

# 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 Parts 1630, 1651, 1653, 1690

#### Thrift Savings Plan Service Office and ThriftLine Contact Information

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

**ACTION:** Proposed rule; Update TSP participant services' contact information.

**SUMMARY:** The Federal Retirement Thrift Investment Board (Agency) is amending its regulations to update the Thrift Savings Plan's (TSP) participant services' contact information. The mailing addresses for the TSP's benefits processing units (e.g., correspondence, benefits request forms, court orders and legal process actions, death benefit claims) has changed from National Finance Center, P.O. Box 61500, New Orleans, Louisiana 70161-1500 to the current addresses provided at <http://www.tsp.gov>. (These units were formerly known collectively as the TSP Service Office.) Additionally, the TSP's ThriftLine telephone number has changed from (504) 255-8777 to (877) 968-3778.

**DATES:** Comments must be received on or before August 14, 2006.

**ADDRESSES:** Comments may be sent to Thomas K. Emswiler, General Counsel, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC 20005. The Agency's Fax number is (202) 942-1676.

**FOR FURTHER INFORMATION CONTACT:** Megan Graziano on (202) 942-1659.

**SUPPLEMENTARY INFORMATION:** The Agency administers the TSP, which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99-335, 100 Stat. 514. The TSP provisions of FERSA are codified, as amended, largely at 5 U.S.C. 8351 and 8401-79. The TSP is a tax-deferred retirement savings plan for Federal civilian employees and members of the uniformed services. The

TSP is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

The Executive Director proposes to amend the Agency's regulations to provide current contact information for the Agency's processing units and ThriftLine. In addition to providing participants with accurate contact information, the proposed language often directs participants to the TSP Web site as opposed to a specific address. Use of the Web site for reference will reduce Agency resources used to update such contact information.

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities. They will affect only employees of the Federal Government.

#### Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act.

#### Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, 1501-1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of \$100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under § 1532 is not required.

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

Pursuant to 5 U.S.C. 810(a)(1)(A), the Agency 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 publication of this rule in the **Federal Register**. This rule is not a major rule as defined at 5 U.S.C. 814(2).

#### List of Subjects

5 *CFR* Part 1630

Privacy Act regulations.

5 *CFR* Part 1651

Death benefits.

5 *CFR* Part 1653

Court Orders and legal processes affecting Thrift Savings Plan accounts.

5 *CFR* Part 1690

Thrift Savings Plan.

**Thomas K. Emswiler,**  
General Counsel.

For the reasons set forth in the preamble, the Agency proposes to amend 5 CFR chapter VI as follows:

#### PART 1630—PRIVACY ACT REGULATIONS

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

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

2. Amend § 1630.4 by revising the third sentence of paragraph (a)(1) and the third sentence of paragraph (a)(2) to read as follows:

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

(a) \* \* \*  
(1) \* \* \* The mailing address of the Thrift Savings Plan is provided at <http://www.tsp.gov>. \* \* \*  
(2) \* \* \* To use the TSP ThriftLine, the participant must have a touch-tone telephone and call the following number (877) 968-3778. \* \* \*

#### PART 1651—DEATH BENEFITS

3. The authority citation for part 1651 continues to read as follows:

**Authority:** 5 U.S.C. 8424(d), 8432(j), 8433(e), 8435(c)(2), 8474(b)(5) and 8474(c)(1).

4. Amend § 1651.31 by adding a sentence at the end of the paragraph to read as follows:

#### § 1651.13 How to apply for a death benefit.

\* \* \* Please visit <http://www.tsp.gov> to obtain a copy of this form and for the current mailing address for death benefit applications.

#### PART 1653—COURT ORDERS AND LEGAL PROCESSES AFFECTING THRIFT SAVINGS PLAN ACCOUNTS

5. The authority citation for part 1653 continues to read as follows:

**Authority:** 5 U.S.C. 8435, 8436(b), 8437(e), 8439(a)(3), 8467, 8474(b)(5) and 8474(c)(1).

6. Amend § 1653.3 by revising the third sentence of paragraph (b) introductory text to read as follows:

**§ 1653.3 Processing retirement benefits court orders.**

\* \* \* \* \*

(b) \* \* \* Retirement benefits court orders should be submitted to the TSP record keeper at the current address as provided at <http://www.tsp.gov>. \* \* \*

\* \* \* \* \*

7. Amend § 1653.13 by revising the third sentence of paragraph (b) introductory text to read as follows:

**§ 1653.13 Processing legal processes.**

\* \* \* \* \*

(b) \* \* \* Legal processes should be submitted to the TSP record keeper at the current address as provided at <http://www.tsp.gov>. \* \* \*

\* \* \* \* \*

**PART 1690—THRIFT SAVINGS PLAN**

8. The authority citation for part 1690 continues to be read as follows:

**Authority:** 5 U.S.C. 8474.

9. Amend § 1690.1 by removing the definition of *Thrift Savings Plan Service Office* or *TSPSO* and by revising the definition of *ThriftLine* to read as follows:

**§ 1690.1 Definitions.**

\* \* \* \* \*

*ThriftLine* means the automated voice response system by which TSP participants may, among other things, access their accounts by telephone. The ThriftLine can be reached at (877) 968-3778.

\* \* \* \* \*

[FR Doc. E6-11064 Filed 7-13-06; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY****Bureau of Customs and Border Protection****19 CFR Parts 4 and 122**

[USCBP-2005-0003]

RIN 1651-AA62

**Passenger Manifests for Commercial Aircraft Arriving in and Departing From the United States; Passenger and Crew Manifests for Commercial Vessels Departing From the United States**

**AGENCY:** Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This rule proposes to amend existing Bureau of Customs and Border Protection regulations concerning electronic manifest transmission

requirements relative to passengers, crew members, and non-crew members traveling onboard international commercial flights and voyages. Under current regulations, air carriers must transmit to the Bureau of Customs and Border Protection (CBP), Department of Homeland Security (DHS), passenger manifest information for aircraft en route to the United States no later than 15 minutes after the departure of the aircraft. This proposed rule implements the Intelligence Reform and Terrorism Prevention Act of 2004 requirement that such information be provided to the government before departure of the aircraft. This proposed rule provides air carriers a choice between transmitting complete manifests no later than 60-minutes prior to departure of the aircraft or transmitting manifest information on passengers as each passenger checks in for the flight, up to but no later than 15 minutes prior to departure. The rule also proposes to amend the definition of “departure” for aircraft to mean the moment the aircraft is pushed back from the gate. For vessel departures from the United States, the rule proposes transmission of passenger and crew manifests no later than 60 minutes prior to departure of the vessel.

**DATES:** Written comments must be received on or before August 14, 2006.

**ADDRESSES:** You may submit comments, identified by docket number USCBP-2005-0003, by one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.  
(2) *Mail:* Comments by mail are to be addressed to the Bureau of Customs and Border Protection, Office of Regulations and Rulings, Regulations Branch, 1300 Pennsylvania Ave., NW. (Mint Annex), Washington, DC 20229.

(3) *Hand delivery/courier:* 799 9th Street, NW., Washington, DC 20220.

**FOR FURTHER INFORMATION CONTACT:** Charles Perez, Program Manager, Office of Field Operations, Bureau of Customs and Border Protection (202-344-2605).

**SUPPLEMENTARY INFORMATION:** The Supplementary Information section is organized as follows:

- I. Public Participation
- II. Background and Purpose
- III. Proposed Rule
  - A. Change Regarding Definition of “Departure” for Aircraft
  - B. Proposed Options for Transmission of Manifest Data by Air Carriers
    1. APIS 60 (Interactive Batch Transmission) Option
    2. APIS Quick Query (Interactive Real-Time Transmission) Option
    3. System Certification; Delayed Effective Date

4. Carriers Opting Out; Non-Interactive Batch Transmission Process
- C. Proposed Change for Transmission of Manifests by Departing Vessels
- IV. Rationale for Change
  - A. Terrorist Threat
  - B. IRTPA
- V. Impact on Parties Affected by the Proposed Rule
- VI. Regulatory Requirements
  - A. Executive Order 12866 (Regulatory Planning and Review)
  - B. Regulatory Flexibility Act
  - C. Unfunded Mandates Reform Act
  - D. Executive Order 13132 (Federalism)
  - E. Executive Order 12988 (Civil Justice Reform)
  - F. National Environmental Policy Act
  - G. Paperwork Reduction Act
  - H. Signing Authority
  - I. Privacy Statement

**I. Public Participation**

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. CBP also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments that will provide the most assistance to CBP in developing these procedures will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

**Instructions:** All submissions received must include the agency name and docket number for this rulemaking (USCBP-2005-0003). All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may also be inspected at the Bureau of Customs and Border Protection, 799 9th Street, NW., Washington, DC 20220. To inspect comments, please call (202) 572-8768 to arrange for an appointment.

**II. Background and Purpose**

The Advance Passenger Information System (APIS) is a widely utilized electronic data interchange system approved by DHS for use by international commercial air and vessel carriers to transmit electronically to CBP certain data on passengers, crew members, and non-crew members, as required under CBP regulations. APIS was developed by the former U.S. Customs Service (Customs) in 1988, in cooperation with the former Immigration and Naturalization Service