: San Luis Obispo.	City of Grover Beach.	Dec. 12, 1996, Dec. 19, 1996, <i>Telegram-Tribune</i> .	The Honorable Ronald Arnoldsen, Mayor, City of Grover Beach, P.O. Box 365, Grover Beach, California 93483.	Nov. 25, 1996 ...	060306
California: Sonoma.	City of Petaluma	Jan. 10, 1997, Jan. 17, 1997, <i>Press Democrat</i> .	The Honorable M. Patricia Hilligoss, Mayor, City of Petaluma, P.O. Box 61, Petaluma, California 94953.	Dec. 4, 1996 .....	060379
California: San Luis Obispo.	City of Pismo Beach.	Dec. 12, 1996, Dec. 19, 1996, <i>Telegram-Tribune</i> .	The Honorable John Brown, Mayor, City of Pismo Beach, P.O. Box 3, Pismo Beach, California 93449.	Nov. 25, 1996 ...	060309

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modifications	Community No.
California: Riverside.	Unincorporated Areas.	Dec. 16, 1996, Dec. 23, 1996, <i>The Press-Enterprise</i> .	The Honorable Kay Cenicerros, Chairperson, Riverside County, Board of Supervisors, P.O. Box 1486, Riverside, California 92502-1486.	Nov. 27, 1996 ...	060245
California: Sacramento.	Unincorporated Areas.	Jan. 22, 1997, Jan. 29, 1997, <i>Sacramento Bee</i> .	Mr. Douglas M. Fraleigh, Administrator, Sacramento County Public Works Agency, County Administration Building, 827 Seventh Street, Room 304, Sacramento, California 95814.	Dec. 30, 1996 ...	060262
Colorado: Denver.	City and County of Denver.	Jan. 23, 1997, Jan. 30, 1997, <i>The Denver Post</i> .	The Honorable Wellington E. Webb, Mayor, City and County of Denver, 1437 Bannock Street, Denver, Colorado 80202.	Jan. 8, 1997 ....	080046
Nevada: Clark ...	Unincorporated Areas.	Dec. 16, 1996, Dec. 23, 1996, <i>Las Vegas Review Journal</i> .	The Honorable Yvonne Atkinson Gates, Chairperson, Clark County Board of Commissioners, 225 East Bridger Avenue, Las Vegas, Nevada 89155.	Nov. 21, 1996 ...	320003
New Mexico: Bernalillo.	City of Albuquerque.	Jan. 24, 1997, Jan. 31, 1997, <i>Albuquerque Journal</i> .	The Honorable Martin J. Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103.	Jan. 6, 1997 ....	350002
New Mexico: Bernalillo.	Unincorporated Areas.	Jan. 24, 1997, Jan. 31, 1997, <i>Albuquerque Journal</i> .	The Honorable Albert Valdez, Chairman, County Commissioners, Bernalillo County, One Civic Plaza, Northwest, Tenth Floor, Albuquerque, New Mexico 87102.	Jan. 6, 1997 ....	350001
Texas: Harris ...	City of Baytown	Dec. 11, 1996, Dec. 18, 1996, <i>Baytown Sun</i> .	The Honorable Pete Alfaro, Mayor, City of Baytown, City Hall, 2401 Market Street Baytown, Texas 77522.	Nov. 19, 1996 ...	485456
Texas: Dallas ...	City of Dallas ...	Dec. 18, 1996, Dec. 24, 1996, <i>Dallas Morning News</i> .	The Honorable Ron Kirk, Mayor, City of Dallas, 1500 Marilla Street, Room 5E North, Dallas, Texas 75201.	Nov. 27, 1996 ...	480171
Texas: Dallas ...	City of Farmers Branch.	Dec. 18, 1996, Dec. 24, 1996, <i>Dallas Morning News</i> .	The Honorable Bob Phelps, Mayor, City of Farmers Branch, P.O. Box 819010, Farmers Branch, Texas 75381-9010.	Nov. 27, 1996 ...	480174
Texas: Tarrant ..	City of Haltom City.	Dec. 16, 1996, Dec. 23, 1996, <i>Fort Worth Star-Telegram</i> .	The Honorable Charles Womack, Mayor, City of Haltom City, P.O. Box 14246, Haltom City, Texas 76117.	Dec. 3, 1996 ....	480599
Texas: Harris ...	Unincorporated Areas.	Dec. 13, 1996, Dec. 20, 1996, <i>Houston Chronicle</i> .	The Honorable Robert Eckels, Harris County Judge, 1001 Preston Street, Suite 911, Houston, Texas 77002.	Nov. 25, 1996 ...	480287
Texas: Harris ...	Unincorporated Areas.	Dec. 11, 1996, Dec. 18, 1996, <i>Baytown Sun</i> .	The Honorable Robert Eckels, Harris County Judge, 1001 Preston Street, Suite 911, Houston, Texas 77002.	Nov. 19, 1996 ...	480287
Texas: Montgomery.	Unincorporated Areas.	Dec. 13, 1996, Dec. 20, 1996, <i>Houston Chronicle</i> .	The Honorable Alan B. Sadler, Montgomery County Judge, 301 North Thompson, Suite 210, Conroe, Texas 77301.	Nov. 25, 1996 ...	480483
Texas: Tarrant ..	City of North Richland Hills.	Jan. 24, 1997, Jan. 31, 1997, <i>Fort Worth Star-Telegram</i> .	The Honorable Tommy Brown, Mayor, City of North Richland Hills, P.O. Box 820609, North Richland Hills, Texas 76182-0609.	Dec. 23, 1996 ...	480607
Texas: Tarrant ..	City of North Richland Hills.	Dec. 16, 1996, Dec. 23, 1996, <i>Fort Worth Star-Telegram</i> .	The Honorable Tommy Brown, Mayor, City of North Richland Hills, P.O. Box 820609, North Richland Hills, Texas 76182-0609.	Dec. 3, 1996 ....	480607
Texas: Williamson.	City of Round Rock.	Dec. 5, 1996, Dec. 12, 1996, <i>Round Rock Leader</i> .	The Honorable Charles Culpepper, Mayor, City of Round Rock, 221 East Main, Round Rock, Texas 78664.	Nov. 12, 1996 ...	481048
Texas: Williamson.	Unincorporated Areas.	Dec. 5, 1996, Dec. 12, 1996, <i>Round Rock Leader</i> .	The Honorable John Doerfler, Williamson County Judge, County Courthouse, 710 Main Street, Suite 201, Georgetown, Texas 78626.	Nov. 12, 1996 ...	481079
Washington: Spokane.	Unincorporated Areas.	Dec. 11, 1996, Dec. 18, 1996, <i>The Spokesman-Review</i> .	The Honorable Jim Lindow, Chief Executive Officer, Spokane County, 1116 West Broadway, Spokane, Washington 99260.	Nov. 26, 1996 ...	530174

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: February 24, 1997.

Richard W. Krimm,

Executive Associate Director, Mitigation Directorate.

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#### 44 CFR Part 65

#### Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

**SUMMARY:** Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents. **EFFECTIVE DATES:** The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s)