

number of federal law enforcement and intelligence agencies. In appropriate circumstances, where compliance would not appear to interfere with or adversely affect the law enforcement purposes of this system and the overall law enforcement process, the applicable exemptions may be waived.

A notice of system of records for DHS/CBP-006—Automated Targeting System (ATS) System of Records is also published in this issue of the **Federal Register**.

List of Subjects in 6 CFR Part 5

Freedom of information; Privacy.

For the reasons stated in the preamble, DHS proposes to amend 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: 6 U.S.C. 101 *et seq.*; Pub. L. 107–296, 116 Stat. 2135; 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. Replace paragraph 45 at the end of Appendix C to Part 5, with the following:

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

* * * * *

45. The DHS/CBP-006—Automated Targeting System (ATS) System of Records consists of electronic and paper records and will be used by DHS and its components. The DHS/CBP-006—Automated Targeting System (ATS) System of Records is a repository of information held by DHS in connection with its several and varied missions and functions, including, but not limited to the enforcement of civil and criminal laws; investigations, inquiries, and proceedings there under; national security and intelligence activities. The DHS/CBP-006—Automated Targeting System (ATS) System of Records contains information that is collected by, on behalf of, in support of, or in cooperation with DHS and its components and may contain personally identifiable information collected by other federal, state, local, tribal, foreign, or international government agencies. The Secretary of Homeland Security has exempted this system from certain provisions of the Privacy Act as follows:

- Pursuant to 5 U.S.C. 552a(j)(2), the system is exempt from 5 U.S.C. 552a(c)(3) and (c)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

- Pursuant to 5 U.S.C. 552a(j)(2), the system (except for passenger name records (PNR) collected by CBP pursuant to its statutory authority, 49 U.S.C. 44909, as implemented by 19 CFR 122.49d; Importer Security Filing (10+2 documentation) information; and any records that were ingested by ATS where the source system of

records already provides access and/or amendment under the Privacy Act) is exempt from 5 U.S.C. 552a(d)(1), (d)(2), (d)(3), and (d)(4).

- Pursuant to 5 U.S.C. 552a(k)(1) and (k)(2), the system is exempt from 5 U.S.C. 552a(c)(3); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f).

- Pursuant to 5 U.S.C. 552a(k)(1) and (k)(2), the system (except for passenger name records (PNR) collected by CBP pursuant to its statutory authority, 49 U.S.C. § 44909, as implemented by 19 CFR 122.49d; Importer Security Filing (10+2 documentation) information; and any records that were ingested by ATS where the source system of records already provides access and/or amendment under the Privacy Act) is exempt from (d)(1), (d)(2), (d)(3), and (d)(4).

Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(a) From subsection (c)(3) and (4) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

(b) From subsection (d) (Access to Records) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS or another agency. Access to the records could permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension. Amendment of the records could interfere with ongoing investigations and law enforcement activities and would impose an unreasonable administrative burden by requiring investigations to be continually reinvestigated. In addition, permitting access and amendment to such information could disclose classified and security-sensitive information that could be detrimental to homeland security.

(c) From subsection (e)(1) (Relevancy and Necessity of Information) because in the course of investigations into potential violations of federal law, the accuracy of information obtained or introduced occasionally may be unclear, or the information may not be strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of unlawful activity.

(d) From subsection (e)(2) (Collection of Information from Individuals) because

requiring that information be collected from the subject of an investigation would alert the subject to the nature or existence of the investigation, thereby interfering with that investigation and related law enforcement activities.

(e) From subsection (e)(3) (Notice to Individuals) because providing such detailed information could impede law enforcement by compromising the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(f) From subsections (e)(4)(G), (e)(4)(H), and (e)(4)(I) (Agency Requirements) and (f) (Agency Rules), because portions of this system are exempt from the individual access provisions of subsection (d) for the reasons noted above, and therefore DHS is not required to establish requirements, rules, or procedures with respect to such access. Providing notice to individuals with respect to existence of records pertaining to them in the system of records or otherwise setting up procedures pursuant to which individuals may access and view records pertaining to themselves in the system would undermine investigative efforts and reveal the identities of witnesses, and potential witnesses, and confidential informants.

(g) From subsection (e)(5) (Collection of Information) because with the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Compliance with subsection (e)(5) would preclude DHS agents from using their investigative training and exercise of good judgment to both conduct and report on investigations.

(h) From subsection (e)(8) (Notice on Individuals) because compliance would interfere with DHS's ability to obtain, serve, and issue subpoenas, warrants, and other law enforcement mechanisms that may be filed under seal and could result in disclosure of investigative techniques, procedures, and evidence.

(i) From subsection (g)(1) (Civil Remedies) to the extent that the system is exempt from other specific subsections of the Privacy Act.

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

[FR Doc. 2012–12395 Filed 5–22–12; 8:45 am]

BILLING CODE 9110–06–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM–50–105; NRC–2012–0056]

In-core Thermocouples at Different Elevations and Radial Positions in Reactor Core

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; receipt and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is publishing for public comment a notice of receipt for a petition for rulemaking (PRM), dated February 28, 2012, which was filed with the NRC by Mr. Mark Edward Leyse (the petitioner). The petition was docketed by the NRC on March 2, 2012, and assigned Docket No. PRM-50-105. The petitioner requests that the NRC amend its regulations to “require all holders of operating licenses for nuclear power plants (“NPP”) to operate NPPs with in-core thermocouples at different elevations and radial positions throughout the reactor core.”

DATES: Submit comments by August 6, 2012. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date. Due to resource constraints the NRC cannot guarantee explicit response to comments received after this date.

ADDRESSES: You may access information and comment submissions related to this petition for rulemaking, which the NRC possesses and are publicly available, by searching on <http://www.regulations.gov> under Docket ID NRC-2012-0056. You may submit comments by the following methods:

- *Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0056. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: Carol.Gallagher@nrc.gov.

- *Email comments to:* Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301-415-1677.

For additional direction on accessing information and submitting comments, see “Accessing Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear

Regulatory Commission, Washington, DC 20555-0001; telephone: 301-492-3667, email: Cindy.Bladey@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC-2012-0056 when contacting the NRC about the availability of information for this petition for rulemaking. You may access information related to this petition for rulemaking, which the NRC possesses and is publicly available, by the following methods:

- *Federal Rulemaking Web Site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0056.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The incoming petition is in ADAMS under accession No. ML12065A215.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2012-0056 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information

before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. The Petitioner

The petition states that the petitioner previously submitted an earlier PRM to the NRC on emergency core cooling systems (ADAMS Accession No. ML070871368), which the NRC assigned Docket ID PRM-50-84 (73 FR 71564; November 25, 2008). In addition, the petition states that the petitioner co-authored a paper entitled, “Considering the Thermal Resistance of Crud in LOCA Analysis” (American Nuclear Society, 2009 Winter Meeting, Washington, DC (November 15-19, 2009)).

III. The Petition

In its petition (ADAMS Accession No. ML12065A215), the petitioner requests that the NRC amend its regulations in Title 10 of the Code of Federal Regulations (10 CFR) part 50, “Domestic Licensing of Production and Utilization Facilities,” to “require all holders of operating licenses for nuclear power plants (“NPP”) to operate NPPs with in-core thermocouples at different elevations and radial positions throughout the reactor core to enable NPP operators to accurately measure a large range of in-core temperatures in NPP steady-state and transient conditions.” The petitioner further asserts that, in the event of a severe accident, in-core thermocouples would provide NPP operators with “crucial information to help operators manage the accident.”

In addition to several other reports and findings cited by the petitioner to support the petition, the petitioner cites the “Report of the President’s Commission on the Accident at Three Mile Island [TMI]: The Need for Change: The Legacy of TMI,” dated October 1979. The petitioner states that “[i]n the last three decades, NRC has not made a regulation requiring that NPPs operate with in-core thermocouples at different elevations and radial positions throughout the reactor core to enable NPP operators to accurately measure a large range of in-core temperatures in NPP steady-state and transient conditions, which would help fulfill the President’s Commission recommendations. If another severe accident were to occur in the United States, NPP operators would not know what the in-core temperatures were during the progression of the accident.” The petitioner continues by stating that “[i]n a severe accident, core-exit thermocouples would be the primary

tool that was used to detect inadequate core cooling and core uncover.” The petitioner states “[t]he problem with using a predetermined core-exit temperature measurement to signal the time for NPP operators to transition from EOPs [Emergency Operating Procedures] to implementing SAMGs [Severe Accident Management Guidelines] is that experimental data indicates that core-exit temperature (“CET”) measurements have significant limitations: (1) “[t]he use of the CET measurements has limitations in detecting inadequate core cooling and core uncover;” (2) “[t]he CET indication displays in all cases a significant delay (up to several 100 [seconds]);” and (3) “[t]he CET reading is always significantly lower (up to several 100 [Kelvin]) than the actual maximum cladding temperature.”¹ The petitioner continues by asserting that “despite the fact that ‘the nuclear industry developed SAMGs during the 1980s and 1990s in response to the [Three Mile Island] accident and followup activities,’ which ‘included extensive research and study (including several [probabilistic risk assessments]) on severe accidents and severe accident phenomena,’² NRC and the nuclear industry have ignored experimental data indicating that CET measurements have significant limitations. And ignored the President’s Commission recommendations that NPPs have ‘instruments that can provide proper warning and diagnostic information; for example, the measurement of the full range of temperatures within the reactor vessel under normal and abnormal conditions.’”³

The petitioner cites the NRC’s July 2011 “Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident,” by stating that “EOPs typically cover accidents to the point of loss of core cooling and initiation of inadequate core cooling (e.g., core exit temperatures in PWRs greater than 649 degrees Celsius (1200 degrees

Fahrenheit)).”⁴ The petitioner continues by stating “[u]nfortunately, NRC and Westinghouse do not consider that experimental data from tests conducted at four facilities indicates that CET measurements would not be an adequate indicator for when to transition from EOPs to implementing SAMGs in a severe accident.”

The petitioner cites findings of experiments, including a LOFT LP-FP-2 experiment, and states that “[t]he results of LOFT LP-FP-2 and other experiments demonstrate the need for NPPs to operate with in-core thermocouples at different elevations and radial positions throughout the reactor core to enable NPP operators to accurately measure a large range of in-core temperatures in NPP steady-state and transient conditions.”

The petition states that the “[p]etitioner is submitting this 10 CFR 2.802 petition because if NPPs were to operate with in-core thermocouples at different elevations and radial positions throughout the reactor core to enable NPP operators to accurately measure a large range of in-core temperatures in NPP steady-state and transient conditions, it would help improve public and plant-worker safety. In the event of a severe accident, in-core thermocouples would enable NPP operators to accurately measure in-core temperatures, providing crucial information to help operators manage the accident; for example, indicating the time to transition from EOPs to implementing SAMGs.” The petitioner also asserts that “[i]f implemented, the regulation proposed in this petition for rulemaking would help improve public and plant-worker safety.”

Dated at Rockville, Maryland, this 16th day of May 2012.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2012-12475 Filed 5-22-12; 8:45 am]

BILLING CODE 7590-01-P

¹ Robert Prior, *et al.*, OECD Nuclear Energy Agency, Committee on the Safety of Nuclear Installations, “Core Exit Temperature (CET) Effectiveness in Accident Management of Nuclear Power Reactor,” NEA/CSNI/R(2010)9, November 26 2010, p. 128.

² Charles Miller, *et al.*, NRC, “Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident,” SECY-11-0093, July 12, 2011, available at: www.nrc.gov, NRC Library, ADAMS Documents, Accession Number: ML 111861807, p. 47.

³ John G. Kemeny, *et al.*, “Report of the President’s Commission on the Accident at Three Mile Island: The Need for Change: The Legacy of TMI,” p. 72.

⁴ Charles Miller, *et al.*, “Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident,” p. 47.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2012-0287; Airspace Docket No. 11-AWP-21]

RIN 2120-AA66

Proposed Amendment of Air Traffic Service Routes; Southwestern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); correction.

SUMMARY: This action corrects the description of VOR Federal airway V-16 to include a previous amendment to the description that was inadvertently omitted in the NPRM.

DATES: Comments must be received on or before June 7, 2012.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace, Regulations and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION: On April 23, 2012, Docket No. FAA-2012-0287; Airspace Docket No. 11-AWP-21 was published in the **Federal Register** proposing to amend various Air Traffic Service Routes in the Southwestern United States (77 FR 24156). The description of V-16 in the NPRM did not reflect a previous amendment of the route that was published on September 19, 2011 (76 FR 57902). The incorrect part of the V-16 description in the NPRM reads “* * * Kennedy; Dear Park, NY; Calverton, NY; Norwich, CT * * *” The correct version is “* * * Kennedy; INT Kennedy 040° and Calverton, NY 261° radials; Calverton; Norwich, CT * * *” The corrected airspace description is rewritten for clarity.

Correction to Proposed Rule

Accordingly, pursuant to the authority delegated to me, the NPRM for the proposed amendment of Air Traffic Service Routes; Southwestern United States as published in the **Federal Register** of April 23, 2010 (77 FR 24156) FR Doc. 2012-9675, is corrected as follows:

By removing the description of V-16 starting at line 16, column 3, on page 24157, and inserting the following:

V-16 [Amended]

From Los Angeles, CA; Paradise, CA; Palm Springs, CA; Blythe, CA; Buckeye, AZ;