

Federal Aviation Administration  
Southwest Region  
Air Traffic Division, ASW-520  
Fort Worth, TX 76193-0520

AERONAUTICAL STUDY  
No: 00-ASW-5655-0E

ISSUED DATE: 10/31/00

ELVIS MOODY  
BENTONVILLE BROADCASTING, L.L.C.  
1101 SOUTH WALTON  
BENTONVILLE AR 72712

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Description: ANTENNA TOWER: 95.7 MHZ @ 6 KW ERP

Location: BENTONVILLE AR  
Latitude: 36-17 54.05 NAD 83  
Longitude: 094-10-21.34  
Heights: 303 feet above ground level (AGL)  
1632 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

-As a condition to this determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, Chapters 3 (Marked), 4, 5 (Red), & 12.

-It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

\_\_\_ At least 10 days prior to start of construction  
(7460-2, Part I)

Within 5 days after construction reaches its greatest height.  
(7460-2, Part II)

This determination expires on 06/10/02 unless:

- (a) extended, revised or terminated by the issuing office or
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case the determination expires on the date prescribed by the FCC for completion of construction or on the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

-As a result of this structure being critical to flight safety, it is required that the FAA be kept apprised as to the status of this

project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This determination is subject to review if an interested party files a petition on or before 11/30/00. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted in triplicate to the Manager, Airspace & Rules Division, ATA-400 Federal Aviation Administration, Washington, D.C. 20591.

This determination becomes final on 12/10/00 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, frequency(ies) or use of greater power will void this determination. Any future construction or alteration, including increase in heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

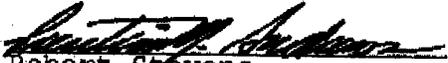
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect to air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at 817-222-5534. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 00-ASW-5655-OE.

  
Robert Stevens  
Manager, Airspace Branch

(DNH)

7460-2 Attached  
Attachment

**AERONAUTICAL STUDY NUMBER 00-ASW-5655-OE**

The proposed construction would be located approximately 3.64 nautical miles (NM) southeast of Bentonville Municipal Airport, Bentonville, Arkansas. It would exceed the obstruction standards of Title 14, Code of Federal Regulations (CFR), part 77 as follows:

Section 77.23(a) (2) by 39 feet, i.e., a height greater than 264 feet above ground level within 3.64 NM as applied to Bentonville Municipal Airport.

Public notice was not issued because current FAA obstruction evaluation policy excepts from public notice requirements those structures which would exceed the cited obstruction standard but do not fall within the airport traffic pattern protection area. In this instance, the structure would be beyond the traffic pattern protection area for any public use or military airport. This policy does not effect the right of the interested parties to petition for FAA review of this determination.

With regard to instrument flight rules (IFR), aeronautical study disclosed that the proposed structure would have no effect on any existing or proposed arrival, departure, or en route IFR operations, procedures, or minimum flight altitudes.

Study for possible visual flight rules (VFR) effect disclosed that the proposed structure would have no effect on any existing or proposed arrival or departure VFR operations or procedures. It would not conflict with airspace required to conduct normal VFR traffic pattern operations at any known public use or military airports. In addition, the proposed structure would not penetrate those altitudes normally considered available to airmen for VFR en route flight.

The cumulative impact of the proposed structure, considered in combination with existing structures, is not considered significant. Study disclosed no adverse cumulative effect on existing or proposed public-use or military airports or navigational facilities. Likewise, the study revealed no adverse cumulative effect on the capacity of any known existing or planned public-use or military airport.

In view of these findings, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation.