

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2004-19330; Airspace Docket No. 04-ACE-59]

**Modification of Class E Airspace; Hastings, NE**

**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 Hastings, NE. A review of the controlled airspace areas at Hastings, NE revealed noncompliance with criteria for diverse departures from Hastings Municipal Airport. The review also identified other discrepancies in the legal descriptions of the Hastings, NE 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 Hastings Municipal Airport. It also corrects discrepancies in the legal descriptions of Hastings, NE Class E airspace areas and brings the airspace areas and legal descriptions into compliance with FAA Orders.

**DATES:** The 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 30, 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-2004-19330/ Airspace Docket No. 04-ACE-59, 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:** Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust,

Kansas City, MO 64106; telephone: (816) 329-2524.

**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 Hastings, NE. An examination of controlled airspace for Hastings, NE revealed that these Class E airspace areas do not comply with airspace requirements for diverse departures from Hastings Municipal 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 Hastings Municipal Airport reference point (ARP). The examination also revealed the incorrect dimensions of extensions to the Class E airspace area designated as a surface area and the Class E airspace area extending upward from 700 feet above the surface.

The dimensions of the Hastings, NE Class E airspace area designated as a surface area are modified to accommodate all SIAPs serving the airport and to provide adequate controlled airspace for diverse departures. The radius of this airspace area is increased from 4.1 to 4.7 miles. The southeast extension to the airspace area is defined in relation to the Hastings very high frequency omnidirectional range (VOR)/distance measuring equipment (DME), 137° radial, increased in width from 1.8 to 2.4 miles each side of centerline and defined in length as extending 7 miles southeast of the VOR/DME. The southwest extension to the airspace area is defined in relation to the VOR/DME 219° radial, decreased in width from 2.6 to 2.4 miles each side of centerline and defined in length as extending 7 miles southwest of the VOR/DME. The northwest extension to the airspace area is defined in relation to the 330° bearing from the airport and decreased in length from 8.3 to 5.6 miles from the airport. The dimensions of the Hastings, NE Class E airspace area extending upward from 700 feet above the surface are modified to appropriate dimensions to accommodate all SIAPs serving the airport and to provide adequate controlled airspace for diverse departures. The radius of this airspace area is increased from a 6.7 to 7.2 miles and all extensions are eliminated. The Hastings VOR/DME is added to the legal description for the Class E area designated as a surface area and the Hastings Municipal 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 Hastings Municipal Airport and bring the legal descriptions of the Hastings, NE Class E airspace areas into compliance with FAA Orders 7400.2E and 8260.19C, Flight Procedures and Airspace. 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-2004-19330/Airspace Docket No. 04-ACE-59." 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 NE E2 Hastings, NE**

Hastings Municipal Airport, NE  
(Lat. 40°36'19" N., long. 98°25'40" W.)  
Hastings VOR/DME  
(Lat. 40°36'16" N., long. 98°25'47" W.)

Within a 4.7-mile radius of Hastings Municipal Airport; and within 2.4 miles each side of the Hastings VOR/DME 137° radial extending from the 4.7-mile radius of the airport to 7 miles southeast of the VOR/DME; and within 2.4 miles each side of the Hastings VOR/DME 219° radial extending from the 4.7-mile radius of the airport to 7 miles southwest of the VOR/DME; and within 1.8 miles each side of the 330° bearing from the Hastings Municipal Airport extending from the 4.7-mile radius to 5.6 miles northwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the airport/Facility Directory.

\* \* \* \* \*

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

\* \* \* \* \*

**ACE NE E5 Hastings, NE**

Hastings Municipal Airport, NE  
(Lat. 40°36'19" N., long. 98°25'40" W.)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Hastings Municipal Airport.

\* \* \* \* \*

Issued in Kansas City, MO on October 19, 2004.

**Paul J. Sheridan,**

*Area Director, Western Flight Services Operations.*

[FR Doc. 04-24264 Filed 10-28-04; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR 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; correction.

**SUMMARY:** This action corrects a direct final rule; request for comments that was published in the **Federal Register** on Tuesday, October 19, 2004, (69 FR 61439) [FR Doc. 04-23387]. It corrects an error in the legal description of the Class E airspace area extending upward from 700 feet above the surface at Dodge City, KS.

**DATES:** This direct final rule is effective on 0901 UTC, January 20, 2005.

**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:**

**History**

Federal Register Document 04-23387, published on Tuesday, October 19, 2004, (69 FR 61439) modified 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. The modification corrected discrepancies in the Dodge City Regional Airport airport reference point used in the legal descriptions, corrected the airspace dimensions to protect for diverse departures, established an extension to the airspace area extending upward from 700 feet above the surface and brought the legal descriptions of the Dodge City, KS Class E airspace areas into compliance with FAA Orders 7400.2E, Procedures for Handling Airspace Matters, and 8260.19C, Flight Procedures and Airspace. However, there was a typographical error in the legal description for the Class E airspace area extending upward from 700 feet above the surface.

■ Accordingly, pursuant to the authority delegated to me, the legal description of the Class E airspace area extending upward from 700 feet above the surface at Dodge City, KS, as published in the **Federal Register** on Tuesday, October 19, 2004, (69 FR 61439) [FR Doc. 04-23387] is corrected as follows:

**PART 71—[CORRECTED]**

**§ 71.1 [Corrected]**

■ On page 61440, Column 2, fourth paragraph, third line from the bottom, change "6.8" to read "6.7".

Issued in Kansas City, MO on October 19, 2004.

**Paul J. Sheridan,**

*Area Director, Western Flight Services Operations.*

[FR Doc. 04-24265 Filed 10-28-04; 8:45 am]

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