

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1650

Methods of Withdrawing Funds From the Thrift Savings Plan

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Proposed rule with request for comments.

SUMMARY: The Executive Director of the Federal Retirement Thrift Investment Board (Board) is publishing a proposed amendment to the Board's withdrawal regulations. Under the proposed amendment, if a participant does not withdraw his or her Thrift Savings Plan (TSP) account in a timely manner, the account will be forfeited. The account will be restored if the participant complies with the withdrawal requirements.

DATES: Comments must be received on or before May 21, 1999.

ADDRESSES: Comments may be sent to Patrick J. Forrest, Federal Retirement Thrift Investment Board, 1250 H Street, N.W., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Patrick J. Forrest, (202) 942-1662.

SUPPLEMENTARY INFORMATION: The Board administers the TSP, which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Pub. L. 99-335, 100 Stat. 514. The provisions governing the TSP are codified primarily in subchapters III and VII of Chapter 84 of Title 5, United States Code (1994). 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. Sums in a participant's TSP account are held in trust for the participant. 5 U.S.C. 8437(g).

The deadline for a participant to withdraw or begin withdrawing his or her account is governed by 5 U.S.C. 8433. Under section 8433(f), this

deadline is April 1 of the year following the later of the year in which the participant turns age 70½ or the year in which the participant separates from Government employment.

Final regulations governing the deadline for withdrawing a TSP account were published in the **Federal Register** on September 18, 1997 (62 FR 49113). These regulations do not address the action the Board will take if a participant fails to comply with the withdrawal deadline.

Under the proposed amendment, whenever a participant does not comply with the withdrawal deadline, the Board will transfer all of the funds in his or her account to the Government Securities Investment Fund (G Fund) that are not already invested in that Fund. The participant will be sent a notice of this action and informed that the account will be declared abandoned and forfeited unless the participant takes the appropriate withdrawal action within 90 days of the date of notice. Forfeiture is necessary because participants who have not taken timely action to withdraw their accounts are no longer eligible to have a TSP account.

If, at a later time, a participant reclaims the TSP account and a proper withdrawal election has been received, the Board will restore the funds to the account and authorize the withdrawal. The amount the participant may withdraw is the amount of funds in the account at the time the Board declared it to be abandoned and forfeited. No earnings will be paid on these funds during the forfeiture period.

If the participant reclaims the account balance, but decides not to take a lump sum or monthly payments withdrawal, the Board will purchase an annuity for the participant after it has received the necessary information from him or her. The option of electing an annuity is not available for TSP accounts of \$3,500 or less. Those accounts will be paid in accordance with § 1650.22.

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 TSP participants and beneficiaries.

Paperwork Reduction Act

I certify that these regulations do 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, Pub. L. 104-4, 109 Stat. 48, 64, the effect of these regulations 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.

List of Subjects in 5 CFR Part 1650

Employee benefit plans, Government employees, Pensions, Retirement.

Dated: March 12, 1999.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons set forth in the preamble, part 1650 of chapter VI of title 5 of the Code of Federal Regulations is amended as follows:

PART 1650—METHODS OF WITHDRAWING FUNDS FROM THE THRIFT SAVINGS PLAN

1. The authority citation for part 1650 continues to read as follows:

Authority: 5 U.S.C. 8351, 8433, 8434, 8435, 8474(b)(5), and 8474(c)(1).

2. Section 1650.15 is amended by adding new paragraphs (c) and (d) to read as follows:

§ 1650.15 Required withdrawal date.

* * * * *

(c) In the event that a participant does not withdraw his or her account or begin receiving payments in accordance with paragraph (a) of this section, the Board will transfer all of the funds in the participant's account not already invested in the Government Securities Investment Fund (G Fund) to that Fund. A notice of this action will be sent to the participant with a warning that his or her account will be declared abandoned and forfeited unless the participant comes into compliance with paragraph (a) of this section within 90 days of the date of the notice.

(d) If the participant does not take the appropriate withdrawal action within

the 90 day period provided in paragraph (c) of this section, the Board will purchase an annuity for the participant after the following steps have been taken:

(1) The account has been declared abandoned and the funds in the account have been forfeited;

(2) A notice of this action has been sent to the participant;

(3) The participant reclaims the account balance that was abandoned, but decides against a withdrawal pursuant to §§ 1650.10 or 1650.11; and

(4) The participant provides the information that the Board needs to purchase an annuity pursuant to § 1650.12.

[FR Doc. 99-6757 Filed 3-19-99; 8:45 am]

BILLING CODE 6760-01-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 80

[Docket No. 98-037-1]

Johne's Disease in Domestic Animals; Interstate Movement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing several changes to the regulations regarding the interstate movement of domestic animals that have reacted to a test for paratuberculosis. First, we are proposing to replace all references to "paratuberculosis" with references to "Johne's disease" to reflect a change in nomenclature. Second, we are proposing to identify an official test for the detection of Johne's disease in domestic animals. Third, we are proposing to allow sexually intact animals that are positive to the official Johne's disease test to be moved interstate for the collection of germ plasm. Fourth, we are proposing to amend the requirements for moving animals interstate. These actions would update the regulations and remove restrictions on the interstate movement of animals that are positive to an official Johne's disease test that do not appear necessary to prevent the interstate spread of Johne's disease.

DATES: Consideration will be given only to comments received on or before May 21, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98-037-1, Regulatory

Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 98-037-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph S. VanTiem, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231, (301) 734-7716.

SUPPLEMENTARY INFORMATION:

Background

Paratuberculosis, also known as Johne's disease, is a disease caused by *Mycobacterium paratuberculosis*. This disease primarily affects cattle, sheep, goats, and other domestic, exotic, and wild ruminants. Paratuberculosis is a chronic and contagious enteritis that results in progressive wasting and eventual death. Clinical signs are rarely evident until 2 or 3 years after the initial infection, which usually occurs soon after birth. The organism is shed in large numbers in the feces of infected animals, and infection can be acquired by ingestion of organisms from contaminated food and water sources. The organism can also be present in colostrum and milk of infected cows. The disease is nearly always introduced into a clean herd by an infected animal that does not show symptoms of the disease. Our regulations are intended to control the interstate spread of the disease in the United States.

The regulations in subchapter C of chapter I, title 9, Code of Federal Regulations, govern the interstate movement of animals to prevent the dissemination of livestock and poultry diseases in the United States. Parts 71 and 80 (referred to below as the regulations) are included in subchapter C. Part 71 relates to the interstate transportation of animals, poultry, and animal products. Part 80 pertains to the interstate movement of domestic animals that are paratuberculosis reactors. A paratuberculosis reactor is a domestic animal that has reacted to a test recognized by the Secretary of Agriculture for paratuberculosis.

In this document, we are proposing several changes to the regulations regarding the interstate movement of

domestic animals affected with paratuberculosis.

Paratuberculosis

We are proposing to amend the regulations in parts 71 and 80 by replacing all references to "paratuberculosis" with references to "Johne's disease" to reflect a change in nomenclature. Since the regulations were first promulgated, accepted veterinary medical terminology has changed. Paratuberculosis is now generally referred to as Johne's disease. In this proposed rule, we will use the term "Johne's disease" when referring to "paratuberculosis," as appropriate.

Definitions (§ 80.1)

The proposed changes to part 80 of the regulations would make it necessary for us to add definitions in § 80.1 for several terms used in the proposed regulations. We are proposing to add definitions for *Administrator*, *Animal and Plant Health Inspection Service (APHIS)*, *APHIS representative*, *approved livestock facility*, *area veterinarian in charge*, *official eartag*, *owner-shipper statement*, *permit*, *premises identification number*, *premises of origin*, *recognized slaughtering establishment*, *State animal health official*, and *State representative*.

We are also proposing to add three definitions that are not currently defined or used elsewhere in subchapter C. *Germ plasm* would be defined as semen, embryos or ova. *Johne's disease* would be defined as an infectious and communicable disease that primarily affects cattle, sheep, goats, and other domestic, exotic, and wild ruminants, also known as paratuberculosis, caused by *Mycobacterium paratuberculosis*. The proposed definition for *official Johne's disease test*, the third definition we would add, is discussed later in this document.

We are also proposing to update the definitions of *accredited veterinarian*, *moved*, and *State* in § 80.1 to make them consistent with the definitions of these terms found in other parts of chapter I, title 9, Code of Federal Regulations.

We are also proposing to remove several terms from § 80.1 that would no longer be used in part 80. Specifically, we would remove the terms *paratuberculosis*, *Federal inspector*, *person*, *specifically approved stockyard*, and *State inspector*. As explained earlier, *paratuberculosis* would be replaced by *Johne's disease*. *Federal inspector* would be replaced by *APHIS representative*; *person* would no longer be used; *specifically approved stockyard* would be replaced with *approved*