

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206-AI37

Federal Employees Health Benefits Program: Effective Dates

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed regulations to change the existing Federal Employees Health Benefits (FEHB) Program regulations concerning the effective date for new enrollments made by employees during the annual open season. These regulations would also change the effective date of open season changes in enrollment made by employees, annuitants, former spouses and individuals enrolled under the temporary continuation of coverage (TCC) provisions of FEHB law. The proposed regulations would standardize the effective date of most of these new enrollments or changes in enrollment. This would make it easier for employing offices and health plan carriers to administer the Program and reduce the potential for error in determining effective dates.

DATES: Comments must be received on or before September 30, 1998.

ADDRESSES: Send written comments to Abby L. Block, Chief, Insurance Policy and Information Division, Retirement and Insurance Service, Office of Personnel Management, P.O. Box 57, Washington, DC 20044; or deliver to OPM, Room 3425, 1900 E Street NW., Washington, DC; or FAX to (202) 606-0633.

FOR FURTHER INFORMATION CONTACT: Jay D. Fritz (202) 606-0004.

SUPPLEMENTARY INFORMATION: The effective date of new enrollments by employees during the annual open season is specified in current regulations as the first day of the first pay period that begins in the next

following year and which follows a pay period during any part of which the employee is in a pay status. For open season changes in enrollment by employees, annuitants, former spouses and individuals enrolled under TCC, the effective date is the first day of the first pay period that begins in January of the next following year. Under current regulations, the effective date for employee enrollments and changes in enrollment may be different each year based on which day in January is the first day of the pay period.

These proposed regulations would adopt January 1st as the effective date for all open season new enrollments for employees in a pay status. For employees in a non-pay status, an open season new enrollment must continue to be effective on the first day of the first pay period that begins in the next year which follows a pay period during any part of which the employee is in a pay status. The effective date for these employees cannot be regulated as January 1st since they may not meet the requirement of being in a pay status prior to the January 1st effective date.

These regulations would also adopt January 1st as the effective date for all open season changes in enrollment for employees, regardless of whether or not they are in a pay status, and for annuitants, former spouses, and individuals on TCC.

We believe standardization of the effective date of new enrollments and changes in enrollment made during the annual open season would be consistent with the effective date of benefits changes under our contracts with participating carriers, and would simplify administration of the FEHB Program. With the effective date always being January 1st, there is less chance of employing offices making errors in either determining the effective date or forwarding an incorrect effective date to the health benefits carriers. Recordkeeping by the carriers would be simplified, resulting in less chance of error in entering data into their enrollment systems.

The regulations would also bring a measure of uniformity to the Program as all enrollees would have the same effective date for their open season transactions regardless of their pay period. Under current regulations, the Federal agencies that operate with a pay period different from that used by most

other agencies have different effective dates. This regulatory change would make it easier for enrollees since they would always know that they are covered by their new plan beginning January 1st.

These proposed regulations do not affect government contributions or employee withholdings for health insurance premiums. Any change in the contributions or withholdings brought about by a new enrollment or change in enrollment made during the open season will continue to be effective beginning on the first day of the first pay period that begins in January of the next year. We are not requiring that employing offices prorate withholdings and contributions when the January 1st effective date is not at the beginning of a pay period as this would create an administrative burden for both the employing offices and the carriers.

Under current regulations, when an individual makes an open season change from a plan with a deductible any covered expenses incurred from January 1st to the effective date of the open season change count towards the losing carrier's prior year deductible. Enrolled individuals and their family members are eligible for reimbursement by the losing carrier for covered expenses incurred during the current year if the prior year's deductible or family limit on deductibles had previously been met. Since these proposed regulations make January 1st the effective date for all open season changes in enrollment, this provision is no longer necessary. We are therefore removing the provision for deductible carryover (§ 890.201(a)(10)) from the current regulations.

Reduction of Comment Period for Proposed Rulemaking

I have determined that the comment period will be thirty days because OPM must receive public comments on this new initiative as soon as possible in order to analyze them, work with interested parties, and publish a final regulation prior to the beginning of the 1999 Contract Year.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect administrative procedures for Federal

agencies and health benefits carriers that participate in the FEHB Program.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM proposes to amend 5 CFR Part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c-1; subpart L also issued under sec. 599C of Pub. L. 101-513, 104 Stat. 2064, as amended; § 890.102 also issued under sections 11202(f), 11232(e), and 11246 (b) and (c) of Pub. L. 105-33, 111 Stat. 251.

§ 890.201 [Amended]

2. In § 890.201, paragraph (a)(10) is removed and paragraph (a)(11) is redesignated as paragraph (a)(10).

3. In § 890.301, paragraph (f)(4) is revised to read as follows:

§ 890.301 Opportunities for employees to enroll or change enrollment; effective dates.

* * * * *

(f) * * *

(4)(i) An open season new enrollment for an employee in a pay status takes effect on the first day of January of the next year.

(ii) An open season new enrollment for an employee in a non-pay status takes effect on the first day of the first pay period that begins in the next year and which follows a pay period during any part of which the employee is in a pay status.

(iii) An open season change of enrollment takes effect on the first day of January of the next year.

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4. In § 890.306, paragraph (f)(2) is revised to read as follows:

§ 890.306 Opportunities for annuitants to change enrollment or to reenroll; effective dates.

* * * * *

(f) * * *

(2) An open season reenrollment or change of enrollment takes effect on the first day of January of the next year.

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5. In § 890.806, paragraph (f)(2) is revised to read as follows:

§ 890.806 Opportunities for former spouses to enroll and change enrollment; effective dates of enrollment.

* * * * *

(f) * * *

(2) An open season reenrollment or change of enrollment takes effect on the first day of January of the next year.

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6. In § 890.1108, paragraph (e)(2) is revised to read as follows:

§ 890.1108 Opportunities to change enrollment; effective dates.

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(e) * * *

(2) An open season change of enrollment takes effect on the first day of January of the next year.

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[FR Doc. 98-23335 Filed 8-28-98; 8:45 am]

BILLING CODE 6325-01-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 999

[Docket No. FV98-999-1 PR]

Revised Quality and Handling Requirements and Entry Procedures for Imported Peanuts for 1999 and Subsequent Import Periods

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on several revisions to the peanut import regulation effective with the 1999 and subsequent peanut import quota periods. The proposed changes would: Relax certain quality requirements; modify entry procedures; revise handling requirements; reduce the reporting burden; and establish a new reporting period for peanuts imported into the United States. Changes to the quality and handling requirements are proposed to make the import requirements consistent, as required by law, with regulations covering domestically-produced peanuts under Marketing Agreement No. 146 (Agreement). Changes to import procedures and reporting requirements are proposed by the Agricultural Marketing Service (AMS) to improve efficiency of the importation process,

ease the reporting burden, and provide importers with more time to meet peanut import regulation requirements. This proposal continues safeguard measures which prevent non-edible imported peanuts from being used in human consumption outlets in the United States. This action would benefit peanut importers, handlers, and consumers by helping to ensure that all peanuts in the domestic marketplace comply with the same quality standards.

DATES: Comments received by September 30, 1998 will be considered prior to issuance of a final rule. The comment period for information collections under the Paperwork Reduction Act of 1995 continues through October 30, 1998.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, D.C. 20090-6456; fax: (202) 720-5698, or E-mail: moabdocketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register**. Comments received will be made available for public inspection in the Office of the Docket Clerk during regular business hours. Comments concerning the amended information collection under the Paperwork Reduction Act of 1995 should also be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Tom Tichenor, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, D.C. 20090-6456; telephone: (202) 720-6862, or fax: (202) 720-5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber at the same address and fax number, telephone: (202) 720-2491.

SUPPLEMENTARY INFORMATION: This proposed rule would amend the peanut import regulation (7 CFR Part 999.600) issued June 11, 1996, and published in the **Federal Register** (61 FR 31306, June 19, 1996), which regulates the quality of peanuts imported into the United States. Amendments to the regulation were issued December 31, 1996 (62 FR 1269, January 9, 1997) and September 19, 1997 (62 FR 50243, September 25, 1997).

The import regulation is effective under subparagraph (f)(2) of section