

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E surface airspace and Class E Airspace extending upward from 700 feet above the surface at Wokal Field/Glasgow International Airport, Glasgow, MT. Controlled airspace is necessary to accommodate aircraft using RNAV (GPS) standard instrument approach procedures at the airport, and would enhance the safety and management of aircraft operations. This action would also update the airport name from Glasgow International Airport to Wokal Field/Glasgow International Airport.

Class E Airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E Airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established 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 this proposed rule, when promulgated, would not have a significant economic impact on a

substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies controlled airspace at Wokal Field/Glasgow International Airport, Glasgow, MT.

### 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, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR 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 Part 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

*Paragraph 6002 Class E airspace designated as surface areas.*

\* \* \* \* \*

#### ANM MT E2 Glasgow, MT [Amended]

Wokal Field/Glasgow International Airport, MT

(Lat. 48°12'45" N., long. 106°36'53" W.)

Glasgow VOR/DME

(Lat. 48°12'55" N., long. 106°37'32" W.)

Milk River NDB

(Lat. 48°12'28" N., long. 106°37'34" W.)

Within a 4.2-mile radius of the Wokal Field/Glasgow International Airport, and within 2.7 miles each side of the Glasgow VOR/DME 327° radial extending from the 4.2-mile radius to 7.4 miles northwest of the

VOR/DME, and within 2.7 miles each side of the Glasgow VOR/DME 127° radial extending from the 4.2-mile radius to 7.4 miles southeast of the VOR/DME, and within 2.7 miles each side of the Milk River NDB 106° bearing extending from the 4.2-mile radius to 7.4 miles east of the NDB.

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

\* \* \* \* \*

#### ANM MT E5 Glasgow, MT [Modified]

Wokal Field/Glasgow International Airport, MT

(Lat. 48°12'45" N., long. 106°36'53" W.)

That airspace extending upward from 700 feet above the surface within a 9.6-mile radius of the Wokal Field/Glasgow International Airport; that airspace extending upward from 1,200 feet above the surface starting at Lat. 48°40'00" N., long. 106°00'02" W.; to Lat. 48°32'00" N., long. 105°50'02" W.; to Lat. 48°03'00" N., long. 105°50'02" W.; to Lat. 48°03'00" N., long. 106°00'02" W.; to Lat. 47°49'00" N., long. 106°22'32" W.; to Lat. 48°15'00" N., long. 107°07'02" W.; to Lat. 48°40'00" N., long. 107°07'02" W., thence to point of beginning.

Issued in Seattle, Washington, on May 17, 2011.

#### Christine Mellon,

*Acting Manager, Operations Support Group, Western Service Center.*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Part 1812

RIN 2700-AD64

### Commercial Acquisition; Anchor Tenancy

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** NASA proposes to revise the NASA FAR Supplement (NFS) to include guidance consistent with NASA's authority under Section 401 of the Commercial Space Competitiveness Act (CSCA) of 1992. NASA may enter into multi-year anchor tenancy contracts for commercial space goods or services. Anchor Tenancy means "an arrangement in which the United States Government agrees to procure sufficient quantities of a commercial space product or service needed to meet Government mission requirements so that a commercial venture is made viable."

**DATES:** Interested parties should submit comments to NASA at the address below on or before July 25, 2011 to be

considered in formulation of the final rule.

**ADDRESSES:** You may submit comments, identified by RIN 2007-AD64, using either of the following methods: (1) Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting RIN 2007-AD64 under the heading "Enter keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "RIN 2007-AD64." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "RIN 2700-AD64" on your attached document. (2) E-mail: [leigh.pomponio@nasa.gov](mailto:leigh.pomponio@nasa.gov). Include RIN 2007-AD64 in the subject line of the message.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check <http://www.regulations.gov> approximately two to three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** Leigh Pomponio, NASA, Office of Procurement, Contract Management Division (Suite 5G84); (202) 358-0592; facsimile 202-358-3083; e-mail: [leigh.pomponio@nasa.gov](mailto:leigh.pomponio@nasa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

NASA's FAR Supplement currently includes an incorrect statement that anchor tenancy contracts are not permitted. This proposed rule removes that statement, consistent with NASA's authority under Section 401 of the Commercial Space Competitiveness Act (CSCA) of 1992 (15 U.S.C. 5806) which provides authorization for NASA to enter into multi-year anchor tenancy contracts for commercial space goods or services.

**B. Executive Orders 12866 and 13563**

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. In

accordance with Executive Order 13563, Improving Regulation and Regulatory Review, dated January 18, 2011, NASA determined that this rule is not excessively burdensome to the public, and is consistent with the administrative nature of rule. This is not a major rule under 5 U.S.C. 804.

**C. Regulatory Flexibility Act**

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because it does not impose any new requirements on small entities.

**D. Paperwork Reduction Act**

The Paperwork Reduction Act (Pub. L. 104-13) is not applicable because the NFS changes do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Part 1812**

Government procurement.

**William P. McNally,**

*Assistant Administrator for Procurement.*

Accordingly, 48 CFR part 1812 is proposed to be amended as follows:

1. The authority citation for 48 CFR parts 1812.

**Authority:** 42 U.S.C. 2455(a), 2473(c)(1).

**PART 1812—ACQUISITION OF COMMERCIAL ITEMS**

2. Section 1812.7000 is revised to read as follows.

**1812.7000 Anchor tenancy contracts.**

(a) Section 401 of the Commercial Space Competitiveness Act, 15 U.S.C. 5806, allows NASA, subject to appropriations, to enter into multi-year anchor tenancy contracts for the purchase of a good or service if the Administrator determines that—

(1) The good or service meets the mission requirements of the National Aeronautics and Space Administration;

(2) The commercially procured good or service is cost effective;

(3) The good or service is procured through a competitive process;

(4) Existing or potential customers for the good or service other than the United States Government have been specifically identified;

(5) The long-term viability of the venture is not dependent upon a continued Government market or other nonreimbursable Government support; and

(6) Private capital is at risk in the venture.

(b) Section 401 of the Commercial Space Competitiveness Act, 15 U.S.C. 5806, allows for contracts entered into under paragraph (a) of this section to provide for the payment of termination liability in the event that the Government terminates such contracts for is convenience.

(1) Contracts that provide for this payment of termination liability shall include a fixed schedule of such termination liability payments. Liability under such contracts shall not exceed the total payments which the Government would have made after the date of termination to purchase the good or service if the contract were not terminated.

(2) Subject to appropriations, funds available for such termination liability payments may be used for purchase of the good or service upon successful delivery of the good or service pursuant to the contract. In such case, sufficient funds shall remain available to cover any remaining termination liability.

(c) Limitations—

(1) Contracts entered into under this section shall not exceed 10 years in duration.

(2) Such contracts shall provide for delivery of the good or service on a firm, fixed price basis.

(3) To the extent practicable, reasonable performance specifications shall be used to define technical requirements in such contracts.

(4) In any such contract, the Administrator shall reserve the right to completely or partially terminate the contract without payment of such termination liability because of the contractor's actual or anticipated failure to perform its contractual obligations.

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