

the **Federal Register** on December 9, 2005 (70 FR 73173). The NPRM would have required an inspection to determine the serial number of the anti-skid control unit (ACU) in the right electronics equipment rack, and replacement of the ACU with a new or serviceable ACU if necessary. The NPRM resulted from a report that an airplane temporarily lost normal braking function during landing rollout on a pre-delivery flight. The proposed actions were intended to prevent loss of normal braking function, which could result in a runway overrun that could cause injury to flightcrew or passengers or damage to the airplane.

#### Actions Since NPRM Was Issued

Since we issued the NPRM, Gulfstream Aerospace has provided data that indicate the identified unsafe condition has been corrected on all airplanes that would have been affected by the NPRM, and on all ACUs in the affected range of serial numbers (S/Ns). Gulfstream Aerospace therefore requests that we withdraw the NPRM. We agree with the commenter.

#### Request To Incorporate by Reference (IBR) the Service Information

The Modification and Replacement Parts Association (MARPA) requests that we either publish the relevant service information with the AD, or IBR it with the NPRM. If we IBR rather than publish the relevant service information, then MARPA further requests that we identify the S/Ns of the defective ACUs in the AD. As justification, MARPA states that parts purveyors and maintenance facilities cannot identify the defective parts unless we specify them in the AD because they do not possess the proprietary service information referenced in the NPRM. For the same reason, MARPA states that those in the alternative parts industry (operating under 14 CFR 21.303) also cannot identify any parts manufacturer approval (PMA) parts equivalent to the defective ACUs. MARPA asserts that there are many ACUs in its PMA database that also may be affected by unsafe condition identified in the NPRM.

MARPA also comments on our practice of IBR and referencing proprietary service information. MARPA asserts that if we IBR proprietary service information with a public document, such as an AD, then that service information loses its protected status and becomes a public document. Also, MARPA claims that IBR requires we provide a copy of the relevant service information to the Director of the

Federal Register before the NPRM can be published. MARPA further states that: "Merely referencing a service document without incorporation thus becomes an "end run" around the publication requirement while still requiring possession of a proprietary document in order to comply with the law." MARPA believes our practice of IBR is flawed legally where it is impossible to comply with the requirements of an AD without first obtaining the necessary proprietary service information.

Although we acknowledge MARPA's comments, we do not agree with its request, since the identified unsafe condition has been corrected on all airplanes that would have been affected by the NPRM and on all ACUs in the affected range of S/Ns. Those affected parts are ACUs having part number 1159SCL501-1 and S/Ns 355 through 400 inclusive. The unsafe condition identified in the NPRM was caused by the installation of incorrect capacitors in the affected ACUs only. Since that NPRM addresses a quality control issue limited to a range of S/Ns, we find that the MARPA's statements regarding PMA equivalent parts are not relevant to that particular NPRM.

We have one correction regarding MARPA's comments on our practice of IBR and referencing proprietary service information; we are required to provide a copy of any relevant service information to the Director of the Federal Register for publication of a final rule, not an NPRM. We are currently reviewing our practice of referencing proprietary service information. Once we have thoroughly examined all aspects of this issue, and have made a final determination, we will consider whether our current practice needs to be revised.

#### FAA's Conclusions

Upon further consideration, we have determined that the actions that would have been required by the NPRM have already been accomplished on all affected airplanes, and that the identified unsafe condition has been corrected on all affected ACUs. Accordingly, the NPRM is withdrawn.

Withdrawal of the NPRM does not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

#### Regulatory Impact

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT

Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Withdrawal

Accordingly, we withdraw the NPRM, Docket No. FAA-2005-23249, Directorate Identifier 2005-NM-219-AD, which was published in the **Federal Register** on December 9, 2005 (70 FR 73173).

Issued in Renton, Washington, on March 31, 2006.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E6-5253 Filed 4-10-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2006-23902; Airspace Docket No. 06-AGL-01]

#### Proposed Modification of Class E Airspace; Fremont, MI

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to modify Class E airspace at Fremont, MI. Standard Instrument Approach Procedures have been developed for Fremont Municipal Airport, Fremont, MI. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing these approaches. This action would increase the area of the existing controlled airspace for Fremont, MI.

**DATES:** Comments must be received on or before June 5, 2006.

**ADDRESSES:** Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2006-23901/ Airspace Docket No. 06-AGL-01, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone

1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at FAA Terminal Operations, Central Service Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

**FOR FURTHER INFORMATION CONTACT:** Steve Davis, FAA Terminal Operations, Central Service Office, Airspace and Procedures Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7131.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this document must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2006-23902/Airspace Docket No. 06-AGL-01." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web

page at <http://www.faa.gov> or the Superintendent of Document's Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket number for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Fremont, MI, for Fremont Municipal Airport. Controlled airspace extending upward from 700 feet above the surface of the earth is needed to contain aircraft executing instrument approach procedures. Class E airspace areas extending upward from 700 feet above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9N dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1. The Class E designations listed in this document would be removed subsequently in the Order.

The FAA has determined that this proposed regulation only involves an establishment body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal

Aviation Administration proposes to amend 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, is amended as follows:

\* \* \* \* \*

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AGL MI E5 Fremont, MI [Revised]**

Fremont Municipal Airport, MI  
(Lat. 43°26'22" N., long. 85°59'42" W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Fremont Municipal Airport.

\* \* \* \* \*

Issued in Des Plaines, Illinois, on March 22, 2006.

**Nancy B. Kort,**

*Area Director, Central Terminal Operations.*  
[FR Doc. 06-3425 Filed 4-10-06; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 121**

**[Docket No.: FAA-2006-24277; Notice No. 06-05]**

**RIN 2120-A175**

**Fire Penetration Resistance of Thermal Acoustic Insulation Installed on Transport Category Airplanes**

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

**ACTION:** Notice of proposed rulemaking; Correction.

**SUMMARY:** This document makes a correction to the Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on April 3, 2006 by changing the amendment number to a notice number. The NPRM proposed to