

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.

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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]

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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