

*rules-regulations/moa/small-businesses*. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

#### PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

■ 1. The authority citation for 7 CFR part 985 continues to read as follows:

*Authority:* 7 U.S.C. 601–674.

■ 2. Section 985.234 is added to read as follows:

##### § 985.234 Salable quantities and allotment percentages—2019–2020 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2019, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 832,081 pounds and an allotment percentage of 38 percent.

(b) Class 3 (Native) oil—a salable quantity of 1,395,813 pounds and an allotment percentage of 56 percent.

##### § 985.236 [Removed]

■ 3. Remove § 985.236.

Dated: April 30, 2019.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2019–09149 Filed 5–3–19; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2018–1019; Product Identifier 2018–NE–05–AD; Amendment 39–19622; AD 2019–08–01]

RIN 2120–AA64

#### Airworthiness Directives; RECARO Aircraft Seating GmbH & Co. KG

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain RECARO Aircraft Seating GmbH & Co. KG (RECARO) Model 3510A and 3510D passenger seats. This AD requires modification and re-identification of all affected RECARO model passenger seats. This AD was prompted by an analysis that the affected RECARO model passenger seats contain a seat pan assembly design that can trap a person using the seat to assist during an emergency evacuation. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective May 21, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 21, 2019.

We must receive comments on this AD by June 20, 2019.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact RECARO Aircraft Seating GmbH & Co. KG, Daimlerstrasse 21, 74523 Schwabisch Hall, Germany; phone: 49 791 503 7855; fax: 49 791 503 7935; email: [technical.support@recaro-as.com](mailto:technical.support@recaro-as.com). You may view this service

information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–1019.

#### Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–1019; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Dorie Resnik, Aerospace Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803; phone: 781–238–7693; fax: 781–238–7199; email: [dorie.resnik@faa.gov](mailto:dorie.resnik@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2017–0192, dated September 28, 2017 (referred to after this as “the MCAI”), to address an unsafe condition for the specified products. The MCAI states:

Analyses and test results have shown that the seat pan design of certain RECARO model 3510A and 3510D passenger seats, when installed next to a Type III over-wing emergency exit, is insufficiently stable to sustain the loads applied by a person who would use the seat as assistance means in case of an emergency evacuation. Body parts (e.g., knees and feet) could slide through and get trapped. This condition, if not corrected, could restrict or significantly delay an emergency evacuation, possibly resulting in injury to occupants.

To address this potential unsafe condition, RECARO issued SB 3510–25–609, SB 3510–25–752 and SB 3510–25–753, providing modification instructions to replace the seat pan and/or pan attachment package with a new one, that has a more robust design, and to re-identify modified seats with a different P/N.

For the reasons described above, this [EASA] AD requires modification of the affected seats and prohibits installation of any unmodified seat.

You may obtain further information by examining the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-1019.

#### Related Service Information Under 1 CFR Part 51

We reviewed RECARO Service Bulletin (SB) No. 3510-25-609, Original Issue, dated June 20, 2016; RECARO SB No. 3510-25-752, Original Issue, dated May 20, 2016; and RECARO SB No. 3510-25-753, Original Issue, dated June 23, 2016. RECARO SB No. 3510-25-609 describes procedures for removing the straps and installing two additional cable ties on the seat pan. RECARO SB No. 3510-25-752 describes procedures for removing the straps and replacing the seat pan assembly. RECARO SB No. 3510-25-753 describes procedures for removing the straps and installing a new seat pan assembly or installing two additional cable ties. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### FAA's Determination

This product has been approved by EASA, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

#### AD Requirements

This AD requires modification and re-identification of all affected RECARO model passenger seats.

#### FAA's Justification and Determination of the Effective Date

No domestic operators use this product. Therefore, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA-2018-1019 and Product Identifier 2018-NE-05-AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this final rule.

#### Costs of Compliance

We estimate that this AD affects no aircraft seats installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install the placard to re-identify P/N (All Series) .....	0.1 work-hours × \$85 per hour = \$8.50.	\$27	\$35.50	\$0
Series 383, 384, 389, 390, 392, 527, 592, 911, 942 Modify seats per RECARO SB No. 3510-25-609.	0.2 work hours × \$85 per hour = \$17.	12	29	0
Series 377 & 381 Modify seats per RECARO SB No. 3510-25-752.	0.4 work hours × \$85.00 = \$34.	477	511	0
Series 330, 347, 349, 364, and 549 Modify seats per RECARO SB No. 3510-25-753.	0.4 work hours × \$85 per hour = \$34.	546	580	0

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority

because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

#### Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, 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):

**2019–08–01 RECARO Aircraft Seating GmbH & Co. KG:** Amendment 39–19622; Docket No. FAA–2018–1019; Product Identifier 2018–NE–05–AD.

#### (a) Effective Date

This AD is effective May 21, 2019.

#### (b) Affected ADs

None.

#### (c) Applicability

(1) This AD applies to RECARO Aircraft Seating GmbH & Co. KG (RECARO) Model 3510A and 3510D passenger seats.

(2) These appliances are installed on, but not limited to, Airbus SAS Model A318, A319, and A320 airplanes.

#### (d) Subject

Joint Aircraft System Component (JASC) Code 2520, Passenger Compartment Equipment.

#### (e) Unsafe Condition

This AD was prompted by an analysis that the affected RECARO model passenger seats contain a seat pan assembly design that can trap a person using the seat to assist during an emergency evacuation. We are issuing this AD to prevent passenger entrapment in the event a person climbs on a seat to assist during an emergency evacuation. The unsafe condition, if not addressed, could result in possible passenger entrapment, injury, or delay in the case of emergency evacuation.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Required Actions

Within 2,700 flight hours (FHs) or 945 flight cycles (FCs), whichever occurs first, after the effective date of this AD, modify the affected passenger seat and re-identify each modified passenger seat as follows:

(1) Review the seat part numbers (P/Ns) identified in Table 1 to paragraph (g)(1) of this AD to identify the applicable service bulletin (SB).

**BILLING CODE 4910–13–P**

**Table 1 to Paragraph (g)(1) of this AD – Affected RECARO Seat P/Ns and Related SBs**

Affected Seat P/N	Related RECARO SBs
3510A383-xx-xxx	RECARO SB No. 3510-25-609, Original issue, dated June 20, 2016
3510A384-xx-xxx	
3510D389-xx-xxx	
3510A390-xx-xxx	
3510A392-xx-xxx	
3510A527-xx-xxx	
3510A537-xx-xxx	
3510D592-xx-xxx	
3510A911-xx-xxx	
3510A942-xx-xxx	
3510A377-xx-xxx	RECARO SB No. 3510-25-752, Original issue, dated May 20, 2016
3510A381-xx-xxx	
3510D330-xx-xxx	RECARO SB No. 3510-25-753, Original issue, dated June 23, 2016
3510D347-xx-xxx	
3510A349-xx-xxx	
3510A364-xx-xxx	
3510A549-xx-xxx	

**BILLING CODE 4910-13-C**

(2) For seats identified by RECARO SB No. 3510-25-609, Original Issue, dated June 20, 2016 ("RECARO SB No. 3510-25-609"):

(i) Review Planning Information, paragraph 1.A., Tables 2 and 3, in RECARO SB No. 3510-25-609, to determine if a modification is required for the specific P/N seat.

(ii) Follow the Accomplishment Instructions, paragraphs 3.A., 3.B., 3.C., 3.D., and 3.E. in RECARO SB No. 3510-25-609.

(3) For seats identified by RECARO SB No. 3510-25-752, Original Issue, dated May 20, 2016 ("RECARO SB No. 3510-25-752"):

(i) Review Planning Information, paragraph 1.A., Tables 2 and 3, in RECARO SB No. 3510-25-752, to determine if a modification is required for the specific P/N seat.

(ii) Follow the Accomplishment Instructions, paragraphs 3.A., 3.B., 3.C., 3.D., and 3.E. in RECARO SB No. 3510-25-752.

(4) For seats identified by RECARO SB No. 3510-25-753, Original issue, dated June 23, 2016 ("RECARO SB No. 3510-25-753"):

(i) Review Planning Information, paragraph 1.A., Tables 2 and 3, in RECARO SB No. 3510-25-753, to determine the required modification for the specific P/N seat.

(ii) Follow the Accomplishment Instructions, paragraphs 3.A., 3.B., 3.C., 3.D., and 3.E. in RECARO SB No. 3510-25-753.

**(h) Installation Prohibition**

After the effective date of this AD, do not install an affected RECARO model passenger seat on any aircraft, unless the seat has been modified and re-identified in accordance with paragraph (g)(2), (3), or (4) of this AD.

**(i) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Boston ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

**(j) Related Information**

(1) For more information about this AD, contact Dorie Resnik, Aerospace Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7693; fax: 781-238-7199; email: [dorie.resnik@faa.gov](mailto:dorie.resnik@faa.gov).

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2017-0192, dated September 28, 2017, for more information. You may examine the EASA AD in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2018-1019.

**(k) 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) RECARO Service Bulletin (SB) No. 3510-25-609, Original issue, dated June 20, 2016.

(ii) RECARO SB No. 3510-25-752, Original issue, dated May 20, 2016.

(iii) RECARO SB No. 3510-25-753, Original issue, dated June 23, 2016.

(3) For RECARO Aircraft Seating GmbH & Co. KG service information identified in this AD, contact RECARO Aircraft Seating GmbH & Co. KG, Daimlerstrasse 21, 74523 Schwabisch Hall, Germany; phone: 49 791 503 7855; fax: 49 791 503 7935; email: [technical.support@recaro-as.com](mailto:technical.support@recaro-as.com).

(4) You may view this service information at FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7759.

(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 Burlington, Massachusetts, on May 1, 2019.

**Robert J. Ganley,**

*Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.*

[FR Doc. 2019-09184 Filed 5-3-19; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF STATE****22 CFR Part 40**

[Public Notice: 10571]

**RIN 1400-AE72**

**Visas: Waiver for Ineligible Nonimmigrants Under Section 212(d)(3)(A)(i) of the Immigration and Nationality Act**

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** Under the Immigration and Nationality Act (INA), a visa applicant found inadmissible is ineligible for a visa and for admission to the United States. The INA provides the Secretary of State and consular officers the authority to recommend that the U.S. Department of Homeland Security (DHS) approve a waiver, of most grounds of inadmissibility, that will allow the nonimmigrant visa applicant to be issued a visa and seek admission to the United States. This rule amends U.S. Department of State ("State") regulations relating to consular officer

recommendations relating to DHS waivers for nonimmigrant visa applicants, including the requirement that a consular officer, upon the request of an applicant, must submit a report to State concerning a waiver. Under the revised rule, consular officers will be required to refer waiver requests to State only when they involve security-related inadmissibility grounds or, with respect to applicant requests, only if the case meets circumstances where a referral is required by State guidance. The rule does not infringe current consular officer discretion to refer cases to State or to make recommendations directly to the Department of Homeland Security.

**DATES:** This rule is effective on May 6, 2019.

**FOR FURTHER INFORMATION CONTACT:**

Taylor Beaumont, Acting Chief, Legislation and Regulations Division, Legal Affairs, Office of Visa Services, Bureau of Consular Affairs, 600 19th Street NW, Washington, DC 20522, 202-485-8910, [VisaRegs@state.gov](mailto:VisaRegs@state.gov).

**SUPPLEMENTARY INFORMATION:** Aliens are ineligible to receive visas if they are inadmissible under any of the grounds in section 212(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(a). Section 212(d)(3)(A)(i) of the INA, 8 U.S.C. 1182(d)(3)(A)(i), authorizes the Department of Homeland Security to approve a waiver covering most grounds in section 212(a) of the INA, if the Secretary of State or a consular officer recommends that the alien be admitted temporarily into the United States, despite the inadmissibility. This provision does not authorize waivers under INA sections 212(a)(3)(A)(i)(I) (espionage or sabotage), (3)(A)(ii) (unlawful activity), (3)(A)(iii) (opposition to or overthrow of United States Government or opposition by force, violence, or unlawful means), (3)(C) (serious adverse foreign policy consequences), (3)(E)(i) (participation in Nazi persecutions), or (3)(E)(ii) (participation in genocide)). State regulations at 22 CFR 40.301 describe the authority of consular officers to recommend waivers.

For cases in which a nonimmigrant visa applicant is inadmissible based on an inadmissibility ground for which a waiver may be granted under section 212(d)(3)(A)(i) of the INA, and the consular officer has decided not to recommend a DHS waiver on the officer's own authority, but the applicant or an interested party insists on pursuing a waiver, 22 CFR 40.301 currently requires the consular officer to refer the request to State for a possible exercise of the Secretary of State's authority to recommend a waiver to