

§ 39.13 [Amended]

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

MD Helicopters Inc.: Product No. FAA–2017–1125; Product Identifier 2017–SW–078–AD.

(a) Applicability

This AD applies to MD Helicopters Inc. (MDHI) Model 600N helicopters, certificated in any category, with a yaw stability augmentation system and with a main rotor (M/R) blade upper control collective/longitudinal link assembly (link assembly) part number (P/N) 600N7617–1 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a link assembly remaining in service beyond its fatigue life. This condition could result in failure of the link assembly, failure of M/R blade pitch control, and subsequent loss of helicopter control.

(c) Comments Due Date

We must receive comments by November 9, 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 100 hours time-in-service (TIS):

(1) Determine the total hours time-in-service (TIS) of each link assembly P/N 600N7617–1. If the hours TIS are unknown, use the hours TIS of the helicopter. Remove from service any link assembly that has 15,000 or more hours TIS. Thereafter, remove from service any link assembly before accumulating 15,000 hours TIS.

(2) Create a component history card or equivalent record for each link assembly P/N 600N7617–1 and record a life limit of 15,000 hours TIS.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOC)

(1) The Manager, Los Angeles ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Galib Abumeri, Aerospace Engineer (Structures), Airframe Section, Los Angeles ACO Branch, Compliance and Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone 562–627–5324; email galib.abumeri@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

For service information identified in this AD, contact MD Helicopters, Inc., Attn:

Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, AZ 85215–9734; telephone 1–800–388–3378; fax 480–346–6813; or at <http://www.mdhelicopters.com>. You may review a copy of information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6710, Main Rotor Control.

Issued in Fort Worth, Texas, on August 27, 2018.

Scott A. Horn,

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

[FR Doc. 2018–19435 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION**16 CFR Part 18****Rescission of Guides for the Nursery Industry**

AGENCY: Federal Trade Commission.

ACTION: Proposed rule; rescission of Guides and removal of Guides from the CFR.

SUMMARY: The Federal Trade Commission (“FTC” or “Commission”), following its initial review of the Guides for the Nursery Industry (“Nursery Guides” or “Guides”), proposes to rescind the Guides and remove them from the Code of Federal Regulations.

DATES: Written comments must be received on or before November 5, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write “Nursery Guides (Matter No. P994248)” on your comment, and file your comment online at <https://ftcpublish.commentworks.com/ftc/nurseryguides>, by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex A), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, (202) 326–2889,

Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Room CC–9541, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:**I. Background**

The Commission issued the Guides for the Nursery Industry in 1979.¹ These Guides address various sales claims for outdoor plants, including representations regarding quantity, size, grade, kind, species, age, maturity, condition, vigor, hardiness, growth ability, price, and origin or place where grown. The Commission amended the Guides in 1994 to update legal terminology, and again in 2007 to make a technical correction.²

The Commission reviews its rules and guides periodically to seek information about their costs and benefits to consumers and businesses, regulatory and economic impact, and general effectiveness in protecting consumers and helping industry avoid deceptive claims. These reviews assist the Commission in identifying rules and guides that may warrant modification or rescission.

On February 22, 2018, the Commission initiated its scheduled regulatory review of the Guides and solicited public comment on several issues.³ Specifically, the Commission sought input on, among other things, the continuing need for the Guides; their economic impact; possible conflict between the Guides and state, local, federal, or international laws; and the effect of any technological, economic, environmental, or other industry changes. The Commission also solicited comment on issues specific to the Guides, such as whether the Commission should update plant name classification references. The Commission received one comment, discussed below.

¹ The Commission issued the Guides in 1979 (44 FR 11176 (Feb. 27, 1979)) to replace trade practice rules for the nursery industry (16 CFR part 34) first promulgated in the 1950’s (23 FR 4803 (June 28, 1958)). The Guides help marketers avoid making claims that are unfair or deceptive under Section 5 of the FTC Act, 15 U.S.C. 45. Industry guides, such as the Nursery Guides, are administrative interpretations of laws administered by the Commission. They do not have the force of law and are not independently enforceable. Failure to follow industry guides may result, however, in enforcement action under the FTC Act, 15 U.S.C. 45. In any such action, the Commission must prove that the act or practice at issue is unfair or deceptive in violation of Section 5 of the FTC Act.

² See 59 FR 64546 (Dec. 14, 1994); 72 FR 901 (Jan. 9, 2007).

³ See 83 FR 7643 (Feb. 22, 2018).

II. Comment Received

The sole commenter, the National Federation of Independent Business (“NFIB”), urged the Commission to rescind the Guides as an unnecessary federal regulatory burden. NFIB asserted that most nursery businesses are small businesses and “a significant portion of the industry is predominantly intrastate rather than interstate in practical character.” Therefore, they contend that regulation or guidance concerning the nursery business is more properly conducted at the state, rather than federal, level. NFIB, however, did not address any of the Commission’s specific questions.

III. Proposed Rescission of the Guides

The Commission proposes to rescind the Guides because, as discussed below, they no longer appear necessary, and thus serve little purpose to industry or consumers. In proposing this approach, the Commission has considered the prevalence of practices covered by the Guides, industry use of the Guides, and the Commission’s ability to address deceptive practices through enforcement actions or issuance of other educational materials in the Guides’ absence.

First, the types of practices detailed in the Guides do not appear to be prevalent in the nursery industry. The Guides focus on misrepresentations about species, size, rate of growth, and other plant characteristics. Recent FTC complaints related to nurseries and outdoor plant sales, however, suggest that current consumer concerns have little to do with these types of practices. Indeed, nearly all recent complaints received by the Commission regarding plant sales involve online plant orders that were either dormant or dead upon arrival, incomplete, not delivered in the time promised (or at all), or not refunded upon request.⁴

Furthermore, the Commission lacks evidence that industry members currently use the Guides to help avoid deceptive practices. For example, FTC staff found no mention of the Guides on websites for industry associations, nurseries, or other industry entities. Additionally, the Commission is unaware of any unique, pervasive consumer protection issues currently associated with the advertising or

labeling of outdoor plants. The sole comment submitted to the Commission argued that there was no continuing need for special guidance in the nursery industry. The absence of comments from nursery-related entities in response to the February 2018 notice reinforces the conclusion that the Guides have limited utility or significance to the industry in today’s market.

Finally, the Guides’ rescission will have no impact on the FTC’s ability to address unfair and deceptive practices in the nursery industry. If the Commission determines that certain practices in the sale of outdoor plants are materially misleading, it can address such practices through enforcement actions under Section 5 of the FTC Act.⁵ Should industry members desire continued guidance, FTC staff can provide informal guidance through business education materials (e.g., FAQ’s) posted on the Commission’s website.

IV. Request for Comment

The Commission seeks comments on all aspects of the proposed rescission. Among other things, commenters should address any continuing need for the Guides, the impacts of their rescission on industry members and consumers, and other measures the Commission should consider in their place (e.g., business education materials).

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 5, 2018. Write “Nursery Guides (Matter No. P994248)” on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public FTC website, at <https://www.ftc.gov/policy/public-comments>.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublishcommentworks.com/ftc/nurseryguides>, by following the instruction on the web-based form. If this Notice appears at <http://www.regulations.gov>, you also may file a comment through that website.

If you file your comment on paper, write “Nursery Guides (Matter No. P994248)” on your comment and on the

envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex A), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at www.ftc.gov, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else’s Social Security number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which is . . . privileged or confidential”—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under

⁴ The Guides address some of the practices identified in the complaints indirectly or in limited ways. For instance, § 18.1(c)(2) states it is deceptive to represent “[t]hat industry products are healthy . . . when such is not the fact.” In addition, some complaints involve incorrect orders, which are covered by § 18.1(a). However, the Commission sees no need to maintain the Guides simply to preserve such limited, self-evident guidance.

⁵ Section 5 of the FTC Act, 15 U.S.C. Section 45(a)(1), prohibits unfair or deceptive acts or practices in or affecting commerce.

FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website to read this NPRM and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 5, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

List of Subjects in 16 CFR Part 18

Advertising, Nursery, Trade practices.

PART 18—[REMOVED]

■ For the reasons stated in the preamble, and under the authority of 15 U.S.C. 45, the Federal Trade Commission proposes to remove 16 CFR part 18.

By direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. 2018-19227 Filed 9-7-18; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2018-0736]

RIN 1625-AA00

Safety Zones; Coast Guard Sector New Orleans Annual and Recurring Safety Zones

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its safety zone regulations for annual events in Coast Guard Sector New Orleans' area of responsibility. This proposed rule would add four new recurring safety zones and amend the location or dates for two events already listed in the table. This action is

necessary to protect spectators, participants, and vessels from the hazards associated with annual marine events. This proposed rulemaking would prohibit entry into the safety zones during the events unless authorized by the Captain of the Port Sector New Orleans or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before October 10, 2018.

ADDRESSES: You may submit comments identified by docket number USCG-2018-0736 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Commander Benjamin Morgan, Sector New Orleans, U.S. Coast Guard; telephone 504-365-2281, email Benjamin.P.Morgan@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Captain of the Port Sector New Orleans (COTP) proposes to amend Table 5 of 33 CFR 165.801 to update the table of annual firework displays and other marine events in Coast Guard Sector New Orleans. The current list of annual and recurring safety zones in Sector New Orleans is published in Table 5 of 33 CFR 165.801. That most recent table was created through the interim final rule published on April 22, 2014 (79 FR 22398). The current Table 5 in 33 CFR 165.801 needs to be amended to include new safety zones

expected to recur annually and provide new information on two existing safety zones.

The proposed annually recurring safety zones are necessary to provide for the safety of life on navigable waters during marine events. Based on the nature of these marine events, large numbers of participants and spectators, and locations of the events, the COTP has determined that the events listed in this proposed rule could pose a risk to participants or waterway users if the normal vessel traffic were to interfere with the events. Possible hazards include risks of injury or death from near or actual contact among participant vessels and spectators or mariners traversing through the safety zones. In order to protect the safety of all waterway users, including event participants and spectators, this proposed rule would establish safety zones for the time and location of each marine event.

This purpose of this proposed rulemaking is to ensure the safety of vessels on the navigable waters in the safety zones during the scheduled events. Vessels would not be permitted to enter the safety zone unless authorized by the COTP or a designated representative. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to amend its safety zone regulations for annual events in Coast Guard Sector New Orleans listed in Table 5 of 33 CFR 165.801. From time to time this section needs to be amended to properly reflect recurring safety zones in Sector New Orleans' area of responsibility. This rule would add four new recurring safety zones and amend the location or dates of two safety zones already listed in the current table. Other than the described changes, the regulations of 33 CFR 165.801 and other provisions in Table 5 of § 165.801 would remain unchanged.

The Coast Guard proposes to revise regulations in Table 5 of 33 CFR 165.801 by adding four new safety zones. The safety zones being added to Table 5 are below:

Date	Sponsor/name	Sector New Orleans location	Safety zone
Saturday before Labor Day	Baton Rouge Paddle Club and Muddy water Paddle Co./Big River Regional.	Baton Rouge, LA	Mississippi River from mile marker 215 to 230.4, Baton Rouge, LA.
July 4th	L'Auberge Casino Baton Rouge/July 4th Celebration.	Baton Rouge, LA	Mississippi River from mile marker 216.0 to 217.5, Baton Rouge, LA.