

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Airbus Helicopters Deutschland GmbH

Helicopters: Docket No. FAA–2018–0336; Product Identifier 2017–SW–130–AD.

(a) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, and EC135T3 helicopters, certificated in any category, with an external mounted hoist (hoist) part number (P/N) and hook assembly (hook) P/N shown in Table 1 to paragraph (a) of this AD:

Hoist P/Ns	Hook P/Ns
44301-10-2	44301-420
44301-10-5	44301-420
44301-10-6	44301-420
44301-10-10	44301-423
44301-10-11	44301-423
44301-10-12	44301-423
44301-10-13	44301-423

Table 1 to Paragraph (a)

(b) Unsafe Condition

This AD defines the unsafe condition as detachment of a hook from a hoist cable resulting in in-flight failure of the hoist, which could result in injury to persons being lifted.

(c) Comments Due Date

We must receive comments by November 6, 2018.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Within 90 hours time-in-service (TIS) and thereafter at intervals not to exceed 180 hours TIS:

(1) Inspect the hook and determine whether the elastometric energy absorber has taken a permanent compression set by following the Accomplishment Instructions, paragraphs 2.A and 2.B, of Goodrich Service Bulletin No. 44301–10–17, Revision 4, dated July 26, 2017 (SB 44301–10–17). If the elastometric energy absorber has taken a permanent compression set, replace the elastometric energy absorber before the next hoist operation.

(2) Replace the retaining ring by following the Accomplishment Instructions, paragraphs 2.D through 2.K, of SB 44301–10–17.

(f) Special Flight Permits

Special flight permits may be permitted provided the hoist is not used.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email 9-ASW-FTW-AMOC-Requests@faa.gov.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2017–0199, dated October 11, 2017. You may view the EASA AD on the internet at <http://www.regulations.gov> in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 2500, Cabin Equipment/Furnishings.

Issued in Fort Worth, Texas, on August 23, 2018.

Scott A. Horn,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–19430 Filed 9–6–18; 8:45 am]

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Revisions to Procedural Rules Governing Practice Before the Occupational Safety and Health Review Commission

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This document solicits recommendations for amendments to the Commission’s rules of procedure.

DATES: Submit comments on or before October 9, 2018.

ADDRESSES: You may submit comments by any of the following methods:

• *Email:* rbailey@oshrc.gov. Include "Advance notice of proposed rulemaking, 29 CFR part 2200" in the subject line of the message.

• *Fax:* 202-606-5417.

• *Mail:* One Lafayette Centre, 1120 20th Street NW, Ninth Floor, Washington, DC 20036-3457.

• *Hand Delivery/Courier:* Same as mailing address.

Instructions: All submissions must include your name, return address, and email address, if applicable. Please clearly label submissions as "Advance notice of proposed rulemaking, 29 CFR part 2200."

FOR FURTHER INFORMATION CONTACT: Ron Bailey, via telephone at 202-606-5410, or via email at rbailey@oshrc.gov.

SUPPLEMENTARY INFORMATION: In accordance with 29 U.S.C. 661(g), the Occupational Safety and Health Review Commission last implemented a comprehensive revision of its rules of procedure in 2005. Since that time, technological advances, including implementation of the E-filing system, as well as the evolution of practice before the Commission, have called for a careful reexamination of the Commission's rules of procedure, as set forth in 29 CFR part 2200. To assist in determining what revisions should be made, the agency is soliciting recommendations from the public. It is especially interested in hearing from those who practice before it on what rules their experience suggests would benefit from a revision. While recommended changes to any rule will be considered, the Commission is especially interested in whether: Rules on the computation of time should be simplified; electronic filing and service should be mandatory and, if so, what exceptions, if any, should be allowed; the definition of "affected employee" should be broadened; citing to Commission decisions as posted on the agency's website should be allowed; the rule on the staying of a final order is not needed and should be eliminated; the requirement for agency approval of settlements should be narrowed or eliminated; the grounds for obtaining Commission review of interlocutory orders issued by its administrative law judges should be revised; protection of sensitive personal information should be broadened; and whether the threshold amount for cases referred for mandatory settlement proceedings should be increased. Comments suggesting a rule change should include a brief discussion of the reasons for the change, why the change would facilitate improved practice before the

Commission, and a reference to authority where necessary.

Dated: August 15, 2018.

Heather L. MacDougall,
Chairman.

[FR Doc. 2018-18050 Filed 9-6-18; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 545

[Docket No. 18-06]

RIN 3072-AC71

Interpretive Rule, Shipping Act of 1984

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Maritime Commission (FMC or Commission) is seeking public comment on its interpretation of the scope of the Shipping Act prohibition against failing to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property. Specifically, the Commission is clarifying that the proper scope of that prohibition in the Shipping Act of 1984 and the conduct covered by it is guided by the Commission's interpretation and precedent articulated in several earlier Commission cases, which require that a regulated entity engage in a practice or regulation on a *normal, customary, and continuous* basis and that such practice or regulation is unjust or unreasonable in order to violate that section of the Shipping Act.

DATES: Submit comments on or before: October 10, 2018.

ADDRESSES: You may submit comments, identified by the Docket No. 18-06 by the following methods:

• *Email:* secretary@fmc.gov. Include in the subject line: "Docket 18-06, Interpretive Rule Comments." Comments should be attached to the email as a Microsoft Word or text-searchable PDF document. Only non-confidential and public versions of confidential comments should be submitted by email.

• *Mail:* Rachel E. Dickon, Secretary, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573-0001.

• *Instructions:* For detailed instructions on submitting comments, including requesting confidential treatment of comments, and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section

of this document. Note that all comments received will be posted without change to the Commission's website, unless the commenter has requested confidential treatment.

• *Docket:* For access to the docket to read background documents or comments received, go to the Commission's Electronic Reading Room at: <http://www.fmc.gov/18-06>, or to the Docket Activity Library at 800 North Capitol Street NW, Washington, DC 20573, 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays. Telephone: (202) 523-5725.

FOR FURTHER INFORMATION CONTACT:

Rachel E. Dickon, Secretary; Phone: (202) 523-5725; Email: secretary@fmc.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

The Federal Maritime Commission is issuing this notice to obtain public comments on clarification and guidance regarding the Commission's interpretation of the scope of 46 U.S.C. 41102(c) (section 10(d)(1) of the Shipping Act of 1984).¹ Section 41102(c) provides that regulated entities "may not fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property."²

Beginning with the *Houben*³ decision in 2010 and presented in full in the Commission's 2013 decision in *Kobel v. Hapag-Lloyd*, the Commission has held in a line of recent cases that discrete conduct with respect to a particular shipment, if determined to be unjust or unreasonable, represents a violation of § 41102(c), regardless of whether that conduct represents a respondent's *practice or regulation*.⁴ These decisions diverge from consistent Commission precedent dating back to 1935 and reaffirmed as recently as 2001 which required that a regulated entity must engage in a practice or regulation on a *normal, customary, and continuous* basis in order to be found to have violated § 41102(c) of the Shipping Act. In simple summary, discrete or

¹ Some authorities cited herein refer to § 41102(c) while others refer to section 10(d)(1). For ease of reading, we will generally refer to § 41102(c) in analyzing these authorities.

² 46 U.S.C. 41102(c).

³ *Houben v. World Moving Services, Inc.*, 31 S.R.R. 1400 (FMC 2010).

⁴ *Kobel v. Hapag-Lloyd A.G.*, 32 S.R.R. 1720, 1731 (2013) ("The allegation that a single failure to 'observe or enforce' just and reasonable regulations or practices is not a failure does not comport with the language of section 10(d)(1), which mandates regulated entities not to 'fail to . . . observe and enforce' just and reasonable regulations and practices.").