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Item E By definition, no point is credited for this item. Exception: A person placed on unsupervised probation (other than for deportation) would not lose credit for this item.

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*Special Instructions—Parole or Supervised Release Violator This Time*

- Item A The conviction from which paroled or placed on supervised release counts as a prior conviction.
- Item B The commitment from which paroled or released to supervised release (including a prison term ordered for a prior supervised release revocation), counts as a prior commitment.
- Item C Use the age at commencement of the violation behavior (including new criminal behavior).
- Item D Count backwards three years from the commencement of the violation behavior (including new criminal behavior).
- \* \* \*
- Item F Use the age at commencement of the violation behavior (including new criminal behavior).

*Special Instructions—Confinement/Escape Status Violator With New Criminal Behavior in the Community This Time*

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- Item F Use the age at commencement of the confinement/escape status violation.

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**Subpart B—Transfer Treaty Prisoners and Parolees**

**§ 2.68 [Amended]**

3. Section 2.68 is amended at paragraph (l) by removing “5B1.4(a)” and adding “5D1.3(a) and (c)” in its place.

Dated: November 18, 2002.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. 02–29952 Filed 11–25–02; 8:45 am]

BILLING CODE 4410–31–P

**NATIONAL LABOR RELATIONS BOARD**

**29 CFR Part 102**

**Revisions of Regulations Governing Filing of Documents With the National Labor Relations Board; Provision for Filing Utilizing Forms on the Agency's Web Site**

**AGENCY:** National Labor Relations Board.

**ACTION:** Final rule.

**SUMMARY:** The National Labor Relations Board is amending its regulations governing filing documents with the Board to permit certain documents to be filed utilizing forms that are now, or are expected to be made available in the future, on the Board's Web site (<http://www.nlr.gov>).

**DATES:** Effective: November 26, 2002.

**FOR FURTHER INFORMATION CONTACT:** Lester A. Heltzer, Acting Executive Secretary, (202) 273–1067.

**SUPPLEMENTARY INFORMATION:** Pursuant to OMB Memorandum M–00–10, “OMB Procedures and Guidance on Implementing the Government Paperwork Elimination Act,” the National Labor Relations Board has been developing forms to be placed on the Board's Web site (<http://www.nlr.gov>) to permit electronic filings with the Board. In fiscal year 2000, the Board placed on its Web site a form which individuals can use to file electronic requests under the Freedom of Information Act with the Board's Headquarters offices. In the near future, and over the course of the next several years, the Board will be expanding this program to permit electronic filings of other documents, including requests for extensions of time to be filed with the General Counsel's Office of Appeals or with the Executive Secretary's Office.

The Board's present filing and service rules do not address such electronic filings. Indeed, the current rules could, in some respects, be read to prohibit some of the very filings that we are planning to permit. Consequently, we have decided to promulgate an omnibus provision giving blanket authority to members of the public to utilize new electronic forms as soon as they are placed on the Web site. As new forms are developed and implemented, they will be accompanied on the Web site by instructions describing how they are to be used. Documents filed in accordance with these instructions will be accepted even if there is some provision elsewhere in the Board's rules that prohibits, or seems to prohibit, such filings.

In the case of documents that are required to be served on other parties to a Board proceeding, some provision for expedited service must be made, consistent with Section 102.114(a). That paragraph provides that “service on all parties shall be made in the same manner as that utilized in filing the paper with the Board, or in a more expeditious manner.” In the case of filings made using forms on the Board's Web site, service by the “same” manner

is not possible. Instead, we are substituting a requirement, drawn from our experience with our rules for filing by facsimile (Section 102.114(h)), that other parties be notified by phone and then either served personally, by overnight delivery service, or by facsimile transmission.

**Regulatory Flexibility Act**

Because no notice of proposed rule-making is required for procedural rules, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) pertaining to regulatory flexibility analysis do not apply to these rules. However, even if the Regulatory Flexibility Act were to apply, the NLRB certifies that these rules will not have a significant economic impact on a substantial number of small business entities as they merely permit persons, in certain circumstances, to file documents with the Board electronically.

**Executive Order 12866**

The regulatory review provisions of Executive Order 12866 do not apply to independent regulatory agencies. However, even if they did, the proposed changes in the Board's rules would not be classified as “significant rules” under Section 6 of Executive Order 12866, because they will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. Accordingly, no regulatory impact assessment is required.

**Unfunded Mandates Reform Act of 1995**

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

**Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not

result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based companies to compete with foreign-based companies in domestic and export markets.

### Paperwork Reduction Act

This part does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

### List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

For the reasons set forth in the preamble, the National Labor Relations Board is amending 29 CFR Chapter I, Part 102, as follows:

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

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

**Authority:** Sec. 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156). Section 102.117 also issued under sec. 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)), and section 442a(j) and (k) of the Privacy Act (5 U.S.C. 55a(j) and (k)). Sections 102.143 through 102.155 also issued under sec. 504(c)(1) of the Equal Access to Justice Act as amended (5 U.S.C. 504(c)(1)).

2. § 102.114 is amended by revising the heading and by adding a new paragraph (i), following the existing paragraph (h), to read as follows:

**§ 102.114 Filing and service of papers by parties; form of papers; manner and proof of filing or service; electronic filings.**

\* \* \* \* \*

(i) The Agency's Web site (<http://www.nlrb.gov>) contains certain forms that parties or other persons are permitted to file with the Agency electronically. Parties or other persons choosing to utilize those forms to file documents electronically are permitted to do so by following the instructions described on the Web site, notwithstanding any contrary provisions elsewhere in these rules. In the event the document being filed electronically is required to be served on another party to a proceeding, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the

permission of the party receiving the document, by facsimile transmission.

Dated, Washington, DC, November 14, 2002.

By direction of the Board.

**Lester A. Heltzer,**

*Acting Executive Secretary, National Labor Relations Board.*

[FR Doc. 02-29740 Filed 11-25-02; 8:45 am]

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### NATIONAL LABOR RELATIONS BOARD

#### 29 CFR Part 102

#### Procedural Rules Covering Late Filings of Certain Documents in NLRB Representation Cases

**AGENCY:** National Labor Relations Board.

**ACTION:** Final rule.

**SUMMARY:** The National Labor Relations Board is revising its rules that govern the time for filing certain papers with the Board. The revisions are being adopted in order to permit certain documents in NLRB representation cases, required to be filed by a certain date, to be filed late where the reason for the late filing constitutes "excusable neglect" and provided that no undue prejudice would result from the late filing. The intended effect of the revisions is to avoid the inequities that would result from rejecting all late-filed documents without regard to the reason why the party missed the filing deadline.

**DATES:** Effective: November 26, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Lester A. Heltzer, Acting Executive Secretary, National Labor Relations Board, 1099 14th Street, NW., Room 11600, Washington, DC 20570. Telephone: (202) 273-1067.

**SUPPLEMENTARY INFORMATION:** At present, the rules of the National Labor Relations Board provide for circumstances in which certain documents in unfair labor practice cases may be filed late but make no similar provision for late filing of documents in NLRB representation cases. The Board has concluded that it would be appropriate to provide a formal basis for accepting certain late-filed documents in representation cases.

The representation documents permitted to be filed late under the new rule are exceptions, requests for review, motions, briefs, and any document filed in response to any of the foregoing documents.

Subsections (a) and (b) of Section 102.111 are retained without

modification. Subsection (c) of Section 102.111 is modified to provide that certain documents in representation cases may be filed late where the reason for filing constitutes "excusable neglect," provided that no undue prejudice would result from the late filing. This is the same standard presently found in this section for late filings in unfair labor practice cases, and a standard that was borrowed from Fed. R. Civ. P. 60 (b). No attempt is made to define the myriad situations to which the rule might apply. Rather, this is a matter that is to be left to determination on a case-by-case basis. The rule continues to provide that a party seeking to file a document late must file, along with the document, a motion stating the grounds relied upon for requesting permission to file late, along with affidavits sworn to by individuals with personal knowledge of the specific facts relied upon in support of the request. Finally, the rule continues to stay the time for responding to any untimely filed document until the date a ruling issues accepting the untimely document.

#### Executive Order 12866

The regulatory review provisions of Executive Order 12866 do not apply to independent regulatory agencies. However, even if they did, the proposed changes in the Board's rules would not be classified as "significant rules" under Section 6 of Executive Order 12866, because they will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. Accordingly, no regulatory impact assessment is required.

#### Regulatory Flexibility Act

Because no notice of proposed rule-making is required for procedural rules, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) pertaining to regulatory flexibility analysis do not apply to these rules. However, even if the Regulatory Flexibility Act were to apply, the NLRB certifies that these rules will not have a significant economic impact on a substantial number of small business entities as they merely set forth procedures to be followed by the