

(j) 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 certification office, send it to the attention of the person identified in paragraph (k) of this AD and email to: ANE-AD-AMOC@faa.gov. 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.

(k) Additional Information

For more information about this AD, contact Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238-7241; email: sungmo.d.cho@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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) European Union Aviation Safety Agency AD 2022-0210, dated October 17, 2022.

(ii) [Reserved]

(3) For EASA AD 2022-0210, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADs@easa.europa.eu; website: easa.europa.eu. This EASA AD may be found in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0437.

(4) You may view this service information at the at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222 5110.

(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, email: fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued on June 28, 2023.

Michael Linegang,

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

[FR Doc. 2023-14584 Filed 7-10-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2022-1662; Project Identifier MCAI-2022-00689-T; Amendment 39-22446; AD 2023-11-01]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD-100-1A10 airplanes. This AD was prompted by multiple reports of erratic electrical system status on the push button annunciators (PBAs) and the engine instrument and crew alerting system (EICAS) while on-ground and during flight. This AD requires a records check and replacement of affected left-hand (LH) direct current power center (DCPC) units. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 15, 2023.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 15, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2022-1662; 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), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-2999; email ac.yul@aero.bombardier.com; website bombardier.com.

- 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. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2022-1662.

FOR FURTHER INFORMATION CONTACT:

Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7367; email 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD-100-1A10 airplanes. The NPRM published in the **Federal Register** on January 12, 2023 (88 FR 2029). The NPRM was prompted by AD CF-2022-28, dated May 26, 2022, issued by Transport Canada, which is the aviation authority for Canada (referred to after this as the MCAI). The MCAI states there have been multiple reports of erratic electrical system status on the PBAs and the EICAS while on-ground and during flight, and in several cases, leading to momentary loss of electrical power and loss of flight displays following flight crew responses to the erratic statuses. It was found that airplanes could experience misleading electrical system status indications (PBA and EICAS) as a result of contamination of electrical contacts in the LH DCPC internal communication data bus. Those erratic indications could cause the crew to turn off fully-operational electrical power sources, leading to partial or complete loss of electrical power. Loss of electrical power could result in the loss of flight displays and reduced controllability of the airplane.

The MCAI also states that Transport Canada previously issued AD CF-2020-46, dated November 17, 2020 (which corresponds to FAA AD 2021-23-14, Amendment 39-21812 (86 FR 68889, December 6, 2021)), which mandated the use of revised Electrical Emergency and Non-Normal Procedures in the airplane flight manual that directed crews not to turn off active generators in the event of an erroneous electrical system status indication. The MCAI advised that further corrective action is being developed to introduce a design improvement to the DCPC that is intended to protect the internal communication data bus from contaminants, and that a time-limited maintenance check will also be implemented.

In the NPRM, the FAA proposed to require a records check and replacement

of affected LH DCPC units. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2022-1662.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from a commenter, NetJets. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Define Action for Certain LH DCPCs

NetJets requested that the FAA specify what actions, if any, are required for LH DCPC having less than 3,100 total flight cycles.

The FAA agrees to clarify. No action has been identified for those LH DCPC units having less than 3,100 total flight cycles as of the effective date of this AD. Once action has been identified, the FAA might consider rulemaking to require those actions. No changes have been made to this AD in this regard.

Request for Additional Method of Compliance

NetJets requested revising the proposed AD to allow use of certain other service bulletins as a means of compliance with the proposed requirements. NetJets suggested that accomplishment of Bombardier Service Bulletin 350-24-005, dated November 29, 2022; or Safran Service Bulletin 975GC02Y-24-020, dated August 5, 2022; could meet the intent of the proposed requirements for certain LH DCPC part numbers (P/Ns). NetJets pointed out that Bombardier Service

Bulletin 350-24-005 references Bombardier Service Bulletin 350-24-004, dated April 9, 2021, as a prior or concurrent service bulletin, and also provides modification instructions that result in changing the part number of the LH DCPC unit from P/N 975GC02Y07 to P/N 975GC02Y08. NetJets stated that accomplishing those service bulletins could provide an acceptable means of compliance and could exclude LH DCPC P/N 975GC02Y08 from the proposed AD requirements.

The FAA agrees to revise this AD. The FAA has also reviewed Bombardier Service Bulletin 100-24-30, dated November 29, 2022, and determined that service bulletin also has similar modification instructions. The FAA has determined that Bombardier Service Bulletins 100-24-30 and 350-24-005, both dated November 29, 2022, could be used as optional terminating action. The FAA has revised this AD to add paragraph (j) to this AD.

Conclusion

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 referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM.

None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Bombardier Service Bulletins 100-24-29 and 350-24-004, both dated April 9, 2021. This service information specifies procedures for a records check to determine the total flight hours and replacement of affected LH DCPC units (P/Ns 975GC02Y04, 975GC0Y05, 975GC02Y06, or 975GC02Y07). These documents are distinct since they apply to different airplane configurations.

The FAA has also reviewed Bombardier Service Bulletins 100-24-30 and 350-24-005, both dated November 29, 2022. This service information specifies procedures for modifying LH DCPC units having P/N 975GC02Y07. These documents are distinct since they apply to different airplane configurations.

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.

Interim Action

The FAA considers that this AD is an interim action. The MCAI states that further corrective action is being developed. Once this action is developed, approved, and available, the FAA might consider additional rulemaking.

Costs of Compliance

The FAA estimates that this AD would affect 315 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × \$85 per hour = \$85	\$0	\$85	\$26,775

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
8 work-hours × \$85 per hour = \$680	Up to \$35,000	Up to \$35,680.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all

of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

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,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) 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.

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:

2023-11-01 Bombardier, Inc.: Amendment 39-22446; Docket No. FAA-2022-1662; Project Identifier MCAI-2022-00689-T.

(a) Effective Date

This airworthiness directive (AD) is effective August 15, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD-100-1A10 airplanes, certificated in any category, having serial numbers 20003 through 20795 inclusive, 20797 through 20812 inclusive, 20814 through 20832 inclusive, and 20834 through 20836 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical Power.

(e) Unsafe Condition

This AD was prompted by multiple reports of erratic electrical system status on the push button annunciators (PBAs) and the engine instrument and crew alerting system (EICAS) while on-ground and during flight. The FAA is issuing this AD to address erratic indications, which could cause the flight crew to turn off fully-operational electrical power sources, leading to partial or complete loss of electrical power. The unsafe condition, if not addressed, could result in loss of flight displays and reduced controllability of the airplane.

(f) Compliance

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

(g) Records Check

Within 60 days after the effective date of this AD, verify the total flight hours of the left-hand (LH) direct current power center (DCPC) unit since the date of manufacture by doing a records check in accordance with paragraph 2.B.(1) of the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (g)(1) and (2) of this AD.

(1) For airplanes having serial number 20001 through 20500 inclusive, use Bombardier Service Bulletin 100-24-29, dated April 9, 2021.

(2) For airplanes having serial number 20501 through 20999 inclusive, use Bombardier Service Bulletin 350-24-004, dated April 9, 2021.

(h) Replacement of the LH DCPC

If, during the records check required by paragraph (g) of this AD, the total flight hours since date of manufacture of the LH DCPC unit is equal to or more than 3,100 total flight hours and the LH DCPC has not been cleaned as specified in Safran Service Bulletin 975GC02Y-24-018 before the effective date of this AD: Within 19 months after the effective date of this AD, replace the LH DCPC unit in accordance with paragraphs 2.B.(2) through 2.B.(5) and 2.C. of the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (g)(1) and (2) of this AD.

(i) Exception to the Service Information

Although the note in paragraph 2.B.(4) of the Accomplishment Instructions of Bombardier Service Bulletins 100-24-29, and 350-24-004, both dated April 9, 2021, specifies that actions will reset "the unit total flight hours to zero at date of incorporation," this AD does not include that requirement.

(j) Optional Terminating Action

Modification of a LH DCPC having part number (P/N) 975GC02Y07 into an LH DCPC having P/N 975GC02Y08, in accordance with Parts A and B of the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (j)(1) and (2) of this AD, is considered terminating action for the requirements of paragraphs (g) and (h) of this AD for that LH DCPC.

(1) For airplanes having serial number 20001 through 20500 inclusive, use Bombardier Service Bulletin 100-24-30, dated November 29, 2022.

(2) For airplanes having serial number 20501 through 20999 inclusive, use Bombardier Service Bulletin 350-24-005, dated November 29, 2022.

(k) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR-730, 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 ATTN: Program Manager, Continuing Operational Safety, at the address identified in paragraph (l)(2) of this AD or email to: 9-avs-nyaco-cos@faa.gov. If mailing information, also submit information by email. 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 Transport Canada; or Bombardier, Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(l) Additional Information

(1) Refer to Transport Canada AD CF-2022-28, dated May 26, 2022, for related information. This Transport Canada AD may be found in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2022-1662.

(2) For more information about this AD, contact Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7367; email 9-avs-nyaco-cos@faa.gov.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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) Bombardier Service Bulletin 100–24–29, dated April 9, 2021.

(ii) Bombardier Service Bulletin 100–24–30, dated November 29, 2022.

(iii) Bombardier Service Bulletin 350–24–004, dated April 9, 2021.

(iv) Bombardier Service Bulletin 350–24–005, dated November 29, 2022.

(3) For service information identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email ac.yul@aero.bombardier.com; website bombardier.com.

(4) 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.

(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, email fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued on May 25, 2023.

Ross Landes,

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

[FR Doc. 2023–14512 Filed 7–10–23; 8:45 am]

BILLING CODE 4910–13–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022, 4044, and 4062

RIN 1212–AB27

Benefit Payments and Allocation of Assets

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule makes changes to PBGC's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans. The changes make clarifications and codify policies involving payment of lump sums, changes to benefit form, and valuation of plan assets.

DATES:

Effective date. This rule is effective on August 10, 2023.

Applicability date. The amendments under this final rule apply to plan terminations initiated on or after August

10, 2023. However, most of the amendments codify policies and practices that PBGC has followed for many years, and PBGC will continue to follow those policies and practices in the interim.

FOR FURTHER INFORMATION CONTACT:

Joseph M. Krettek (krettek.joseph@pbgc.gov), Assistant General Counsel for Benefits, 202–229–6772; or Hilary Duke (duke.hilary@pbgc.gov), Assistant General Counsel for Regulatory Affairs; Office of the General Counsel, 202–229–3839, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101. If you are deaf or hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose and Authority

This final rule amends PBGC's regulations on benefit payments, allocation of assets, and termination liability to increase transparency of PBGC benefits administration, clarify and simplify language, increase flexibility, codify practices, and harmonize regulatory provisions with statutory provisions.

Legal authority for this action comes from section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 (ERISA), which authorizes PBGC to issue regulations to carry out the purposes of title IV of ERISA, section 4022 of ERISA (Single-Employer Plan Benefits Guaranteed), section 4044 of ERISA (Allocation of Assets), and section 4062 of ERISA (Liability For Termination of Single-Employer Plans Under a Distress Termination or a Termination by Corporation).

Major Provisions

This final rule:

Clarifies that PBGC's rules on payment of a lump sum are unaffected by election of a lump-sum distribution before plan termination.

Changes wording that refers to the current statutory dollar amount subject to cashout (\$5,000) to instead refer to the statutory provision that specifies the maximum dollar amount.

Clarifies that a de minimis benefit of a married participant who dies after plan termination will be paid as an amount due a decedent, not as a qualified preretirement survivor annuity.

Clarifies that benefits will be paid to estates only as lump sums.

Clarifies that accumulated mandatory employee contributions may not be withdrawn if benefits are in pay status when a plan becomes trustee.

Clarifies that the form of benefit in pay status when a plan becomes trustee will not be changed.

Requires that fair market value or fair value, as appropriate, be used for purposes of valuing assets to be allocated to participants' benefits and in determining employer liability and net worth.

Background

The Pension Benefit Guaranty Corporation (PBGC) administers two insurance programs for private-sector defined benefit pension plans under title IV of the Employee Retirement Income Security Act of 1974 (ERISA): a single-employer plan termination insurance program and a multiemployer plan insolvency insurance program. This final rule deals only with single-employer plans. Covered plans that are underfunded may terminate either in a distress termination under section 4041(c) of ERISA or in an involuntary termination (one initiated by PBGC) under section 4042 of ERISA. When such a plan terminates, PBGC typically is appointed statutory trustee of the plan, and becomes responsible for paying benefits in accordance with the provisions of title IV.

The amount of benefits paid by PBGC under a terminated trustee plan is determined by several factors. The starting point is the plan—PBGC pays only those benefits that the plan provides under the plan's terms. Thus, PBGC begins by determining each participant's accrued plan benefit.

After PBGC determines the amount of the participant's plan benefit, PBGC determines the amount it can guarantee. There are limitations on the benefits that PBGC can guarantee. One limitation, under sections 4001(a)(8) and 4022(a) of ERISA, is that PBGC guarantees only those benefits that are "nonforfeitable." For purposes of title IV, a benefit is nonforfeitable if the participant had satisfied the plan's (or ERISA's) requirements for the benefit by the plan's termination date (or, if applicable, by the bankruptcy filing date of a contributing plan sponsor).¹

Another limitation is the "maximum guaranteeable benefit" rule set forth in section 4022(b)(3) of ERISA, which caps the amount that PBGC can guarantee. The cap for a participant in a plan with a termination date in 2023 (or, if applicable, a bankruptcy filing date of a contributing sponsor in 2023), who retires at age 65 under a straight-life annuity, is \$6,750.00 per month. PBGC's

¹ See 29 CFR 4022.3(a)(1). For a plan that terminates while a contributing sponsor is the subject of a bankruptcy or other insolvency proceeding, the petition or filing date of the proceeding is treated as the plan's termination date for purposes of the guarantee rules. See section 4022(g) of ERISA and 29 CFR 4022.3(b). See also section 404 of the Pension Protection Act of 2006, Public Law 109–280 (Aug. 17, 2006).