

(2) The participant was granted an exception, under the procedures set forth in § 1650.22, to the requirement to obtain that spouse's signature for a withdrawal election made by the participant within one year of the date the form requesting the change is processed by the TSP.

(b) The spouse of a married participant covered by CSRS who has made a withdrawal election and who wants to change to another withdrawal election must be notified again prior to the withdrawal, unless the participant was granted an exception, under the procedures set forth in § 1650.21, to the spouse notice requirement within one year of the date the form requesting the change is processed by the TSP.

§ 1650.21 Executive Director's exception to requirement to notify the spouse.

(a) Wherever in the regulations in this subpart it is required that the Executive Director give notice of an action to the spouse of a participant, an exception to this requirement may be granted in cases in which the participant establishes to the satisfaction of the Executive Director that the spouse's whereabouts cannot be determined. A request for an exception based on whereabouts unknown must be submitted to the Executive Director on Form TSP-16, Exception to Spousal Requirements, accompanied by one of the following:

(1) A judicial determination (court order) which states that the spouse's whereabouts cannot be determined;

(2) A police or Governmental agency determination that is signed by the appropriate department or division head which states that the spouse's whereabouts cannot be determined; or

(3) Statements by the participant and two other persons.

(i) Each statement must be signed and dated and must state the following:

I understand that a false statement or willful misrepresentation is punishable under Federal Law (18 U.S.C. 1001) by a fine or imprisonment or both.

(ii) The participant's statement must give the full name of his or her spouse, declare the inability to locate the spouse, and state the efforts made to locate the spouse. Negative statements such as "I have not seen or heard from him/her" or "I have had no contact with him/her" are not sufficient. Examples of attempting to locate the spouse include checking with relatives and mutual friends or using telephone directories or directory assistance for the city of last known address.

(iii) The statements from two other persons must support the participant's statement that the participant does not

know the whereabouts of his or her spouse.

(b) A withdrawal election received within one year of an approved exception may be processed so long as the spouse named on the form is the spouse for whom the exception has been approved.

(c) The requirements for establishing an exception for a withdrawal and the one-year period of validity of an approved exception apply to exceptions for loans under 5 CFR 1655.18.

§ 1650.22 Executive Director's exception to the requirement to obtain the spouse's signature.

(a) In this subpart, if the spouse's signature is required, the Executive Director may grant an exception to this requirement if the participant can show that:

(1) The spouse's whereabouts cannot be determined in accordance with the provisions of § 1650.21; or

(2) Due to exceptional circumstances, requiring the spouse's signature would otherwise be inappropriate.

(i) An exception to the spousal signature requirement may be granted based on exceptional circumstances only when the participant presents a judicial determination (court order) or a governmental agency determination signed by the appropriate department or division head. A court order or a determination must contain a finding or a recitation of such exceptional circumstances regarding the spouse as would warrant an exception to the signature requirement.

(ii) Exceptional circumstances is narrowly construed and includes such circumstances as when a court order:

(A) Indicates that the spouse and the participant have been maintaining separate residences with no financial relationship for three or more years;

(B) Indicates that the spouse abandoned the participant, but for religious or similarly compelling reasons, the parties chose not to divorce; or

(C) Expressly states that the participant may obtain a loan from his or her Thrift Savings Plan account or withdraw his or her Thrift Savings Plan account balance notwithstanding the absence of the spouse's signature.

(b) A withdrawal election received within one year of an approved exception may be processed so long as the spouse named on the form is the spouse for whom the exception has been approved.

(c) The requirements for establishing an exception for a withdrawal and the one-year period of validity of an

approved exception apply to exceptions for loans under 5 CFR 1655.18.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR PART 1240

[AMS-FV-93-704CF]

RIN 0581-AB23

Honey Research, Promotion, and Consumer Information Order and Rules and Regulations Issued Thereunder; Termination of Order Provision and Conforming Correction of the Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule finalizes an interim final rule which terminated a provision of the Honey Research, Promotion, and Consumer Information Order (Order) and deleted conflicting and confusing language in the Rules and Regulations issued under the Order. This action is being taken to clarify and correct the Order and rules and regulations which were amended in August 1991.

EFFECTIVE DATE: March 23, 1995.

FOR FURTHER INFORMATION CONTACT: Sonia N. Jimenez, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535-So., Washington, DC 20090-6456; telephone (202) 720-9915.

SUPPLEMENTARY INFORMATION: These amendments are issued pursuant to the Honey Research, Promotion, and Consumer Information Act, as amended on November 28, 1990 [104 Stat. 3904, 7 U.S.C. 4601 *et seq.*], hereinafter referred to as the Act.

The Department is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice reform. It is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulation, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 10 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, any provision of such order, or any