

# Rules and Regulations

Federal Register

Vol. 89, No. 205

Wednesday, October 23, 2024

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2024-2412; Project Identifier AD-2024-00535-T; Amendment 39-22868; AD 2024-21-01]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

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

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

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 717-200 airplanes. This AD was prompted by a report of cracks found in the rear spar lower cap forward leg and lower aft skin of the right wing, during investigation of a fuel leak. This AD requires repetitive inspections for any fuel leak or crack of the lower aft skins, external doublers, and rear spar lower caps of the left and right wings, and corrective actions and inspection reports if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective November 7, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 7, 2024.

The FAA must receive comments on this AD by December 9, 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-2024-2412; 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, any comments received, and other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; website *myboeingfleet.com*.

- 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. It is also available at *regulations.gov* under Docket No. FAA-2024-2412.

#### FOR FURTHER INFORMATION CONTACT:

Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562-627-5238; email: *Wayne.Ha@faa.gov*.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites 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 Docket No. FAA-2024-2412 and Project Identifier AD-2024-00535-T at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, 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 this final rule 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 final rule.

#### 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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562-627-5238; email: *Wayne.Ha@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

#### Background

The FAA has received a report indicating that, during investigation of a fuel leak, a crack was found in the rear spar lower cap forward leg of the right wing. Subsequent inspections revealed multiple cracks in the wing lower aft skin in the same general area as the cracks found in the spar cap, including one approximately 7 inches in length that is not capable of sustaining a limit load event. This condition, if not addressed, could lead to reduced structural integrity of the airplane and loss of control of the airplane, which could result in a catastrophic event. The FAA is issuing this AD to address the unsafe condition on these products.

#### FAA's Determination

The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

**Material Incorporated by Reference Under 1 CFR Part 51**

The FAA reviewed Boeing Multi Operator Message MOM–MOM–24–0482–01B, dated September 13, 2024. This material specifies procedures for repetitive general visual inspections of the lower aft skins and external doublers of the left and right wings for any fuel leak; repetitive general visual inspections of the rear spar lower caps of the left and right wings for any fuel leak; repetitive surface eddy current high frequency inspections of the rear spar lower caps of the left and right wings for any crack; repetitive surface eddy current high frequency inspections of the lower aft skins of the left and right wings for any crack; and obtaining and following approved repair instructions if any fuel leak or crack is detected during any inspection. This material 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.

**AD Requirements**

This AD requires accomplishing the actions specified in the material already described. This AD also requires sending the inspection results to the airplane manufacturer if any crack or fuel leak is found during any inspection.

**Interim Action**

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

**Justification for Immediate Adoption and Determination of the Effective Date**

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because the existing maintenance program may not be sufficient to detect a crack before it reaches a critical length since it could occur in an area covered by the external doubler. Such cracks in the wing rear spar lower caps and lower aft skin are not capable of sustaining a

limit load event. This unsafe condition, if not addressed, could lead to reduced structural integrity of the airplane and loss of control of the airplane, which could result in a catastrophic event. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

The compliance time in this AD is shorter than the time necessary for the public to comment and for publication of the final rule. In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

**Regulatory Flexibility Act**

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

**Costs of Compliance**

The FAA estimates that this AD affects 118 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive Inspections ....	27 work-hours × \$85 per hour = \$2,295 per inspection cycle.	\$0	\$2,295 per inspection cycle.	\$270,810 per inspection cycle.

The FAA estimates the following costs to do any necessary reporting that would be required based on the results of the inspections. The FAA has no way of determining the number of aircraft that might need this reporting:

**ON-CONDITION COSTS**

Action	Labor cost	Parts cost	Cost per product
Reporting .....	1 work-hour × \$85 per hour = \$85 per inspection cycle .....	\$0	\$85 per inspection cycle.

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

**Paperwork Reduction Act**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of

information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of

information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

**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

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 that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

### List of Subjects in 14 CFR Part 39

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

### 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:

#### 2024–21–01 The Boeing Company:

Amendment 39–22868; Docket No. FAA–2024–2412; Project Identifier AD–2024–00535–T.

#### (a) Effective Date

This airworthiness directive (AD) is effective November 7, 2024.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to all The Boeing Company Model 717–200 airplanes, certificated in any category.

#### (d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

#### (e) Unsafe Condition

This AD was prompted by cracks found in the rear spar lower cap forward leg and lower aft skin of the right wing, during investigation of a fuel leak. The FAA is issuing this AD to address cracks in the wing rear spar lower caps and lower aft skins that are not capable of sustaining a limit load event. The unsafe condition, if not addressed, could lead to reduced structural integrity of the airplane and loss of control of the airplane, which could result in a catastrophic event.

#### (f) Compliance

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

#### (g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in table 1 or table 2 of Boeing Multi Operator Message MOM–MOM–24–0482–01B, dated September 13, 2024, do all applicable actions identified in, and in accordance with, table 1 or table 2 of Boeing Multi Operator Message MOM–MOM–24–0482–01B, dated September 13, 2024.

**Note 1 to paragraph (g):** Additional guidance for accomplishing the actions required by paragraph (g) of this AD can be found in Boeing Multi Operator Message MOM–MOM–24–0484–01B, dated September 16, 2024.

#### (h) Exceptions to Boeing Multi Operator Message Specifications

(1) Where table 1 and table 2 of Boeing Multi Operator Message MOM–MOM–24–0482–01B, dated September 13, 2024, refer to the "issue date of this Alert MOM," this AD requires using the effective date of this AD.

(2) Where table 1 and table 2 of Boeing Multi Operator Message MOM–MOM–24–0482–01B, dated September 13, 2024, specify contacting Boeing for repair instructions, this AD requires repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(3) Where table 1 and table 2 of Boeing Multi Operator Message MOM–MOM–24–0482–01B, dated September 13, 2024, specify inspecting the "wing lower aft skins for any fuel leak," this AD requires replacing that text with "wing lower aft skins and doublers for any fuel leak."

#### (i) On-Condition Report

If any crack or fuel leak is found during any inspection required by paragraph (g) of this AD, at the applicable time specified in paragraph (i)(1) or (2) of this AD, submit a report of positive findings to The Boeing Company via the Boeing Communication

System (BCS). The report must include the crack size, crack location, and fuel leak location, as applicable.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 10 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

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

(1) The Manager, AIR–520, Continued Operational Safety 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 certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *AMOC@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

#### (k) Related Information

(1) For more information about this AD, contact Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–5238; email: *Wayne.Ha@faa.gov*.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (l)(3) of this AD.

#### (l) Material Incorporated by Reference

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

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

(i) Boeing Multi Operator Message MOM–MOM–24–0482–01B, dated September 13, 2024.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.

(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](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

Issued on October 9, 2024.

**Peter A. White,**

*Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.*

[FR Doc. 2024-24443 Filed 10-21-24; 11:15 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 744

[Docket No. 241010-0270]

RIN 0694-AJ80

#### Addition of Entities, Revision of an Entry, and Removal of Entries on the Entity List

**AGENCY:** Bureau of Industry and Security, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** In this final rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by adding 26 entries to the Entity List, under the destinations of the People's Republic of China (China), Egypt, Pakistan, and the United Arab Emirates (UAE) and modifies one existing entry under the destination of China. This rule also removes two entities from the entity list: one entity listed under the destination of China, and a second entity listed under the destinations of Canada, India, Japan, Malaysia, Sweden and the UAE.

**DATES:** This rule is effective October 23, 2024.

**FOR FURTHER INFORMATION CONTACT:** Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482-5991, Email: [ERC@bis.doc.gov](mailto:ERC@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Entity List (supplement no. 4 to part 744 of the EAR (15 CFR parts 730-774)) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, that the entities have been involved, are involved, or pose a significant risk of being or becoming involved in activities

contrary to the national security or foreign policy interests of the United States, pursuant to § 744.11(b). The EAR impose additional license requirements on, and limit the availability of, most license exceptions for exports, reexports, and transfers (in-country) when a listed entity is a party to the transaction. The license review policy for each listed entity is identified in the "License Review Policy" column on the Entity List, and the impact on the availability of license exceptions, if applicable, is described in the relevant **Federal Register** document that added the entity to the Entity List. BIS places entities on the Entity List pursuant to parts 744 (Control Policy: End-User and End-Use Based) and 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and makes all decisions to remove or modify an entry by unanimous vote.

The Export Control Reform Act (ECRA) (codified, as amended, at 50 U.S.C. 4801-4852) provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule. Section 1753(a) of ECRA (50 U.S.C. 4812) authorizes the regulation of "(1) the export, reexport, and in-country transfer of items subject to the jurisdiction of the United States, whether by United States persons or by foreign persons." Section 1754(a) of ECRA (50 U.S.C. 4813) authorizes, *inter alia*, establishing and maintaining a list of foreign persons and end-uses that are determined to be a threat to the national security and foreign policy of the United States pursuant to the policy set forth in Section 1752(2)(A) of ECRA, and restricting exports, reexports, and in-country transfers of any controlled items to any foreign person or end-use so listed. The changes being made in this final rule are needed for the regulation of exports, reexports, and transfers (in-country) of items subject to U.S. jurisdiction to foreign persons that have been determined to be involved in activities that are contrary to the national security and foreign policy interests of the United States.

##### Entity List Decisions

###### *Additions to the Entity List*

The ERC determined to add Beijing Moreget Creative Technology Co., Ltd.,

under the destination of China, to the Entity List. This entity is being added for acquiring and attempting to acquire U.S.-origin items related to aviation simulation technology in support of China's military modernization. In addition, the ERC determined to add Shenzhen Dragonfly Supply Chain Co., Ltd. (Shenzhen Dragonfly) and Small Leopard Electronics Co., Limited (Small Leopard), under the destination of China, to the Entity List. Small Leopard Electronics was party to a transaction with an end user now understood to be a supplier of goods to an Iranian procurement network. Small Leopard, along with the closely connected company Shenzhen Dragonfly, is being added because Small Leopard repeatedly engaged in dilatory and evasive conduct in providing information to the U.S. Department of Commerce during end-use checks, including after being added to the Unverified List. These activities are contrary to U.S. national security and foreign policy interests under § 744.11 of the EAR.

The ERC also determined to add Detail Technology (HK) Limited, L-Tong Electronic Technology Company, and Shenzhen Jiachuang Weiye Technology Company, Ltd., all under the destination of China, to the Entity List. These additions are being made on the basis of actions and activities that are contrary to the national security and foreign policy interests of the United States. Specifically, these companies have procured and/or attempted to procure U.S.-origin items for Iran's weapons of mass destruction (WMD) and unmanned aerial vehicle (UAV) programs. This activity is contrary to the national security and foreign policy interests of the United States under § 744.11 of the EAR.

The ERC determined to add Ansar Mahmood, Combine Communications, Engineering Aura, Haris M. Fazal, Mansoor Ahmed Malik, Rehman Feroze, Technologic Enterprises, United Institute of Technical Professional Education, and Usman Feroze, all under the destination of Pakistan, to the Entity List. These entities are added pursuant to § 744.11 of the EAR for engaging in activities contrary to the national security and foreign policy interests of the United States. Specifically, these entities are acting as front companies and procurement agents for Advanced Engineering Research Organization (AERO), a Pakistan-based company first added to the BIS Entity List in 2014 (79 FR 56003, September 18, 2014). Since 2010, AERO has utilized intermediaries and front companies to procure U.S.-origin items by disguising the end uses