

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

[Airspace Docket No. 94-ANM-37]

**Establishment of Class D Airspace; Denver, CO****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule, request for comments.

**SUMMARY:** This action establishes Class D airspace at Denver International Airport, Colorado, so cargo aircraft can operate safely within controlled airspace until the new Denver International Airport is commissioned. Accordingly, action is taken herein to establish Class D airspace preceding the effective date of Class B airspace, which is scheduled to be effective February 28, 1995.

**DATES:** Effective 0701 UTC, February 26, 1995.

Comment Date: Comments must be received prior to February 21, 1995.

**ADDRESSES:** Send comments on the rule in triplicate to: Manager, System Management Branch, Air Traffic Division, ANM-530, Federal Aviation Administration, Docket No. 94-ANM-37, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Northwest Mountain Region, Suite 570, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone: (206) 227-2007.

**FOR FURTHER INFORMATION CONTACT:** Ted Melland, System Management Branch, ANM-530, Federal Aviation Administration, Docket No. 94-ANM-37, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone number: (206) 227-2536.

**SUPPLEMENTARY INFORMATION:****History**

On January 17, 1995, the City and County of Denver proposed to allow cargo airport operations at the new Denver International Airport prior to official commissioning. Denver anticipates commissioning the airport on February 28, 1995, but wishes to allow cargo aircraft to operate at the new airport before the new airport is officially commissioned. This action is necessary to provide controlled airspace until the Class B airspace becomes effective at the new airport. Class B airspace is scheduled to become effective at the new airport on February

28, 1995, when operations at Stapleton Airport are discontinued.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class D airspace at the new Denver International Airport, Colorado to provide controlled airspace for operations.

Accordingly, action is taken herein to establish Class D airspace in order to provide for safe operations on February 26, 1995, until the new airport opens. The establishment of Class D airspace is required in the interest of flight safety. Under the circumstances presented, the FAA concludes that there is an immediate need to establish this Class D airspace area in order to promote the safe and efficient handling of air traffic in this area. Therefore, I find that notice and public procedures under 5 U.S.C. 553(b) are impracticable and contrary to the public interest.

The coordinates for this airspace docket are based on North American Datum 83. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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 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).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

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

**Authority:** 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

**§ 71.1 [AMENDED]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

*Paragraph 5000—General*

\* \* \* \* \*

**ANM CO D Denver, CO [New]**

Denver International Airport CO  
(Lat. 39°51'30" N, long. 104°40'01" W)  
Denver Stapleton International Airport, CO  
(Lat. 39°46'28" N, long. 104°52'47" W)  
Heckendorf Airport, CO  
(Lat. 39°57'48" N, long. 104°52'47" W)

That airspace extending upward from the surface to and including 8,000 feet MSL within a 6.3-mile radius of the Denver International Airport excluding that airspace within the Denver Stapleton International Airport, CO, Class B airspace; and excluding that airspace south of lat. 39°48'44" N and east of long. 104°35'00" W; and excluding that airspace within a 1-mile radius of Heckendorf Airport, CO. This Class D airspace shall be effective until superseded by the new Denver International Airport Class B airspace.

\* \* \* \* \*

Issued in Seattle, Washington, on January 23, 1995.

**Bill H. Ellis,**

*Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 95-3479 Filed 2-8-95; 8:45 am]

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**14 CFR Part 71**

[Airspace Docket Nos. 91-ANM-14, 91-ANM-16, 91-ANM-17, 93-ANM-1, 93-ANM-2, 93-ANM-3, and 93-ANM-5]

**Establishment of Class E Airspace and Alteration of Class D and Class E Airspace Areas, VOR Federal Airways and Jet Routes****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule; Announcement of effective data.

**SUMMARY:** On February 28, 1995, the new Denver International Airport is scheduled to open, replacing Stapleton International Airport. This action supports the new Denver International Airport airspace structure by altering the Class D airspace area in Broomfield, CO; altering the Class D airspace and establishing Class E airspace in Aurora, CO; altering Class D and Class E