

Agency in determining when to accept late-filed documents.

### Paperwork Reduction Act

These rules are not subject to Section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501) since they do not contain any new information collection requirements.

### Small Business Regulatory Enforcement Fairness Act

Because these rules relate to Agency procedure and practice and merely modify the agency's filing procedures, the Board has determined that the Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801) do not apply.

### List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

To avoid the injustices that could result if the Board had no flexibility in deciding to accept late-filed documents in representation cases, the Board amends 29 CFR part 102 as follows:

### PART 102—RULES AND REGULATIONS, SERIES 8

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. Section 102.111(c) is revised to read as follows:

#### § 102.111 Time computation.

(c) The following documents may be filed within a reasonable time after the time prescribed by these rules only upon good cause shown based on excusable neglect and when no undue prejudice would result:

(1) In unfair labor practice proceedings, motions, exceptions, answers to a complaint or a backpay specification, and briefs; and

(2) In representation proceedings, exceptions, requests for review, motions, briefs, and any responses to any of these documents. A party seeking to file such documents beyond the time prescribed by these rules shall file, along with the document, a motion that states the grounds relied on for requesting permission to file untimely. The specific facts relied on to support the motion shall be set forth in affidavit form and sworn to by individuals with

personal knowledge of the facts. The time for filing any document responding to the untimely document shall not commence until the date a ruling issues accepting the untimely document. In addition, cross-exceptions shall be due within 14 days, or such further period as the Board may allow, from the date a ruling issues accepting the untimely filed documents.

Dated: November 14, 2002.

By Direction of the Board.

**Lester A. Heltzer,**

*Acting Executive Secretary, National Labor Relations Board.*

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BILLING CODE 7545-01-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD05-02-095]

RIN 2115-AA97

#### Safety Zone; Cove Point, Chesapeake Bay, MD

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will resume enforcement of the safety zone at the Cove Point liquefied natural gas (LNG) facility's offshore terminal on the Chesapeake Bay. The Coast Guard has not enforced the safety zone since the facility discontinued LNG operations in 1980. Due to construction activity at the terminal, the Coast Guard will resume enforcement of the safety zone.

**DATES:** This notice of enforcement is effective on November 26, 2002.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Dulani Woods, at Coast Guard Activities Baltimore, Port Safety, Security and Waterways Management Branch, at (410) 576-2513.

#### SUPPLEMENTARY INFORMATION:

#### Background and Purpose

The liquefied natural gas (LNG) facility at Cove Point, Maryland is in the process of updating its terminal equipment in anticipation of transfer operations beginning in the spring of 2003. Although the Captain of the Port (COTP) Baltimore has not yet issued a Letter of Recommendation under 33 Code of Federal Regulations (CFR) part 127.009, enforcement of the safety zone established in 33 CFR 165.502 will now resume.

The Cove Point facility originally started terminal operations in 1978 and

conducted transfers of LNG from vessels until 1980. During this period a safety zone was established and actively enforced. Safety zone enforcement ceased when LNG transfer operations were stopped. The facility's terminal is located approximately one mile from shore and has developed into a fishing area since the terminal ceased transfer operations. Numerous commercial and recreational boats frequent this area during fishing seasons and at other times throughout the year.

The Coast Guard will resume continual enforcement of the safety zone during the construction process at the terminal, when heavy equipment will be in operation in the area. The enforcement of the safety zone will prevent unauthorized vessels from entering the work zone and creating safety hazards.

Dated: November 8, 2002.

**R.B. Peoples,**

*Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.*

[FR Doc. 02-29972 Filed 11-25-02; 8:45 am]

BILLING CODE 4910-15-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 65

#### Docket No. FEMA-P-7618

#### 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-percent-annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents. **DATES:** These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Administrator for Federal Insurance and Mitigation Administration reconsider the changes. The modified BFEs may be changed during the 90-day period.

**ADDRESSES:** The modified BFEs 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 table below.

**FOR FURTHER INFORMATION CONTACT:** Matthew B. Miller, Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, 500 C Street, SW., Washington, DC 20472, (202) 646-3461 or (e-mail) *matt.miller@fema.gov*.

**SUPPLEMENTARY INFORMATION:** The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or 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 BFEs 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 BFEs, 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 BFEs 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 Administrator for Federal Insurance and Mitigation Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs 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 modification	Community no.
Illinois: Lake and Cook (Case No. 02-05-2130P).	Village of Deerfield.	September 19, 2002, September 23, 2002, <i>Deerfield Review</i> .	The Honorable Steven B. Harris, Mayor, Village of Deerfield, Village Hall, 850 Waukegan Road, Deerfield, IL 60015.	September 6, 2002	170361
Indiana: Hamilton (Case No. 02-05-2995P).	Town of Westfield.	October 22, 2002, October 29, 2002, <i>The Noblesville Ledger</i> .	Mr. Michael McDonald, Town Council President, Town of Westfield, 130 Penn Street, Westfield, IN 46074.	September 24, 2002	180083
Kansas: Johnson (Case No. 02-07-1010P).	City of Lenexa.	October 22, 2002, October 29, 2002, <i>The Legal Record</i> .	The Honorable Joan Bowman, Mayor, City of Lenexa, 12350 W. 87th Street Parkway, Lenexa, KS 66215.	September 19, 2002	200168
Kansas: Harvey (Case No. 02-07-1008P).	City of Newton.	September 20, 2002, September 27, 2002, <i>The Newton Kansan</i> .	The Honorable Marjorie Roberson, Mayor, City of Newton, 201 E. 6th Street, Newton, KS 67114.	September 10, 2002	200133
Kansas: Johnson (Case No. 02-07-1010P).	City of Shawnee.	October 24, 2002, October 31, 2002, <i>The Journal Herald</i> .	The Honorable Jim Allen, Mayor, City of Shawnee, 11110 Johnson Drive, Shawnee, KS 66203.	September 19, 2002	200177
Michigan: Wayne (Case No. 01-05-3983P).	Charter Township of Brownstown.	September 11, 2002, September 18, 2002, <i>The News-Herald</i> .	Mr. W. Curt Boller, Supervisor, Brownstown Township, 21313 Telegraph Road, Brownstown Township, MI 48183.	December 11, 2002	260218
Minnesota: Dakota (Case No. 02-05-1843P).	City of Burnsville.	October 24, 2002, October 31, 2002, <i>Dakota County Tribune</i> .	The Honorable Elizabeth Kautz, Mayor, City of Burnsville, 100 Civic Center Parkway, Burnsville, MN 55337.	September 30, 2002	270102
Missouri: Greene (Case No. 00-07-676P).	Unincorporated Areas.	October 9, 2002, October 16, 2002, <i>Springfield News-Leader</i> .	The Honorable David L. Coonrod, Presiding Commissioner, County of Greene, 940 Boonville Avenue, Springfield, MO 65802.	January 15, 2003 ...	290782

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community no.
Missouri: Jasper and Newton (Case No. 01-07-831P).	City of Joplin.	October 4, 2002, October 11, 2002, <i>The Joplin Globe</i> .	The Honorable Richard H. Russell, Mayor, City of Joplin, 1710 East 32nd Street, Joplin, MO 64804.	January 10, 2003 ...	290183
Texas: Bexar (Case No. 02-06-1263P).	Unincorporated Areas.	September 23, 2002, September 30, 2002, <i>San Antonio Express News</i> .	The Honorable Cyndi Taylor Krief, Judge, Bexar County, 100 Dolorosa, Suite 101, San Antonio, TX 78205.	October 14, 2002 ...	480035
Texas: Dallas (Case No. 01-06-1163P).	City of Dallas.	September 13, 2002, September 20, 2002, <i>Dallas Morning News</i> .	The Honorable Laura Miller, Mayor, City of Dallas, 1500 Marilla Street, City Hall, Dallas, TX 75201.	December 20, 2002	480171
Texas: Fort Bend (Case No. 02-06-266P).	Unincorporated Areas.	September 4, 2002, September 11, 2002, <i>Fort Bend Star</i> .	The Honorable James C. Adolpus, Judge, Fort Bend County, 301 Jackson Street, Suite 719, Richmond, TX 77469.	August 22, 2002 .....	480228
Texas: Tarrant (Case No. 02-06-064P).	City of Fort Worth.	September 13, 2002, September 20, 2002, <i>Fort Worth Star Telegram</i> .	The Honorable Kenneth Barr, Mayor, City of Fort Worth, City Hall, 1000 Throckmorton Street, Forth Worth, TX 76102.	August 30, 2002 .....	480596
Texas: Tarrant (Case No. 02-06-1073P).	City of Fort Worth.	September 26, 2002, October 3, 2002, <i>Forth Worth Star Telegram</i> .	The Honorable Kenneth Barr, Mayor, City of Fort Worth, 1000 Throckmorton Street, Forth Worth, TX 76102.	January 2, 2003 .....	480596
Texas: Dallas (Case No. 02-06-1091P).	City of Irving.	September 5, 2002, September 12, 2002, <i>The Irving Morning News</i> .	The Honorable Joe Putnam, Mayor, City of Irving, P.O. Box 152288, Irving, TX 75015.	August 19, 2002 .....	480180
Texas: Dallas (Case No. 02-06-384P).	City of Irving.	September, 12, 2002, September 19, 2002, <i>The Irving Morning News</i> .	The Honorable Joe Putnam, Mayor, City of Irving, P.O. Box 15228, Irving, TX 75015.	December 19, 2002	480180
Texas: Dallas (Case No. 01-06-1088P).	City of Lancaster.	October 24, 2002, October 31, 2002, <i>Lancaster Today</i> .	The Honorable Joe Tillotson, Mayor, City of Lancaster, P.O. Box 940, Lancaster, TX 75146.	January 27, 2003 ...	480182
Texas: Denton (Case No. 02-06-731P).	City of Lewisville.	September 25, 2002, October 2, 2002, <i>Denton County Morning News</i> .	The Honorable Gene Carey, Mayor, City of Lewisville, P.O. Box 299002, Lewisville, TX 75029.	September 12, 2002	480195
Texas: Montgomery (Case No. 01-06-1444P).	City of Magnolia.	September 11, 2002, September 18, 2002, <i>Magnolia Potpourri</i> .	The Honorable Frank M. Parker III, Mayor, City of Magnolia, P.O. Box 996, Magnolia, TX 77355.	August 30, 2002 .....	481261
Texas: Fort Bend (Case No. 02-06-266P).	City of Missouri City.	September 5, 2002, September 12, 2002, <i>Fort Bend Mirror</i> .	The Honorable Allen Owen, Mayor, City of Missouri City, P.O. Box 666, Missouri City, TX 77459.	August 22, 2002 .....	480304
Texas: Montgomery (Case No. 01-06-1444P).	Unincorporated Areas.	September 11, 2002, September 18, 2002, <i>The Courier</i> .	The Honorable Alan B. Sadler, Judge, Montgomery County, 301 North Thompson Street, Suite 210, Conroe, TX 77301.	August 30, 2002 .....	480483
Texas: Bexar (Case No. 02-06-1263P).	City of San Antonio.	September 23, 2002, September 30, 2002, <i>San Antonio Express News</i> .	The Honorable Ed Garza, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	September 13, 2002	480045
Texas: Bexar (Case No. 02-06-2309P).	City of San Antonio.	October 15, 2002, October 22, 2002, <i>San Antonio Express News</i> .	The Honorable Ed Garza, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	January 21, 2003 ...	480045
Texas: Bexar (Case No. 02-06-1679P).	City of San Antonio.	October 23, 2002, October 30, 2002, <i>San Antonio Express News</i> .	The Honorable Ed Garza, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	January 29, 2003 ...	480045
Texas: Bexar (Case No. 02-06-2309).	City of Shavano Park.	October 15, 2002, October 22, 2002, <i>San Antonio Express News</i> .	The Honorable Tommy Peyton, Mayor, City of Shavano Park, City Hall, 99 Saddletree Road, San Antonio, TX 78231.	January 21, 2003 ...	480047
Texas: Tarrant (Case No. 02-06-1098P).	City of Southlake.	September 12, 2002, September 19, 2002, <i>Fort Worth Star Telegram</i> .	The Honorable Rick Stacy, Mayor, City of Southlake, 1400 Main Street, Southlake, TX 76092.	December 19, 2002	480612
Texas: Fort Bend (Case No. 02-06-266P).	City of Sugar Land.	September 4, 2002, September 11, 2002, <i>Fort Bend Star</i> .	The Honorable David G. Wallace, Mayor, City of Sugar Land, P.O. Box 110, Sugar Land, TX 77487-0110.	August 22, 2002 .....	480234

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")  
 Dated: November 13, 2002.  
**Anthony S. Lowe,**  
*Administrator, Federal Insurance and Mitigation Administration.*  
 [FR Doc. 02-29964 Filed 11-25-02; 8:45 am]  
**BILLING CODE 6718-04-P**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 67**

**Final Flood Elevation Determinations**

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

**ACTION:** Final rule.

**SUMMARY:** Base (1-percent-annual-chance) Flood Elevations and modified Base Flood Elevations (BFEs) are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

**ADDRESSES:** The final 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 table below.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Grimm, Acting Chief,

Hazards Study Branch, Federal Insurance and Mitigation Administration, 500 C Street, SW., Washington, DC 20472, (202) 646-3461 or (e-mail) *michael.grimm@fema.gov*.

**SUPPLEMENTARY INFORMATION:** FEMA makes final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of 90 days. The proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

**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 Administrator of the Federal Insurance and Mitigation Administration certifies that this rule is exempt from the requirements of the

Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

**Regulatory Classification**

This final 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 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended to read as follows:

**PART 67—[AMENDED]**

1. The authority citation for Part 67 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.

**§ 67.11 [Amended]**

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD) modified	Communities affected
<i>East Marley Creek:</i> Approximately 800 feet downstream of Wolf Road .....	*679	FEMA Docket No. 7611, Mokena (Village) and Will County (Unincorporated Areas).
Just downstream of 104th Street .....	*686	

Maps are available for inspection at the Village Hall, 11004 Carpenter Street, Mokena, Illinois.

Maps are available for inspection at the Land Use Department, Subdivision Engineering Division, 58 E. Clinton Street, Joliet, Illinois.

<i>Elkhorn River:</i> Approximately 4,800 ft. downstream of 558th Avenue .....	*1498	FEMA Docket No. 7611, Madison County, City of Tilden, Village of Meadow Grove, City of Norfolk, Village of Battle Creek.
Approximately 300 ft. upstream of Center Street/534th Avenue.	*1657	
<i>Union Creek:</i> Approximately 1.9 miles upstream of 3rd Street .....	*1589	Madison County.
Approximately 1.7 miles upstream of 3rd Street .....	*1588	