

Consequently, I disagree with the Board majority's decision to make this change.

Chairman Linda Puchala.

#### Executive Order 12866

This rule is not a significant rule for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

#### Regulatory Flexibility Act

As required by the Regulatory Flexibility Act, the NMB certifies that these regulatory changes will not have a significant impact on small business entities. This rule will not have any significant impact on the quality of the human environment under the National Environmental Policy Act.

#### Paperwork Reduction Act

The NMB has determined that the Paperwork Reduction Act does not apply because this interim regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget.

#### List of Subjects

##### 29 CFR Part 1203

Air carriers, Labor management relations, Labor unions, Railroads.

##### 29 CFR Part 1206

Air carriers, Labor management relations, Labor union, Railroads.

For the reasons stated in the preamble, the National Mediation Board amends 29 CFR parts 1203 and 1206 as set forth below:

#### PART 1203—APPLICATIONS FOR SERVICE

- 1. The authority citation for part 1203 continues to read as follows:

**Authority:** 44 Stat. 577, as amended; 45 U.S.C. 151–163.

- 2. Revise § 1203.2 to read as follows:

##### § 1203.2 Investigation of representation disputes.

Applications for the services of the National Mediation Board under section 2, Ninth, of the Railway Labor Act to investigate representation disputes among carriers' employees may be made on printed forms NMB–3, copies of which may be secured from the Board's Representation and Legal Department or on the internet at [www.nmb.gov](http://www.nmb.gov). Such applications and all correspondence connected therewith should be filed in duplicate and the applications should be accompanied by signed authorization cards from the employees composing the craft or class involved in the

dispute. The applications should show specifically the name or description of the craft or class of employees involved, the name of the invoking organization or employee seeking certification, or the name of the employee seeking decertification, the name of the organization currently representing the employees, if any, and the estimated number of employees in each craft or class involved. The applications should be signed by the chief executive of the invoking organization, some other authorized officer of the organization, or by the invoking employee. These disputes are given docket numbers in the series "R".

#### PART 1206—HANDLING REPRESENTATION DISPUTES UNDER THE RAILWAY LABOR ACT

- 3. The authority citation for part 1206 continues to read as follows:

**Authority:** 44 Stat. 577, as amended; 45 U.S.C. 151–163.

- 4. Amend § 1206.1 by revising paragraph (b) to read as follows

##### § 1206.1 Run-off elections.

\* \* \* \* \*

(b) In the event a run-off election is authorized by the Board, the two options which received the highest number of votes cast in the first election shall be placed on the run-off ballot. No blank line on which voters may write in the name of any organization, individual, or no representation will be provided on the run-off ballot.

\* \* \* \* \*

- 5. Amend § 1206.2 by revising paragraph (a) to read as follows:

##### § 1206.2 Percentage of valid authorizations required to determine existence of a representation dispute.

(a) Upon receipt of an application requesting that an organization or individual be certified as the representative of any craft or class of employees, or to decertify the current representative and have no representative, a showing of proved authorizations (checked and verified as to date, signature, and employment status) from at least fifty (50) percent of the craft or class must be made before the National Mediation Board will authorize an election or otherwise determine the representation desires of the employees under the provisions of section 2, Ninth, of the Railway Labor Act.

\* \* \* \* \*

- 6. Amend § 1206.4 by revising paragraph (a) to read as follows:

##### § 1206.4 Time Limits on Applications.

\* \* \* \* \*

(a) For a period of two (2) years from the date of a certification or decertification covering the same craft or class of employees on the same carrier, and

\* \* \* \* \*

##### §§ 1206.5 through 1206.7 [Redesignated as §§ 1206.6 through 1206.8]

- 7. Redesignate §§ 1206.5 through 1206.7 as §§ 1206.6 through 1206.8 and add new § 1206.5 to read as follows:

##### § 1206.5 Decertification of representatives.

Employees who no longer wish to be represented may seek to decertify the current representative of a craft or class in a direct election. The employees must follow the procedure outlines in § 1203.2.

Dated: July 23, 2019.

Mary L. Johnson,  
General Counsel.

[FR Doc. 2019–15926 Filed 7–25–19; 8:45 am]

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#### DEPARTMENT OF LABOR

##### 29 CFR Part 1952

#### Occupational Safety and Health Administration

[Docket ID. OSHA 2014–0019]

RIN 1218–AC92

#### Arizona State Plan for Occupational Safety and Health

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Reconsideration of final approval of state plan; withdrawal.

**SUMMARY:** OSHA is withdrawing its proposed reconsideration of the Arizona State Plan's final approval status.

**DATES:** July 26, 2019.

##### FOR FURTHER INFORMATION CONTACT:

*For press inquiries:* Francis Meilinger, OSHA Office of Communications, U.S. Department of Labor, Washington, DC 20210; telephone (202) 693–1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*For general and technical information:* Douglas J. Kalinowski, Director, OSHA Directorate of Cooperative and State Programs, U.S. Department of Labor, Washington, DC 20210; telephone: (202) 693–2200; email: [kalinowski.doug@dol.gov](mailto:kalinowski.doug@dol.gov).

**SUPPLEMENTARY INFORMATION:** On August 21, 2014, OSHA published a **Federal Register** document proposing to reject Arizona's residential construction fall

protection statute enacted by Arizona's state legislature (formerly published as Arizona Revised Statute (A.R.S.) 23-492), and to reconsider the Arizona State Plan's final approval pursuant to 29 CFR 1953.6(e) and 29 CFR 1902.47 (79 FR 49465). OSHA based that proposal on a finding that Arizona's requirements for residential construction fall protection were not at least as effective as OSHA's federal standard, as required by the Occupational Safety and Health Act (29 U.S.C. 667(c)(2)).

On February 6, 2015, OSHA published a **Federal Register** document responding to comments received in response to its proposed rejection document, and announcing OSHA's final decision to reject the Arizona State Plan's residential construction fall protection statute (80 FR 6652). However, SB 1307 included a conditional repeal provision. Under this provision, if OSHA rejected the state statute and published that decision in the **Federal Register** pursuant to 29 CFR 1902.23, then A.R.S. 23-492 would be repealed by operation of law (SB 1307 Sec. 7). In response to this provision, OSHA deferred its decision on the simultaneously proposed action of reconsidering the State Plan's final approval, to allow for Arizona's repeal of the rejected statute to take effect, and to allow for Arizona's subsequent enforcement of a standard at least as effective as OSHA's standard.

Since that time, Arizona has adopted OSHA's residential construction fall protection standard, 29 CFR part 1926, subpart M. Federal OSHA has monitored this issue closely and finds that Arizona has also successfully implemented this standard. Accordingly, OSHA is withdrawing its proposal to reconsider the Arizona State Plan's final approval status.

#### Authority and Signature

Loren Sweatt, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this document under the following authorities: Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Secretary of Labor's Order No. 1-2012 (77 FR 3912), and 29 CFR parts 1902 and 1953.

Signed in Washington, DC, on July 17, 2019.

#### Loren Sweatt,

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2019-15850 Filed 7-25-19; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2019-0632]

RIN 1625-AA00

#### Safety Zone; Fox River, Green Bay, WI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Fox River in Green Bay, WI within a 300-foot radius of a vessel being used to launch fireworks. This action is necessary to provide for the safety of personnel, vessels, and the marine environment from potential hazards created by a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Lake Michigan.

**DATES:** This rule is effective on July 26, 2019 from 8 p.m. through 11 p.m.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2019-0632 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Chief Petty Officer Kyle Weitzell, Sector Lake Michigan Waterways Management Division, U.S. Coast Guard; telephone 414-747-7148, email [Kyle.W.Weitzell@uscg.mil](mailto:Kyle.W.Weitzell@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port Sector Lake Michigan  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good

cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Captain of the Port Sector Lake Michigan (COTP) has determined that potential safety hazards associated with this fireworks display pose a threat to vessel traffic on the Fox River and immediate action is needed to respond to those identified hazards. It is impracticable to publish an NPRM because this safety zone must be established by July 26, 2019 and there is not time for a sufficient comment period.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the rule's objective of protecting against potential safety hazards associated with a fireworks display scheduled for July 26, 2019.

#### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined that potential hazards associated with a fireworks display on July 26, 2019, will be a safety concern for anyone within a 300-foot radius of a vessel used to launch fireworks on the Fox River in Green Bay, WI. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone for the duration of the fireworks display.

#### IV. Discussion of the Rule

This rule establishes a safety zone from 8 p.m. through 11 p.m. on July 26, 2019. The safety zone will cover all navigable waters of the Fox River in Green Bay, WI within 300 feet of a vessel used to launch fireworks at latitude 44°31' 4" N, longitude 088°1' 1" W. The duration of the zone is intended to protect personnel, vessels, and the marine environment for the duration of the fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

#### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and