heart disease. Without the device, many such patients have a poor prognosis characterized by congestive heart failure, chest pain, arrhythmias, loss of consciousness, embolic phenomena, and death. For some abnormalities of the natural heart valve, there is no satisfactory alternative to valve replacement (Ref. 1). Deformity of natural heart valves, when severe enough to produce significant stenosis or incompetence, is irreversible. The abnormal circulatory dynamics that result can be controlled by medication only to a limited degree. Following implantation of a replacement heart valve, many patients became asymptomatic and others experience a marked improvement in heart function and exercise tolerance.

II. Final Rule

Under section 515(b)(3) of the act, FDA is adopting the proposed findings as published in the preamble to the proposed rule and issuing this final rule to require premarket approval of the generic type of device, the replacement heart valve, by adding a new paragraph (c) to § 870.3925.

Under the final rule, a PMA or a notice of completion of a PDP is required to be filed on or before December 9, 1987, for any replacement heart valve that was in commercial distribution before May 28, 1976, or that has been found by FDA to be substantially equivalent to such a device on or before December 9, 1987. An approved PMA or a declared completed PDP is required to be in effect for any such device on or before June 6, 1988. (If FDA finds that continued availability of a replacement heart valve for which a PMA has been timely filed is necessary for the public health, FDA may, under section 515(D)(1)(B)(i) of the act, extend the 180-day period for taking action on the PMA). Any replacement heart valve that was not in commercial distribution before May 28, 1976, or that has not on or before December 9, 1987 been found by FDA to be substantially equivalent to a replacement heart valve that was in commercial distribution before May 28, 1976, is required to have an approved PMA or a declared completed PDP in effect before it may be marketed.

If a PMA or a notice of completion of a PDP for a replacement heart valve is not filed on or before December 9, 1987, that device will be deemed adulterated under section 501(f)(1)(A) of the act (21 U.S.C. 351(F)(1)(A)), and commercial distribution of the device will be required to cease. The device may, however, be distributed for investigational use, if the requirements of the investigational device exemption (IDE) regulations (21 CFR Part 812) are met.

Under § 812.2(d) of the IDE regulations, FDA hereby stipulates that the exemptions from the IDE requirements in § 812.2(c)(1) and (2) will no longer apply to clinical investigations of the replacement heart valve. Further, FDA concludes that investigational replacement heart valves are significant risk devices as defined in § 812.3(m), and advises that as of the effective date of § 870.3925(c) the requirements of the IDE regulations regarding significant risk devices will apply to any clinical investigation of a replacement heart valve. For any such device, therefore, an IDE submitted to FDA, under § 812.20, is required to be in effect under § 812.30 before an investigation is initiated or continued on or after December 9, 1987. FDA advises all persons who intend to sponsor any clinical investigation involving the replacement heart valve to submit an IDE application to FDA no later than November 9, 1987 to avoid the interruption of ongoing investigations.

III. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) and (e) that this action is of a type that does not individually or cumulatively have significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Economic Impact

FDA has examined the economic consequences of this final rule in accordance with the criteria in section 1(b) of Executive Order 12291 and found that the rule will not be a major rule as specified in the Order. The agency believes that eight firms will be affected by this rule. Therefore, the agency certifies under the Regulatory Flexibility Act (Pub. L. 96–354) that the rule will not have a significant economic impact on a substantial number of small entities. An assessment of the economic impact of this final rule has been placed on file in the Dockets Management Branch (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

Reference

The following reference has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Wheeler, E. D., et al., *in* "The Practice of Cardiology," edited by R. A. Johnson, E. Haber, and W. G. Austen, pp. 435, 479, and 496, Boston, 1980, Little, Brown & Co.

List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 870 is amended as follows:

PART 870—CARDIOVASCULAR DEVICES

1. The authority citation for 21 CFR Part 870 continues to read as follows:

Authority: Sec. 501(f), 510, 513, 515, 520, 701(a), 52 Stat. 1055, 76 Stat. 794–795 as amended, 90 Stat. 540–546, 552–559, 565–574, 576–577 (21 U.S.C. 351(f), 360, 360c, 360e, 360j, 371(a)); 21 CFR 5.10.

2. Section 870.3925 is amended by adding new paragraph (c), to read as follows:

§ 870.3925 Replacement heart valve.

* * * * *

(c) *Date premarket approval application (PMA) or notice of completion of a product development protocol (PDA) is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 9, 1987 for any replacement heart valve that was in commercial distribution before May 28, 1976, or that has on or before December 9, 1987 been found to be substantially equivalent to a replacement heart valve that was in commercial distribution before May 28, 1976. Any other replacement heart valve shall have an approved PMA or a declared completed PDP is effect before being placed in commercial distribution.

Dated: April 17, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 87–10851 Filed 5–12–87; 8:45 am]

BILLING CODE 4160–01–M

federal register

Wednesday
May 13, 1987

Part VI

Department of Education

Office of Elementary and Secondary Education

Intent To Repay to the Robeson County, North Carolina Board of Education Funds Recovered as a Result of a Final Audit Determination; Notice of Intent To Award Grantback Funds

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Intent To Repay to the Robeson County, NC Board of Education Funds Recovered as a Result of a Final Audit Determination

AGENCY: Department of Education.

ACTION: Intent to award grantback funds.

SUMMARY: Under section 456 of the General Education Provisions Act (GEPA), the Secretary of Education (Secretary) intends to repay under a grantback arrangement to the Robeson County Board of Education (local educational agency; LEA) an amount equal to 75 percent of funds recovered by the Department of Education as a result of a final audit determination. This notice describes the LEA's plan for the use of repaid funds and the terms and conditions under which the Secretary intends to make these funds available and invites comments on the proposed grantback.

DATE: All written comments must be received on or before June 12, 1987.

ADDRESS: All written comments should be submitted to Mr. Hakim Khan, Acting Director, Indian Education Programs, U.S. Department of Education (Room 2177, FOB #6), 400 Maryland Avenue, SW., Washington, DC 20202–6267.

FOR FURTHER INFORMATON CONTACT: Mr. Hakim Khan, (202) 732–1887.

SUPPLEMENTARY INFORMATION:

A. Background

In May 1986, the Department of Education recovered $50,000 from the LEA in satisfaction of an audit, covering the period from July 1, 1973 to June 30, 1976. The auditors examined the accounting procedures, procurement practices, and system of internal controls to determine the adequacy of the LEA's management policies and decisions affecting costs.

The auditors found that funds awarded under Part A of the Indian Education Act of 1972 (the Act), Title IV, Part A of Pub. L. 92–318 (20 U.S.C. 241aa through 241ff) had been misspent in violation of the Act's requirements as follows:

(1) Federal funds were not used to supplement but rather to supplant funds that would have been made available by the LEA in the absence of Federal funds (20 U.S.C. 241dd(a)(5));

(2) Federal funds were used to purchase items and finance activities not provided for in the budget approved by the parent committee (20 U.S.C. 241dd(b)(2)(B)(ii);

(3) Federal funds were used for activities not specifically designed to meet the special educational or culturally related academic needs of Indian children (20 U.S.C. 241cc); and

(4) Federal funds were used for costs that were not adequately documented to demonstrate that the funds had benefitted Indian students (20 U.S.C. 241dd(a)(6)).

B. Authority for Awarding a Grantback

Section 456(a) of GEPA, 20 U.S.C. 1234e(a), provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the LEA affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this so-called "grantback" arrangement if the Secretary determines that the—

(1) Practices and procedures of the LEA that resulted in the audit determination have been corrected, and that the LEA is, in all other respects, in compliance with the requirements of the applicable program;

(2) LEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the program, and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) Use of the funds to be awarded under the grantback arrangement in accordance with the LEA's plan would serve to achieve the purposes of the program under which the funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback Arrangement

Pursuant to section 456(a)(2) of GEPA, the LEA has applied for a grantback of $37,500 and has submitted a plan to use the grantback funds consistently with the Act. The LEA proposes to use the grantback funds to expand the computer-assisted instruction laboratory services that provide remedial instruction in reading and mathematics. The LEA's plan is available on request from the Department of Education contact person listed above.

D. The Secretary's Determination

The Secretary has carefully reviewed the plan and other information submitted by the LEA. Based upon that review, the Secretary has determined that the conditions under section 456 of GEPA have been met.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action.

E. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires that, at least thirty days before entering into an arrangement to award funds under a grantback, the Secretary must publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with section 456(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the Robeson County, North Carolina Public Schools under a grantback arrangement. The grantback award would be in the amount of $37,500, which is 75 percent—the maximum percentage authorized by the statute—of the funds recovered by the Department as a result of the audit.

F. Terms and Conditions Under Which Payment Under the Grantback Arrangement Will Be Made

The LEA agrees to comply with the following terms and conditions under which payment under the grantback arrangement would be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements, and

(b) The plan that was submitted in conjunction with the LEA's request for a grantback dated May 20, 1986, and any amendments to that plan that are approved in advance by the Secretary.

(2) All funds received under the grantback arrangement must be expended not later than June 30, 1988, in accordance with the LEA's plan.

(3) The LEA must, not later than September 30, 1988, submit a report to the Secretary which—

(a) Indicates how the funds awarded under the grantback have been used;

(b) Shows that the funds awarded under the grantback have been liquidated; and

(c) Describes the results and effectiveness of the project for which the funds were spent.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Dated: May 7, 1987.

(Catalog of Federal Domestic Assistance Number: 84.060, Indian Education—Formula Grants to Local Educational Agencies and Tribal Schools)

William J. Bennett,

Secretary of Education.

[FR Doc. 87–10888 Filed 5–12–87; 8:45 am]

BILLING CODE 4000–01–M

federal register

Wednesday
May 13, 1987

Part VII

Department of Transportation

Federal Aviation Administration

14 CFR Part 15

Administrative Claims Under the Federal Tort Claims Act; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 15

[Docket No. 25264; Adoption of Part 15]

Administrative Claims Under the Federal Tort Claims Act

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This final rule sets forth a new part for the Federal Aviation Regulations which requires prospective claimants under the Federal Tort Claims Act to follow certain procedures for filing their claims with the Federal Aviation Administration. The rule is needed because the current absence of a published rule of procedure has caused problems due to lack of knowledge by some parties as to how or where to file claims, and the minimum information which must be provided. The rule ensures that these claims are channeled to the appropriate division and expedites their evaluation by the FAA.

DATE: Effective date of this amendment is May 13, 1987. Comments must be received on or before June 12, 1987.

ADDRESS: Send comments on this final rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 25264, 800 Independence Avenue, SW., Washington, DC 20591; or deliver comments in duplicate to: Federal Aviation Administration Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591. Comments must be marked Docket No. 25264. Comments may be examined in the Rules Docket on weekdays except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: James S. Dillman, Assistant Chief Counsel, Litigation Division, AGC-400, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Telephone: (202) 267-3661.

SUPPLEMENTARY INFORMATION:

Comments Invited

This regulation is being adopted without notice and public comment. However, the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979) provide that, to the maximum extent possible, DOT operating administrations should provide an opportunity for public comment, after issuance, for regulations issued without prior notice. Accordingly, interested persons are invited to comment on this final rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-204, Docket No. 25264, 800 Independence Avenue, SW., Washington, DC 20591. All comments received will be available in the Rules Docket for examination by interested persons. This amendment may be changed in the light of comments received.

Commenters wishing the FAA to acknowledge receipt of their comments on this final rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 25264." The postcard will be date and time stamped and returned to the commenter.

Background

The FAA evaluates a significant number of claims against the agency arising under the Federal Tort Claims Act (FTCA). Between calendar years 1980 and 1985, the FAA received an average of 321 claims per year, with a total average amount claimed of almost $7.0 billion per year. The largest number of claims were received in calendar year 1983 when 411 claims were presented. The highest dollar amount to be claimed in a single year occurred in 1984 when over $21.0 billion in claims was presented. Thus, the FAA must deal with a significant number of claims involving sizeable sums of money.

The FTCA requires claims be presented to the appropriate Federal agency. 28 U.S.C. 2675(a). Claims must be in writing. 28 U.S.C. 2401(b). The Attorney General can prescribe regulations concerning the consideration, ascertainment, adjustment, determination, compromise, and settlement of claims brought under the Federal Tort Claims Act. 28 U.S.C. 2672. Federal agencies are authorized to issue regulations and establish procedures consistent with the regulations prescribed by the Attorney General. 28 CFR 14.11. The Administrator of the FAA is authorized to exercise the authority of the Secretary of Transportation as executive head of a department under any statute, Executive Order, or regulation. 49 CFR 1.45(a)(2). Under 49 CFR 1.47(a), the Federal Aviation Administration is delegated authority to carry out the powers and duties transferred to the Secretary of Transportation by section 6(c)(1) of the Department of Transportation Act, 49 U.S.C. 1655(c)(1).

The Final Rule

There is currently no published rule of procedure informing the public how or where to file claims against the FAA under the FTCA. Such a rule is necessary for three reasons. First, some parties bringing claims against the FAA do not know how or where to file a claim. Second, sometimes claims are presented at remote FAA locations and to FAA personnel who do not understand the nature of the claim, or the statutory and regulatory requirements involved. For these reasons, FAA evaluation of the merits of the claim is frequently delayed. To remedy this, the rule specifies where and with whom claims must be filed.

The third reason for the rule is that the FAA receives some claims which cannot be adjudicated because they are incomplete or otherwise defective. The rule stipulates the minimum information that claimants must provide the FAA before their claim is deemed presented to the agency. Also, the rule lists additional information which the FAA may require the claimant to provide so that the claim can be adequately evaluated.

Reason for No Notice and Immediate Adoption

This amendment is needed to ensure that claimants know where to correctly file their claims against the agency and what information must be filed with their claims. It does not provide for any change in agency policy nor affect the substantive rights of the claimant. It merely provides notice of current agency practice.

For these reasons, notice and public procedure are unnecessary, and good cause exists for making this amendment effective in less than 30 days. Moreover, publication for prior comment would not reasonably be expected to result in the receipt of useful information on these procedural requirements. In accordance with DOT Regulatory Policies and Procedures, an opportunity for public comment after publication is being provided.

Economic Assessment

The rule sets out procedures which prospective claimants must follow to have their claims evaluated by the agency. The rule imposes no greater burden than that already required by 28 CFR Part 14. However, 28 CFR Part 14 does not stipulate when, where, and with whom to file claims.

The rule does not affect the national economy, and it is unrelated to events which would produce a major increase in costs or prices for consumers, individual industries, governmental authorities or agencies, or geographic regions. Industry, government, and geographical regions are outside the scope of the rule. The effect of the rule on a prospective claimant is minimal since it merely states publicly that information which the agency would otherwise require of the claimant to substantiate the claim.

For those claimants who would have hand-delivered or mailed their claim to any FAA facility, the requirements may impose additional postage costs, but those costs are negligible. Finally, the new rule does not address matters which affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Since the impact of the rule is minimal, no full Regulatory Evaluation is necessary.

Trade Impact Assessment

The rule will have no impact on international trade. The subject of the rule is unrelated to the manufacture or distribution of aviation-related products and services either by United States-based manufacturers and air carriers or foreign-based manufacturers and air carriers.

Regulatory Impact Determination

The vast majority of claims filed against the FAA under the FTCA are filed by individuals. Small entities seldom file claims against the FAA. Accordingly, the number of small entities that will be affected by the new rule is not substantial.

Additionally, the rule will not have a significant economic impact on the transaction costs of those small entities filing claims against the FAA. Conceivably, those claimants who would have hand-delivered or mailed their claim to any FAA facility may be required by the new rule to pay additional postage costs in order to properly file their claim. These additional costs do not constitute a significant economic impact on prospective claimants. While the rule is expected to increase the efficiency with which the FAA processes these claims, no monetary benefits are expected to accrue to the claimant as a result. Therefore, the number of small entities who would be affected by the rule is not expected to be substantial and the rule is not expected to have a significant economic impact, positive or negative. Accordingly, a regulatory flexibility analysis is not required.

Conclusion

Because the rule inserts into 14 CFR requirements which are already in place in 28 CFR Part 14, the FAA has determined that the rule involves a regulation which is not major under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since very few, if any, small entities would be affected by the rule, and only minimal postage costs are involved, it is certified that under the criteria of the Regulatory Flexibility Act the rule will not have a significant economic impact, positive or negative, on a substantial number of entities. Because of the absence of any costs attendant with the rule, the FAA has determined that the expected impact of the regulation is so minimal that it does not warrant a full regulatory evaluation.

List of Subjects in 14 CFR Part 15

Federal Tort Claims Act, Administrative claims, Air transportation, Aircraft, Airports, Airplanes, Helicopters, Rotorcraft, Heliports.

The Amendment

Accordingly, the Federal Aviation Administration amends Chapter I, Subchapter B, Procedural Rules, of Title 14 of the Code of Federal Regulations by adding a new Part 15 (14 CFR Part 15) to read as follows:

PART 15—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Sec.

Authority: 49 U.S.C. 1354; 5 U.S.C. 301; 28 U.S.C. 2672, 2675; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983).

§ 15.1 Scope of regulations.

(a) These regulations apply to claims asserted under the Federal Tort Claims Act, as amended, for money damages against the United States for injury to, or loss of property, or for personal injury or death, caused by the negligent or wrongful act or omission of an employee of the FAA acting within the scope of office or employment. The regulations in this part supplement the Attorney General's regulations in 28 CFR Part 14, as amended. The regulations in 28 CFR Part 14, as amended, and the regulations in this part apply to consideration by the FAA of administrative claims under the Federal Tort Claims Act.

§ 15.3 Administrative claim, when presented; appropriate office.

(a) A claim is deemed to have been presented when the FAA receives, at a place designated in paragraph (b) of this section, an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to, or loss of, property or for personal injury or death, alleged to have occurred by reason of the incident. A claim which should have been presented to the FAA but which was mistakenly filed with another Federal agency, is deemed presented to the FAA on the date the claim is received by the FAA at a place designated in paragraph (b) of this section. A claim addressed to, or filed with, the FAA by mistake will be transferred to the appropriate Federal agency, if that agency can be determined, or returned to the claimant.

(b) Claims shall be delivered or mailed to: Assistant Chief Counsel for Litigation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

Alternatively, claims may be delivered or mailed to: Office of the Regional Counsel, in any of the FAA Regional Offices.

(c) Claim forms are available at each location listed in paragraph (b) of this section.

(d) A claim presented in accordance with this section may be amended by the claimant at any time prior to final FAA action or prior to the exercise of the claimant's option, under 28 U.S.C. 2675(a), to deem the agency's failure to make a final disposition of his or her claim within 6 months after it was filed as a final denial. Each amendment to a claim shall be submitted in writing and signed by the claimant or the claimant's duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the FAA has 6 months thereafter in which to make a final disposition of the claim as amended, and the claimant's option under 28 U.S.C. 2675(a) does not accrue until 6 months after the filing of the amendment.

§ 15.5 Administrative claim, who may file.

(a) A claim for injury to, or loss of, property may be presented by the owner of the property interest which is the subject of the claim or by the owner's duly authorized agent or legal representative.

(b) A claim for personal injury may be presented by the injured person or that person's 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 under 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 insurer or the insured individually, as their respective interest appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, it shall present with its claim appropriate evidence that it has the rights of a subrogee.

(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 authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 15.7 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) The decedent's employment or occupation at time of death, including monthly or yearly salary or earnings (if any), and the duration of 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 death.

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

(5) Decedent's general, physical, and mental conditions 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 amount of 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 the attending physician or dentist setting forth the nature and extent of the injuries, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity.

(2) In addition to the report required by paragraph (b)(1) of this section, the claimant may be required to submit to a physical or mental examination by a physician employed by the FAA or another Federal agency. A copy of the report of the examining physician is made available to the claimant upon the claimant's written request if the claimant has, upon request, furnished the report required by paragraph (b)(1), and has made or agrees to make available to the FAA any other physician's reports previously or thereafter made on the physical or mental condition which is the subject matter of the claim.

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

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

(5) If a claim is made for loss of time from employment, a written statement from the claimant's employer showing actual time lost from employment, whether the claimant is a full or part-time employee, and wages or salary actually lost.

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

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

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

(1) Proof of ownership of the property interest which is the subject of the claim.

(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 injury to or loss of property or the damages claimed.

§ 15.9 Investigation and examination.

The FAA may investigate a claim or conduct a physical examination of a claimant. The FAA may request any other Federal agency to investigate a claim or conduct a physical examination of a claimant and provide a report of the investigation or examination to the FAA.

Issued in Washington, DC, on May 5, 1987.

Donald D. Engen,

Administrator.

[FR Doc. 87-10857 Filed 5-12-87; 8:45 am]

BILLING CODE 4910-13-M