

the expiration of the term. See D.C. Code 24-804(c) and 24-806(c).

\* \* \* \* \*

(d)(1) Program plans and using program achievement to set the parole date. \* \* \*

(2) The youth offender's response to treatment programs and program achievement shall be considered with other relevant factors, such as the offense and parole prognosis, in determining when the youth offender should be conditionally released under supervision. See § 2.64(e). The guidelines at § 2.80(k)-(m) on awarding superior program achievement and the subtraction of any award in determining the total guideline range shall not be used in the decision.

\* \* \* \* \*

#### § 2.207 [Amended]

8. Section 2.207 is amended by removing the first sentence of paragraph (a).

9. Section 2.208 is amended by adding a new paragraph (f) which reads as follows:

#### § 2.208 Termination of a term of supervised release.

\* \* \* \* \*

(f) Decisions on the early termination of a term of supervised release for an offender sentenced under the YRA shall be made in accordance with the provisions of this section. If the Commission terminates the term of supervised release before the expiration of the term, the youth offender's conviction is automatically set aside and the Commission shall issue a certificate setting aside the conviction. See D.C. Code 24-806 (c), (d). The set-aside certificate shall be issued in lieu of the certificate of discharge described in § 2.209.

#### § 2.219 [Amended]

10. Section 2.219 is amended as follows:

a. Amend paragraph (a)(1) by removing the phrase "Not more than 5 years," and add in its place "Five years,";

b. Amend paragraph (a)(2) by removing the phrase "Not more than 3 years," and add in its place "Three years,";

c. Amend paragraph (a)(3) by removing the phrase "Not more than 2 years," and add in its place "Two years,";

d. Amend paragraph (a)(4) by removing the phrase "Not more than 1 year," and add in its place "One year,".

Dated: September 6, 2002.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. 02-23154 Filed 9-12-02; 8:45 am]

BILLING CODE 4410-31-P

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

### 28 CFR Part 801

[CSOSA-0004-F]

RIN 3225-AA02

### Federal Tort Claims Act Procedure

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

**ACTION:** Final rule.

**SUMMARY:** The Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA" or "Agency") is adopting regulations to supplement Department of Justice regulations for processing administrative claims under the Federal Tort Claims Act ("FTCA"). These supplemental regulations state in plain language what a claimant needs to do to file a claim for money damages under the FTCA with CSOSA or with the District of Columbia Pretrial Services Agency ("PSA" or "Agency"). These regulations are necessary to help ensure that persons who suffer proven monetary loss, personal injury, or wrongful death due to a negligent or otherwise wrongful act or omission of an Agency employee committed while acting within the scope of his or her employment will be properly compensated.

**EFFECTIVE DATE:** October 15, 2002.

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

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

**SUPPLEMENTARY INFORMATION:** The Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA" or "Agency") is adopting regulations (28 CFR part 801) supplementing Department of Justice regulations (28 CFR part 14) for processing administrative claims under the Federal Tort Claims Act ("FTCA"). A proposed rule on this subject was published in the *Federal Register* on November 20, 2001 (66 FR 58083).

As noted in the proposed rule, the District of Columbia Pretrial Services Agency ("PSA" or "Agency") is an independent entity within CSOSA. CSOSA's supplemental regulations will be applicable to claims involving CSOSA and/or PSA.

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

Instructions for filing a claim with the Agency are contained in § 801.2. These instructions are presented in a question and answer format. The easiest and most efficient way to ensure that a claim includes sufficient information is to submit a completed Standard Form 95 ("SF 95"). The SF 95 is available both "online" and from CSOSA's Office of the General Counsel. Other means of written notification, however, are acceptable as noted in the regulations.

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

CSOSA did not receive any comments on the proposed rule. CSOSA accordingly is adopting the proposed provisions as a final rule without further change.

### Matters of Regulatory Procedure

#### Administrative Procedure Act

In accordance with the Administrative Procedure Act, CSOSA

published a proposed rule on this subject in the **Federal Register**. This final rule will become effective as noted above.

#### *Executive Order 12866*

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

#### *Executive Order 13132*

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the Director of CSOSA has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Regulatory Flexibility Act*

The Director of CSOSA, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and by approving it certifies that this rule will not have a significant economic impact upon a substantial number of small entities. This rule pertains to Agency management, and its economic impact is limited to the Agency's appropriated funds.

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

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

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

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

#### *Plain Language Instructions*

We strive to draft regulations that are simple and easy to read. If you have any suggestions on how to improve the clarity of these regulations, please write, e-mail, or call Roy Nanovic at the address or telephone number given above in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections.

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

Claims, Probation and parole.

**Paul A. Quander, Jr.,**

*Director.*

Accordingly, we amend chapter VIII, Title 28 of the Code of Federal Regulations by adding a new part 801 as set forth below.

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

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

Sec.

801.1 Claims filed under the Federal Tort Claims Act.

801.2 Filing a claim.

801.3 Processing the claim.

801.4 Final disposition of claim.

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

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

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

#### **§ 801.2 Filing a claim.**

(a) *Who may file the claim?* You may file a claim for money damages against CSOSA or PSA if you believe that a CSOSA or PSA employee has injured you or has damaged or lost property that you own. You may file a claim on behalf of an injured or deceased person or

owner of damaged or lost property if you are acting as agent, executor, administrator, parent, guardian, legal or other representative provided you submit evidence of your authority to act on behalf of the claimant.

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

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

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

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

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

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

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

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

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

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

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

(d) *Will appreciation or depreciation be considered?* Yes, appreciation or depreciation is considered in settling a claim for lost or damaged property.

#### § 801.4 Final disposition of claim.

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

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

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

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

[FR Doc. 02-23375 Filed 9-12-02; 8:45 am]

BILLING CODE 3129-01-P

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Parts 4022 and 4044

#### Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in October 2002. Interest assumptions are also published on the PBGC's Web site (<http://www.pbgc.gov>).

**EFFECTIVE DATE:** October 1, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

**SUPPLEMENTARY INFORMATION:** The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in appendix B to part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in appendix C to part 4022).

Accordingly, this amendment (1) adds to appendix B to part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during October 2002, (2)

adds to appendix B to part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during October 2002, and (3) adds to appendix C to part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during October 2002.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in appendix B to part 4044) will be 5.30 percent for the first 25 years following the valuation date and 4.25 percent thereafter. These interest assumptions represent a decrease (from those in effect for September 2002) of 0.10 percent for the first 25 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in appendix B to part 4022) will be 4.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent a decrease (from those in effect for September 2002) of 0.25 percent for the period during which a benefit is in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during October 2002, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).