20410. All relevant material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

The proposed amendment to § 203.7, Part 203, which would add a new paragraph (a) (6) and renumber present paragraph (a) (6) as (a) (7), is set out in full below.

§ 203.7 Withdrawal of approval.

(a) Approval of a mortgagee may be withdrawn at any time by notice from the Commissioner, by reason of:

* * * * *

(6) The payment of any fee, kickback, or other consideration, directly or indirectly, in connection with any insured mortgage transaction or transactions to any person (including an escrow agent, title company, consultant, mortgage broker, seller, builder, or real estate agent) if such person has received any other payment or other consideration from the mortgagor, the seller, the builder, or any other person for services related to such transaction or transactions or from or related to the purchase or sale of the mortgaged property.

(7) Such other reason as the Commissioner determines to be justified.

* * * * *

Issued at Washington, D.C., October 7, 1971, pursuant to sections 203 and 211, 52 Stat. 10, 23; 12 U.S.C. 1709, 1715b.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.71-14951 Filed 10-8-71;8:53 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71-47a]

NORTH RIVER, MASS.

Supplemental Proposed Drawbridge Operations

On June 4, 1971, the Commander, First Coast Guard District circulated a public notice requesting comments on a proposal to amend the regulations governing the Route 3A bridge across the North River to allow the drawbridge to be permanently maintained in the closed position. This notice was also published as a notice of proposed rule making in the FEDERAL REGISTER on June 3, 1971 (36 F.R. 10799).

As a result of the comments received the proposal is being reconsidered and the draw of the Union Street bridge which is presently required to open on signal is being included in the proposal.

It is now proposed to revise the regulations to provide that from May 1 through October 31 the draws of both the Route 3A and Union Street bridges shall open on signal if at least 4 hours notice has been given. From November 1 through April 30 the draws will open on signal if at least 24 hours' notice has been given. There would be no change in the existing regulation of the Route 3A bridge.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), First Coast Guard District, J. F. Kennedy Federal Building, Government Center, Boston, Mass. 02203. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District, will forward any comments received before November 16, 1971, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.77 to read as follows:

§ 117.77 North River, Mass.; bridges at Route 3A and Union Street.

(a) From May 1 through October 31 the draws shall open on signal if at least 4 hours' notice has been given.

(b) From November 1 through April 30 the draws shall open on signal if at least 24 hours' notice has been given.

(c) The owner of or agency controlling each bridge shall post a notice of the contents of this section in such a manner that it can be easily read from an approaching vessel, on both the upstream and downstream sides of the bridges. This notice shall state how advance notice should be given.

(d) The operating machinery of the draws shall be maintained in serviceable condition, and the draws opened and closed at least every 3 months to make certain that the machinery will function properly for satisfactory operation.

(Sec. 5, 28 Stat. 362, as amended, sec 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Dated: October 6, 1971.

H. D. MUTH,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.71-14855 Filed 10-8-71;8:50 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-94]

CONTROL ZONES AND CONTROL AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter control zones and a control area at Eglin AFB, Fla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Administration proposes the following airspace actions:

1. Redesignate the Eglin AFB, Fla., control zone as that airspace within a 5-mile radius of Eglin AFB (lat. 30°29'07" N., long. 86°31'35" W.); within 5 miles each side of the ILS localizer southeast course, extending from the 5-mile-radius zone to 18.5 miles southeast of the LMN; within a 3-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'57" N., long. 86°28'47" W.); within 2 miles each side of the extended centerline of Runways 14/32, extending from the 3-mile-radius zone to 4 miles southeast of the airport.

2. Redesignate the Eglin AF Aux No. 9 (Hurlburt Field), Fla., control zone as that airspace within a 5-mile radius of Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'42" N., long. 86°41'05" W.); within 2 miles each side of Eglin VOR 285° radial, extending from the 5-mile-radius zone to 1 mile west of the VOR; excluding the portion within Eglin AFB control zone.

3. Alter Eglin AF Aux No. 3 (Duke Field), Fla., control zone by providing in its descriptions updated geographical coordinates for Duke Field and the Bob Sikes Airport.

4. Redesignate the Eglin AFB, Fla., transition area as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Eglin AFB (lat. 30°29'07" N., long. 86°31'35" W.), Eglin AF Aux No. 3 (Duke Field) (lat. 30°39'01" N., long. 86°31'25" W.) and Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'42" N., long. 86°41'05" W.); within a 5-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'57" N., long. 86°28'47" W.); excluding the portions within R-2909, W-151, Crestview, Fla., transition area, and a 1.5-mile radius of Fort Walton Beach Airport (lat. 30°24'25" N., long. 86°49'40" W.).

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Eglin terminal complex in accordance with Terminal Instrument Procedures (TERP's) and current airspace criteria.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 1, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-14839 Filed 10-8-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-32]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend the Monterey, Calif., Transition Area westward to include the uncontrolled airspace east of the Pacific Coastal Air Defense Identification Zone (ADIZ).

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed additional transition area would be used for parallel vectors in sequencing San Francisco, Calif., and Oakland, Calif., arrivals, also to facilitate handling of departures and arrivals at the Monterey Peninsula Airport, Monterey, Calif.

If this action is taken, the 1,200 feet portion of the Monterey, Calif., Transition Area would be amended to read as follows:

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°05'00" N., longitude 122°43'15" W., thence to latitude 37°08'45" N., longtitude 122°34'45" W., thence southeast via V-27 to latitude 37°00'00" N., thence to latitude 37°00'00" N., longitude 121°29'30" W., thence to latitude 36°23'00" N., longitude 121°03'00" W., thence to latitude 36°03'30" N., longitude 121°29'00" W., thence southeast via V-27 to longitude 121°03'00" W., thence to latitude 35°30'00" N., longitude 121°03'20" W., thence to latitude 35°30'00" N., longitude 121°37'00" W., thence to the point of beginning.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 1, 1971.

H. B. HELSTROM,
Chief Airspace and Air Traffic Rules Division.

[FR Doc.71-14840 Filed 10-8-71;8:48 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 69-7; Notice 12]

OCCUPANT CRASH PROTECTION

Proposed Standards for Explosive Materials and Pressure Vessels

The purpose of this notice is to propose an amendment to Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, in § 571.21 of Title 49, Code of Federal Regulations, that will establish requirements for explosive devices and pressure vessels used in occupant protection systems. The proposed amendment responds to a petition submitted by General Motors after the issuance of the occupant crash protection standard on March 3, 1971 (36 F.R. 4600).

Crash-activated devices, such as inflatable cushions, presently being developed by several manufacturers as a means of meeting the passive protection requirements of Standard No. 208 generally utilize either small explosive devices or pressure vessels, or both, to deploy the systems. The shipment in interstate commerce of explosive devices and compressed gases is governed by regulations issued by the Hazardous Materials Regulations Board (HMRB) of the U.S. Department of Transportation (49 CFR Parts 170-189). These regulations include, inter alia, detailed requirements with respect to the physical and chemical properties of the devices, their marking and their packaging.

Because the automotive industry virtually universally makes interstate shipment of its products, it appears certain that any of these explosive and pressure devices used in motor vehicles will be required to conform to the Federal regulations cited above. The regulations do not, however, apply directly to manufacturers, but rather to carriers and persons who deliver materials for shipment by the carriers. It has been tentatively determined that these devices, when used as motor vehicle equipment, should be brought within the enforcement scheme of the motor vehicle safety standards, in order to place the responsibility directly on the manufacturers who are best equipped to insure compliance.

In addition to the Federal regulations concerning these explosive devices and pressure vessels, there is presently a large and varying body of State and local regulations controlling shipment and use within their areas of jurisdiction. As is the case in other aspects of safety regulations governing the manufacture of motor vehicles, the national character of the industry makes it highly important that the regulations be substantially uniform. The need for such uniformity is clearly manifested in the legislative history of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1391 et seq. The Act provides for such uniformity in section 103(d) (15 U.S.C. 1392(d)), which requires that any State safety standard applicable to the same aspect of performance of the same vehicles as a Federal safety standard must be identical to the Federal standard.

In accordance with these considerations, it is proposed that Standard No. 208, Occupant Crash Protection, be amended to provide that any explosive devices or pressure vessels used in occupant protection systems shall conform to the applicable regulations of the Hazardous Materials Regulations Board of the Department of Transportation (49 CFR Parts 170-189), with respect to the physical and chemical properties, the packaging, and the marking of those items. The limitations on the areas of regulation that would be adopted as part of the safety standard are not intended in any sense to suggest the inapplicability of other aspects of the HMRB regulations to these items in their own terms. They merely reflect the fact that the safety standards are by statute limited to the objective properties of the items concerned, as contrasted, for example, with quality control provisions that also are part of the HMRB regulations.

It is assumed that if and when this amendment becomes effective, any State and local regulations that relate to the design or performance of the items concerned, expressed as limitations on their manufacture, shipment, or use, will be required under section 103(d) of the Act to be identical to the Federal standard.

Standard No. 208 would also be amended to apply these provisions to the equipment manufacturers, as well as the manufacturers of vehicles in which the equipment is included.

In light of the foregoing, it is proposed that Standard No. 208, 49 CFR 571.21, be amended as follows:

1. The following section would be added:

S9. *Explosive materials and pressure vessels.* Any explosive materials or devices, and any vessels designed to contain a pressurized fluid or gas, that are used or intended for use in a motor vehicle as part of a system designed to provide protection to occupants in the event of a crash, shall conform to all applicable provisions of Parts 170 through 189 of this subtitle that relate to the physical and chemical properties, the packaging, and the marking of those items.

2. S3. *Application*, would be amended to read as follows:

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses. In addition, S9, *Explosive materials and pressure vessels*, applies to explosive materials or devices, and to vessels designed to contain a pressurized fluid or gas, for use in the above types of motor vehicles.

Proposed effective date: January 1, 1972.

Interested persons are invited to submit comments on the revised proposals as set forth below. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on November 15, 1971 will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1407), and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on October 5, 1971.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71-14882 Filed 10-8-71;8:51 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

Leap Year

1. Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C. 1601 et seq.), the Board of Governors proposes to amend Part 226 (Regulation Z), in the manner and for the reasons set forth below:

Amend § 226.6 by the addition of a new paragraph (l) to read as follows:

§ 226.6 General disclosure requirements.

* * * * *

(l) *Leap year.* Any variance in the amount of any finance charge, payment, percentage rate, or other term required under this part to be disclosed, or stated in any advertisement, which occurs by reason of the addition of February 29 in each leap year, may be disregarded, and such term may be disclosed or stated without regard to such variance.

2. The amendment would permit creditors to ignore any variance in terms which occurs as a result of leap year, and will facilitate the use of preprinted disclosures without the need for the preparation of new forms solely as a result of leap year. In general any variance in terms caused as a result of leap year will be minor.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to any Federal Reserve Bank for transmittal to the Board, to be received at the Board not later than November 15, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, October 1, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-14859 Filed 10-8-71;8:50 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 114]

ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Authority of Field Offices to Settle Claims

Notice is hereby given that the Small Business Administration proposes to revise Part 114 of Chapter I of Title 13 of the Code of Federal Regulations, pertaining to administrative settlement of claims under the Federal Tort Claims Act.

The proposed revision reflects certain organizational changes and confers authority on field offices to settle claims of one thousand dollars ($1,000) or less. The proposed revision reads as follows:

AUTHORITY: The provisions of this Part 114 issued under 28 U.S.C. 2672; 28 CFR 14.11 (31 F.R. 16616).

§ 114.100 Definitions.

As used throughout this Part 114:

(a) "Administration" means the Small Business Administration;

(b) "Regional Board of Survey" means a three-member board composed of the Regional Counsel and representatives from the Regional Financing and Procurement and Management Assistance Divisions;

(c) "Employee" means an officer or employee of the Administration;

(d) "District Board of Survey" means a three-member board composed of the District Counsel and representatives from the District Financing and Procurement and Management Assistance Divisions;

(e) "Survey Officer" means the officer who reviews the findings and recommendations of the Washington Board of Survey and approves or disapproves such findings and recommendations;

(f) "Washington Board of Survey" means a board composed of three voting members, namely: A representative of the Office of Security and Investigations; a representative of the Accounting Operations Division, Office of Budget and Finance; and a representative of the Office Services Division, Office of Administrative Services; together with one nonvoting member representing the Office of General Counsel.

§ 114.101 Scope of regulations.

This part applies only to claims asserted under the Federal Tort Claims Act, as amended, 28 U.S.C. 2671–2680, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an employee of the Administration while acting in the scope of his office or employment.

§ 114.102 Administrative claim; when presented; appropriate Administration office.

For purposes of this Part 114, a claim is deemed to have been presented when the Administration receives, at the regional or district office nearest to the place where the incident occurred, an executed "Claim for Damage or Injury," Standard Form 95, in triplicate, or other written notice of an incident together with a claim for money damages in a sum certain for injury to or loss of property or injury or death alleged to have occurred as a result of the incident. When any such written notice is given, it shall be incumbent upon the regional or district office concerned to furnish to the claimant the requisite copies of Standard Form 95 with instructions for completing it.

§ 114.103 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property, his duly authorized agent, or legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim in accordance with applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the parties individually as their respective interests appear, or jointly.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 114.104 Investigation.

The Administration may investigate, or may request any other Federal agency to investigate, a claim filed under this part.

§ 114.105 Administrative claims: evidence and information to be submitted.

(a) *Death*. In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decendent to each survivor dependent upon him for support at the time of his death.

(5) Decedant's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed.

(b) *Personal injury*. In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the Administration or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request: *Provided*, That he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the Administration any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a written statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from his employment, a statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for damage to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the damage to or loss of property or the damages claimed.

§ 114.106 Authority to adjust, determine, compromise, and settle claims in excess of $1,000.

(a) Upon presentation of a claim in an amount exceeding $1,000 and appropriate investigation thereof, the Board of Survey of the regional or district office to which the claim was presented shall consider all of the evidence and enter the Board's findings of fact, conclusions, and recommendations. There shall be appended to the Board's findings of fact, conclusions, and recommendations, a legal opinion of the Regional or District Counsel regarding the liability of the United States under the applicable State law governing negligence and other related matters. The legal opinion shall also frame the issues in such a way as to provide guidance to the Board of Survey in performing its functions. Such opinion shall be submitted to the Board of Survey after investigation of the claim in question but before the Board of Survey has considered the claim. The Regional or District Board of Survey shall establish a case file containing all documents related to the claim and the incident out of which it arose. The file shall also contain the Board's findings of fact, conclusions, and recommendations, and the legal opinion of the Regional or District Counsel. The file shall be forwarded to the Chairman of the Washington Board of Survey after the Regional or District Board of Survey has performed its function.

(b) The Washington Board of Survey shall review the case and submit its recommendations in a report to the Survey Officer. A representative of the Office of General Counsel, normally the nonvoting member of the Washington Board of Survey, shall review the submitted legal opinions regarding the liability of the United States under applicable State law governing negligence and related matters and, in the event of disagreement, shall render a separate legal opinion to the Washington Board of Survey. The report and legal opinion, if any, shall be prepared in an original and five copies and shall be attached to the case file.

(c) If the Survey Officer approves the recommendation of the Washington Board of Survey to pay the claim, the Chairman of the Washington Board of Survey shall complete an original copy of Standard Form 1145 and two memorandum copies of Standard Form 1145A, "Voucher for Payment Under Federal Tort Claims Act." The Chairman shall forward said copies to the claimant for his signature and acceptance.

(d) Upon receiving the Standard Forms 1145 and 1145A from the Claimant, the Chairman of the Washington Board of Survey shall attach the forms to the case file and forward the file to the Administrator or his designee for final approval.

(e) If the Survey Officer disapproves the recommendations of the Washington Board of Survey that the claim be paid, the case file shall be forwarded immediately to the Administrator or his designee for final action. If the Administrator or his designee concurs with the Survey Officer, this shall constitute a final agency denial of the claim and appropriate notice shall be given the claimant as provided in § 114.110. If the Administrator or his designee disagrees with the Survey Officer, Standard Forms 1145 and 1145A shall be prepared and forwarded to the claimant as provided for in paragraph (c) of this section. After the claimant has signed and returned them, the Administrator or his designee shall sign them.

(f) If the Regional or District Board of Survey or the Washington Board of Survey recommends that the claim not be paid, the claim shall nevertheless be processed to final action by the Administrator or his designee through all the appropriate stages outlined in the preceding paragraphs of this section.

§ 114.106–1 Authority of field offices to adjust, determine, compromise, and settle claims of $1,000 or less.

(a) Upon presentation of a claim in the amount of $1,000 or less and appropriate investigation thereof, the Board of Survey of the regional or district office to which the claim was presented shall consider all of the evidence and enter the Board's findings of fact, conclusions, and recommendations. There shall be appended to the Board's findings of fact, conclusions, and recommendations, a legal opinion of the Regional or District Counsel regarding the liability of the United States under the applicable State law governing negligence and other related matters. The legal opinion shall also frame the issues in such a way as to provide guidance to the Board of Survey in performing its functions. Such opinion shall be submitted to the Board of Survey after investigation of the claim in question but before the Board of Survey has considered the claim. The Regional or District Board of Survey shall establish a case file containing all documents related to the claim and the incident out of which it arose. The file shall also contain the Board's findings of fact, conclusions, and recommendations, and the legal opinion of the Regional or District Counsel. The file shall be forwarded to the Regional or District Director after the Regional or District Board of Survey has performed its function.

(b) The Regional or District Director, as appropriate, shall review the case and issue his decision thereon. If the decision is to pay the claim, he shall complete an original copy of Standard Form 1145 and two memorandum copies of Standard Form 1145A, "Voucher for Payment Under Federal Tort Claims Act." The Regional or District Director shall forward said copies to the claimant for his signature and acceptance. Upon receiving the Standard Forms 1145 and 1145A from the claimant, the Regional or District Director shall attach the forms to the case file and direct that payment be made.

(c) If the Regional or District Director denies the claim, this shall constitute a final agency denial of the claim and appropriate notice shall be given claimant as provided in § 114.110.

(d) Notwithstanding the foregoing, a claim for $1,000 or less shall be processed in accordance with § 114.106 when the Regional or District Board of Survey has reason to believe that a related claim may be filed in connection with the same incident and the aggregate amount of such claims will probably exceed $1,000. The reasons for such belief shall be included in the case file along with the findings, conclusions, and recommendations.

(e) When an administrative claim may be adjusted, determined, compromised, or settled under the Federal Tort Claims Act only after consultation with the Department of Justice as provided in § 114.107(b) (1), (2), (3), and (c), the Regional or District Director shall forward the case file to the Office of General Counsel, SBA Central Office, prior to decision. The Regional or District Director shall be guided in this respect by the legal opinion of Regional or District Counsel. After consultation with the Department of Justice, the case file shall be forwarded by the Office of General Counsel to the Washington Board of Survey for final processing in accordance with § 114.106.

§ 114.107 Limitations on authority.

(a) An award, compromise, or settlement of a claim in excess of $25,000 filed under this part shall not be effected without prior written approval of the U.S. Attorney General or his designee. For purposes of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled under the Federal Tort Claims Act only after consultation with the Department of Justice when, in the opinion of the nonvoting member of the Washington Board of Survey and with the concurrence of the General Counsel:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Administration is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled by the Administration under the Federal Tort Claims Act only after consultation with the Department of Justice when the Administration is informed or is otherwise aware that the United States or an employee, agent, or cost-plus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

§ 114.108 Referral to Department of Justice.

When Department of Justice approval or consultation is required under § 114.107, or the advice of the Department of Justice is otherwise to be requested, the referral or request shall be sent to the Assistant Attorney General, Civil Division, Department of Justice, in writing and shall contain (a) a short and concise statement of the facts and of the reasons for the referral or request, (b) copies of relevant portions of the Administration's claim file, and (c) a statement of the recommendations or views of the Administration. Such referrals may be made any time after the presentment of a claim to the Administration, and shall be transmitted by the General Counsel or his designee.

§ 114.109 Examination.

The Administration may request any other Federal agency to conduct a physical examination of a claimant and provide a report of the physical examination. Where reimbursement for such services is authorized or required by statute or regulation, the Administration may reimburse any Federal agency which conditions its compliance with the Administration's request upon such reimbursement.

§ 114.110 Final denial of claim.

Final denial of an administrative claim shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the agency action, he may file a suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 114.111 Action on approved claim.

(a) Payment of a claim approved under this part is contingent upon the claimant's or his duly authorized agent's or legal representative's executing the requisite copies of Standard Form 95, Standard Form 1145, and Standard Form 1145A. When a claimant is represented by an attorney, the voucher shall designate both the claimant and his attorney as payees. The check shall be delivered to the attorney, whose address shall appear on Standard Form 1145, voucher for payment of a claim under the Federal Tort Claims Act.

(b) Acceptance by the claimant, his agent, or legal representative, of any award, compromise, or settlement made pursuant to the Federal Tort Claims Act shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Office of General Counsel, Small Business Administration, 1441 L Street NW., Washington, DC 20416, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Dated: October 1, 1971.

THOMAS S. KLEPPE,
Administrator.

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