

# 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 1601

#### Participant Choices of Investment Funds

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

**ACTION:** Proposed rule.

**SUMMARY:** The Executive Director of the Federal Retirement Thrift Investment Board (Board) is publishing proposed amendments to interim regulations on participants' choices of Thrift Savings Plan (TSP) investment funds. The proposed amendments, to subparts A and C of 5 CFR Part 1601, reflect changes in the methods by which TSP participants may request interfund transfers, including use of an automated voice response system to make, change, or cancel interfund transfer requests. The proposed amendments also remove the investment and interfund transfer restrictions on accounts of participants who withdraw their accounts in one or more equal payments. Finally, the proposed amendments increase the number of interfund transfers permitted per year from four (4) to twelve (12). No amendments are proposed to subpart B.

**DATES:** Comments must be received on or before June 26, 1995.

**ADDRESSES:** Comments may be sent to: David L. Hutner, (202) 942-1661.

**SUPPLEMENTARY INFORMATION:** Interim rules governing participants' choices of investment funds were originally published in the **Federal Register** on March 29, 1990, as an amendment to title 5 of the Code of Federal Regulations, adding Part 1601, Participants' Choice of Investment Funds. Revised interim rules were published in the **Federal Register** on January 7, 1991, primarily to implement section 3 of the Thrift Savings Plan Technical Amendments Act of 1990 (TSPTAA), which removed investment restrictions that had been in place prior to the effective date of the TSPTAA. On December 28, 1994, the Board published

a proposed rule in the **Federal Register** (59 FR 66796) setting forth changes in the procedures by which TSP participants may make, change, or cancel interfund transfer requests. The Board did not receive any comments on the proposed regulations. However, the December 28, 1994, proposed amendments to the interim rules are being withdrawn and replaced by these proposed amendments.

The present proposed rules, when adopted, will amend the interim rules by making changes to the procedures by which TSP participants may make, change, or cancel interfund transfer requests. The primary change in the procedures involves the availability of the automated voice response system, known as the "ThriftLine," for participants to make interfund transfer requests over the telephone. The ThriftLine provides services to participants in addition to enabling them to make interfund transfer requests, but those other functions are not addressed in these regulations. These proposed regulations also address two policy changes which have been adopted by the Board since the publication of the previous proposed amendments. The present proposed rules will amend the interim rules by removing the investment and interfund transfer restrictions on accounts of participants who withdraw their accounts in one or more equal payments. Such participants were previously required to invest their entire accounts in the G Fund. Finally, the proposed amendments will amend the interim rules by increasing the number of interfund transfers permitted per year from four (4) to twelve (12).

#### Section-by-Section Analysis

##### Subpart A

The proposed rule amends § 1601.1, which contains the definitions applicable to Part 1601, by revising one definition and adding three new ones.

The definition of "Interfund transfer request" has been amended to reflect that properly completing and submitting to the TSP recordkeeper an Interfund Transfer Request (Form TSP-30) is no longer the exclusive method to request an interfund transfer. A request may also be made by proper entry of the transaction on the automated ThriftLine.

Definitions of "Board" (the Federal Retirement Thrift Investment Board),

"Acknowledgment of Risk," and "ThriftLine" have been added. Under 5 U.S.C. 8439(d), all participants who invest in the Common Stock Index Investment Fund (C Fund) or the Fixed Income Investment Fund (F Fund) must sign an acknowledgment that the investment is made at the participant's own risk and that the participant is not protected against losses on the investment or guaranteed a return on the investment. Under § 1601.5 (as amended by the proposed rule), the procedures for satisfying the requirements of 5 U.S.C. 8439(d) have been changed.

Instructions for use of the ThriftLine to make interfund transfer requests on the telephone will be widely available to all TSP participants.

##### Subpart B

Subpart B is unchanged by the proposed amendment.

##### Subpart C

The proposed amendments will remove § 1601.4(c) which requires that the account balance of a participant who withdraws his or her account balance in one or more equal payments be invested entirely in the G Fund. This change will allow a participant who receives equal payments to invest the remaining account balance in any of the TSP investment funds in which to invest the portion of the account that is remaining and to make interfund transfers under the same rules applicable to other TSP participants. The remainder of § 1601.4 is unchanged by the proposed amendment.

Proposed § 1601.5 sets forth the methods by which interfund transfer requests can be made. Section 1601.5(a) contains the general rules that interfund transfer requests may now be made either by submission of a properly completed Form TSP-30 or by entry of the transaction on the ThriftLine. Section 1601.5(a) also states explicitly that Forms TSP-30 generated prior to October 1990 cannot be used to make interfund transfer requests. Such forms can be readily identified because they were preprinted with participants' names and addresses, described restrictions on the amounts that could be invested in the C Fund and F Fund, and specified a particular effective date for the interfund transfer. Similarly, Form TSP-30-S, which was designed for use only by certain FERS

participants to make interfund transfers effective as of the end of December 1990, cannot be used to make interfund transfer requests.

Section 1601.5(b) retains the rule that interfund transfer requests must include designations of percentages to be invested in each of the TSP investment funds in multiples of 5 percent that total 100 percent. This requirement applies regardless of whether the interfund transfer request is entered on the ThriftLine or is submitted on Form TSP-30. Section 1601.5 also retains from the previous rule the admonition that an interfund transfer request does not affect future contributions made by a participant. If a participant wishes to change the allocation of future contributions among the investment funds, that can only be accomplished by submission to his or her employing agency of a properly completed Election Form (TSP-1) during a TSP Open Season. The rules for submission of Election Forms are set forth in Subpart B, which is unchanged by the amendments.

Section 1601.5(c) retains the previous rule that percentages elected by the participant are applied to the account balance as of the effective date of the interfund transfer, which is established as provided in § 1601.6. The percentages are applied to the account in the same manner, whether submitted on Form TSP-30 or entered on the ThriftLine.

Section 1601.5(d) contains significant changes to the procedures governing the acknowledgment of risk required by 5 U.S.C. 8439(d). Under the previous rule, all participants requesting an interfund transfer were required to sign the acknowledgment of risk section on Form TSP-30 each time the form was submitted, unless the request was for investment of 100% of the account balance in the Government Securities Investment Fund (G Fund). The proposed rule is premised on a determination that each participant should only be required to acknowledge investment risk once. To date, participants who have invested any portion of their accounts in the C Fund or the F Fund at any time must have already signed an acknowledgment of risk, either on Form TSP-1 or on Form TSP-30, since those are the only two methods by which money could have been invested in the C Fund or F Fund. Accordingly, all participants whose account records indicate that they have invested in the C Fund or F Fund (regardless of whether they currently have money in those funds) are deemed to have satisfied the requirements of 5 U.S.C. 8439(d), and are permitted to use the ThriftLine to request interfund

transfers without further acknowledgment of investment risk. Participants who have never invested in the C Fund or F Fund, and therefore have never been required to sign an acknowledgment of risk, will not be permitted to make interfund transfers on the ThriftLine until the TSP recordkeeper receives a signed acknowledgment of risk form from them. An Acknowledgment or Risk For ThriftLine Interfund Transfers (Form TSP-32) has been created for this purpose. The proposed rule treats participants who may continue to make their interfund transfer requests on paper, using Form TSP-30, consistently with those who use the ThriftLine. Since it is only necessary to acknowledge investment risk once, participants who use Form TSP-30 and fail to sign the acknowledgment of risk section will no longer have their forms rejected if they have previously invested any portion of their TSP account in the C Fund or F Fund, or if the TSP recordkeeper has received a properly completed Form TSP-32. Form TSP-30 has been amended to delete the statement that all forms requesting investment in the C Fund or F Fund will be rejected if the acknowledgment of risk section of the form is not signed. The proposed rule retains the requirement that the form itself (as opposed to the acknowledgment of risk section) must be signed and dated in all cases.

It is anticipated that some participants may continue to sign the acknowledgment of risk section even though they have already invested in the C Fund and/or F Fund and therefore do not need to sign again. This is not an area of concern to the Board, however, because the superfluous signature does not impose a significant burden on participants. Any participant who submits Form TSP-30 requesting investment in the C Fund or F Fund and is uncertain as to whether he or she has ever invested in those funds should sign the acknowledgment of risk section of the form to eliminate the possibility that the form will be rejected for lack of an acknowledgment of risk. For purposes of determining whether participants' interfund transfer requests should be processed, the TSP recordkeeping system will identify whether a participant has ever invested in the C Fund or F Fund, even if the participant subsequently transferred his or her entire account to the G Fund.

Section 1601.5(e) of the proposed rule, which addresses only use of Form TSP-30, remains virtually unchanged in substance from the previous rule, except that paragraph (2) has been amended to

reflect the rules set forth in § 1601.5(d). The other changes to this section are designed to consolidate the language for ease of reading rather than to make substantive changes to the procedures for processing interfund transfer requests. In particular, the language "or otherwise is not properly completed in accordance with the instructions on the form" in proposed § 1601.5(e)(1) is a substitute for several of the specific bases for rejection of forms that were included in the previous rule. Since the instructions on Form TSP-30 include requirements that had been reflected in separate paragraphs of the previous rule, those paragraphs have been eliminated to avoid redundancy.

Section 1601.5(f) has not been changed in substance.

Section 1601.6 of the proposed rule governs the timing and effective dates of interfund transfers. The proposed rule sets forth the order of precedence with respect to multiple transfer requests and cancellations using the ThriftLine and/or Form TSP-30. Although the proposed rule permits interaction between entry of transactions on the ThriftLine and on paper (i.e., by Form TSP-30 or written cancellations), the Board notes that the rules governing that interaction are, in some cases, complex; therefore, participants are encouraged to avoid, if possible, mixing the two methods. The ThriftLine provides the most expeditious and certain method of entering all transactions, because it eliminates any delays caused by mail delivery and processing of documents.

Section 1601.6(a) of the proposal allows participants to make up to twelve interfund transfers per calendar year rather than the four interfund transfers per calendar year that were previously allowed.

Section 1601.6(b) contains the general rule governing the date on which an interfund transfer will be made effective, based on the date of receipt of the interfund transfer request. In the case of a request made on the ThriftLine, the date of receipt is the date the transaction is entered on the ThriftLine. In the case of a request made by Form TSP-30, the date of receipt is the date the form is delivered to the TSP recordkeeper. Apart from the fact that interfund transfer requests may now be received by two methods, the general rule adopted by this rule is identical to the previous rule: requests received on or before the 15th of a month (or next business day if the 15th is not a business day) are effective as of the end of the month of receipt; requests received after the 15th of a month are effective as of the end of the month following receipt.

Section 1601.6(c) sets forth the rules governing receipt of more than one interfund transfer request during the same one-month period after the 15th of one month (or next business day) and on or before the 15th of the next month. The basic rule, set forth in § 1601.6(c)(1), is that the request with the latest date of signature (if Form TSP-30 is used) or entry (if the ThriftLine is used) controls. Thus, if a properly completed Form TSP-30 was dated June 17 and received by NFC on June 25, and another interfund transfer request was entered on the ThriftLine on June 23, the ThriftLine transaction would supersede the request on Form TSP-30, because the June 23 ThriftLine transaction was later than the June 17 signature on the Form TSP-30.

The rules are based on the presumption that, when a participant enters a new transfer on the ThriftLine, he or she intends to supersede a form that was mailed on an earlier date. The rules also presume that a participant intends a later ThriftLine entry to supersede an earlier one. Similarly, where a Form TSP-30 is dated one day and another Form TSP-30 is dated on a subsequent day, it is presumed that the participant intends to override the earlier dated form, regardless of the order in which the forms may be received by the TSP recordkeeper, because that order can be affected by the uncertainties of mail delivery.

Therefore, under the proposed rules, the date of receipt of Form TSP-30 determines only the effective date for the interfund transfer that is requested. A Form TSP-30 dated June 8 and received by the TSP recordkeeper on June 12 cannot be superseded by a subsequent form dated June 13 but not received by the recordkeeper until June 17. The former will be processed as of the end of June; the latter as of the end of July. If participants using Form TSP-30 wish to control the month end for which a transfer is to be made effective, it is their responsibility to ensure that the form is actually delivered to NFC during the proper one-month period. This can be accomplished in most cases by allowing sufficient time to accommodate potential mail delays or by using overnight mail (or other guaranteed forms of delivery). Participants can also control the effective date of their interfund transfers by using the ThriftLine rather than Form TSP-30, because the ThriftLine provides immediate acceptance of properly entered interfund transfer requests.

Section 1601.6(c)(2) of the proposal provides more detailed rules governing receipt of multiple interfund transfer

requests having the same date. Section 1601.6(c)(2)(i) provides that, as between a ThriftLine request and a Form TSP-30 dated the same day, the ThriftLine entry will be made effective. Thus, the ThriftLine entry will supersede a Form TSP-30 dated the same day.

Section 1601.6(c)(2)(ii) provides that as between two transactions entered the same day on the ThriftLine, the one entered later in the day supersedes the earlier request.

Finally § 1601.6(c)(2)(iii) provides that if more than one Form TSP-30 has the same date signed, then all shall be rejected, unless they contain an identical percentage allocation among the investment funds, in which case that allocation will be accepted. Unlike interfund transfer requests entered on the ThriftLine, where Forms TSP-30 bear the same date but different allocation elections, the Board has no way to determine which form represents the participant's latest request. What is most important to participants is that there be uniform rules that can be consistently applied in cases involving multiple interfund transfer requests. The proposed rule accomplishes that purpose.

Section 1601.6(c)(3) sets forth the rules for determining the date of an interfund transfer request. Under § 1601.6(c)(3)(i), if made on the ThriftLine, the date of the interfund transfer request is the date of the telephone entry of the transaction. Under § 1601.6(c)(3)(ii), if the interfund transfer request is made on Form TSP-30, the date of the request is the signature date entered on the form by the participant. As previously discussed, the date of receipt of the form is not the date of the request; the receipt date controls only the effective date for which the form is deemed to be a request. Finally, under § 1601.6(c)(3)(iii), the date on which a transaction is entered on the ThriftLine is determined by application of Central Time. For example, a transaction entered at 12:15 a.m. Eastern Time on the 16th of a month will be considered a transaction entered on the 15th, because it was 11:15 p.m. Central Time when the transaction occurred. Conversely, a transaction entered at 11:15 p.m. Pacific Time on the 15th, is entered at 1:15 a.m. Central Time and will therefore be considered a transaction entered on the 16th. The determination of the date on which a ThriftLine transaction was requested may be important for two purposes: (1) to determine whether the request was made by the applicable 15th of the month cutoff date, and (2) to determine

whether the request supersedes or cancels another request.

Section 1601.6(d) of the proposed rule governs cancellation of interfund transfer requests. Under § 1601.6(d)(1), a signed and dated cancellation letter containing the required information must be received by the same cutoff date (15th of the month or next business day if the 15th is not a business day) that applies to receipt of an interfund transfer request that is to be effective as of the end of the month for which the transfer to be canceled is pending. For example, a letter to cancel a pending interfund transfer that is to be made effective as of the end of June must be received by June 15 (nor next business day). A cancellation letter will not cancel a transfer request with a date after the date of the cancellation letter. If a cancellation letter does not state unambiguously the specific interfund transfer request to be canceled, it will cancel any earlier dated interfund transfer request that is pending for the applicable effective date. If the letter does state unambiguously the interfund transfer request to be canceled, then only that request will be canceled by the letter.

The TSP recordkeeper will compare multiple interfund transfer requests to determine which is the controlling request prior to determining the effect of a written cancellation. For example, assume there are two interfund transfer requests received prior to June 15, one dated June 3 and one dated June 5. The June 5 request supersedes the June 3 request. If there is a cancellation letter dated June 10 (and received by June 15) specifying cancellation of the June 5 request, then no interfund transfer would be processed, because the June 3 request would be superseded and the June 5 request would be canceled. On the other hand, if the June 10 letter specified cancellation of the June 3 request, then the June 5 request would be processed, because it would not be superseded by the earlier June 3 request nor would it be canceled by the June 10 cancellation letter that specified cancellation of the June 3 request.

The last sentence of § 1601.6(d)(1) governs the rare situation where the written cancellation bears the same date as an interfund transfer request. A different rule applies depending upon whether the interfund transfer request was submitted on Form TSP-30 or entered on the ThriftLine. In the former case, it is presumed that the cancellation letter was intended to cancel a Form TSP-30 dated the same day. In the latter case, with one exception, the ThriftLine entry is presumed to supersede the cancellation

letter, which may have been an attempt to cancel another Form TSP-30 that was received for a prior effective date or that has not yet been received or entered into the TSP system. The only exception is where the written cancellation specifically states that it is intended to cancel the ThriftLine entry of the same date; in that situation, the cancellation letter will be effective to cancel the ThriftLine request of the same date.

Under § 1601.6(d)(2), cancellation entered on the ThriftLine before the relevant 15th of the month cutoff date will cancel a pending interfund transfer request that had been entered previously on the ThriftLine. An interfund transfer request made using Form TSP-30 can be canceled using the ThriftLine only if it has been entered into the TSP recordkeeping system and is, therefore, at the time the cancellation is entered on the ThriftLine, a pending transfer. In that regard, participants are cautioned that in many cases Forms TSP-30 are not entered into the TSP recordkeeping system until after the 15th cutoff, even if they are received before that cutoff. If that is the case, then the participant cannot use the ThriftLine to cancel an interfund transfer request that was submitted on Form TSP-30. For that reason, participants who prefer to make interfund transfer requests by use of Form TSP-30 are encouraged to cancel only in writing. The Board will not be responsible for a participant's inability to cancel a Form TSP-30 by use of the ThriftLine. Participants are encouraged to use, in any one interfund transfer period, only one method to make, change, or cancel interfund transfer requests.

Section 1601.7 is unchanged by the proposed amendment.

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

#### List of Subjects in 5 CFR Part 1601

Employee benefit plans, Government employees, Retirement, Pensions.

Dated: May 11, 1995.

John J. O'Meara,

Executive Director (Acting), Federal Retirement Thrift Investment Board.

For the reasons set out in the preamble, Part 1601 of chapter VI of title 5 of the Code of Federal Regulations is

proposed to be amended as set forth below:

#### PART 1601—[AMENDED]

1. The authority citation for Part 1601 continues to read as follows:

**Authority:** 5 U.S.C. 8351, 8438, 8474(b)(5) and (c)(1).

2. Section 1601.1 is amended by revising the definition "Interfund Transfer Request" and adding in alphabetical order definitions of "Acknowledgment of Risk", "Board", and "ThriftLine", to read as follows:

##### § 1601.1 Definitions.

\* \* \* \* \*

*Acknowledgment of Risk* means an acknowledgment that any investment in the C Fund or the F Fund is made at the participant's risk, that the participant is not protected by the United States Government or the Board against any loss on the investment, and that neither the United States Government nor the Board guarantees any return on the investment.

\* \* \* \* \*

*Board* means the Federal Retirement Thrift Investment Board.

\* \* \* \* \*

*Interfund transfer request* means submission of a properly completed Interfund Transfer Request (Form TSP-30) or proper entry of an interfund transfer through use of the ThriftLine.

\* \* \* \* \*

*ThriftLine* means the automated voice response system by which TSP participants may, among other things, make interfund transfer requests by telephone.

\* \* \* \* \*

3. Section 1601.4 is amended by removing paragraph (c).

4. Section 1601.5 is revised to read as follows:

##### § 1601.5 Methods of requesting an interfund transfer.

(a) To make an interfund transfer, participants may either submit to the TSP recordkeeper a properly completed Interfund Transfer Request (Form TSP-30), or may enter the interfund transfer request over the telephone by using the ThriftLine. Forms TSP-30 generated prior to October 1990, which were preprinted with a participant's name and address, described restrictions on the amounts which could be invested in the C Fund and the F Fund, and specified an effective date for the interfund transfer, are obsolete forms. They will be rejected by the TSP recordkeeper if submitted to make an interfund transfer request. Similarly,

Form TSP-30-S, which was designed for use only by certain FERS participants to make interfund transfers effective as of the end of December 1990, are obsolete forms which will be rejected by the TSP recordkeeper if submitted to make an interfund transfer request.

(b) To make an interfund transfer request, a participant must designate the percentages of his or her account balance that are to be invested in the C Fund, the F Fund, and/or the G Fund. The percentages selected by the participant must be in multiples of 5 percent and must total 100 percent. An interfund transfer request has no effect on contributions made by a participant after the effective date of the interfund transfer (as determined in accordance with § 1601.6); such subsequent contributions will continue to be allocated among the investment funds in accordance with the participant's election under subpart B of this part.

(c) The percentages elected by the participant will be applied to the participant's account balance attributable to each source of contributions as of the effective date of the interfund transfer, as determined in accordance with § 1601.6.

(d) Participants who have at any time in the past invested any portion of their TSP accounts in the C Fund or the F Fund are eligible to make interfund transfer requests using the ThriftLine since they must, at some previous time, have submitted an Acknowledgment of Risk; such participants need not, if using Form TSP-30 to make a written interfund transfer request, complete the section of the form that contains the acknowledgment of risk. Participants who have not at any time in the past invested any portion of their TSP accounts in the C Fund or the F Fund are not eligible to make interfund transfers using the ThriftLine until a properly completed Acknowledgment of Risk for ThriftLine Interfund Transfer (Form TSP-32) has been received by the TSP recordkeeper. Participants who have not at any time in the past invested any portion of their TSP accounts in the C Fund or the F Fund must complete the Acknowledgment of Risk section of Form TSP-30 if they make a written interfund transfer request, unless a properly completed Form TSP-32 has been received by the TSP recordkeeper.

(e) An Interfund Transfer Request (Form TSP-30) that has been submitted to the TSP recordkeeper will not be processed and will have no effect, if:

(1) it is not signed and dated, or otherwise is not properly completed in accordance with the instructions on the form; or

(2) in the case of a participant who has not previously invested any portion of his or her TSP account in the C Fund or the F Fund and for whom a properly completed Form TSP-32 has not been received by the TSP recordkeeper, the acknowledgment of risk section of the Form TSP-30 is not signed; or

(3) the participant is not otherwise eligible to make an interfund transfer (e.g., because he or she is scheduled for a withdrawal of the entire account balance).

(f) If a Form TSP-30 is rejected, the form will have no effect. The participant will be provided with a brief written statement of the reason the form was rejected.

5. Section 1601.6 is revised to read as follows:

**§ 1601.6 Timing and effective dates of interfund transfers.**

(a) *Annual Limit.* A participant may have twelve interfund transfers made effective during any calendar year, one in each calendar month.

(b) *Effective dates.* Interfund transfer requests received by the TSP recordkeeper (whether by Form TSP-30 or on the ThriftLine) on or before the 15th day of a month (or, if the 15th day is not a business day, by the next business day) shall be effective as of the end of the month during which the interfund transfer request was received. Interfund transfer requests received by the TSP recordkeeper after the 15th day of a month (or, if applicable, by the next business day) will be effective as of the end of the month following the month during which the interfund transfer request was received. Account balances that are reallocated among the investment funds effective as of the end of any month will reflect the effects of all other account activity posted to the account effective during or as of the end of that month.

(c) *Multiple interfund transfer requests.*

(1) If two or more properly completed interfund transfer requests with different dates (as determined by paragraph (c)(3) of this section) are received for the same participant after the 15th day of one month (or, if applicable, after the next business day), but on or before the 15th day of the next month (or, if applicable, the next business day), the interfund transfer request with the latest date (as determined by paragraph (c)(3) of this section) will be made effective and the earlier interfund transfer request(s) will be superseded.

(2) If two or more properly completed interfund transfer requests with the same dates are received for the same

participant after the 15th day of one month (or, if applicable, after the next business day), but on or before the 15th day of the next month (or, if applicable, the next business day), the following rules shall apply:

(i) If one or more of the interfund transfer requests was submitted using the ThriftLine and one or more was made on Form TSP-30, the request(s) made on the ThriftLine will supersede the request(s) made on Form TSP-30;

(ii) If more than one of the interfund transfer requests were made on the ThriftLine, the request entered at the latest time of day will supersede the earlier request(s); and

(iii) If more than one of the interfund transfer requests were submitted using Form TSP-30, all such forms will be rejected, unless they all contain identical percentage allocations among the TSP investment funds, in which case one will be accepted.

(3) For purposes of determining the date of an interfund transfer request:

(i) The date of an interfund transfer request made on the ThriftLine is the date of its telephone entry;

(ii) The date of an interfund transfer request made on Form TSP-30 is the signature date set forth on the form by the participant; and

(iii) Central time will be used for determining the date on which a transaction is entered on the ThriftLine.

(d) *Cancellation of interfund transfer requests.* Interfund transfer requests may be canceled either in writing or by entering the cancellation on the ThriftLine.

(1) *Cancellation by letter.* A participant may cancel an interfund transfer request by submitting a letter to the TSP recordkeeper requesting cancellation. To be accepted, the cancellation letter must be signed and dated and must contain the participant's name, Social Security number, and date of birth. To be effective, the cancellation letter must be received on or before the 15th day of the month as of the end of which the interfund transfer is to be effective (or, if applicable, by the next business day). Unless the letter states unambiguously the specific interfund transfer request it seeks to cancel, the written cancellation will apply to any interfund transfer request with a date (as determined under paragraph (c)(3) of this section) before the date of the cancellation letter. If the date of a cancellation letter is the same as the date of an interfund transfer request and the request was made on Form TSP-30, the Form TSP-30 will be canceled; if the request was made on the ThriftLine it will only be canceled if the written

cancellation specifies the date of the ThriftLine request to be canceled.

(2) *Cancellation on the ThriftLine.*

(i) An interfund transfer request may also be canceled by entering the cancellation on the ThriftLine on or before the 15th day of the month (or, if applicable, the next business day) as of the end of which the interfund transfer is to be effective. A cancellation entered on the ThriftLine will apply to a pending interfund transfer request entered on the ThriftLine before the entry of the cancellation. A cancellation entered on the ThriftLine can only apply to interfund transfer requests submitted on Forms TSP-30 that were:

(A) Dated on or before the date of the cancellation; and

(B) Received and entered into the TSP recordkeeping system before the cancellation is attempted on the ThriftLine.

(ii) The Board cannot guarantee that the TSP recordkeeper will enter Forms TSP-30 into the TSP recordkeeping system before the 15th day of the month, regardless of the date the Form TSP-30 may have been received. Thus, participants cannot rely on the ThriftLine to cancel an interfund transfer request that was submitted on Form TSP-30, and participants are discouraged from attempting to do so. The Board is not responsible for any consequences of a participant's inability to cancel on the ThriftLine an interfund transfer request submitted on Form TSP-30.

[FR Doc. 95-12942 Filed 5-25-95; 8:45 am]

BILLING CODE 6760-01-M

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 29**

[Docket No. TB-95-12]

**Tobacco Inspection; Standards**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Department is proposing to revise the regulations for flue-cured tobacco to add a special factor to identify lots of tobacco that contain 25 percent of an adjacent stalk position. This rule will encourage producers to offer a more desirable product for market by separating stalk positions.

**DATES:** Comments are due on or before June 26, 1995.

**ADDRESSES:** Send comments to John P. Duncan III, Director, Tobacco Division,