

rulemaking action qualifies for the categorical exclusion identified in paragraph 312f and involves no extraordinary circumstances.

### Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a "significant energy action" under the executive order because it is not a "significant regulatory action" and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

### Availability of Rulemaking Documents

You can get an electronic copy using the Internet by:

(1) Searching the Federal eRulemaking Portal at <http://www.regulations.gov>;

(2) Visiting the FAA's Regulations and Policies Web page at [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/); or

(3) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the amendment number or docket number of this rulemaking.

### Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official, or the person listed under **FOR FURTHER INFORMATION CONTACT**. You can find out more about SBREFA on the Internet at our site, [http://www.faa.gov/regulations\\_policies/rulemaking/sbre\\_act/](http://www.faa.gov/regulations_policies/rulemaking/sbre_act/).

### List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Airmen, Alcohol abuse, Drug abuse, Reporting and recordkeeping requirements.

### The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends SFAR No. 106 to Chapter II of

Title 14, Code of Federal Regulations, as follows:

### PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 1. The authority citation for part 121 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 1153, 40101, 40102, 40103, 40113, 41721, 44105, 44106, 44111, 44701-44717, 44722, 44901, 44903, 44904, 44906, 44912, 44914, 44936, 44938, 46103, 46105.

■ 2. Amend SFAR 106 by revising sections 2 and 3(a) introductory text to read as follows:

#### Special Federal Aviation Regulation 106—Rules for Use of Portable Oxygen Concentrator Systems on Board Aircraft

\* \* \* \* \*

Section 2. *Definitions*—For the purposes of this SFAR the following definitions apply: Portable Oxygen Concentrator: means the *AirSep FreeStyle*, *AirSep LifeStyle*, *Delphi RS-00400*, *DeVilbiss Healthcare iGo*, *Inogen One*, *Inogen One G2*, *International Biophysics LifeChoice*, *Invacare XPO100*, *Oxlife Independence Oxygen Concentrator*, *Respironics EverGo*, and *SeQual Eclipse* Portable Oxygen Concentrator medical device units as long as those medical device units: (1) Do not contain hazardous materials as determined by the Pipeline and Hazardous Materials Safety Administration; (2) are also regulated by the Food and Drug Administration; and (3) assist a user of medical oxygen under a doctor's care. These units perform by separating oxygen from nitrogen and other gases contained in ambient air and dispensing it in concentrated form to the user.

Section 3. Operating Requirements—

(a) No person may use and no aircraft operator may allow the use of any portable oxygen concentrator device, except the *AirSep FreeStyle*, *AirSep LifeStyle*, *Delphi RS-00400*, *DeVilbiss Healthcare iGo*, *Inogen One*, *Inogen One G2*, *International Biophysics LifeChoice*, *Invacare XPO100*, *Oxlife Independence Oxygen Concentrator*, *Respironics EverGo*, and *SeQual Eclipse* Portable Oxygen Concentrator units. These units may be carried on and used by a passenger on board an aircraft provided the aircraft operator ensures that the following conditions are satisfied:

\* \* \* \* \*

Issued in Washington, DC, on December 22, 2009.

J. Randolph Babbitt,  
Administrator.

[FR Doc. E9-31380 Filed 1-5-10; 8:45 am]

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### SECURITIES AND EXCHANGE COMMISSION

#### 17 CFR Part 275

[Release No. IA-2965A; File No. S7-23-07]

RIN 3235-AJ96

#### Temporary Rule Regarding Principal Trades With Certain Advisory Clients

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** On December 30, 2009, the Securities and Exchange Commission published a **Federal Register** document adopting as final Rule 206(3)-3T under the Investment Advisers Act of 1940, the interim final temporary rule that establishes an alternative means for investment advisers who are registered with the Commission as broker-dealers to meet the requirements of Section 206(3) of the Investment Advisers Act when they act in a principal capacity in transactions with certain of their advisory clients. As adopted, the only change to the rule was the expiration date in paragraph (d) of the section. Rule 206(3)-3T will sunset on December 31, 2010. This document makes a correction to that document.

**DATES:** Effective December 31, 2009. The **DATES** section for FR Doc. 2009-30877, published on December 30, 2009 (74 FR 69009) is corrected to read "**DATES:** The amendments in this document are effective December 30, 2009 and the expiration date for 17 CFR 275.206(3)-3T is extended to December 31, 2010".

**FOR FURTHER INFORMATION CONTACT:** Sarah A. Bessin, Assistant Director, Daniel S. Kahl, Branch Chief, or Matthew N. Goldin, Senior Counsel, at (202) 551-6787 or [IArules@sec.gov](mailto:IArules@sec.gov), Office of Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-5041.

**SUPPLEMENTARY INFORMATION:** The Securities and Exchange Commission is correcting the **DATES** section for FR Doc. 2009-30877, published on December 30, 2009 (74 FR 69009), to read "**DATES:** The amendments in this document are effective December 20, 2009 and the expiration date for 17 CFR 275.206(3)-3T is extended to December 31, 2010."

By the Commission.

Dated: December 31, 2009.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. E9-31420 Filed 12-31-09; 4:15 pm]

BILLING CODE 8011-01-P

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

#### 31 CFR Part 1

#### Freedom of Information Act, Privacy Act of 1974; Implementation

**AGENCY:** Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of the Treasury's regulations on the disclosure of records under the Freedom of Information Act (FOIA) and its regulations concerning the Privacy Act of 1974 (Privacy Act). It also amends the appendices to these subparts setting forth the administrative procedures by which the Special Inspector General for the Troubled Asset Relief Program ("SIGTARP") will process requests for records made under the FOIA, and setting forth the administrative procedures by which SIGTARP will implement the Privacy Act. In addition, the document revises the list of Treasury offices and bureaus found in this part.

**DATES:** *Effective Date:* January 6, 2010.

**FOR FURTHER INFORMATION CONTACT:** Dale Underwood, Privacy Act Officer, Department of the Treasury, phone number 202-622-0874 or [dale.underwood@do.treas.gov](mailto:dale.underwood@do.treas.gov).

**SUPPLEMENTARY INFORMATION:** These regulations update the list of Treasury bureaus and offices enumerated in 31 CFR 1.1 and 1.20, and more closely reflect the organization of the Department as set out in Treasury Order 101-05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury" dated February 19, 2008.

Language is being added to the first paragraph of Section 1.1 to permit offices and bureaus to issue supplementary regulations applicable only to the component in question, which are consistent with the regulations. This will conform 31 CFR Section 1.1 with the language found in 31 CFR Section 1.20. Another change is to consistently use the term "component" in Section 1.1 and 1.20 rather than using the term "offices and

bureaus" in one and "components" in the other.

The document also amends 31 CFR part 1 and the FOIA and Privacy Act procedures of Treasury's Departmental Offices found in the appendices to subparts A and C of this Part. It reflects the creation of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP) authorized under Section 121 of The Emergency Economic Stabilization Act of 2008 ("Act"), Public Law 110-343. As an independent office of the Department of Treasury, SIGTARP is responsible for coordinating and conducting audits and investigations of the Troubled Asset Relief Program established by the Secretary under the Act.

The passage of the Homeland Security Act of 2002 established the Alcohol and Tobacco Tax and Trade Bureau (TTB) as a bureau of the Department of the Treasury and transferred certain functions of the Bureau of Alcohol, Tobacco, and Firearms to the Department of Justice. Three other bureaus, the United States Customs Service, Federal Law Enforcement Training Center, and the United States Secret Service, were transferred to the Department of Homeland Security. This final rule makes the necessary housekeeping changes to reflect the transfer of these bureaus and functions to other Federal Departments and the establishment of SIGTARP by revising the list of Treasury bureaus and offices and re-designating the respective paragraphs of Sections 1.1 and 1.20.

As part of the review undertaken to identify minor changes to the regulations in Subpart C it was found that a system of records that had been deleted from the Department's inventory of systems of records on April 17, 1992, at 57 FR 13900 had not been removed from the list of Privacy Act systems of records for which an exemption has been claimed pursuant to 5 USC 552a (k)(2). The final regulation makes this correction to Section 1.36 of subpart C, Paragraph (g)(1)(v)(iii) by removing the system of records entitled "IRS 42.012-Combined Case Control File" from the table.

Appendix A to subpart A of Part 1 (FOIA) is being amended to update the titles of those officials who have been identified for receipt of FOIA requests, administrative appeals, and appellate determinations for requests for expedited processing.

Appendix A to subpart C of Part 1 (Privacy Act) is being amended to update the offices or titles of those who receive Privacy Act requests, requests for amendment of records or administrative appeal of an initial

determination not to amend a record. In addition, the instructions found in this appendix for delivering requests personally to the Main Treasury Building are being deleted because of the increased security requirements caused by Treasury's proximity to the White House.

These regulations are being published as a final rule because the amendments do not impose any requirements on any member of the public and do not alter the procedures relating to the way in which the Departmental Offices currently handle FOIA and PA obligations. These amendments are the most efficient means for the Treasury Department to implement its internal requirements for complying with the FOIA and the Privacy Act. Accordingly, pursuant to 5 U.S.C. 553(b)(B) and (d)(3), the Department of the Treasury finds good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary and finds good cause for making this rule effective on the date of publication in the **Federal Register**.

In accordance with Executive Order 12866, it has been determined that this final rule is not a "significant regulatory action" and, therefore, does not require a Regulatory Impact Analysis.

The regulation 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.

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

#### List of Subjects in 31 CFR Part 1

Freedom of Information; Privacy.

■ Part 1 of Title 31 of the Code of Federal Regulations is amended as follows:

#### PART 1—[AMENDED]

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

**Authority:** 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also is issued under 5 U.S.C. 552, as amended. Subpart C also is issued under 5 U.S.C. 552a.

#### Subpart A—Freedom of Information Act

■ 2. In § 1.1 revise paragraph (a) to read as follows: