

• Retention of records should only be in cases where there is a reasonable suspicion of criminal or terrorist activity;

- The retention period should be shortened;
- Records should only be maintained on non-U.S. Citizens; and
- Records should only be shared pursuant to a court order.

Responses to all these recommendations have been provided elsewhere within this document.

Upon careful review of the submitted public comments, having taken into consideration public comments resulting from this NPRM and SORN, as well as the Department's position on these public comments, DHS has determined that for the reasons stated, it is important that the exemptions remain in place. DHS will implement the rulemaking as proposed.

List of Subjects in 6 CFR Part 5

Freedom of information; Privacy.

■ For the reasons stated in the preamble, DHS amends Chapter I of Title 6, Code of Federal Regulations, as follows:

PART 5—DISCLOSURE OF RECORDS AND INFORMATION

■ 1. The authority citation for Part 5 continues to read as follows:

Authority: Pub. L. 107–296, 116 Stat. 2135, 6 U.S.C. 101 *et seq.*; 5 U.S.C. 301. Subpart A also issued under 5 U.S.C. 552. Subpart B also issued under 5 U.S.C. 552a.

■ 2. Add at the end of Appendix C to Part 5, Exemption of Record Systems under the Privacy Act, the following new paragraph “46”:

Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act

* * * * *

46. The DHS/CBP—007 Border Crossing Information system of records will maintain border crossing information on travelers who are admitted or paroled into the United States. This information includes: certain biographical information; a photograph (if available); certain itinerary information provided by air and sea carriers and any other forms of passenger transportation, including rail, which is or may subsequently be mandated, or is or may be provided on a voluntary basis; and the time and location of the border crossing. This system may contain records or information pertaining to the

accounting of disclosures made from DHS/CBP—007 Border Crossing Information system of records to agencies (Federal, State, Local, Tribal, Foreign, or International), in accordance with the published routine uses. For the accounting of these disclosures only, the Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act, subject to the limitations set forth in 5 U.S.C. 552(c)(3); (e)(8); and (g) pursuant to 5 U.S.C. 552a(j)(2). Additionally, for the accounting of these disclosures only, the Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act, subject to the limitations set forth in 5 U.S.C. 552(c)(3); (e)(8); and (g) pursuant to 5 U.S.C. 552a(k)(2). Further, no exemption shall be asserted with respect to biographical or travel information submitted by, and collected from, a person's travel documents or submitted from a government computer system to support or to validate those travel documents. After conferring with the appropriate component or agency, DHS may waive applicable exemptions in appropriate circumstances and where it would not appear to interfere with or adversely affect the law enforcement purposes of the systems from which the information is recompiled or in which it is contained. Exemptions from the above particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, when information in this system or records is recompiled or is created from information contained in other systems of records subject to exemptions for the following reasons:

(a) From subsection (c)(3) (Accounting for Disclosures) because making available to a record subject to the accounting of disclosures from records concerning him or her would specifically reveal any investigative interest in the individual. Revealing this information could reasonably be expected to compromise ongoing efforts to investigate a violation of U.S. law, including investigations of a known or suspected terrorist or criminal, or other person of interest, by notifying the record subject that he or she is under investigation. This information could also permit the record's subject to take measures to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid or impede the investigation.

(b) From subsection (e)(8) (Notice to Individuals) because to require individual notice of disclosure of information due to compulsory legal process would pose an impossible administrative burden on DHS and other agencies and could alert the subjects of counterterrorism or law enforcement investigations to the fact of those investigations when not previously known.

(c) From subsection (g) (Civil Remedies) to the extent that the system is exempt from other specific subsections of the Privacy Act.

Dated: January 21, 2010.

Mary Ellen Callahan,
Chief Privacy Officer, Department of
Homeland Security.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150–AI01

[NRC–2007–0008]

Alternate Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a rule that appeared in the **Federal Register** on January 4, 2010 (75 FR 13), that amends the NRC's regulations to provide alternate fracture toughness requirements for protection against pressurized thermal shock (PTS) events for pressurized water reactor (PWR) pressure vessels. This document is necessary to correct formatting and typographical errors in paragraph (g).

DATES: The correction is effective February 3, 2010, the date the original rule becomes effective.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rulemaking and Directives Branch, Office of Administration, Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone 301–492–3663, e-mail Michael.Lesar@nrc.gov.

SUPPLEMENTARY INFORMATION: In FR doc. E9–31146, published on January 4, 2010, make the following correction:

§ 50.61a [Corrected]

■ 1. On page 27, paragraph (g) of § 50.61a is corrected to read as follows:
(g) *Equations and variables used in this section.*

$$\text{Equation 1: } RT_{\text{MAX}} - \text{AW} = \text{MAX} \left\{ \left[RT_{\text{NDT(U)} - \text{plate}} + \Delta T_{30 - \text{plate}} \right], \left[RT_{\text{NDT(U)} - \text{axial weld}} + \Delta T_{30 - \text{axial weld}} \right] \right\}$$

$$\text{Equation 2: } RT_{\text{MAX}} - \text{PL} = RT_{\text{NDT(U)} - \text{plate}} + \Delta T_{30 - \text{plate}}$$

Equation 3: $RT_{MAX-FO} = RT_{NDT(U)-forging} + \Delta T_{30-forging}$

Equation 4: $RT_{MAX-CW} = MAX \left\{ \left[RT_{NDT(U)-plate} + \Delta T_{30-plate} \right], \left[RT_{NDT(U)-circweld} + \Delta T_{30-circweld} \right], \left[RT_{NDT(U)-forging} + \Delta T_{30-forging} \right] \right\}$

Equation 5: $\Delta T_{30} = MD + CRP$

Equation 6: $MD = A \times (1 - 0.001718 \times T_C) \times (1 + 6.13 \times P \times Mn^{2.471}) \times \phi t_e^{0.5}$

Equation 7: $CRP = B \times (1 + 3.77 \times Ni^{1.191}) \times f(Cu_e, P) \times g(Cu_e, Ni, \phi t_e)$

where:

- P [wt-%] = phosphorus content
- Mn [wt-%] = manganese content
- Ni [wt-%] = nickel content
- Cu [wt-%] = copper content
- A = 1.140×10^{-7} for forgings
- A = 1.451×10^{-7} for plates
- A = 1.417×10^{-7} for welds
- B = 102.3 for forgings
- B = 102.5 for plates in non-Combustion Engineering manufactured vessels
- B = 135.2 for plates in Combustion Engineering vessels
- B = 155.0 for welds

- $\phi t_e = \phi t$ for $\phi \geq 4.39 \times 10^{10}$ n/cm²/sec
- $\phi t_e = \phi t \times (4.39 \times 10^{10} / \phi)^{0.2595}$ for $\phi < 4.39 \times 10^{10}$ n/cm²/sec

where:

- ϕ [n/cm²/sec] = average neutron flux
- t [sec] = time that the reactor has been in full power operation
- ϕt [n/cm²] = $\phi \times t$
- f(Cu_e, P) = 0 for Cu ≤ 0.072
- f(Cu_e, P) = [Cu_e - 0.072]^{0.668} for Cu > 0.072 and P ≤ 0.008
- f(Cu_e, P) = [Cu_e - 0.072 + 1.359 × (P - 0.008)]^{0.668} for Cu > 0.072 and P > 0.008

where:

- Cu_e = 0 for Cu ≤ 0.072
- Cu_e = MIN (Cu, maximum Cu_e) for Cu > 0.072
- maximum Cu_e = 0.243 for Linde 80 welds
- maximum Cu_e = 0.301 for all other materials

$g(Cu_e, Ni, \phi t_e) = 0.5 + (0.5 \times \tanh \{ [\log_{10}(\phi t_e) + (1.1390 \times Cu_e) - (0.448 \times Ni) - 18.120] / 0.629 \})$

Equation 8: Residual (r) = measured ΔT_{30} - predicted ΔT_{30} (by Equations 5, 6 and 7)

Equation 9: Mean deviation for a data set of n data points = $(1/n) \times \sum_{i=1}^n r_i$

Equation 10: Maximum credible heat-average residual = $2.33\sigma/n^{0.5}$

where:

- n = number of surveillance data points (sample size) in the specific data set
- σ = standard deviation of the residuals about the model for a relevant material group given in Table 5.

Equation 11: $T_{SURV} = \frac{m}{se(m)}$

where:

- m is the slope of a plot of all of the r values (estimated using Equation 8) versus the base 10 logarithm of the neutron fluence for each r value. The slope shall be estimated using the method of least squares.

se(m) is the least squares estimate of the standard-error associated with the estimated slope value m.

Equation 12: $r^* = \frac{r}{\sigma}$

where:

- r is defined using Equation 8 and σ is given in Table 5

TABLE 1—PTS SCREENING CRITERIA

Product form and RT _{MAX-X} values	RT _{MAX-X} limits [°F] for different vessel wall thicknesses ⁶ (T _{WALL})		
	T _{WALL} ≤ 9.5 in.	9.5 in. < T _{WALL} ≤ 10.5 in.	10.5 in. < T _{WALL} ≤ 11.5 in.
Axial Weld—RT _{MAX-AW}	269	230	222
Plate—RT _{MAX-PL}	356	305	293
Forging without underclad cracks—RT _{MAX-FO} ⁷	356	305	293
Axial Weld and Plate—RT _{MAX-AW} + RT _{MAX-PL}	538	476	445
Circumferential Weld—RT _{MAX-CW} ⁸	312	277	269
Forging with underclad cracks—RT _{MAX-FO} ⁹	246	241	239

⁶Wall thickness is the beltline wall thickness including the clad thickness.

⁷Forgings without underclad cracks apply to forgings for which no underclad cracks have been detected and that were fabricated in accordance with Regulatory Guide 1.43.

⁸RT_{PTS} limits contribute 1×10⁻⁸ per reactor year to the reactor vessel TWCF.

⁹Forgings with underclad cracks apply to forgings that have detected underclad cracking or were not fabricated in accordance with Regulatory Guide 1.43.

TABLE 2—ALLOWABLE NUMBER OF FLAWS IN WELDS

Through-wall extent, TWE [in.]		Maximum number of flaws per 1,000-inches of weld length in the inspection volume that are greater than or equal to TWE _{MIN} and less than TWE _{MAX}
TWE _{MIN}	TWE _{MAX}	
0	0.075	No Limit.
0.075	0.475	166.70.
0.125	0.475	90.80.
0.175	0.475	22.82.
0.225	0.475	8.66.
0.275	0.475	4.01.
0.325	0.475	3.01.
0.375	0.475	1.49.
0.425	0.475	1.00.
0.475	Infinite	0.00.

TABLE 3—ALLOWABLE NUMBER OF FLAWS IN PLATES AND FORGINGS

Through-wall extent, TWE [in.]		Maximum number of flaws per 1,000 square-inches of inside surface area in the inspection volume that are greater than or equal to TWE _{MIN} and less than TWE _{MAX} . This flaw density does not include underclad cracks in forgings
TWE _{MIN}	TWE _{MAX}	
0	0.075	No Limit.
0.075	0.375	8.05.
0.125	0.375	3.15.
0.175	0.375	0.85.
0.225	0.375	0.29.
0.275	0.375	0.08.
0.325	0.375	0.01.
0.375	Infinite	0.00.

TABLE 4—CONSERVATIVE ESTIMATES FOR CHEMICAL ELEMENT WEIGHT PERCENTAGES

Materials	P	Mn
Plates	0.014	1.45
Forgings	0.016	1.11
Welds	0.019	1.63

TABLE 5—MAXIMUM HEAT-AVERAGE RESIDUAL [°F] FOR RELEVANT MATERIAL GROUPS BY NUMBER OF AVAILABLE DATA POINTS (SIGNIFICANCE LEVEL = 1%)

Material group	σ [°F]	Number of available data points					
		3	4	5	6	7	8
Welds, for Cu > 0.072	26.4	35.5	30.8	27.5	25.1	23.2	21.7
Plates, for Cu > 0.072	21.2	28.5	24.7	22.1	20.2	18.7	17.5
Forgings, for Cu > 0.072	19.6	26.4	22.8	20.4	18.6	17.3	16.1
Weld, Plate or Forging, for Cu ≤ 0.072	18.6	25.0	21.7	19.4	17.7	16.4	15.3

TABLE 6—T_{MAX} VALUES FOR THE SLOPE DEVIATION TEST (SIGNIFICANCE LEVEL = 1%)

Number of available data points (n)	T _{MAX}
3	31.82
4	6.96
5	4.54
6	3.75
7	3.36
8	3.14

TABLE 6—T_{MAX} VALUES FOR THE SLOPE DEVIATION TEST (SIGNIFICANCE LEVEL = 1%)—Continued

Number of available data points (n)	T _{MAX}
9	3.00
10	2.90
11	2.82
12	2.76
13	2.72
14	2.68

TABLE 6—T_{MAX} VALUES FOR THE SLOPE DEVIATION TEST (SIGNIFICANCE LEVEL = 1%)—Continued

Number of available data points (n)	T _{MAX}
15	2.65

Dated at Rockville, Maryland, this 29th day of January 2010.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

*Chief, Rulemaking and Directives Branch,
Division of Administrative Services, Office
of Administration.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 648

[Docket No. 0907281181-0040-03]

RIN 0648-AX93

Fisheries of the Northeastern United States; Reporting Requirement for Midwater Trawl Vessels Fishing in Closed Area I

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; effectiveness of a collection-of-information requirement.

SUMMARY: NMFS announces approval by the Office of Management and Budget (OMB) of a collection-of-information requirement contained in Northeast (NE) Multispecies regulations for midwater trawl herring vessels that fish in groundfish Closed Area I (CA I). The intent of this final rule is to implement these additional reporting requirements.

DATES: This rule is effective March 5, 2010. The amendments to 50 CFR 648.14(r)(2)(vii) and 648.80(d)(7)(iii)(B), published in the **Federal Register** on November 2, 2009 (74 FR 56562), will become effective on March 5, 2010.

ADDRESSES: Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to the Regional Administrator, NMFS Northeast Region, 55 Great Republic Drive, Gloucester, MA 01930 and by e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395-7285.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Policy Analyst, (978) 281-9341, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION: A final rule implementing modifications to the Gulf of Maine/Georges Bank (GOM/GB) Herring Midwater Trawl Gear Letter of Authorization (LOA) published in the **Federal Register** on November 2, 2009 (74 FR 56562). The measures contained

in the rule were effective upon publication, with the exception of new requirements for vessel operators to complete and submit a CA I Midwater Trawl Released Codend Affidavit. Because OMB approval of the CA I Midwater Trawl Released Codend Affidavit had not been received by the date the final rule was published, NMFS delayed the effective date of the associated reporting requirements. These reporting requirements were detailed in the proposed rule (September 4, 2009; 74 FR 45798), with public comment accepted through September 27, 2009. All comments received on the proposed measures were addressed in the November 2, 2009, final rule and are not repeated here.

On January 4, 2010, OMB approved, without change, the collection-of-information contained in the CA I Midwater Trawl Released Codend Affidavit. Accordingly, effective March 5, 2010, if a vessel issued an All Areas and/or an Areas 2 and 3 Limited Access Herring Permit releases a net in CA I before the fish can be sampled by the observer, the vessel operator must complete and sign a CA I Midwater Trawl Released Codend Affidavit, as specified in §§ 648.14(r)(2)(vii) and 648.80(d)(7)(iii)(B). The CA I Midwater Trawl Released Codend Affidavit form includes details of where, when, and why the net was released as well as a good-faith estimate of both the total weight of fish caught on that tow and the weight of fish released (if the tow had been partially pumped). The completed affidavit form must be submitted to NMFS within 48 hr of the completion of the trip.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary of Oceans and Atmosphere has delegated to the Assistant Administrator for Fisheries, NOAA, the authority to sign material for publication in the **Federal Register**.

Classification

There is good cause under 5 U.S.C. § 553(b)(B) to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to the public interest. This reporting requirement was detailed in the September 4, 2009, proposed rule, with public comments accepted through September 27, 2009. This reporting requirement was also detailed in the November 2, 2009, final rule, which also explained that implementation of the requirement was delayed pending OMB approval of the form. Therefore, the public has previously been provided with notice of this measure and opportunity to

comment. Providing additional notice and comment would further delay the collection of bycatch discard information. The time required for additional notice and public comment would likely delay the implementation of this reporting requirement past the period in early spring when midwater trawl vessels have historically fished in Closed Area I. If this reporting requirement were not in place by that time, valuable information on bycatch discard would not be collected. The New England Fishery Management Council has expressed an interest in using data collected under this program in the current development of Amendment 5 to the FMP.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule contains a new collection-of-information requirement subject to the Paperwork Reduction Act (PRA). The new collection-of-information requirement pertaining to the CA I Midwater Trawl Released Codend Affidavit has been approved by OMB under OMB control number 0648-0602. Public reporting burden for these requirements is estimated to average 5 min per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS at the **ADDRESSES** above, and e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 15 CFR Part 902

Reporting and recordkeeping requirements.

Dated: January 28, 2010.

Samuel D. Rauch III,

*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

■ For the reasons set out in the preamble, 15 CFR part 902 is amended as follows: