Memorandum of August 25, 1977

Study of Federal Justice System Improvement Activities

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, August 25, 1977.

The weaknesses of our present system of justice are painfully clear to many citizens. Lawyers are often available only to the wealthy or the very poor. There are substantial backlogs in the courts. While many people have proposed plans for resolving disputes outside of the courts, few of these plans are now operating. The Federal Government does not bear full responsibility for correcting these inequities, but it should make its own system a model and encourage State and local governments to improve the quality of their systems of justice.

I have therefore directed my Reorganization Project Staff at the Office of Management and Budget to review all Federal activities designed to improve the system of justice in this country. These include: (1) justice research programs; (2) justice information and statistical services; (3) justice policy and planning offices; (4) financial assistance for State and local systems; and (5) other reform activities such as juvenile justice and delinquency prevention programs.

This review will rely heavily on advice and counsel from Congress, Executive departments and agencies, the Judiciary, State and local officials, and the public.

You may be asked to contribute time, resources, and staff support to this effort. I consider this to be a high priority matter, and I know I can count on your cooperation and assistance.

In order to inform all affected parties that this review is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-25152 Filed 8-25-77;3:31 pm]

Memorandum of August 25, 1977

Examination of the Federal Government's Legal Representation System

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, August 25, 1977.

I have directed my Reorganization Project Staff at the Office of Management and Budget to review the Federal Government's system for providing legal advice and representation to its departments, agencies, and regulatory commissions.

This study is designed to improve the way governmental units use the legal resources at their disposal, which include their own legal offices and the services of the Department of Justice, including United States Attorneys. Better use of these resources should help prevent unnecessary litigation and administrative delay by enabling the Federal Government to do a better job of complying with its own rules and regulations.

A second objective will be to improve the way litigation is conducted in order to ensure better and more uniform application of the law.

This study will rely heavily on the advice and counsel of the Congress, Federal departments, agencies, and regulatory commissions, State and local officials, private organizations and the public.

I consider the effective use of legal resources to be a vital part of my Administration's effort to improve the performance of the Federal government; accordingly, I ask for your cooperation in providing staff assistance and other resources to assure the success of this review.

In order to inform all interested parties that this study is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-25153 Filed 8-25-77;3:32 pm]

rules and regulations

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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Revocation or Modification of Certain Reporting Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulation "Licensing of Production and Utilization Facilities" to revoke the requirement that if the construction or modification of a facility is completed before the earliest date specified in the construction permit the holder of the construction permit shall promptly notify the Commission for the purpose of accelerating the final inspection. The Commission also is amending its regulation "Financial Protection Requirements and Indemnity Agreements" to modify the repetitive reporting requirements set out in special provisions applicable to licensees furnishing financial protection in whole or in part in the form of adequate resources. These amendments reduce the reporting burden on NRC licensees.

EFFECTIVE DATE: August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Tel. 301-492-7211.

SUPPLEMENTARY INFORMATION: Section 50.55(a) of 10 CFR Part 50 requires that if the construction or modification of a facility is completed before the earliest date specified in the construction permit, the holder of the construction permit shall promptly notify the Commission for the purpose of accelerating the final inspection. A separate report for this event is not necessary and this reporting requirement is being revoked.

Section 140.18 of 10 CFR Part 140 requires that in any case where a licensee undertakes to maintain financial protection in the form specified in § 140.14(a)(2) for all or part of the financial protection required by Part 140, the licensee shall file with the Commission a balance sheet and operating statement prepared and certified by a certified public accountant. This section is being revised so that it no longer requires repetitive reports, but states that the Commission may require the licensee to file with the Commission such financial information as the Commission determines to be appropriate for the purpose of determining whether the licensee is maintaining financial protection as required by Part 140.

Since the amendments set forth below relate to minor matters and are intended to provide relief from, rather than to impose, restrictions under regulations currently in effect, the Commission has found that good cause exists for omitting general notice of proposed rule making and public procedure thereon as unnecessary and for making the rule effective on August 29, 1977, without the customary 30 day waiting period.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 50 and 140 are published as a document subject to codification.

§ 50.55 [Amended]

1. Section 50.55 of 10 CFR Part 50 is amended by deleting the second sentence of paragraph (a).

2. Section 140.18 of 10 CFR Part 140 is revised to read as follows:

§ 140.18 Special provisions applicable to licensees furnishing financial protection in whole or in part in the form of adequate resources.

In any case where a licensee undertakes to maintain financial protection in the form specified in § 140.14(a)(2) for all or part of the financial protection required by this part, the Commission may require such licensee to file with the Commission such financial information as the Commission determines to be appropriate for the purpose of determining whether the licensee is maintaining financial protection as required by this part.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201 Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 17th day of August 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-24967 Filed 8-26-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-NW-21-AD; Amdt. 39-3025]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models B-17 F and G

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This AD is being issued to require inspection of the wing rear spar lower cap on the wing center section. There has been one reported instance of complete spar cap failure.

EFFECTIVE DATE: September 6, 1977.

ADDRESSES: Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Iven Connally, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108. Telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: There has been a complete failure of the rear spar lower cap on the wing center section of a Boeing B-17G that resulted in partial wing failure. A fatigue crack initiated in the spar chord at a 3/8" dia bolt hole common to the terminal plate. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require inspection of the rear repair as necessary on all B-17 F and G airplanes.

DRAFTING INFORMATION

The principal authors of this document are Iven Connally, Engineering and Manufacturing Branch, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

BOEING. Applies to all B-17 F and G airplanes certified in all categories.

Compliance required within the next 25 hours' time-in-service or within 6 months after the effective date of this AD, whichever comes first, unless already accomplished within the last 25 hours time in service or 6 months, and thereafter at intervals not to exceed 50 hours time in service or 12 months, whichever comes first (from the last inspection).

To detect cracking in the rear spar lower cap center section, P/N 75-3425-2 or 85-3425-2, accomplish the following:

1. Remove the 3 most inboard bolts from the 14 bolt pattern attaching the rear spar center section lower chord P/N 75-3425-2 or 85-3425-2 to the terminal plates, left and right hand sides. These bolts are approximately 40 to 42 inches from the airplane centerline. Using eddy current inspection procedures or boroscope methods in conjunction with dye penetrants, inspect the rear spar lower chord center section for cracks around the bolt holes in both the forward and aft walls of the tube.

2. If cracks are found, replace the spar cap with a serviceable part of the same part number, or repair in accordance with Army T.O. No. 01-20E or other methods approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

3. After repairs per (2) have been accomplished, reinspect in accordance with (1) at intervals not to exceed 50 hours time in service or every 12 months whichever comes first.

This amendment becomes effective September 6, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on August 18, 1977.

J. H. TANNER,
Acting Director,
Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-24935 Filed 8-26-77;8:45 am]

[Docket No. 14815, Amdt. 39-3027]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Dart Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspections for wear and replacement, as necessary, of the flame tube liners and suspension pins on Rolls Royce Dart engines Series 528, 529, and 532 to prevent possible overheating of the turbine rotors which could result in uncontained rotor disc failures.

EFFECTIVE DATE: September 28, 1977.

ADDRESS: The applicable Rolls Royce alert service bulletin may be obtained from Rolls Royce, Ltd., P.O. Box 31, Derby DE 2 8BJ, England.

A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium. Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections for wear and replacement, as necessary, of flame tube liners and suspension pins on Rolls Royce Dart series 528, 529, and 532 engines was published at 40 FR 31624. The proposal was prompted by instances where failure of the flame tube suspension system caused overheating of the turbine rotors resulting in uncontained rotor disc failures.

Interested persons have been afforded an opportunity to participate in the making of the amendment, and several comments have been received.

DISCUSSION OF COMMENTS

One commentator stated that its flame tube suspension system inspection program was adequate to correct the problem. The FAA does not have sufficient information to determine whether the commentator's inspection program would be acceptable. However, the proposed AD does provide for the use of an equivalent method of compliance if approved by the Chief, Aircraft Certification Staff, FAA European Region. In addition, a provision has been added to the AD to allow the approval of an increase in the inspection intervals.

This same commentator questioned as to what effect the incorporation of Dart Modification 1736 would have on the proposed AD. The FAA believes, based on the information presently available, that the incorporation of Modification 1736 would not eliminate the need for the actions specified in the proposed AD.

This commentator further questioned whether the FAA approval for an equivalent means of compliance could be obtained from other than the Chief, Aircraft Certification Staff, FAA European Region. Since the FAA European office has the principal responsibility on matters related to this AD, the FAA believes that approval for an equivalent means of compliance with the AD should be obtained from the FAA European office.

Another commentator recommended that the provision in the AD stating that compliance is not necessary if already accomplished within the previous 1,000 hours, be revised to state "unless accomplished within the previous 1,000 hours in accordance with the limits in Dart Service Bulletin Da 72-A413" to indicate that the limits specified in Dart Maintenance Manual are not acceptable for the purpose of this AD. The FAA does not believe the revision is necessary since "unless accomplished" means unless the provisions contained in the AD have been accomplished and the AD references Da 72-A413. However, it should be noted that the reference to 1,000 hours has been deleted to avoid a possible conflict with a repetitive inspection interval which may have already been established by an operator in accordance with Rolls Royce Service Bulletin Da 72-A413.

This commentator also stated that, to be consistent with the service bulletin, no reference should be made to suspension pin wear in paragraphs (c) and (d) of the AD in determining the appropriate reinspection interval. The FAA agrees and the proposed AD is revised accordingly.

Finally, in addition to clarifying changes of a nonsubstantive nature, the proposed AD has been revised to include a new paragraph requiring a reduction of the fleet reinspection time-interval in accordance with paragraph 4B of Rolls Royce Service Bulletin Da 72-A413 if, during a repetitive inspection, flame tube liner wear is found to exceed 0.03 inches on any flame tube of an engine in the operator's fleet. This provision is contained in the referenced service bulletin and was inadvertently omitted in the proposed AD. One commentator objected to this provision in the service bulletin as being an unnecessary burden. The FAA believes that this provision is appropriate in view of the likelihood of the same wear occurring on other engines of the same type that are used in similar operating conditions. Since a situation exists that requires the immediate adoption of this regulation with respect to the reduction in the reinspection interval when appropriate, it is found that notice and public procedure hereon are impracticable and that good cause exists for including the reduction requirement in this amendment.

DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, J. F. Zahringer, Flight Standards Service, and K. May, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

ROLLS ROYCE (1971) LIMITED. Applies to Dart engines Series 528, 529, 532, and variants featuring Modifications 748, 1243, 1244, 1432, 1448, or 1607 used on but not limited to Fokker F-27 Marks 200, 400, 600;