

Based on the sample and the 50/50 threshold,²⁹ CBP estimates that an approximate maximum of 16 percent of small entities that hire H-1B or L-1 employees will be affected by this rule.³⁰

4. A Description of the Projected Reporting, Recordkeeping and Other Compliance Requirements of the Proposed Rule, Including an Estimate of the Classes of Small Entities Which Will Be Subject to the Requirement and the Type of Professional Skills Necessary for Preparation of the Report or Record

The proposed regulation does not propose changes to any required reporting or recordkeeping. As discussed above, this rule could affect any small entity that employs 50 or more people with more than 50 percent of employees in H-1B or L-1 nonimmigrant status.

The proposed rule would have compliance requirements for affected small businesses since it would amend the regulations at 8 CFR 106.2(c)(8) and (9) to specify that the 9-11 Biometric Fee will apply to all H-1B and L-1 extension-of-stay petitions in addition to all previously covered H-1B and L-1 petition. As a result, petitioning small businesses with 50 or more employees and more than 50 percent of employees in H-1B or L-1 status affected by the proposed rule would pay the 9-11 Biometric Fee. The fee for H-1B and L-1 petitions under Public Law 114-113 is \$4,000 and \$4,500, respectively.

5. Identification, to the Extent Practicable, of All Relevant Federal Rules Which May Duplicate, Overlap, or Conflict With the Proposed Rule

This proposed rule does not duplicate, overlap, or conflict with any Federal rules.

6. A Description of Any Significant Alternatives to the Proposed Rule Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact of the Proposed Rule on Small Entities

Alternative 1 (chosen alternative): Adopt an alternative statutory interpretation to require covered employers to pay the 9-11 Biometric Fee for I-129 Form petitions, seeking initial grants of status as well as all

extension-of-stay petitions, regardless of whether there is a change of employer.

Alternative 2: No regulatory action.

DHS has chosen to implement Alternative 1. DHS believes that the alternative statutory interpretation of Public Law 114-113 minimizes the impact on small businesses, because only entities with 50 or more employees and more than 50 percent of employees in H-1B or L-1 status must pay the 9-11 Biometric Fee, while still allowing DHS to receive enough funds for the required maintenance of biometric entry and exit data systems already in place. While Alternative 2 would have a smaller impact on small businesses, it would leave DHS unable to accomplish the stated objectives of the applicable statutes. Therefore, DHS believes Alternative 1 best balances funding requirements and provides the smallest possible impact on small businesses while doing so.

Alternative 2 would mean that the status quo would continue and DHS would lack sufficient funding for the implementation and maintenance of a congressionally mandated biometric entry-exit system because covered employers would not need to pay the 9-11 Biometric Fee for extensions. This alternative would require DHS to reallocate funds marked for other purposes in order to maintain and finish implementing current biometric entry operations and implement biometric exit operations, as required by section 7208 of the IRTPA.

C. Paperwork Reduction Act

The Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3507(d)) requires that DHS consider the impact of paperwork and other information collection burdens imposed on the public. An agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB. Form I-129 is covered by OMB approved collection 1615-0009. This rule makes no changes to this information collection, so the provisions of the PRA do not apply to this rule.

List of Subjects in 8 CFR 106

Citizenship and naturalization, Fees, Immigration.

Proposed Regulatory Amendments

For the reasons stated in the preamble, DHS proposes to amend part 106 of title 8, Code of Federal Regulations (8 CFR part 106), as follows:

PART 106—USCIS FEE SCHEDULE

■ 1. The authority citation for part 106 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1254a, 1254b, 1304, 1356; 48 U.S.C. 1806; Pub. L. 107-296, 116 Stat. 2135 (6 U.S.C. 101 note); Pub. L. 115-218, 132 Stat. 1547; Pub. L. 116-159, 134 Stat. 709.

■ 2. Amend § 106.2 by revising paragraphs (c)(8) and (c)(9) to read as follows:

§ 106.2 Fees.

* * * * *

(c) * * *

(8) 9-11 Response and Biometric Entry-Exit Fee for H-1B Visa. For all petitioners filing an H-1B petition who employ 50 or more employees in the United States, if more than 50 percent of the petitioner's employees in the aggregate are in H-1B, L-1A, or L-1B nonimmigrant status, except for petitioners filing an amended petition without an extension of stay request: \$4,000. This fee will apply to petitions filed on or before September 30, 2027.

(9) 9-11 Response and Biometric Entry-Exit Fee for L-1 Visa. For all petitioners filing an L-1 petition who employ 50 or more employees in the United States, if more than 50 percent of the petitioner's employees in the aggregate are in H-1B, L-1A, or L-1B nonimmigrant status, except for petitioners filing an amended petition without an extension of stay request: \$4,500. This fee will apply to petitions filed on or before September 30, 2027.

* * * * *

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2024-12396 Filed 6-5-24; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-1478; Project Identifier MCAI-2023-01216-T]

RIN 2120-AA64

Airworthiness Directives; BAE Systems (Operations) Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all

²⁹ "50/50 threshold" refers to the threshold for employers to be subject to the requirements of the 9-11 Biometric Fee. Employers with 50 or more employees and more than 50 percent of employees in H-1B or L-1 status will be subject to the Biometric Fee for certain H-1B and L-1 submissions.

³⁰ 41 out of 264 confirmed small entities sampled (41/264 = .1553 or 15.53%).

BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ series airplanes. This proposed AD was prompted by a report of cracking on the radius of the rib 0 forward longeron at frame 26. This proposed AD would require a one-time inspection for defects of the radius, and repair if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by July 22, 2024.

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 *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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1478; 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 NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For BAE System service information, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com*; website *baesystems.com/en/our-company/our-businesses/regional-aircraft/about-us*.

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3228; email *todd.thompson@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2024–1478; Project Identifier MCAI–2023–01216–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3228; email *todd.thompson@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The Civil Aviation Authority (CAA), which is the aviation authority for the United Kingdom (UK), has issued UK CAA AD G–2023–0006, dated November 24, 2023 (UK CAA AD G–2023–0006) (also referred to after this as the MCAI), to correct an unsafe condition on all BAE Systems (Operations) Limited

Model BAe 146 and Avro 146–RJ series airplanes. The MCAI states that an operator reported that during routine maintenance, cracking was found on the radius of the rib 0 forward longeron at frame 26. The cracking initiated close to a local blend in the radius. Failure of the rib 0 forward longeron could lead to structural failure of adjacent structure, leading to failure of the fuselage skin, and could result in rapid decompression and possible loss of the airplane.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1478.

Related Service Information Under 14 CFR Part 51

The FAA reviewed BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–249, dated August 25, 2023. This service information specifies procedures for performing a detailed inspection for any defects (rough edges, nicks, or visible cracking) and for any evidence of blending or undercutting of the radius and flanges of the rib 0 forward longeron at frame 26, performing a high frequency eddy current (HFEC) inspection of the radius of the rib 0 forward longeron at frame 26, and obtaining and following repair instructions. 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 the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Interim Action

The FAA considers that this proposed AD would be an interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 20

airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × \$85 per hour = \$170	\$0	\$170	\$3,400

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs specified in this proposed AD.

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.

The FAA is 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.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would 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.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

BAE Systems (Operations) Limited: Docket No. FAA–2024–1478; Project Identifier MCAI–2023–01216–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 22, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all BAE Systems (Operations) Limited airplanes identified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

(1) Model BAe 146–100A, –200A, and –300A airplanes.

(2) Model Avro 146–RJ70A, –RJ85A, and –RJ100A airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report of cracking on the radius of the rib 0 forward longeron at frame 26. The FAA is issuing this AD to address cracking of the radius of the rib 0 forward longeron at frame 26. The unsafe condition, if not addressed, could result in failure of the rib 0 forward longeron, which could lead to failure of an adjacent structure, leading to failure of the fuselage skin, and could result in rapid decompression and possible loss of the airplane.

(f) Compliance

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

(g) Inspection and Corrective Actions

Within 4 months after the effective date of this AD, do a visual and a high frequency eddy current inspection for defects of the radius of the rib 0 forward longeron at frame 26, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–249, dated August 25, 2023. If any cracking or defects are found, repair before further flight, in accordance with a method approved by the Manager, International Validation Branch, FAA; or the United Kingdom Civil Aviation Authority (UK CAA); or BAE Systems (Operations) Limited’s UK CAA’s Design Organization Approval (DOA). If the method is approved by the DOA, the approval must include the DOA-authorized signature.

(h) Reporting Requirement

Report positive inspection results at the applicable time specified in paragraph (h)(1) or (2) of this AD using the Inspection Report form in Appendix 1 of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–249, dated August 25, 2023.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or the UK CAA; or BAE Systems (Operations) Limited’s UK CAA’s

DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Additional Information

For more information about this AD, contact Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206-231-3228; email todd.thompson@faa.gov.

(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 this AD specifies otherwise.

(i) BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53-249, dated August 25, 2023.

(ii) [Reserved]

(3) For BAE Systems service information, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email RApublications@baesystems.com; website baesystems.com/en/our-company/our-businesses/regional-aircraft/about-us.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on May 28, 2024.

Victor Wicklund,

Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2024-12195 Filed 6-5-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4, 5, 6, 7

[Docket No. RM24-5-000]

Establishment of Categorical Reasonable Period of Time for Action on Requests for Water Quality Certification Under Section 401(a)(1) of the Clean Water Act and Clarifying Types of Hydroelectric Project Proceedings That May Require Water Quality Certification

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this proposed rule, the Federal Energy Regulatory Commission (Commission) amends its regulations to clarify that for all proceedings before the Commission that require a water quality certification pursuant to section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), the reasonable period of time during which the certifying authority may act on the water quality certification request is one year from the certifying authority's receipt of the request. The proposed rule also clarifies that all Commission authorizations that have the potential to discharge into waters of the United States require a section 401 water quality certification or waiver, including hydropower exemptions, amendments, and surrenders. Finally, the proposed rule provides updated terminology in the Commission's hydropower regulations and updates the timing of the filing requirements for the Commission's expedited hydropower licensing process.

DATES: Comments are due July 8, 2024.

ADDRESSES: You may send comments, identified by RM24-5-000, by either of the following methods:

- *Agency website:* Electronic Filing through <http://www.ferc.gov>. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

- *Mail:* Those unable to file electronically may mail comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426. Hand-delivered comments should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures section of this document.

FOR FURTHER INFORMATION CONTACT:

Amber Leasure-Earnhardt (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-6891, Amber.Leasure-Earnhardt@ferc.gov

Miranda Millerick (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-8781, Miranda.Millerick@ferc.gov

Michael Tust (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888

First Street NE, Washington, DC 20426, (202) 502-6522
Jody Callihan (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-8278

Andrea Claros (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-8171

SUPPLEMENTARY INFORMATION:

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I. Background

A. Clean Water Act Section 401

1. Section 401 of the Clean Water Act (CWA) is a direct grant of authority to states and authorized Tribes¹ (*i.e.*, certifying authorities) to review for compliance with appropriate federal, state, and Tribal water quality requirements any discharge into waters of the United States that may result from a proposed activity that requires a federal license or permit.² Section 401(a)(1) of the CWA prohibits a federal agency from issuing a federal license, permit, or other authorization for a project or activity that may result in a discharge into waters of the United States, such as a Federal Energy Regulatory Commission (Commission) order issuing a license for a hydroelectric project or order authorizing an amendment or surrender of a license, unless the appropriate certifying authority either grants certification or waives its certification authority.³ Under the Clean Water Act, if the certifying authority “fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request,” then certification is waived.⁴

2. The January 2021 Executive Order 13990 entitled *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*,

¹ “Authorized Tribes” refers to Indian Tribes that have been approved for “treatment as a state” status under the CWA. Authorized Tribes may also have the authority under section 401 to issue water quality certifications.

² 33 U.S.C. 1341(a)(1).

³ *Id.*

⁴ *Id.*