

# Rules and Regulations

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## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### 5 CFR Part 1651

#### Death Benefits

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

**ACTION:** Final rule.

**SUMMARY:** The Executive Director of the Federal Retirement Thrift Investment Board (Agency) is adopting as final, without change, the Agency's proposed rule to permit the Agency to rely on a participant's marital status as stated on a Federal income tax form when determining whether a deceased participant had a common law marriage.

**DATES:** This final rule is effective February 28, 2006.

**FOR FURTHER INFORMATION CONTACT:** John A. Hahn on (202) 942-1630.

**SUPPLEMENTARY INFORMATION:** The Agency administers the Thrift Savings Plan (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.

On January 12, 2006, the Agency published a proposed rule with request for comments in the **Federal Register** (71 FR 1984). The Agency received no comments on the proposed rule. Therefore, the Executive Director is publishing the proposed rule as final without change.

#### 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 of 1980.

### 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. 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 publication of this rule in the **Federal Register**. This rule is not a major rule as defined at 5 U.S.C. 804(2).

### List of Subjects in 5 CFR Part 1651

Employee benefit plans, Government employees, Pensions, Retirement.

**Gary A. Amelio,**

*Executive Director, Federal Retirement Thrift Investment Board.*

■ Accordingly, for the reasons set forth in the preamble, section 1651.5 of chapter VI of title 5 of the Code of Federal Regulations is amended as follows:

### PART 1651—DEATH BENEFITS

■ 1. 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).

■ 2. Revise § 1651.5 to read as follows:

#### § 1651.5 Spouse of participant.

(a) For purposes of payment under § 1651.2(a)(2), the spouse of the participant is the person to whom the participant was married on the date of death. A person is considered to be married even if the parties are separated, unless a court decree of

divorce or annulment has been entered. State law of the participant's domicile will be used to determine whether the participant was married at the time of death.

(b) If a person claims to have a marriage at common law with a deceased participant, the TSP will pay benefits to the putative spouse under § 1651.2(a)(2) in accordance with the marital status shown on the most recent Federal income tax return filed by the participant. Alternatively, the putative spouse may submit a court order or administrative adjudication determining that the common law marriage is valid.

[FR Doc. 06-1864 Filed 2-27-06; 8:45 am]

**BILLING CODE 6760-01-P**

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 225

[Regulation Y; Docket No. 1235]

### Capital Adequacy Guidelines for Bank Holding Companies; Small Bank Holding Company Policy Statement; Definition of a Qualifying Small Bank Holding Company

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the Federal Reserve System (Board) is amending the asset size threshold and other criteria for determining whether a bank holding company (BHC) qualifies for the Board's Small Bank Holding Company Policy Statement (Regulation Y, Appendix C) (Policy Statement) and an exemption from the Board's consolidated risk-based and leverage capital adequacy guidelines for BHCs (Regulation Y, Appendices A and D) (Capital Guidelines). The Board is adopting this final rule to address the effects of inflation, industry consolidation, and normal asset growth of BHCs since the Board introduced the Policy Statement in 1980. The final rule increases the asset size threshold from \$150 million to \$500 million in consolidated assets for determining whether a BHC may qualify for the Policy Statement and an exemption from the Capital Guidelines; modifies the qualitative criteria used in determining whether a BHC that is under the asset size threshold