

responsibilities among the various levels of government.

For the reasons discussed, I certify that this AD:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

#### 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):

**2015–23–02 Agusta S.p.A.:** Amendment 39–18318; Docket No. FAA–2015–3969; Directorate Identifier 2014–SW–010–AD.

#### (a) Applicability

This AD applies to Model AB412 helicopters with a hydraulic external hoist part number BL10300–60 installed, certificated in any category.

#### (b) Unsafe Condition

This AD defines the unsafe condition as failure of a hydraulic external hoist pressure line pump. This condition, if not detected and prevented, could result in loss of hydraulic pressure and subsequent injury to persons being lifted in the hoist.

#### (c) Effective Date

This AD becomes effective November 24, 2015.

#### (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 10 hours time-in-service (TIS) and thereafter at intervals not to exceed 25 hours TIS:

(1) Inspect the hydraulic external hoist pressure line filter for metal particles.

(2) If there are any metal particles, before further flight, flush the utility hydraulic system, replace the pressure line pump, and replace the filter.

#### (f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; email [9-asw-ftw-amoc-requests@faa.gov](mailto: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.

#### (g) Additional Information

(1) AgustaWestland Bollettino Tecnico No. 412–140, dated March 11, 2014, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D’Angelo; telephone 39–0331–664757; fax 39–0331–664680; or at <http://www.agustawestland.com/technical-bulletins>. You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2014–0063–E, dated March 12, 2014. You may view the EASA AD on the Internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA–2015–3969.

#### (h) Subject

Joint Aircraft Service Component (JASC) Code: 2550, Cargo Compartments.

Issued in Fort Worth, Texas, on October 30, 2015.

**James A. Grigg,**

*Acting Assistant Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2015–28314 Filed 11–6–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2015–3224; Directorate Identifier 2015–CE–026–AD; Amendment 39–18290; AD 2015–20–11]

RIN 2120–AA64

#### Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to certain Schempp-Hirth Flugzeugbau GmbH Models Duo Discus and Duo Discus T gliders. The Model Duo Discus gliders were incorrectly referenced as powered sailplanes in the Applicability section. This document corrects that error and refers to both models as just gliders as in previous ADs. In all other respects, the original document remains the same; however we are publishing the entire rule in the **Federal Register**.

**DATES:** This final rule is effective November 18, 2015.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2015–3224; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov).

#### SUPPLEMENTARY INFORMATION:

Airworthiness Directive 2015–20–11, Amendment 39–18290 (80 FR 61722, October 14, 2015), currently requires inspecting and replacing the airbrake bell crank and the airbrake drive funnels and inspecting the airbrake control system for proper clearance and making necessary adjustments.

As published, the Model Duo Discus gliders were incorrectly referenced as powered sailplanes in the Applicability section. This could cause confusion because the Model Duo Discus does not have an engine. This document corrects that error and refers to both models as just gliders as in previous ADs.

Although no other part of the preamble or regulatory information has been corrected, we are publishing the entire rule in the **Federal Register**.

The effective date of this AD remains November 18, 2015.

## 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 AD:

**2015–20–11 Schempp-Hirth Flugzeugbau GmbH:** Amendment 39–18290; Docket No. FAA–2015–3224; Directorate Identifier 2015–CE–026–AD.

#### (a) Effective Date

This airworthiness directive (AD) becomes effective on November 18, 2015.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Schempp-Hirth Flugzeugbau GmbH Model Duo Discus gliders, serial numbers 1 through 639, and Model Duo Discus T gliders, serial numbers 1 through 110 and 112 through 247, certificated in any category.

#### (d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

#### (e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as excessive load on the air brake system. We are issuing this AD to prevent uncontrolled actuation of the air brakes (symmetric or asymmetric), which could result in reduced control.

#### (f) Actions and Compliance

Unless already done, do the actions in paragraph (f)(1) through (f)(5) of this AD.

(1) Within 40 days after November 18, 2015 (the effective date of this AD) and repetitively thereafter at intervals not to exceed 100 hours time-in-service until the terminating replacement action required in paragraphs (f)(2) and (f)(3) of this AD (as applicable) is done, inspect the airbrake bell crank, the airbrake drive funnels, and the airbrake control system.

(i) Inspect the airbrake bell crank and the airbrake drive funnels for cracks and damage following Action 1 in Schempp-Hirth Flugzeugbau GmbH Technical Note No. 380–2/396–17/868–22/890–14, Revision 1, issued July 13, 2015 (published as a single document).

(ii) Inspect the airbrake control system for proper clearance following Paragraph 2.d. of Schempp-Hirth Flugzeugbau GmbH Working instruction for Technical Note No. 380–2/396–17/868–22/890–14, Ausgabe (English translation: issue) 1, Datum (English translation: dated) May 11, 2015.

(2) If cracks or damage is found on the airbrake bell cranks or the airbrake drive funnels during any inspection required in paragraph (f)(1) of this AD, before further flight, replace each cracked or damaged part with a reinforced part. Installing a reinforced part terminates the repetitive inspections required in paragraph (f)(1) of this AD for that part.

(i) For replacement of the airbrake bell cranks, follow Picture 2: Reinforced version of airbrake bell crank according to HS 11–50.016, Revision a or later, in Schempp-Hirth Flugzeugbau GmbH Working instruction for Technical Note No. 380–2/396–17/868–22/890–14, Ausgabe (English translation: issue) 1, Datum (English translation: dated) May 11, 2015.

(ii) For replacement of the airbrake drive funnels, follow Picture 5: Airbrake drive funnel in fuselage “Reinforcement of airbrake drive funnel according to drawing S14RB703, Revision a, in Schempp-Hirth Flugzeugbau GmbH Working instruction for Technical Note No. 380–2/396–17/868–22/890–14, Ausgabe (English translation: issue) 1, Datum (English translation: dated) May 11, 2015.

(3) If no cracks or damage were found on the airbrake bell cranks or the airbrake drive funnels during any inspection required in paragraph (f)(1) of this AD, within 12 months after November 18, 2015 (the effective date of this AD), replace each of the airbrake bell cranks and airbrake drive funnels with a reinforced part. These replacements terminate the repetitive inspections required in paragraph (f)(1) of this AD.

(i) For replacement of the airbrake bell cranks, follow Picture 2: Reinforced version of airbrake bell crank according to HS 11–50.016, Revision a or later, in Schempp-Hirth Flugzeugbau GmbH Working instruction for Technical Note No. 380–2/396–17/868–22/890–14, Ausgabe (English translation: issue) 1, Datum (English translation: dated) May 11, 2015.

(ii) For replacement of the airbrake drive funnels, follow Picture 5: Airbrake drive funnel in fuselage, “Reinforcement of airbrake drive funnel according to drawing S14RB703, Revision a,” in Schempp-Hirth Flugzeugbau GmbH Working instruction for Technical Note No. 380–2/396–17/868–22/890–14, Ausgabe (English translation: issue) 1, Datum (English translation: dated) May 11, 2015.

(4) If the airbrake control system is found to not have proper clearance during the inspection required in paragraph (f)(1) of this AD, before further flight, make all necessary corrective adjustments following Paragraph 2.d. of Schempp-Hirth Flugzeugbau GmbH

Working instruction for Technical Note No. 380–2/396–17/868–22/890–14, Ausgabe (English translation: issue) 1, Datum (English translation: dated) May 11, 2015.

(5) As of November 18, 2015 (the effective date of this AD), only install an airbrake bell crank or an airbrake drive funnel that corresponds to Picture 2: Reinforced version of airbrake bell crank according to HS 11–50.016, Revision a or later, and Picture 5: Airbrake drive funnel in fuselage, “Reinforcement of airbrake drive funnel according to drawing S14RB703, Revision a,” in Schempp-Hirth Flugzeugbau GmbH Working instruction for Technical Note No. 380–2/396–17/868–22/890–14, Ausgabe (English translation: issue) 1, Datum (English translation: dated) May 11, 2015, as applicable.

#### (g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov). Before using any approved AMOC on any glider to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

#### (h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2015–0139R1, dated July 15, 2015, for related information. You may examine the MCAI on the Internet at <http://www.regulations.gov/#!documentDetail;D=FAA-2015-3224-0002>.

#### (i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Schempp-Hirth Flugzeugbau GmbH Technical Note No. 380–2/396–17/868–22/890–14, Revision 1, issued July 13, 2015 (published as a single document).

(ii) Schempp-Hirth Flugzeugbau GmbH Working instruction for Technical Note No. 380–2/396–17/868–22/890–14, Ausgabe (English translation: issue) 1, Datum (English translation: dated) May 11, 2015.

(3) For Schempp-Hirth Flugzeugbau GmbH service information identified in this AD, contact Schempp-Hirth Flugzeugbau GmbH,

Krebenstrasse 25, 73230 Kirchheim/Teck, Germany; telephone: +49 7021 7298-0; fax: +49 7021 7298-199; email: [info@schempp-hirth.com](mailto:info@schempp-hirth.com); Internet: <http://www.schempp-hirth.com>.

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148. In addition, you can access this service information on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-3224.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri, on November 2, 2015.

**Melvin Johnson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015-28339 Filed 11-6-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1982

[Docket Number: OSHA-2008-0027]

RIN 1218-AC36

#### Procedures for the Handling of Retaliation Complaints Under the National Transit Systems Security Act and the Federal Railroad Safety Act

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

**ACTION:** Final rule.

**SUMMARY:** This document provides the final text of regulations governing the employee protection provisions of the National Transit Systems Security Act (NTSSA), enacted as Section 1413 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Commission Act), and the Federal Railroad Safety Act (FRSA), as amended by Section 1521 of the 9/11 Commission Act. The 9/11 Commission Act was enacted into law on August 3, 2007. FRSA was amended further in 2008. An interim final rule establishing procedures for these provisions and a request for public comment was published in the **Federal Register** on August 31, 2010. Ten comments were received. This rule responds to those comments and establishes the final procedures and time frames for the

handling of retaliation complaints under NTSSA and FRSA, including procedures and time frames for employee complaints to the Occupational Safety and Health Administration (OSHA), investigations by OSHA, appeals of OSHA determinations to an administrative law judge (ALJ) for a hearing de novo, hearings by ALJs, review of ALJ decisions by the Administrative Review Board (ARB) (acting on behalf of the Secretary of Labor), and judicial review of the Secretary of Labor's final decision.

**DATES:** This final rule is effective on November 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** Rob Swick, Directorate of Whistleblower Protection Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-4618, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2199 (this is not a toll-free number); email [OSHA.DWPP@dol.gov](mailto:OSHA.DWPP@dol.gov). This **Federal Register** document is available in alternative formats. The alternative formats available are large print, electronic file on computer disk (Word Perfect, ASCII, Mates with Duxbury Braille System) and audiotape.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

NTSSA, which was enacted by the 9/11 Commission Act, establishes employee protection provisions for public transportation agency employees who engage in whistleblowing activities pertaining to public transportation safety or security (or, in circumstances covered by the statute, employees perceived to have engaged or to be about to engage in protected activity). See Public Law 110-53, Title XIV, § 1413, 121 Stat. 414 (2007) (NTSSA, codified at 6 U.S.C. 1142).

FRSA, which was amended by the 9/11 Commission Act, establishes employee protection provisions for railroad carrier employees who engage in whistleblowing activities pertaining to railroad safety or security (or, in circumstances covered by the statute, employees perceived to have engaged or to be about to engage in protected activity). Public Law 110-53, Title XV, § 1521, 121 Stat. 444 (2007) (FRSA, codified at 49 U.S.C. 20109). FRSA, as further amended in 2008, establishes whistleblower provisions for railroad carrier employees who are retaliated against for requesting medical or first aid treatment, or for following orders or a treatment plan of a treating physician. See Public Law 110-432, Div. A, Title IV, § 419, 122 Stat. 4892 (Oct. 16, 2008)

(FRSA, codified at 49 U.S.C. 20109(c)(2)). The 2008 FRSA amendments also prohibit railroad carriers and other covered persons from denying, delaying, or interfering with the medical or first aid treatment of an employee, and require that an injured employee be promptly transported to the nearest hospital upon request. 49 U.S.C. 20109(c)(1). These rules establish final procedures for the handling of whistleblower complaints under NTSSA and FRSA.

#### II. Summary of Statutory Procedures

Prior to the 9/11 Commission Act amendment of FRSA, whistleblower retaliation complaints by railroad carrier employees were subject to mandatory dispute resolution pursuant to the Railway Labor Act (45 U.S.C. 151 *et seq.*), which included whistleblower proceedings before the National Railroad Adjustment Board, as well as other dispute resolution procedures. The amendment changed the procedures for resolution of such complaints and transferred the authority to implement the whistleblower provisions for railroad carrier employees to the Secretary of Labor (Secretary).

The procedures for filing and adjudicating whistleblower complaints under NTSSA and FRSA, as amended, are generally the same.<sup>1</sup> FRSA provides that the rules and procedures set forth in the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), 49 U.S.C. 42121(b), govern in FRSA actions, 49 U.S.C. 20109(d)(2). AIR 21's rules and procedures are very similar to the procedures provided in NTSSA, 6 U.S.C. 1142(c). The NTSSA and FRSA whistleblower provisions include procedures that allow a covered employee to file, within 180 days of the alleged retaliation, a complaint with the Secretary. Upon receipt of the complaint, the Secretary must provide written notice to the person or persons named in the complaint alleged to have violated NTSSA or FRSA (respondent) of the filing of the complaint, the

<sup>1</sup> The regulatory provisions in this part have been written and organized to be consistent with other whistleblower regulations promulgated by OSHA to the extent possible within the bounds of the statutory language of NTSSA and FRSA. Responsibility for receiving and investigating complaints under NTSSA and FRSA has been delegated to the Assistant Secretary for Occupational Safety and Health. Secretary's Order 01-2012 (Jan. 18, 2012), 77 FR 3912 (Jan. 25, 2012). Hearings on determinations by the Assistant Secretary are conducted by the Office of Administrative Law Judges, and appeals from decisions by ALJs are decided by the ARB. Secretary of Labor's Order No. 2-2012 (Oct. 19, 2012), 77 FR 69378 (Nov. 16, 2012).