

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2004-19325; Airspace Docket No. 04-ACE-54]

#### Modification of Class E Airspace; Dodge City, KS

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

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action amends Title 14 Code of Federal Regulations, part 71 (14 CFR 71) by revising Class E airspace areas at Dodge City, KS. A review of the controlled airspace areas at Dodge City, KS revealed noncompliance with criteria for diverse departures from Dodge City Regional Airport. The review also identified other discrepancies in the legal descriptions for the Dodge City, KS Class E airspace areas. The intended effect of this rule is to provide controlled airspace of appropriate dimensions to protect aircraft departing from and executing Standard Instrument Approach Procedures (SIAPs) to Dodge City Regional Airport. It also corrects discrepancies in the legal descriptions of Dodge City, KS Class E airspace areas and brings the airspace areas and legal descriptions into compliance with FAA Orders.

**DATES:** This direct final rule is effective on 0901 UTC, January 20, 2005. Comments for inclusion in the Rules Docket must be received on or before November 22, 2004.

**ADDRESSES:** Send comments on this 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-2004-19325/

Airspace Docket No. 04-ACE-54, 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.

#### FOR FURTHER INFORMATION CONTACT:

Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2525.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR 71 modifies the Class E airspace area designated as a surface area and the Class E airspace area extending upward from 700 feet above the surface at Dodge City, KS. An examination of controlled airspace for Dodge City, KS revealed that these Class E airspace areas do not comply with airspace requirements for diverse departures from Dodge City Regional Airport as set forth in FAA Order 7400.2E, Procedures for Handling Airspace Matters. The legal description of neither class E airspace area reflects the correct Dodge City Regional Airport airport reference point (ARP). The examination also revealed the lack of an extension to the Class E airspace area extending upward from 700 feet above the surface necessary to protect aircraft executing SIAPs.

This action modifies the Dodge City, KS Class E airspace area designated as a surface area from a 4.3-mile to a 4.2-mile radius of Dodge City Regional Airport. It expands the Class E airspace area extending upward from 700 feet above the surface from a 6.5-mile to a 6.7-mile radius of Dodge City Regional Airport and adds a southeast extension. The extension is defined by the Dodge City collocated very high frequency omni-directional radio range and tactical air navigational aid (VORTAC) 160° radial, is 3.8 miles wide and extends to 11.4 miles southeast of the airport. The Dodge City VORTAC and the airspace extension are added to the legal description for the Class E airspace area extending upward from 700 feet above the surface. Additionally, the

Dodge City Regional Airport ARP is corrected in both legal descriptions.

These modifications provide controlled airspace of appropriate dimensions to protect aircraft departing from and executing SIAPs to Dodge City Regional Airport and bring the legal descriptions of the Dodge City, KS Class E airspace areas into compliance with FAA Order 7400.2E. Class E airspace areas designated as surface areas are published in Paragraph 6002 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraphs 6005 of the same FAA Order. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Interested parties are invited to participate in this 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 notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2004-19325/Airspace Docket No. 04-ACE-54." The postcard will be date/time stamped and returned to the commenter.

#### Agency Findings

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

■ Accordingly, the Federal Aviation Administration amends 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 Federal Aviation Administration Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 6002 Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

**ACE KS E2 Dodge City, KS**

Dodge City Regional Airport, KS  
(Lat. 37°45'48" N., long. 99°57'56" W.)

Within a 4.2-mile radius of Dodge City Regional Airport.

\* \* \* \* \*

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

\* \* \* \* \*

**ACE KS E5 Dodge City, KS**

Dodge City Regional Airport, KS  
(Lat. 37°45'48" N., long. 99°57'56" W.)

Dodge City VORTAC  
(Lat. 37°51'02" N., long. 100°00'20" W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Dodge City Regional Airport and within 1.9 miles each side of the Dodge City VORTAC 160° radial extending from the 6.8-mile radius of the airport to 17 miles southeast of the VORTAC.

\* \* \* \* \*

Issued in Kansas City, MO on October 7, 2004.

**Paul J. Sheridan,**

*Area Director, Western Flight Services Operations.*

[FR Doc. 04-23387 Filed 10-18-04; 8:45 am]

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#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

#### 33 CFR Part 100

[CGD05-04-138]

**RIN 1625-AA08**

#### Special Local Regulation for Marine Events; Southern Branch, Elizabeth River, Portsmouth, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations during the "International Search and Rescue Competition", a marine event to be held on the waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia. These special local regulations are necessary to

provide for the safety of life on navigable waters during the event. This regulation will restrict vessel traffic in portions of the Southern Branch of the Elizabeth River during the event.

**DATES:** This rule is effective from 8 a.m. on November 5, 2004, to 6 p.m. on November 6, 2004.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05-04-138 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Dennis Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

**SUPPLEMENTARY INFORMATION:**

#### Regulatory Information

On August 30, 2004, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations for Marine Events; Southern Branch, Elizabeth River, Portsmouth, VA in the **Federal Register** (69 FR 52840). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3) the Coast Guard finds good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because delaying the rule would be impractical and contrary to public interest as the event will take place on November 5 and 6, 2004.

#### Background and Purpose

On November 5 and 6, 2004, the Coast Guard and Canadian Auxiliaries will sponsor the "International Search and Rescue Competition", a marine event to be held on the waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia. The event will consist of International teams competing in various events designed to demonstrate competence in maritime search and rescue techniques. To provide for the safety of participants, spectators and support vessels, the Coast Guard will temporarily restrict vessel traffic in the Southern Branch of the Elizabeth River, including the North Ferry Landing, during the event.

#### Discussion of Comments and Changes

No comments were received in response to the notice of proposed rulemaking (NPRM) published in the **Federal Register**. Accordingly, the Coast