

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**ASO FL E5 Wauchula, FL [NEW]**

Wauchula Municipal Airport, FL  
(Lat. 27°30'49" N, long. 81°52'50" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Wauchula Municipal Airport and within 4 miles east and 8 miles west of the 176° bearing from the Wauchula NDB extending from the 6.4-mile radius to 16 miles south of the airport.

\* \* \* \* \*

Issued in College Park, Georgia, on November 6, 2001.

**Wade T. Carpenter,**

*Acting Manager, Air Traffic Division,  
Southern Region.*

[FR Doc. 01-28494 Filed 11-19-01; 8:45 am]

**BILLING CODE 4910-13-M**

## **COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA**

### **28 CFR Part 801**

**[CSOSA-0004-P]**

**RIN 3225-AA02**

### **Federal Tort Claims Act Procedures**

**AGENCY:** Court Services and Offender Supervision Agency for the District of Columbia.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA" or "Agency") is proposing to adopt regulations to supplement Department of Justice regulations for processing administrative claims under the Federal Tort Claims Act ("FTCA"). These supplemental regulations state in plain language what members of the public need to do to file a claim for money damages under the FTCA with CSOSA or with the District of Columbia Pretrial Services Agency ("PSA" or "Agency"). These regulations are necessary to help ensure that persons who suffer proven monetary loss, personal injury, or wrongful death due to a negligent or otherwise wrongful act

or omission of an Agency employee committed while acting within the scope of his or her employment will be properly compensated.

**DATES:** Comments due by January 22, 2002.

**ADDRESSES:** Office of the General Counsel, CSOSA, Room 1253, 633 Indiana Avenue, NW., Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, Records Manager (telephone: (202) 220-5359; e-mail: roy.nanovic@csosa.gov).

**SUPPLEMENTARY INFORMATION:** The Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA") is proposing to adopt regulations (28 CFR part 801) supplementing Department of Justice regulations (28 CFR part 14) for processing administrative claims under the Federal Tort Claims Act ("FTCA"). CSOSA previously published its organizational regulations (28 CFR part 800) in the **Federal Register** on January 8, 2001 (66 FR 1259). As noted in these organizational regulations, the District of Columbia Pretrial Services Agency ("PSA" or "Agency") is an independent entity within CSOSA. CSOSA's supplemental regulations will be applicable for claims involving CSOSA and/or PSA.

The FTCA essentially waives the federal government's sovereign immunity to damage actions arising out of the negligent or otherwise wrongful acts committed by federal employees while acting within the scope of their employment. General regulations issued by the Department of Justice for processing FTCA claims authorize federal agencies to issue supplementing regulations. Accordingly, CSOSA has prepared these supplemental regulations to state in plain language what members of the public need to do to file a claim for money damages under the FTCA due to a negligent or otherwise wrongful act of a CSOSA or PSA employee committed while acting within the scope of his or her employment. Separate administrative procedures exist for claims by employees of CSOSA or PSA for loss or damage to property incident to their own service.

Directions for filing the claim are contained in § 801.2. The directions are presented in a question and answer format. The easiest way to make sure that a person with a claim includes all information necessary for processing the claim is to submit a completed Standard Form 95 ("SF 95"). The SF 95 is available both online and from CSOSA's

Office of the General Counsel. Other means of written notification, however, may be acceptable as noted in the regulations.

Section 801.3 explains how claims are processed. All claims, whether against CSOSA or PSA, are forwarded to CSOSA's Office of the General Counsel for intake, investigation, and final determination. Section 801.4 covers the claim's final disposition (acceptance of settlement or denial of claim). If you accept a settlement offer, you give up your right to bring a lawsuit against the United States or against the employee whose action or lack of action gave rise to your claim. If your claim is denied or you reject the settlement offer, you have 6 months to file a civil action in the appropriate U.S. District Court.

### **Matters of Regulatory Procedure**

#### *Administrative Procedure Act*

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing or by e-mailing the agency at the addresses given above in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** captions. Comments received during the comment period will be considered before final action is taken. Comments received after the expiration of the comment period will be considered to the extent practicable. All comments received remain on file for public inspection at the above address. The proposed rule may be changed in light of the comments received. We will not be holding oral hearings on this proceeding.

#### *Executive Order 12866*

This proposed rule has been determined to be significant under Executive Order 12866 and has been reviewed by the Office of Management and Budget.

#### *Executive Order 13132*

This rule will not have substantial direct effects 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, in accordance with Executive Order 13132, the Director of CSOSA has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Regulatory Flexibility Act*

The Director of CSOSA, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and by approving it certifies that this rule will not have a significant

economic impact upon a substantial number of small entities. This rule pertains to agency management, and its economic impact is limited to the agency's appropriated funds.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, the Director of CSOSA has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by sec. 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### *Plain Language Instructions*

We want to make CSOSA's documents easy to read and understand. If you have suggestions on how to improve the clarity of these regulations, write, e-mail, or call CSOSA's Records Manager (Roy Nanovic) at the address or telephone number given above in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** captions.

#### **List of Subjects in 28 CFR Part 801**

Claims, Probation and parole.

**Jasper Ormond,**  
*Interim Director.*

Accordingly, we propose to amend chapter VIII, Title 28 of the Code of Federal Regulations by adding a new part 801 to read as follows:

#### **PART 801—FEDERAL TORT CLAIMS ACT PROCEDURES**

Sec.

801.1 Claims filed under the Federal Tort Claims Act.

801.2 Filing a claim.

801.3 Processing the claim.

801.4 Final disposition of claim.

**Authority:** 5 U.S.C. 301; Pub. L. 105-33, 111 Stat. 251, 712 (D.C. Code 24-1233); 28 CFR 14.11.

#### **§ 801.1 Claims filed under the Federal Tort Claims Act.**

If an agency employee is acting within the scope of his or her employment and causes injury to a member of the public, any claim for money damages for personal injury, death, damage to property, or loss of property caused by the employee's negligent or wrongful act or omission is a claim against the United States and must first be presented by the injured party to the appropriate federal agency for administrative action under the Federal Tort Claims Act. General provisions for processing such administrative claims are contained in 28 CFR part 14. The provisions in this part supplement the general provisions in order to describe specific procedures to follow when filing a claim with the Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA") or the District of Columbia Pretrial Services Agency ("PSA").

#### **§ 801.2 Filing a claim.**

(a) *Who may file the claim?* You may file a claim for money damages against CSOSA or PSA if you believe that a CSOSA or PSA employee has injured you or has damaged or lost property that you own. You may file a claim on behalf of an injured or deceased person or owner of damaged or lost property if you are acting as agent, executor, administrator, parent, guardian, legal or other representative provided you submit evidence of your authority to act on behalf of the claimant.

(b) *What information do you need to submit in your claim?* (1) The easiest way to ensure that you will include all necessary information for your claim is to submit a completed Standard Form 95 ("SF 95"). The SF 95 is available from the Office of the General Counsel, CSOSA, (see address in paragraph (c) of this section) and on the Internet at <http://www.usdoj.gov/civil/forms/forms.htm>.

(2) If you do not use the SF 95, you must submit written notification of the incident that resulted in the injury, loss, or damage. Along with this notification, you must present a claim for money damages in a sum certain (that is, a precise dollar amount) for injury to or loss of property, personal injury, or death alleged to have occurred on the basis of the incident. Failure to include the precise dollar amount for your claim may mean that you will have difficulty with pursuing your claim in court.

(c) *Where do you submit the claim?* You should submit the claim (whether against CSOSA or PSA) directly to the Office of the General Counsel, CSOSA, 633 Indiana Avenue NW., Washington, DC 20004. Claims submitted to any

other office of CSOSA or PSA are forwarded to the Office of the General Counsel.

(d) *When must you submit the claim?* You must submit the claim so that CSOSA/PSA receives the claim within 2 years after the claim accrues. Mailing the claim by that date is not sufficient if CSOSA/PSA does not receive the claim by that date. Generally speaking, a claim accrues at the time of the injury. In those instances where neither the injury nor its cause is immediately apparent, the claim accrues when you discover (or reasonably should discover) the injury and its cause.

(e) *May you amend your claim?* Yes, you may amend your claim at any time prior to final agency action or prior to your filing suit in court.

#### **§ 801.3 Processing the claim.**

(a) *Will CSOSA/PSA contact you about your claim?* (1) If you have provided all necessary information to process your claim, you will receive an acknowledgement indicating the filing date (that is, the date CSOSA/PSA received your claim) and the assigned claim number. Refer to the claim number in any further correspondence you may have with CSOSA/PSA on the claim.

(2) If you have failed to include all necessary information, CSOSA/PSA will return your claim to you with a request for the necessary additional information.

(3) If your claim should have been filed with another agency, CSOSA/PSA will forward the claim to the appropriate agency and notify you of the transfer, or return the claim to you if the appropriate agency cannot be determined or if the transfer is otherwise not feasible.

(b) *Who is responsible for offering settlement or denial on the claim?* The General Counsel is responsible for investigating the claim and, after consultation with PSA (if the claim is against PSA) and the Department of Justice when appropriate, determining whether the claim should be settled or denied.

(c) *How long does CSOSA/PSA have to consider your claim?* CSOSA/PSA has 6 months from the date of filing to make a settlement offer or to deny your claim. If you amend your claim (see § 801.2(e)) or request that your claim be reconsidered (see § 801.4(b)(1)), CSOSA/PSA has an additional 6 months from the date of the amendment or the filing of the request for reconsideration to make a final disposition of the claim.

(d) *Will appreciation or depreciation be considered?* Yes, appreciation or

depreciation is considered in settling a claim for lost or damaged property.

#### § 801.4 Final disposition of claim.

(a) *What if you accept the settlement offer?* If you accept a settlement offer, you give up your right to bring a lawsuit against the United States or against any employee of the government whose action or lack of action gave rise to your claim.

(b) *What if your claim is denied?* (1) If your claim is denied, you have 30 days from the date of CSOSA/PSA's written notification to make a written request that the agency reconsider the denial.

(2) If your claim is denied or you reject the settlement offer, you have 6 months from the date of mailing of CSOSA/PSA's notice of denial to file a civil action in the appropriate U.S. District Court.

(c) *What if you do not hear from CSOSA/PSA within 6 months of the filing date?* If you do not hear from CSOSA/PSA within 6 months of the filing date for the claim, you may consider your claim denied. You may then proceed with filing a civil action in the appropriate U.S. District Court.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 89

[AMS-FRL-7104-9]

#### Nonroad Diesel Emissions Standards Staff Technical Paper

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Availability of Staff Technical Paper.

**SUMMARY:** When we set the Tier 3 emission standards in 1998, available information indicated that the cooled exhaust gas recirculation (EGR) technology developed for highway diesel engines would be the primary means of compliance with these standards. In conducting our technology review, we have surveyed the recent engineering and scientific literature on advances in diesel emissions control. We have also reviewed information provided by engine manufacturers in support of our 2004 highway standards program, showing the considerable progress they have made in the design of robust EGR systems for use in highway engines. In addition, we have gathered information from engine

manufacturers on their design plans for Tier 3 and their testing and development experience with control technologies they are likely to employ. This information shows that cooled EGR is but one of several technologies available to diesel engine manufacturers to meet the Tier 3 emission standards. This widening of technology options comes from the progress of development since 1998, but is also due to the fact that the 1998 final rule envisioned a Tier 3 program more closely aligned with future highway standards, in particular including comparable control of particulate matter (PM), rather than the less demanding set of Tier 3 standards that were actually adopted at the time, and that are the subject of this feasibility assessment. Based on the information we have gathered, we believe that the Tier 3 standards in the regulations on control of emissions from new and in-use nonroad compression-ignition engines are feasible in the timeframe established in the rule. We also believe that the Tier 2 standards for engines under 50 horsepower are likewise feasible, based on certification test data from Tier 1 engines in this power range showing that many of these engines are already meeting the Tier 2 standards. Additionally we stated that as a part of the 2001 Technology Review process, PM standards would be addressed. Given the need for further PM reductions, those will be addressed in a subsequent regulatory action.

**DATES:** EPA is requesting public review and comment on the Staff Technical Paper on or before January 4, 2002.

**ADDRESSES:** You may send written comments (in duplicate if possible) to Margaret Borushko, U.S. EPA, National Vehicle and Fuels Emission Laboratory, 2000 Traverwood, Ann Arbor, MI 48105. The Staff Technical Paper and supporting documents are available in the public docket A-2001-28. The docket is located at U.S. Environmental Protection Agency, 401 M St., SW, Room 1500, Washington, DC 20460 (on the ground floor in Waterside Mall) and is open from 8 a.m. to 5:30 p.m., Monday through Friday, except on government holidays. You can reach the docket office by telephone at (202) 260-7548 and by facsimile at (202) 260-4400. We may charge a reasonable fee for copying docket materials, as provided in 40 CFR part 2.

**FOR FURTHER INFORMATION CONTACT:** Margaret Borushko, U.S. EPA, National Vehicle and Fuels Emission Laboratory, 2000 Traverwood, Ann Arbor, MI 48105; Telephone (734) 214-4334; FAX: (734) 214-4816; E-mail:

[borushko.margaret@epa.gov](mailto:borushko.margaret@epa.gov). EPA comments hotline: 734-214-4370.

**SUPPLEMENTARY INFORMATION:** The Nonroad Diesel Emissions Standards Staff Technical Paper is available at the url: <http://www.epa.gov/otaq/equip-hd.htm> starting October 30, 2001. This serves as the Notice of Availability. The document discusses nonroad diesel engine technology for heavy duty applications, as well as the under 37 kW (50 hp) nonroad diesel engines within the context of the 2001 Nonroad Diesel Technology Review.

Readers should also note a new telephone number that will serve as a hotline for updated information related to the public comment period. People should call 734-214-4370.

#### Access to Technical Documents Through the Internet

Today's action is available electronically on the day of publication from the Office of the Federal Register Internet Web site listed below. Electronic copies of this technical staff paper and other documents associated with today's action are available from the EPA Office of Transportation and Air Quality Web site listed below. This service is free of charge, except any cost that you already incur for connecting to the Internet.

**EPA Federal Register Web Site:** <http://www.epa.gov/docs/fedrgstr/epa-air/> (Either select a desired date or use the Search feature.)

**Nonroad Diesel home page:** <http://www.epa.gov/otaq/equip-hd.htm>

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc., may occur.

Dated: November 9, 2001.

**Robert Brenner,**

*Acting Assistant Administrator, Office of Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 264

[FRL-7105-7]

RIN 2050 AE77

#### Supplemental Proposal to the Corrective Action Management Unit Rule

**AGENCY:** Environmental Protection Agency.