

PART 440—WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS

■ 1. The authority citation for part 440 continues to read as follows:

Authority: 42 U.S.C. 6861 *et seq.*; 42 U.S.C. 7101 *et seq.*

§ 440.1 [Amended]

■ 2. Section 440.1 is amended by adding the words “or to provide such persons renewable energy systems or technologies” after the words “low-income persons,” where they are first used.

■ 3. Section 440.3 is amended by adding in alphabetical order definitions of “biomass” and “renewable energy system” to read as follows:

§ 440.3 Definitions.

* * * * *

Biomass means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials.

* * * * *

Renewable energy system means a system which when installed in connection with a dwelling—

(1) Transmits or uses solar energy, energy derived from geothermal deposits, energy derived from biomass (or any other form of renewable energy which DOE subsequently specifies through an amendment of this part) for the purpose of heating or cooling such dwelling or providing hot water or electricity for use within such dwelling; or wind energy for nonbusiness residential purposes; and

(2) Which meets the performance and quality standards prescribed in § 440.21 (c) of this part.

* * * * *

■ 4. Section 440.18 is amended by:

■ a. Redesignating paragraphs (b) through (e) as paragraphs (c) through (f);

■ b. Adding a new paragraph (b);

■ c. Amending redesignated paragraph (c) by adding the phrase “(\$3,000 for renewable energy systems)” after the words “The \$2,500 average” in the introductory sentence.

The additions read as follows:

§ 440.18 Allowable expenditures.

* * * * *

(b) The expenditure of financial assistance provided under this part for labor, weatherization materials, and related matters for a renewable energy

system, shall not exceed an average of \$3,000 per dwelling unit.

* * * * *

■ 5. Section 440.21 is amended by:

■ a. Revising paragraph (a);

■ b. Redesignating paragraphs (c) through (h) as paragraphs (d) through (i);

■ c. Adding a new paragraph (c);

■ d. Amending the introductory sentence of redesignated paragraph (e) by removing the words “paragraph (c)” and adding in their place the words “paragraph (d)”; and, in redesignated paragraph (e)(2), by removing the words “paragraph (d)(1)” and adding in their place the words “paragraph (e)(1)”; and

■ e. Amending redesignated paragraph (g) by removing the words “paragraphs (b) through (e)” and adding in their place the words “paragraphs (b) through (f)”.

The revisions and additions read as follows:

§ 440.21 Weatherization materials standards and energy audit procedures.

(a) Paragraph (b) of this section describes the required standards for weatherization materials. Paragraph (c) (1) of this section describes the performance and quality standards for renewable energy systems. Paragraph (c) (2) of this section specifies the procedures and criteria that are used for considering a petition from a manufacturer requesting the Secretary to certify an item as a renewable energy system. Paragraphs (d) and (e) of this section describe the cost-effectiveness tests that weatherization materials must pass before they may be installed in an eligible dwelling unit. Paragraph (f) of this section lists the other energy audit requirements that do not pertain to cost-effectiveness tests of weatherization materials. Paragraphs (g) and (h) of this section describe the use of priority lists and presumptively cost-effective general heat waste reduction materials as part of a State’s energy audit procedures. Paragraph (i) of this section explains that a State’s energy audit procedures and priority lists must be re-approved by DOE every five years.

* * * * *

(c)(1) A system or technology shall not be considered by DOE to be a renewable energy system under this part unless:

(i) It will result in a reduction in oil or natural gas consumption;

(ii) It will not result in an increased use of any item which is known to be, or reasonably expected to be, environmentally hazardous or a threat to public health or safety;

(iii) Available Federal subsidies do not make such a specification

unnecessary or inappropriate (in light of the most advantageous allocation of economic resources); and

(iv) If a combustion rated system, it has a thermal efficiency rating of at least 75 percent; or, in the case of a solar system, it has a thermal efficiency rating of at least 15 percent.

(2) Any manufacturer may submit a petition to DOE requesting the Secretary to certify an item as a renewable energy system.

(i) Petitions should be submitted to: Weatherization Assistance Program, Office of Energy Efficiency and Renewable, Mail Stop EE-2K, 1000 Independence Avenue, SW., Washington, DC 20585.

(ii) A petition for certification of an item as a renewable energy system must be accompanied by information demonstrating that the item meets the criteria in paragraph (c)(1) of this section.

(iii) DOE may publish a document in the *Federal Register* that invites public comment on a petition.

(iv) DOE shall notify the petitioner of the Secretary’s action on the request within one year after the filing of a complete petition, and shall publish notice of approvals and denials in the *Federal Register*.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-24090; Directorate Identifier 2006-CE-16-AD; Amendment 39-14664; AD 2006-13-11]

RIN 2120-AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) that supersedes AD 2002-21-08, which applies to certain Pilatus Aircraft Ltd (Pilatus) Model PC-6 airplanes. AD 2002-21-08 currently requires you to inspect the aileron assembly for correct

configuration and modify as necessary. Since we issued AD 2002-21-08, the FAA determined the action should also apply to all the models of the PC-6 airplanes listed in the type certificate data sheet of Type Certificate (TC) No. 7A15 that were produced in the United States through a licensing agreement between Pilatus and Fairchild Republic Company (also identified as Fairchild Industries, Fairchild Heli Porter, or Fairchild-Hiller Corporation). In addition, the intent of the applicability of AD 2002-21-08 was to apply to all the affected serial numbers of the airplane models listed in TC No. 7A15. This AD retains all the actions of AD 2002-21-08, adds those Fairchild Republic Company airplanes to the applicability of this AD, and lists the individual specific airplane models. We are issuing this AD to correct improper aileron assembly configuration, which could result in failure of the aileron mass balance weight. Such failure could lead to loss of control of the airplane.

DATES: This AD becomes effective on August 7, 2006.

As of December 6, 2002 (67 FR 64520, October 21, 2002), the Director of the Federal Register previously approved the incorporation by reference of Pilatus Service Bulletin No. 62B, dated May 1967, and Pilatus Service Bulletin No. 57-001, dated December 20, 2001, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: For service information identified in this AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224.

To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA-2006-24090; Directorate Identifier 2006-CE-16-AD.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Discussion

On April 17, 2006, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all the models of the PC-6 airplanes listed in the type certificate data sheet of TC No. 7A15 that are produced in the United States through a licensing agreement between Pilatus and Fairchild Republic Company (also identified as Fairchild Industries, Fairchild Heli Porter, or Fairchild-Hiller Corporation) airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking

(NPRM) on April 21, 2006 (71 FR 20597). The NPRM proposed to supersede AD 2002-21-08, Amendment 39-12914 (67 FR 64520, October 21, 2002), add those Fairchild Republic Company airplanes to the applicability of this proposed AD, and list the individual specific airplane models. The NPRM proposed to retain all the actions of AD 2002-21-08 for inspecting and modifying the aileron assembly.

Comments

We provided the public the opportunity to participate in developing this AD. We received one comment in favor of the proposed AD.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD affects 49 airplanes in the U.S. registry.

We estimate the following costs to do the inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 work-hour × \$80 per hour = \$80	Not Applicable	\$80	49 × \$80 = \$3,920.

We estimate the following costs to do any necessary modifications that would

be required based on the results of the inspection. We have no way of

determining the number of airplanes that may need such modification:

Labor cost	Parts cost	Total cost per airplane
16 work-hours × \$80 per hour = \$1,280	\$419	\$1,280 + \$419 = \$1,699.

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 AD.

Regulatory Findings

We have determined that 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. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); 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.

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "Docket No. FAA-2006-24090; Directorate Identifier 2006-CE-16-AD" in your request.

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 Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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. FAA amends § 39.13 by removing Airworthiness Directive (AD) 2002-21-08, Amendment 39-12914 (67 FR 64520, October 21, 2002), and by adding the following new AD:

2006-13-11 Pilatus Aircraft Ltd.:

Amendment 39-14664; Docket No. FAA-2006-24090; Directorate Identifier 2006-CE-16-AD.

Effective Date

(a) This AD becomes effective on August 7, 2006.

Affected ADs

(b) This AD supersedes AD 2002-21-08, Amendment 39-12914.

Applicability

(c) This AD affects the following Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1,

PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 airplanes and serial numbers that are certificated in any category:

(1) Group 1 (maintains the actions from AD 2002-21-08): All manufacturer serial numbers (MSN) up to and including 939.

(2) Group 2: MSN 2001 through 2092.

Note: These airplanes are also identified as Fairchild Republic Company PC-6 airplanes, Fairchild Heli Porter PC-6 airplanes, or Fairchild-Hiller Corporation PC-6 airplanes.

Unsafe Condition

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland that requires the actions of AD 2002-21-08 for the added MSN 2001 through 2092 for all the models of the PC-6 airplanes listed in the type certificate data sheet of Type Certificate (TC) No. 7A15. We are issuing this AD to correct improper aileron assembly configuration, which could result in failure of the aileron mass balance weight. Such failure could lead to loss of control of the airplane.

Compliance

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Inspect the aileron assembly for proper configuration.	(i) For Group 1 Airplanes: Within the next 30 days after December 6, 2002 (the effective date of AD 2002-21-08), unless already done.	Follow Pilatus Service Bulletin No. 62B, dated May 1967, as specified in Pilatus PC-6 Service Bulletin No. 57-001, dated December 20, 2001.
(2) If the aileron assembly configuration incorporates aileron part number (P/N) 6106.10.xxx or P/N 6106.0010.xxx, modify the assembly following Pilatus Service Bulletin No. 62B, dated May 1967, and install a placard.	(ii) For Group 2 Airplanes: Within the next 30 days after August 7, 2006 (the effective date of this AD), unless already done.	Follow Pilatus Service Bulletin No. 62B, dated May 1967, as specified in Pilatus PC-6 Service Bulletin No. 57-001, dated December 20, 2001.
(3) If the aileron assembly configuration differs from that specified in Pilatus Service Bulletin No. 62B, dated May 1967, or if the part numbers are missing and cannot be verified: (i) Obtain a repair scheme from the manufacturer through the FAA at the address specified in paragraph (f) of this AD; and (ii) Incorporate this repair scheme.	<i>For All Airplanes:</i> Before further flight after the inspection required in paragraph (e)(1) of this AD, unless already done. <i>For All Airplanes:</i> Before further flight after the inspection required in paragraph (e)(1) of this AD, unless already done.	Follow Pilatus PC-6 Service Bulletin No. 57-001, dated December 20, 2001.
(4) Do not install any aileron assembly unless the inspection, modification, placard, and repair requirements (as applicable) of paragraphs (e)(1), (e)(2), (e)(3), (e)(3)(i), and (e)(3)(ii) of this AD are done.	(i) For Group 1 Airplanes: As of December 6, 2002 (the effective date of AD 2002-21-08). (ii) For Group 2 Airplanes: As of August 7, 2006 (the effective date of this AD)..	Follow Pilatus PC-6 Service Bulletin No. 57-001, dated December 20, 2001.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Standards Office, ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(g) AMOCs approved for AD 2002-21-08 are approved for this AD.

Related Information

(h) Swiss Airworthiness Directive Number HB 2005-289, effective date August 23, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(i) You must do the actions required by this AD following the instructions in Pilatus Service Bulletin No. 62B, dated May 1967, and Pilatus Service Bulletin No. 57-001, dated December 20, 2001.

(1) As of December 6, 2002 (67 FR 64520, October 21, 2002), the Director of the Federal Register previously approved the incorporation by reference of Pilatus Service Bulletin No. 62B, dated May 1967, and Pilatus Service Bulletin No. 57-001, dated December 20, 2001, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) To get a copy of this service information, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html or call (202) 741-6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA-2006-24090; Directorate Identifier 2006-CE-16-AD.

Issued in Kansas City, Missouri, on June 13, 2006.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-25102; Directorate Identifier 2006-NM-117-AD; Amendment 39-14666; AD 2006-13-13]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Boeing Model 737 airplanes. This AD requires revising the airplane flight manual to advise the flightcrew of improved procedures for pre-flight setup of the cabin pressurization system, as well as improved procedures for interpreting and responding to the cabin altitude/configuration warning horn. This AD results from reports that airplanes have failed to pressurize, and that the flightcrews failed to react properly to the cabin altitude warning horn. We are issuing this AD to prevent failure of the airplane to pressurize and subsequent failure of the flightcrew to recognize and react to a valid cabin altitude warning horn, which could result in incapacitation of the flightcrew due to hypoxia (lack of oxygen in body) and consequent loss of airplane control.

DATES: This AD becomes effective July 7, 2006.

We must receive comments on this AD by August 21, 2006.

ADDRESSES: Use one of the following addresses to submit comments on this AD.

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590.
- Fax: (202) 493-2251.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Gregg Nesemeier, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6479; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION:

Discussion

We have received a report indicating that during the investigation by the Air Accident Investigation and Aviation Safety Board of Greece into the August 14, 2005, Helios Airways accident near Athens, Greece, it was found that the Boeing Model 737-300 series airplane was not pressurized during the climb from the departure airport, and the flightcrew subsequently became incapacitated. It appears that the pressurization mode selector was improperly set for flight, and that the flightcrew subsequently misinterpreted the cabin altitude warning horn as a takeoff configuration warning horn. This misinterpretation may have occurred because the same warning horn provides both warning functions on Model 737 airplanes.

In addition, the FAA has become aware of a number of other incidents involving Model 737 airplanes where the flightcrew reaction to a valid cabin altitude warning horn was delayed, either because the flightcrew misinterpreted the horn as a takeoff configuration warning horn, or because they did not immediately don their oxygen masks. Crew reaction may have been delayed because the cabin altitude warning system on Model 737 airplanes provides only the warning horn; no

associated cabin altitude warning light is installed that activates concurrently with the warning horn.

Failure of the airplane to pressurize and subsequent failure of the flightcrew to recognize and react to a valid cabin altitude warning horn, if not corrected, could result in incapacitation of the flightcrew due to hypoxia (lack of oxygen in body) and consequent loss of airplane control.

Related Rulemaking

We have previously issued two ADs to address similar unsafe conditions.

On December 22, 2003, we issued AD 2003-03-15 R1, amendment 39-13366 (68 FR 64802, November 17, 2003), to require revising the AFM to advise the flightcrew to don oxygen masks as a first and immediate step when the cabin altitude warning occurs. That AD is applicable to various Boeing and McDonnell Douglas transport category airplanes, including Boeing Model 737-100, -200, -200C, -300, -400, and -500 series airplanes.

On July 14, 2003, we issued AD 2003-14-08, amendment 39-13227 (68 FR 41519, July 7, 2003), to require revising the AFM to require the same actions on various Boeing transport category airplanes, including Boeing 737-600, -700, -700C, -800, and -900 series airplanes.

In paragraph (a) of those ADs, a part of the revised text that we required to be placed in the AFMs of Model 737 airplanes reads "If the cabin altitude warning horn sounds: * * *" or "Condition: The cabin altitude warning horn sounds: * * *", as applicable. Boeing has advised us that in light of the information given in the Discussion section above, it has updated the AFM phrase to read "If the intermittent cabin altitude/configuration warning horn sounds in flight: * * *". We have approved this new phrase in the AD as acceptable for compliance with the requirements of paragraph (a) of ADs 2003-14-08 and 2003-03-15 R1.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other airplanes of the same type design. For this reason, we are issuing this AD to prevent failure of the airplane to pressurize and subsequent failure of the flightcrew to recognize and react to a valid cabin altitude warning horn, which could result in incapacitation of the flightcrew due to hypoxia (lack of oxygen in body) and consequent loss of airplane control. This AD requires revising the airplane flight manual (AFM) to advise the flightcrew of