

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

[Docket No. FAA-2010-0688; Airspace  
Docket No. 09-AGL-23]

RIN 2120-AA66

**Proposed Establishment of Low  
Altitude Area Navigation Routes (T-  
281, T-283, T-285, T-286, and T-288);  
Nebraska and South Dakota**

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

**ACTION:** Notice of proposed rulemaking  
(NPRM).

**SUMMARY:** This action proposes to establish five low altitude Area Navigation (RNAV) routes, designated T-281, T-283, T-285, T-286, and T-288, over Nebraska and South Dakota; controlled by Denver Air Route Traffic Control Center (ARTCC) and Minneapolis ARTCC. T-routes are low altitude Air Traffic Service routes, based on RNAV, for use by aircraft that have instrument flight rules (IFR) approved Global Positioning System (GPS)/Global Navigation Satellite System (GNSS) equipment. This action would enhance safety and improve the efficient use of the navigable airspace within Denver and Minneapolis ARTCC airspace.

**DATES:** Comments must be received on or before September 20, 2010.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001; *telephone:* (202) 366-9826. You must identify FAA Docket No. FAA-2010-0688 and Airspace Docket No. 09-AGL-23 at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *telephone:* (202) 267-8783.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed 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 (FAA Docket No. FAA-2010-0688 and Airspace Docket No. 09-AGL-23) and be submitted in triplicate to the Docket Management Facility (*see* **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2010-0688 and Airspace Docket No. 09-AGL-23." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov>, or the **Federal Register's** Web page at [http://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (*see* **ADDRESSES** section for 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 office of the Central Service Center, Air Traffic Organization, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106.

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.

**Background**

The Manager, Denver ARTCC, has proposed the establishment of five RNAV routes, from Denver ARTCC airspace into Minneapolis ARTCC airspace. Currently, there are no established airways to allow aircraft to navigate between the sites identified in the proposed routes. The pilot's only options are to either fly Visual Flight Rules (VFR), VFR-On-Top, or file a flight plan with an altitude high enough for air traffic control to maintain radar surveillance and communication frequency coverage; unless they fly many miles out of their way to use established airways. The Minimum Instrument Flight Rules (IFR) Altitude (MIA) in these areas is between 4,000 feet mean sea level (MSL) and 7,000 feet MSL. The radio coverage is very good at the low altitudes between these points, but the radar surveillance coverage is not reliable below 11,000 feet MSL. In the winter months, these routes would be especially important because the pilots encounter icing at the higher altitudes and need to descend, sometimes below radar surveillance coverage.

**The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to establish five low altitude RNAV routes within Denver and Minneapolis ARTCC airspace. The routes, designated as T-281, T-283, T-285, T-286, and T-288, will be depicted on the appropriate IFR En Route Low Altitude charts and would only be intended for use by GPS/GNSS equipped aircraft. This action is proposed to enhance safety and to facilitate the efficient use of navigable airspace for en route IFR operations within Denver and Minneapolis ARTCC airspace.

Low altitude RNAV routes are published in paragraph 6011 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The low altitude RNAV routes listed in this document will be published subsequently in the Order.

The FAA has determined that 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 Department of

Transportation (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 proposed rule, when promulgated, will 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 United States Code. Subtitle I, section 106 describes the authority of 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 establishes low altitude Area Navigation routes (T-routes) over Nebraska and South Dakota in Denver and Minneapolis ARTCC airspace.

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, 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 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 FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009 and effective September 15, 2009, is amended as follows:

*Paragraph 6011—Area Navigation Routes.*

\* \* \* \* \*

**T-281 YOZLE, NE to Pierre, SD [New]**

YOZLE, NE	Fix	(Lat. 41°01'33" N., long. 99°39'06" W.)
BOKKI, NE	Fix	(Lat. 41°39'55" N., long. 99°52'17" W.)
Ainsworth, NE (ANW)	VOR/DME	(Lat. 42°34'09" N., long. 99°59'23" W.)
LKOTA, SD	WP (New)	(Lat. 43°15'28" N., long. 100°03'14" W.)
Pierre, SD (PIR)	VORTAC	(Lat. 44°23'40" N., long. 100°09'46" W.)

\* \* \* \* \*

**T-283 Scottsbluff, NE to Pierre, SD [New]**

Scottsbluff, NE (BFF)	VORTAC	(Lat. 41°53'39" N., long. 103°28'55" W.)
Gordon, NE (GRN)	NDB	(Lat. 42°48'04" N., long. 102°10'46" W.)
WNDED, SD	WP (New)	(Lat. 43°19'14" N., long. 101°32'19" W.)
Pierre, SD (PIR)	VORTAC	(Lat. 44°23'40" N., long. 100°09'46" W.)

\* \* \* \* \*

**T-285 North Platte, NE to Huron, SD [New]**

North Platte, NE (LBF)	VORTAC	(Lat. 41°02'55" N., long. 100°44'50" W.)
Thedford, NE (TDD)	VOR/DME	(Lat. 41°58'54" N., long. 100°43'09" W.)
MARSS, NE	Fix	(Lat. 42°27'49" N., long. 100°36'15" W.)
Valentine, NE (VTN)	NDB	(Lat. 42°51'42" N., long. 100°32'59" W.)
LKOTA, SD	WP (New)	(Lat. 43°15'28" N., long. 100°03'14" W.)
Winner, SD (ISD)	VOR	(Lat. 43°29'16" N., long. 99°45'41" W.)
Huron, SD (HON)	VORTAC	(Lat. 44°26'24" N., long. 98°18'40" W.)

\* \* \* \* \*

**T-286 Rapid City, SD to Grand Island, NE [New]**

Rapid City, SD (RAP)	VORTAC	(Lat. 43°58'34" N., long. 103°00'44" W.)
Gordon, NE (GRN)	NDB	(Lat. 42°48'04" N., long. 102°10'46" W.)
EFFEX, NE	WP (New)	(Lat. 42°19'59" N., long. 101°20'11" W.)
Thedford, NE (TDD)	VOR/DME	(Lat. 41°58'54" N., long. 100°43'09" W.)
BOKKI, NE	Fix	(Lat. 41°39'55" N., long. 99°52'17" W.)
Grand Island, NE (GRI)	VORTAC	(Lat. 40°59'03" N., long. 98°18'53" W.)

\* \* \* \* \*

**T-288 Rapid City, SD to Wolback, NE [New]**

Rapid City, SD (RAP)	VORTAC	(Lat. 43°58'34" N., long. 103°00'44" W.)
WNDED, SD	WP (New)	(Lat. 43°19'14" N., long. 101°32'19" W.)
Valentine, NE (VTN)	NDB	(Lat. 42°51'42" N., long. 100°32'59" W.)
Ainsworth, NE (ANW)	VOR/DME	(Lat. 42°34'09" N., long. 99°59'23" W.)
FESNT, NE	WP (New)	(Lat. 42°03'57" N., long. 99°17'18" W.)
Wolback, NE (OBH)	VORTAC	(Lat. 41°22'33" N., long. 98°21'13" W.)

Issued in Washington, DC, on July 27, 2010.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. 2010-19270 Filed 8-4-10; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms, and Explosives

#### 27 CFR Part 478

[Docket No. ATF 30P; AG Order No. 3182-2010]

RIN 1140-AA34

#### Elimination of Firearms Transaction Record, ATF Form 4473 (Low Volume) (2008R-21P)

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Department of Justice.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Department of Justice is proposing to amend the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) by eliminating the Firearms Transaction Record, ATF Form 4473 (Low Volume (LV)), Parts I and II. These forms may be used by federally licensed firearms dealers as an alternate record for the receipt and disposition of firearms. Because licensees rarely use Forms 4473 (LV), ATF has determined that continued use of these forms is unwarranted and they should be eliminated. The standard Form 4473, Firearms Transaction Record, is being retained. If the proposed rule is adopted, licensees will be required to use the standard Form 4473 for all dispositions and maintain a record of the acquisition and disposition of firearms in accordance with the regulations.

**DATES:** Written comments must be postmarked and electronic comments must be submitted on or before November 3, 2010. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after midnight Eastern Time on the last day of the comment period.

**ADDRESSES:** Send comments to any of the following addresses—

- Scott P. Armstrong-Cezar, Industry Operations Specialist, Room 6N-602, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Department of Justice, 99 New York Avenue, NE.,

Washington, DC 20226; *Attn:* ATF 30P. Written comments must appear in a minimum 12-point size of type (.17 inches), include your mailing address, be signed, and may be of any length.

- 202-648-9741 (facsimile).
- <http://www.regulations.gov>. Federal eRulemaking portal; follow the instructions for submitting comments.

You may also view an electronic version of this proposed rule at the <http://www.regulations.gov> site.

See the Public Participation section at the end of the **SUPPLEMENTARY INFORMATION** section for instructions and requirements for submitting comments, and for information on how to request a public hearing.

#### FOR FURTHER INFORMATION CONTACT:

Scott P. Armstrong-Cezar, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Department of Justice, 99 New York Avenue, NE., Washington, DC 20226; *telephone:* (202) 648-7119.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Attorney General is responsible for enforcing the provisions of the Gun Control Act of 1968 (“the Act”), 18 U.S.C. chapter 44. Among other things, the Act authorizes the Attorney General to establish license and record-keeping requirements. Enforcement responsibility under the Act has been delegated to the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), subject to the direction of the Attorney General and the Deputy Attorney General. 28 CFR 0.130(a). Pursuant to an earlier delegation from the Secretary of the Treasury before ATF became a part of the Department of Justice in 2003, ATF has promulgated regulations that implement the provisions of the Act in 27 CFR part 478.

Section 478.125(e) requires that each federally licensed firearms dealer enter into a record each receipt and disposition of firearms. The record must be maintained in bound form under the format prescribed in the regulations. Regarding the purchase or other acquisition of a firearm by a licensed dealer, the record must show the date of receipt, the name and address or the name and license number of the person from whom received, the name of the manufacturer and importer (if any), the model, serial number, type, and the caliber or gauge of the firearm. Licensed dealers must also record certain information regarding the sale or other disposition of a firearm, e.g., the date of the sale or other disposition of the firearm, the name and address of the

person to whom the firearm is transferred, or the name and license number of the person to whom the firearm is transferred if such person is a licensee.

Section 478.124a, which became effective August 1, 1988, provides for alternate records for the receipt and disposition of firearms by licensed dealers. This section generally provides that a licensed dealer acquiring firearms and contemplating the disposition of not more than 50 firearms within a succeeding 12-month period to licensees or nonlicensees may maintain a record of the acquisition and disposition of such firearms on a firearms transaction record, Form 4473 (LV) Part I, Firearms Transaction Record Part I—Low Volume—Over-The-Counter, or Form 4473 (LV) Part II, Firearms Transaction Record Part II Low Volume—Intrastate Non-Over-The-Counter, in lieu of the records prescribed by § 478.125(e). A licensed dealer who maintains alternate records pursuant to § 478.124a, but whose firearms dispositions exceed 50 firearms within a 12-month period, must make and maintain the acquisition and disposition records required by § 478.125(e) with respect to each firearm exceeding 50.

The standard Form 4473, Firearms Transaction Record, is the form commonly used by firearms licensees to effect distributions of firearms to nonlicensed individuals. This form is supported by the licensee’s acquisition and disposition summary record. The Form 4473 (LV) combines the acquisition and disposition record into the form for use by low volume licensees (i.e., dealers distributing not more than 50 firearms per year).

##### II. Proposed Rule

ATF has determined that firearms licensees rarely use the Firearms Transaction Record, Form 4473 (LV), Parts I or II. According to ATF’s Distribution Center, of the approximately 70,000 orders it receives annually for various forms, there are rarely, if ever, requests for Form 4473 (LV). The form has not been printed since 2005 and, in the most recent six-month reporting period (August 2008 to February 2009), ATF has received no requests for the form. Because of Form 4473 (LV)’s infrequent use, ATF believes the form should be eliminated.

In addition, since § 478.124a became effective, there have been several legislative amendments to the Gun Control Act, which have resulted in numerous revisions to the Form 4473 (LV). ATF has determined that updating and revising this form, along with the