

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### 10 CFR Part 1703

#### FOIA Fee Schedule Update

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Establishment of FOIA Fee Schedule.

**SUMMARY:** The Defense Nuclear Facilities Safety Board is publishing its Freedom of Information Act (FOIA) Fee Schedule Update pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations.

**DATES:** *Effective Date:* June 15, 2010.

**FOR FURTHER INFORMATION CONTACT:** Brian Grosner, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004-2901, (202) 694-7060.

**SUPPLEMENTARY INFORMATION:** The FOIA requires each Federal agency covered by the Act to specify a schedule of fees applicable to processing of requests for

agency records. 5 U.S.C. 552(a)(4)(i). On May 14, 2010 the Board published for comment in the **Federal Register** its Proposed FOIA Fee Schedule, 75 FR 27228. No comments were received in response to that notice, and the Board is now establishing the Fee Schedule.

Pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations, the Board's General Manager will update the FOIA Fee Schedule once every 12 months. The previous Fee Schedule Update was published in the **Federal Register** and went into effect on May 1, 2009, 74 FR 20934.

#### Board Action

Accordingly, the Board issues the following schedule of updated fees for services performed in response to FOIA requests:

### DEFENSE NUCLEAR FACILITIES SAFETY BOARD SCHEDULE OF FEES FOR FOIA SERVICES [Implementing 10 CFR 1703.107(b)(6)]

Search or Review Charge .....	\$77.00 per hour.
Copy Charge (paper) .....	\$.12 per page, if done in-house, or generally available commercial rate (approximately \$.10 per page).
Electronic Media .....	\$5.00.
Copy Charge (audio cassette) .....	\$3.00 per cassette.
Duplication of DVD .....	\$25.00 for each individual DVD; \$16.50 for each additional individual DVD.
Copy Charge for large documents (e.g., maps, diagrams).	Actual commercial rates.

Dated: July 2, 2010.  
**Brian Grosner,**  
*General Manager.*  
[FR Doc. 2010-16919 Filed 7-9-10; 8:45 am]  
**BILLING CODE 3670-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 121

[Docket No.: FAA-2009-1059; SFAR 106]

RIN 2120-AJ77

#### Use of One Additional Portable Oxygen Concentrator Device on Board Aircraft

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Special Federal Aviation Regulation 106 (SFAR 106), Rules for Use of Portable Oxygen Concentrator Systems on Board Aircraft, to allow for the use of one additional

portable oxygen concentrator (POC) device on board aircraft, provided certain conditions in the SFAR are met. This action is necessary to allow all POC devices deemed acceptable by the FAA for use in air commerce to be available to the traveling public in need of oxygen therapy. When this rule becomes effective, there will be 12 different POC devices the FAA finds acceptable for use on board aircraft. Passengers will be able to carry these devices on board the aircraft and use them with the approval of the aircraft operator.

**DATES:** This amendment becomes effective July 12, 2010.

**FOR FURTHER INFORMATION CONTACT:** DK Deaderick, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Telephone: 202-267-8166.

**SUPPLEMENTARY INFORMATION:**

#### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code (49 U.S.C.). 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.

The FAA is authorized to issue this final rule pursuant to 49 U.S.C. 44701. Under that section, the FAA is authorized to establish regulations and minimum standards for other practices, methods, and procedures the Administrator finds necessary for air commerce and national security.

#### Background

On July 12, 2005, the FAA published Special Federal Aviation Regulation 106 (SFAR 106) entitled, "Use of Certain Portable Oxygen Concentrator Devices Onboard Aircraft" (70 FR 40156). SFAR 106 is the result of a notice the FAA published in July 2004 (69 FR 42324) to address the needs of passengers who