

1. Amend Item 1 of the notice of proposed rule making so as to delete the coordinates "(40°04'30" N., 83°04'15" W.)" and insert in lieu thereof the coordinates "(40°04'47" N., 83°04'54" W.)"

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on February 2, 1967.

WAYNE HENDERSHOT,  
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Columbus, Ohio, 700-foot floor transition area by inserting after the phrase, "of Anchor Hocking Airport, Lancaster, Ohio:", the phrase, "within a 6-mile radius of the center, (40°04'45" N., 83°04'20" W.), of Ohio State University Airport; within 2 miles each side of the Ohio State University RBN, (40°04'47" N., 83°04'54" W.) 273° bearing extending from the Ohio State University 6-mile radius area to 8 miles W of the RBN;".

[F.R. Doc. 67-2475; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-59]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Transition Area

On page 14408 of the FEDERAL REGISTER for November 9, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area for Wurtsboro, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. AOPA had submitted written objection but has subsequently withdrawn any objection to the proposed regulations.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. April 27, 1967, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot floor transition area for Wurtsboro, N.Y., described as follows:

WURTSBORO, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°35'50" N., 74°27'35" W.) of Wurtsboro Mamakating Airport, Wurtsboro, N.Y.; and within 2 miles each side of the Huguenot, N.Y., VOR 028° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Newburgh, N.Y., Transition Area, effective from sunrise to sunset daily.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on February 15, 1967.

WAYNE HENDERSHOT,  
Deputy Director, Eastern Region.

[F.R. Doc. 67-2478; Filed, Mar. 6, 1967; 8:46 a.m.]

## RULES AND REGULATIONS

[Airspace Docket No. 66-CE-93]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Transition Area

On December 13, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15703) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Ashland, Wis., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was from the Air Transport Association. The Association offered no objection to the proposal provided that adequate communications exist between the controlling facility and IFR arrivals/departures at the John F. Kennedy Memorial Airport, Ashland, Wis., so as not to unduly penalize other airspace movements within the area. The Federal Aviation Agency has determined that such adequate communications do exist.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. April 27, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

ASHLAND, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of John F. Kennedy Memorial Airport (latitude 43°32'55" N., longitude 90°58'00" W.) and within 2 miles each side of the 208° bearing from John F. Kennedy Memorial Airport, extending from the 5-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 208° bearing from John F. Kennedy Memorial Airport extending from the airport to 12 miles SW of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on February 17, 1967.

DANIEL E. BARROW,  
Acting Director, Central Region.

[F.R. Doc. 67-2480; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-CE-91]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Transition Area

On December 6, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15243) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Zionsville, Ind., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No comments were received.

Subsequent to the issuance of the subject Notice, the Federal Aviation Agency has determined that, based on current instrument approach procedure criteria, the transition area extension designated in the proposed Zionsville, Ind., transition area is not required and, consequently, will be eliminated in this final rule.

Since this change is less restrictive in nature and imposes no additional burden on any person, further notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. April 27, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

ZIONSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Terry Memorial Airport (latitude 40°02'05" N., longitude 86°15'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on February 17, 1967.

DANIEL E. BARROW,  
Acting Director, Central Region.

[F.R. Doc. 67-2481; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-10]

## PART 73—SPECIAL USE AIRSPACE

### Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the time of designation of Restricted Area R-2801, Bethany Beach, Del., and to designate Salisbury Flight Service Station (Federal Aviation Agency) as Controlling Agency.

The U.S. Army has concurred in a Federal Aviation Agency proposal that Restricted Area R-2801 be activated by NOTAM 48 hours in advance of actual requirements rather than on a continuous basis during specified periods.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

In § 73.28 (32 F.R. 2303), Restricted Area R-2801, Bethany Beach, Del., is amended as follows:

a. Change time of designation to read: "By NOTAM 48 hours in advance during the following periods: June 1 through September 30, 0800-2000 local time, Monday through Friday; October 1 through May 31, 0800-1600 local time, Saturdays and Sundays."

b. Add: "Controlling Agency, Federal Aviation Agency, Salisbury, Md., Flight Service Station."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 28, 1967.

WILLIAM E. MORGAN,  
Acting Director, Air Traffic Service.  
P.R. Doc. 67-2499; Filed, Mar. 6, 1967;  
8:48 a.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

### Subtitle A—Office of the Secretary of Commerce

#### PART 2—PROCEDURES FOR HANDLING AND SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

The following regulations were issued by the Secretary of Commerce effective January 18, 1967, as Department Order 70.

Part 2, Subtitle A, Title 15 of the Code of Federal Regulations (24 F.R. 3184 of Apr. 24, 1959, and 24 F.R. 9306 of Nov. 18, 1959) is revised in its entirety to read as follows:

Sec.

- 2.1 Purpose.
- 2.2 Provisions of law.
- 2.3 Delegation of authority.
- 2.4 Procedure for filing claims.
- 2.5 Adjudication and settlement of claim.
- 2.6 Payment of claims.
- 2.7 Annual report.
- 2.8 Supplementary regulations.

Appendix A—Procedure for handling and settlement of claims under the Federal Tort Claims Act accruing on or before January 17, 1967

AUTHORITY: The provisions of this Part 2 issued under sec. 2672, 62 Stat. 983, as amended: 28 U.S.C. 2672.

##### § 2.1 Purpose.

(a) The purpose of this part is to delegate authority to settle or deny claims under the Federal Tort Claims Act (in part, 28 U.S.C. 2671-2680) as amended by Public Law 89-506, 80 Stat. 306, and to establish procedures for the administrative adjudication of such claims accruing on or after January 18, 1967.

(b) Appendix A of this part delegates authority to settle or deny claims under the Federal Tort Claims Act (in part, 28 U.S.C. 2671-2680) and establishes procedures for the administrative adjudication of claims accruing on or before January 17, 1967.

##### § 2.2 Provisions of law and regulations thereunder.

(a) Section 2672 of Title 28, U.S. Code, as above amended, provides that:

The head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may consider, ascertain, adjust, determine, compromise, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission

occurred: *Provided*, that any award, compromise, or settlement in excess of \$25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award, compromise, or settlement in an amount of \$2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payment of any award, compromise, or settlement in an amount in excess of \$2,500 made pursuant to this section or made by the Attorney General in any amount pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

(b) Subsection (a) section 2675 of said Title 28 provides that:

An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within 6 months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section. The provisions of this subsection shall not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, crossclaim, or counterclaim.

(c) Section 2678 of said Title 28 provides that no attorney shall charge fees in excess of 25 percent of a judgment or settlement after litigation, or over 20 percent of administrative settlements.

(d) Section 2679 of said Title 28 provides that tort remedies against the United States by reason of operation by any Government employee of a motor vehicle while acting within the scope of his employment shall be exclusive of any other action against the employee.

(e) Section 2401(b) of said Title 28 provides that:

A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within 2 years after such claim accrues or unless action is begun within 6 months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.

(f) The Tort Claims Act as amended provides that it shall apply to claims accruing 6 months or more after date of enactment (date of enactment, July 18, 1966).

(g) Pursuant to section 2672 as amended, the Attorney General has issued regulations (herein referred to as "the Regulations"; 28 CFR Part 14) prescribing standards and procedures for settlement of tort claims (31 F.R. 16616). Persons delegated authority under this part shall follow and be guided by such Regulations (28 CFR Part 14).

##### § 2.3 Delegation of authority.

(a) The following are hereby named as designees of the Secretary of Commerce with respect to tort claims filed under section 2672 of Title 28, U.S. Code, as described in § 2.2, with authority to act on such claims as provided in said section 2672, including denial thereof:

(1) The Assistant Secretary of Commerce for Administration for the Office of the Secretary, and Secretarial Officers for constituent operating units (as defined in Department Order 83) reporting to them; and

(2) The head of each primary operating unit for his unit.

(b) Authority delegated under this section may, with the approval of the Assistant Secretary for Administration, be redelegated to other designees.

(c) Any proposed settlement of a tort claim for an amount exceeding \$5,000, and any proposed denial of a claim made for more than \$5,000, shall be subject to review and approval by the Assistant Secretary for Administration, and no such settlement or denial shall be made without such approval: *Provided*, however, that the Assistant Secretary for Administration may permit any unit to settle or deny claims for amounts not to exceed \$10,000 without such review and approval.

(d) Settlement or denial of any claim under this part is final for the Department of Commerce.

(e) No action with respect to any tort claim regardless of amount shall be taken without prior legal review and approval by the General Counsel of the Department or his designee.

##### § 2.4 Procedure for filing claims.

(a) The procedure for filing and the contents of claims shall be pursuant to §§ 14.2, 14.3, and 14.4 of the Regulations (28 CFR Part 14).

(b) Claims shall be filed with the Assistant Secretary for Administration, Department of Commerce, Washington, D.C. 20230.

(c) If a claim is filed elsewhere in the Department, it shall immediately be recorded and transmitted to the Assistant Secretary for Administration.

##### § 2.5 Adjudication and settlement of claims.

(a) Upon receipt of a claim, the time and date of receipt shall be recorded. If such claim involves a unit other than one for which the Assistant Secretary for Administration is responsible under paragraph (a) of § 2.3, he shall, after recording of such claim, transmit it to the head of such unit, who shall in turn transmit it to the appropriate official of his unit. The appropriate official shall

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prepare a file, make or cause such investigation to be made, and obtain such information as necessary. If the investigative facilities of the unit are insufficient for a proper and complete investigation, such unit shall consult with the departmental Office of Investigations and Security with a view to (1) having such office conduct the investigation or (2) requesting another Federal agency to conduct such investigation as necessary, pursuant to § 14.8 of the Regulations (28 CFR Part 14), all on a reimbursable basis.

(b) If the amount of the proposed award exceeds \$25,000 (in which case, approval by the Attorney General is required), or if consultation with the Department of Justice is desired or required pursuant to § 14.6 of the Regulations, the unit involved will prepare and compile the material required by the Department of Justice under § 14.7 of the Regulations (28 CFR Part 14) and submit such material to the General Counsel of the Department for consultation with or referral to the Department of Justice.

(c) Denial of a claim shall be communicated as provided by § 14.9 of the Regulations (28 CFR Part 14).

(d) Designees hereunder are responsible for the control over and expeditious handling of claims, bearing in mind the applicable statutory time limitations for adjudications of claims.

#### § 2.6 Payment of claims.

When an award is made, the file on the case shall be transmitted to the appropriate fiscal office for payment by the Department or for transmittal for payment as prescribed by § 14.10 of the Regulations (28 CFR Part 14). Prior to payment appropriate releases shall be obtained, as provided in said section.

#### § 2.7 Annual report.

Designees hereunder shall compile a report for their respective areas covering the preceding fiscal year, describing actions, including denials, taken under this part, name of claimant, amount claimed, amount of any award, and a brief description of the claim. The report shall be filed by August 15 of each year, one copy to be submitted to the Assistant Secretary for Administration and one to the General Counsel of the Department.

#### § 2.8 Supplementary regulations.

(a) The Assistant Secretary for Administration may from time to time issue such supplementary regulations or instructions as he deems appropriate to carry out the purpose of this part.

(b) Any designee mentioned in paragraph (a) of § 2.3 may issue regulations or instructions covering his area of responsibility hereunder which are consistent with this part and with those issued under paragraph (a) of this section, such regulations and instructions to be approved by the Assistant Secretary for Administration and the General Counsel.

Dated: March 2, 1967.

DAVID R. BALDWIN,  
Assistant Secretary  
for Administration.

#### APPENDIX A—PROCEDURES FOR HANDLING AND SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT ACCRUING ON OR BEFORE JANUARY 17, 1967

##### A. Purpose:

The purpose of this Appendix A to Part 2, is to delegate authority to settle claims for personal injury or property damage under the Federal Tort Claims Act (28 U.S.C. 2671-80) and to establish procedures for the adjudication of such claims accruing on or before January 17, 1967.

##### B. Provisions of law:

1. Title 28 U.S.C. section 2672, provides:

"(a) The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of \$2,500 or less against the United States accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

"(b) Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

"(c) Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title, shall be paid by the head of the Federal agency concerned out of appropriations available to such agency.

"(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter."

2. Under Title 28, section 2401(b), it is provided in part that a claim not exceeding \$2,500 must be presented in writing within 2 years after the claim accrues.

3. Title 28, Section 2678, of the act provides in part as follows:

"\* \* \* the head of the Federal agency or his designee making an award pursuant to section 2672 of this title \* \* \* may, as a part of such judgment, award, or settlement, determine and allow reasonable attorney fees, which, if the recovery is \$500 or more, shall not exceed 10 per centum of the amount recovered under section 2672 of this title \* \* \* to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant."

C. Delegation of authority for adjudication and settlement of claims:

1. The head of each primary operating unit is hereby authorized to exercise with respect to claims authorized to be considered, ascertained, adjusted, determined, and settled under sections 2672 and 2678 of Title 28, in accordance with sections D and E of this Appendix, all authority vested in the Secretary of Commerce by said sections. The General Counsel of the Department of Commerce is authorized to exercise such authority with respect to claims arising out of the wrongful acts or omissions of any employees of the constituent units of the Office of the Secretary.

2. The authority delegated under paragraph 1 of this section may be redelegated to such officers of the primary operating units and of the Office of the General Counsel as the heads thereof may deem appropriate.

3. The adjudication and settlement of any claim in accordance with the provisions of this Appendix constitutes final action in the case insofar as the Department of Commerce is concerned and no further review in the Department may be obtained.

##### D. Procedure for making claims:

1. Claims may be filed with the primary operating unit involved or in any of its field offices, or with the Office of the General Counsel where a constituent unit of the Office of the Secretary is involved.

2. A claim may be filed by the individual or firm sustaining injury or damages in his or its own right or by an attorney.

3. Claims shall be filed on Standard Form No. 95, "Claim for Damage or Injury." The file in each claim should also include a statement of the employee involved and statements of any witnesses. This evidence should be supported by any other documentary evidence that will be helpful in adjudicating the claims.

##### E. Adjudication and settlement of claims:

1. Upon receipt of a claim the date of receipt shall be made a matter of record. After recording, the claim will be forwarded to appropriate legal counsel for review of the evidence and recommended disposition, including amount of award, if any, and attorneys' fees. When deemed necessary, additional evidence or investigation of the facts in any given case may be requested. Claims involving unusual or novel questions of law may be submitted to the General Counsel of the Department for consideration and recommendation.

2. The officer to whom authority is delegated to settle tort claims shall make the final determination as to whether or not an award shall be made in each case, and, if an award is to be made, the amount of the award, and the amount to be allowed for attorneys' fees.

##### F. Payment of claims:

When an award is made, the file on the case will be transmitted to the appropriate fiscal office for payment out of funds appropriated, or to be appropriated, for the purpose. Prior to the payment of any claim which is administratively settled, there shall be obtained from the claimant or claimants a release stating that the award or settlement is final and conclusive and constitutes a complete release by the claimant of any claim against the United States and against the employee of the Government arising out of the circumstances which resulted in the claim.

##### G. Annual report:

An annual report shall be submitted by each primary operating unit, and the General Counsel to the Office of Administrative Services by August 15 of each year covering the preceding fiscal year and showing, with respect to each claim settled, the name of each claimant, the amount claimed, and the amount of any award, and a brief description of the claim.

[F.R. Doc. 67-2500; Filed, Mar. 6, 1967; 8:49 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

#### PART 518—RECORDS AND REPORTS

##### Supply of Maps to the General Public

A new § 518.10 is added, relating to the supply of maps to the general public, as follows: