

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### 5 CFR Part 1630

#### Privacy Act Regulations; Implementation

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Final rule.

**SUMMARY:** The Executive Director of the Federal Retirement Thrift Investment Board (Board) is adopting as final the Board's proposed rule adding procedures to access records of spouses, former spouses, and beneficiaries of Thrift Savings Plan (TSP) participants.

**DATES:** Effective January 3, 2000.

**FOR FURTHER INFORMATION CONTACT:** Thomas L. Gray, (202) 942-1662. FAX (202) 942-1676.

**SUPPLEMENTARY INFORMATION:** The Board was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99-335, 100 Stat. 514, which has been codified, as amended, largely at 5 U.S.C. 8351 and 8401-8479 (1994), to administer the TSP. The TSP is a tax-deferred retirement savings plan for Federal employees which is similar to cash or deferred arrangements established under section 401(k) of the Internal Revenue Code.

On May 7, 1990, initial Board regulations implementing the Privacy Act were published in the **Federal Register** (55 FR 18851). An amendment to these regulations was published in the May 20, 1994, **Federal Register** (59 FR 26409), to allow the disclosure of participant records in response to a copy of an authorization signed by the subject of the records, instead of an original signed statement. Subsequently, on September 15, 1999, the Board published a proposed rule in the **Federal Register** (64 FR 50012) to add procedures to cover records that will be

maintained for spouses, former spouses, and beneficiaries of Thrift Savings Plan (TSP) participants.

This change is necessary because the Board is updating its computerized data base for the TSP record keeping system. The Board maintains FRTIB-1, Thrift Savings Plan Records, which is a Governmentwide system of records. Under the new TSP record keeping system, in addition to records of participants, FRTIB-1 will include records of spouses, former spouses, and beneficiaries of participants. This change adds procedures for granting access to those records. The Board received no comments on the proposed rule; therefore, it is adopting the proposed rule without change.

#### Regulatory Flexibility Act

I certify that this amendment will not have a significant economic impact on a substantial number of small entities. It will affect only spouses, former spouses, and beneficiaries of TSP participants.

#### Paperwork Reduction Act

I certify that this amendment does not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

#### Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, section 201, Public Law 104-4, 109 Stat. 48, 64, the effect of this regulation on state, local, and tribal governments and on the private sector has been assessed. This regulation will not compel the expenditure in any one year of \$100 million or more by any state, local, and tribal governments in the aggregate, or by the private sector. Therefore, a statement under section 202, 109 Stat. 48, 64-65, is not required.

#### Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), the Board submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States before publishing this rule in today's **Federal Register**. This is not a major rule as defined at 5 U.S.C. 804(2).

### List of Subjects in 5 CFR Part 1630

Privacy.

**Roger W. Mehle,**

*Executive Director, Federal Retirement Thrift Investment Board.*

For the reasons set forth in the preamble, part 1630 of chapter VI of title 5 of the Code of Federal Regulations is amended as follows:

### PART 1630—PRIVACY ACT REGULATIONS

1. The authority citation for part 1630 continues to read as follows:

**Authority:** 5 U.S.C. 552a.

2. Section 1630.2 is amended as follows:

a. In paragraph (e) by adding the words "or the record keeper" after the word "Board"; and

b. By redesignating paragraphs (f), (g), (h), (i), (j), (k), (l), (m), and (n) as paragraphs (g), (h), (i), (j), (k), (l), (n), (o), and (p), respectively, and by adding paragraphs (f) and (m) to read as follows:

#### § 1630.2 Definitions.

\* \* \* \* \*

(f) *Record keeper* means the entity that is engaged by the Board to perform record keeping services for the TSP;

\* \* \* \* \*

(m) *TSP participant* means any individual for whom a TSP account has been established. This includes former participants, *i.e.*, participants whose accounts have been closed;

\* \* \* \* \*

3. Section 1630.4 is amended by revising paragraph (a)(1) and the chart which follows that paragraph, by redesignating paragraphs (a)(2), (a)(3), and (a)(4) as paragraphs (a)(3), (a)(4) and (a)(5), and by adding a new paragraph (a)(2) to read as follows:

#### § 1630.4 Request for notification and access.

(a) *TSP records.* (1) Records on TSP participants and the spouses, former spouses, and beneficiaries of TSP participants are maintained in the Governmentwide system of records, FRTIB-1, Thrift Savings Plan Records. A participant or a spouse, former spouse, or beneficiary of a participant must make his or her inquiry in accordance with the chart set forth in this paragraph. The mailing address of the Thrift Savings Plan Service Office is:

National Finance Center, PO Box 61500, New Orleans, LA, 70161-1500. Telephone inquiries are subject to the

verification procedures set forth in § 1630.7. A written inquiry must include the name and Social Security

number of the participant or of the spouse, former spouse, or beneficiary of the participant, as appropriate.

To obtain information about or gain access to TSP records about you

<p>If you want:</p> <p>To make inquiry as to whether you are a subject of this system of records.</p> <p>To gain access to a record about you.</p> <p>To learn the history of disclosures of records about you to entities other than the participant's employing agency or the Board or auditors see § 1630.4 (a)(4).</p>	<p>If you are a participant who is a current Federal employee:</p> <p>Call or write to your employing agency in accordance with agency procedures for personnel or payroll records.</p> <p>Call or write to your employing agency to request access to personnel and payroll records regarding the agency's and the participant's contributions, and adjustments to contributions. Call or write to the TSP record keeper to gain access to loan status and repayments, earnings, contributions allocation elections, interfund transfers, and withdrawal records.</p> <p>Write to TSP record keeper .....</p>	<p>If you are a participant who has separated from Federal employment or a spouse, former spouse, or beneficiary:</p> <p>Call or write to TSP record keeper.</p> <p>Call or write to TSP record keeper.</p> <p>Write to TSP record keeper.</p>
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(2) Participants may also inquire whether this system contains records about them and access certain records through the account access section of the TSP Web site and the ThriftLine (the TSP's automated telephone system). The TSP Web site is located at *www.tsp.gov*. To use the TSP ThriftLine, the participant must have a touch-tone telephone and call the following number (504) 255-8777. The following information is available on the TSP Web site and the ThriftLine: account balance; available loan amount; the status of a monthly withdrawal payment; the current status of a loan or withdrawal application; and an interfund transfer request. To access these features the participant will need to provide his or her SSN and PIN.

\* \* \* \* \*

**§ 1630.5 [Amended]**

4. Section 1630.5 is amended in paragraphs (a) and (b) by adding the words "or the TSP record keeper" after the word "Board".

**§ 1630.6 [Amended]**

5. Section 1630.6 is amended in paragraph (a) by removing at the end of the first sentence the phrase "by the Board".

6. Section 1630.7 is amended as follows:

- a. In paragraph (a), by adding the words "or record keeper designee," after the words "Privacy Act Officer" in the third sentence;
- b. In paragraph (b), by adding the words "or record keeper designee," after the words "Privacy Act Officer" in the second sentence;
- c. By revising paragraph (c) to read as follows:

**§ 1630.7 Identification requirements.**

\* \* \* \* \*

(c) *By telephone.* (1) Telephone identification procedures apply only to requests from participants and spouses, former spouses, or beneficiaries of participants for information in FRTIB-1, Thrift Savings Plan Records, which is retrieved by their respective Social Security numbers.

(2) A participant or a spouse, former spouse, or beneficiary of a participant must identify himself or herself by providing to the record keeper designee his or her name, Social Security number, and any other information requested. If the record keeper designee determines that any of the information provided by telephone is incorrect, the requester will be required to submit a request in writing.

(3) A participant may also access the TSP Web site or call the TSP ThriftLine to obtain account information. These systems require the participant's Social

Security number and PIN. Because a PIN is required to use these features, they are not available to former participants, whose PINs are canceled when their accounts are closed.

**§ 1630.8 [Amended]**

7. Section 1630.8 is amended as follows:

- a. In paragraph (a), by removing the second sentence;
- b. In paragraph (b)(1), by adding the words "or the record keeper" after the word "Board"; and
- c. In paragraph (b)(5), by adding the words "or the record keeper" after the word "Board" in the first sentence, and by adding the words "or record keeper designee" after the words "Privacy Act Officer" in the second sentence.

**§ 1630.11 [Amended]**

8. Section 1630.11 is amended as follows:

- a. In paragraph (a)(1), by adding the following sentence at the beginning of the paragraph:
  - (a) \* \* \* (1) A spouse, former spouse or beneficiary of a TSP participant who wants to correct or amend his or her record must write to the TSP record keeper. \* \* \*
- b. In paragraph (a)(1) by revising the chart to read as follows:

To correct or amend a TSP record

If the type of record is: Personnel or personal records (e.g., age, address, Social Security number, date of birth). The agency's and the participant's contributions, and adjustments to contributions. Earnings, investment allocation, interfund transfers, loans, loan repayments, and withdrawals.	If you are a participant who is a current Federal employee write to: Write to your employing agency .....  Write to your employing agency .....  Write to TSP record keeper .....	If you are a participant who has separated from Federal employment write to: Write to TSP record keeper.  Write to your former employing agency.  Write to TSP record keeper.
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c. In paragraph (a)(3), by removing the following language from the first sentence, "the procedures set forth for agencies and the Board (including the TSP Service Office which is the Board's recordkeeper) in"; and

d. In paragraph (a)(5), by revising the last two sentences to read as follows:

(a) \* \* \*

(5) \* \* \* The employing agency also has custody of the election form (which is maintained in the Official Personnel Folder). Requests for amendment or correction of records described in this paragraph should be made to the employing agency.

\* \* \* \* \*

**§ 1630.14 [Amended]**

9. Section 1630.14 is amended in paragraph (c) by adding the words "or the record keeper" after the word "Board" in the first sentence.

**§ 1630.16 [Amended]**

10. Section 1630.16 is amended in paragraph (d)(1) by adding the words "to be" after the word "amount".

**§ 1630.2, 1630.4, 1630.6, 1630.11, 1630.12 and 1630.16 [Amended]**

11. The words "Thrift Savings Plan Service Office", "TSP Service Office" and "Head, TSP Service Office" are revised to read "record keeper" in the following sections:

- 1630.2(n);
- 1630.4(a)(3) in all three sentences;
- 1630.6(a) in sentence two;
- 1630.11(a)(2);
- 1630.12(a) in sentences one and two; and 1630.16(c).

**§ 1630.6 and 1630.10 [Amended]**

12. The words "Head, TSP Service Office, or designee" are revised to read "record keeper designee" in the following sections:

- 01630.6(a) in sentence one;
- 1630.10(a); and
- 1630.10(a)(1).

\* \* \* \* \*

[FR Doc. 99-30923 Filed 12-2-99; 8:45 am]

BILLING CODE 6760-01-P

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**9 CFR Part 78**

[Docket No. 99-051-2]

**Brucellosis in Cattle; State and Area Classifications; Kansas**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Kansas from Class A to Class Free. We have determined that Kansas meets the standards for Class Free status. The interim rule relieved certain restrictions on the interstate movement of cattle from Kansas.

**DATES:** The interim rule became effective on July 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-7708.

**SUPPLEMENTARY INFORMATION:**

**Background**

In an interim rule effective July 1, 1999, and published in the **Federal Register** on July 8, 1999 (64 FR 36775-36777, Docket No. 99-051-1), we amended the brucellosis regulations in 9 CFR part 78 by removing Kansas from the list of Class A States or areas in § 78.41(b) and adding it to the list of Class Free States or areas in § 78.41(a).

Comments on the interim rule were required to be received on or before September 7, 1999. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim

rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

**List of Subjects in 9 CFR Part 78**

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

**PART 78—BRUCELLOSIS**

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 78 and that was published at 64 FR 36775-36777 on July 8, 1999.

**Authority:** 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 29th day of November 1999.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 99-31372 Filed 12-2-99; 8:45 am]

BILLING CODE 3410-34-U

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**9 CFR Part 94**

[Docket No. 98-119-2]

**Change in Disease Status of Liechtenstein Because of BSE**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that added Liechtenstein to the list of regions where bovine spongiform encephalopathy exists. We took this action because bovine spongiform