

List of Subjects in 29 Part 1404

Administrative practice and procedures; Arbitration; Labor management relations.

For the reasons stated in the preamble, the Federal Mediation and Conciliation Service amends 29 CFR part 1404 as follows:

PART 1404—ARBITRATION SERVICES

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

Authority: 29 U.S.C. 172 and 29 U.S.C. 173 *et seq.*

Subpart C—Procedures for Arbitration Services

- 2. Amend § 1404.9 by revising paragraph (b) to read as follows:

§ 1404.9 Procedures for requesting arbitration lists and panels.

* * * * *

(b) (1) Upon request, OA will refer a randomly selected panel of seven arbitrators to parties to an agreement to arbitrate or engage in fact-finding, or where labor arbitration or fact-finding may be provided by statute. A biographical sketch will be provided for each member of the panel. This sketch states the background, qualifications, experience, and all fees as furnished to OA by the arbitrator.

(2) A request for a panel may be joint or unilateral unless this part, applicable law, or the parties' agreement requires joint authorization for the requested service. Requests for a panel of other than seven names, for direct appointment of an arbitrator, or for special qualifications or other special service will not be honored unless jointly submitted or authorized by both parties pursuant to mutual agreement.

(3) OA may conduct a limited threshold inquiry to determine whether issuing a panel, making a direct appointment, or providing related arbitration services would be inconsistent with applicable law, a court order, or FMCS's statutory or regulatory authority. OA may request from the parties the agreement, statutory provision, regulation, court order, written authorization, or other information necessary to determine whether OA may provide the requested service. Following such inquiry, FMCS may issue the panel or appointment, decline to provide the requested service, hold the request in abeyance, or take other administratively appropriate action.

(4) OA's issuance of a panel or appointment, refusal to issue a panel or appointment, or decision to hold a

request in abeyance does not constitute a decision on the validity of any collective-bargaining agreement, the merits of any grievance, the arbitrability of any dispute, or the rights or obligations of the parties under any agreement or law.

* * * * *

- 3. Revise § 1404.10 to read as follows:

§ 1404.10 Arbitrability.

OA will not decide the merits of a claim by either party that a dispute is not subject to arbitration. OA may, however, conduct a limited threshold inquiry to determine whether FMCS may lawfully submit a panel, make a direct appointment, or provide related arbitration services under this part, consistent with § 1404.9.

- 4. Amend § 1404.11 by revising paragraphs (b) and (c) to read as follows:

§ 1404.11 Nominations of arbitrators.

* * * * *

(b) Subject to §§ 1404.9 and 1404.10, OA will provide a randomly selected panel of arbitrators located in geographical areas in proximity of the hearing site, as specified in the request. The parties may jointly request special qualification of arbitrators experienced in certain issues or industries or that possess certain backgrounds, or a panel with no geographic restrictions within the U.S. OA has no obligation to put an individual on any given panel or on a minimum number of panels in any fixed period. If at any time both parties request that a name or names be included, or omitted, from a panel, such name or names will be included, or omitted, unless the number of names is excessive. These inclusions/exclusions may not discriminate against anyone because of age, race, color, sex, national origin, disability, genetic information, religion, or any other basis prohibited by applicable law.

(c) If the parties do not agree on an arbitrator from the first panel, OA will furnish up to five additional panels to the parties upon joint request, or upon a unilateral request if authorized by the applicable collective bargaining agreement, statute, regulation, court order, or other binding authority, and payment of additional fees. This paragraph is subject to §§ 1404.9 and 1404.10. OA may decline to furnish an additional panel, or may hold the request in abeyance, if OA determines under § 1404.9(b) that furnishing the additional panel would be inconsistent with applicable law, a court order, or FMCS's statutory or regulatory authority.

- 5. Amend § 1404.12 by revising paragraphs (b) and (c) to read as follows:

§ 1404.12 Selection by parties and appointment of arbitrators.

* * * * *

(b) Where the parties' collective bargaining agreement permits each party to separately notify OA of its ranked order of preference, or is silent on the manner of selecting arbitrators, FMCS will ask each party to advise OA of its order of preference by numbering each name on the panel and submitting the numbered list in writing to OA. Upon receiving the rank order from one party, OA will notify the other party that it has fourteen (14) days in which to submit its selections. Where both parties respond, the name that has the lowest combined number will be appointed. If the other party fails to respond, the first party's choice will be honored. This paragraph is subject to § 1404.9(b) and does not require OA to make an appointment where OA determines that the appointment would be inconsistent with applicable law, a court order, or FMCS's statutory or regulatory authority.

(c) Subject to §§ 1404.9 and 1404.10, OA will make a direct appointment of an arbitrator only upon joint request or as otherwise provided by this part.

Dated: August 26, 2026.

Anna Davis,

General Counsel.

[FR Doc. 2026-17652 Filed 8-27-26; 8:45 am]

BILLING CODE 6732-01-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 100**

[Docket Number USCG-2026-1092]

RIN 1625-AA08

**Special Local Regulation;
Chickahominy River, Williamsburg, VA**

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) for navigable waters of the Chickahominy River. This action is necessary to provide for the safety of life on these navigable waters near Williamsburg, VA during a rowing event. This regulation prohibits persons and vessels from entering the regulated area unless specifically authorized by

the Captain of the Port Virginia (COTP) or their designated representative.

DATES: This rule is effective from 9 a.m. until 3 p.m. on September 20, 2026.

ADDRESSES: To view available documents go to <https://www.regulations.gov> and search for USCG–2026–1092.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact LCDR Justin Z. Strassfield, Sector Virginia Waterways Management Division, U.S. Coast Guard; by phone, at (206) 815–7367, or by email, at VirginiaWayerways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, Sector Virginia
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
SLR Special Local Regulation
U.S.C. United States Code

II. Background and Authority

Coast Guard regulations define “regatta or marine parade” as an organized water event of limited duration which is conducted according to a prearranged schedule. 33 CFR 100.05(a). And, as explained in 33 CFR 100.15, Coast Guard requires that an organization planning to hold a regatta or marine event apply for a permit if the event, by its nature, circumstances, or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States. These permits may be approved by the Coast Guard, or by the state in which the event is to take place, if there is a Coast Guard-State agreement in place. See 33 CFR 100.10. Upon the approval of an application, the Captain of the Port, Sector Virginia (COTP) may promulgate such “Special Local Regulations” (SLR’s) as he or she deems necessary to ensure safety of life on the navigable waters immediately prior to, during, and immediately after the event. See 33 CFR 100.35(a).

On April 10, 2026, the Coast Guard received a request under 33 CFR 100.15 from the Williamsburg Boat Club for a Marine Event Permit to host a 4-kilometer-long rowing event. The event will be held from 9 a.m. through 3 p.m. on September 20, 2026, in Williamsburg, VA. The event will include approximately 400 participants.

The Captain of the Port Virginia (COTP) is issuing this Special Local Regulation (SLR) under the authority in 46 U.S.C. 70041. The COTP has determined that potential hazards associated with the rowing event

include the possibility of participants rowing within the navigable channel, as well as the possibility that participants will interfere with boaters within the Chickahominy River, and collisions between participants and nonparticipants. The purpose of this rulemaking is to protect event participants, non-participants, such as spectators and transiting vessels before, during, and after the scheduled event.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 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 it is impracticable to do so in the time since we received sufficient information to be able to publish a proposed rule, consider comments, issue a final rule, and leave thirty days after that for the rule to take effect by September 20, 2026, to protect personnel, vessels, and the marine environment.

For the same reasons, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This rule establishes a temporary SLR from 9 a.m. until 3 p.m. on September 20, 2026. The special local regulation will cover all navigable waters of the Chickahominy River between the Highway 5 Chickahominy River Bridge and Shields Point. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or their designated representative.

IV. 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 Executive orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act’s flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small

business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a special local regulation. It is categorically excluded from further review under paragraph L61 of

Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

List of Subjects in 33 CFR Part 100

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security Measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T599–1092 to read as follows:

§ 100.T599–1092 Special Local Regulation; Chickahominy River, Williamsburg, VA.

(a) *Location.* This special local regulation applies to the following regulated area: All waters of the Chickahominy River shoreline to shoreline bounded to the South by the Highway 5 Chickahominy River Bridge over the Chickahominy River and bounded to the North by a line drawn from Shields Point, located at 37°18′19.3″ N, 76°52′25.0″ W, thence west across the Chickahominy River to 37°18′18.9″ N, 76°53′10.5″ W. These coordinates are based on the North American Datum 83 (NAD 83).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Virginia (COTP) in the enforcement of the regulated area. *Participant* means all persons and vessels registered with the event sponsor as a participant in the race.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at 877–722–5727. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 9 a.m. to 3 p.m. on September 20, 2026.

Dated: August 25, 2026.

Brett R. Workman,

Captain, U.S. Coast Guard, Captain of the Port, Sector Virginia.

[FR Doc. 2026–17608 Filed 8–27–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0465]

RIN 1625–AA00

Safety Zone; Hurricanes, Tropical Storms, and Severe Weather Events in the Sector Mobile Captain of the Port Zone

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone in the navigable waters within the Sector Mobile Captain of the Port (COTP) zone, to be enforced in the event of hurricanes, tropical storms, and other severe weather events. This regulation establishes requirements for industry and vessel operators in the Mobile COTP zone, to ensure the safety of the ports and waters within the zone prior to, during and immediately following these events.

DATES: This rule is effective September 28, 2026.

ADDRESSES: To view available documents, go to <https://www.regulations.gov> and search for USCG–2024–0465.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Marine Science Technician Chief Petty Officer Stacy Stevenson, Waterways Management Division, U.S. Coast Guard; telephone 251–382–8653, or email Sectormobilewaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

The Gulf Coast of Mississippi, Alabama, and northwest Florida has the potential to be affected by hurricanes,

tropical storms or other severe weather events on a yearly basis, especially between the months of June and November. These storms and other events create hazardous conditions in the port, including but not limited to damaging winds, storm surge and heavy waves, inaccurate or off-station aids-to-navigation, and the potential for navigational obstructions. The purpose of this rulemaking is to establish a permanent safety zone regulation to allow for quick activation of limited access areas needed to protect mariners, port infrastructure, and the environment before, during, and after extreme weather events. The COTP is establishing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

III. Discussion of Comments and the Rule

The Coast Guard published a Notice of Proposed Rulemaking (NPRM) for this regulation on June 5, 2026 (91 FR 34183). During the comment period that ended on July 6, 2026, we received zero comments.

The Coast Guard is establishing a safety zone to be activated and enforced as needed to respond to hurricanes, tropical storms, or other severe weather events on navigable waters of the Coast Guard Sector Mobile COTP zone. This rule establishes actions to be completed by local industry and vessels in the Mobile COTP zone prior to landfall of hurricanes, tropical storms, or other severe weather events threatening the Mobile COTP zone. The safety zone consists of all navigable waters of the Mobile COTP zone, as prescribed in 33 CFR 3.40–10. However, for each particular hurricane or tropical storm, the specific restricted areas may be smaller and comprise only a portion of the Sector Mobile COTP zone. The area being enforced, along with the enforcement dates and times, would be announced to the public in advance by Broadcast Notice to Mariners and other public advisories.

There are no substantive changes in the regulatory text of this final rule from the NPRM. There is a technical change in the regulation number from 165.847 in the NPRM to 165.849 in this final rule.

IV. 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 Executive orders.