

# 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-AK04

### Changes in Health Benefits Enrollment

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing proposed regulations on changes in health benefits enrollment for annuitants or survivor annuitants when a carrier terminates participation in the Federal Employees Health Benefits (FEHB) Program. We are proposing to amend the regulations to give OPM the authority to enroll annuitants in whichever option of the BC/BS Service Benefit Plan it determines will most closely approximate the terminated plan.

**DATES:** OPM must receive comments on or before April 9, 2004.

**ADDRESSES:** Send written comments to Abby L. Block, Deputy Associate Director for Employee and Family Support Policy, Strategic Human Resources Policy Division, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415-3666; or deliver to OPM, Room 3400, 1900 E Street, NW., Washington, DC; or FAX to (202) 606-0633.

**FOR FURTHER INFORMATION CONTACT:** Nataya Battle, (202) 606-1874, or e-mail to [nbattle@opm.gov](mailto:nbattle@opm.gov).

#### SUPPLEMENTARY INFORMATION:

#### Background

Effective August 18, 1997, OPM amended 5 CFR 890.306(l)(4) to authorize OPM to enroll an annuitant in the standard option of the Service Benefit Plan when the annuitants' health plan terminates participation in whole or in part in the FEHB Program and the annuitant fails to elect to change to another participating health plan. At that time, the BC/BS Service Benefit

Plan offered the high option and the standard option. The standard option was the lower level of benefits with a lower premium cost. Beginning with the January 1, 2002 contract year, the BC/BS Service Benefit Plan merged the high option coverage into the standard option coverage and added a basic option. The standard option is now the highest level of coverage offered with the more costly premium rate.

In the existing regulation, an annuitant who does not elect to change health plans is deemed to have enrolled in the standard option, or if the plan he or she was enrolled in had two options, he or she is deemed to have enrolled in the same option previously enrolled in (either high or low), if the annuity is sufficient to pay the high option premium. The annuitant may not change to another health plan until the next open season.

The more costly premium rate may not be affordable for many annuitants. Amending this regulation will allow OPM the flexibility to consider the premium rate and the benefits that the annuitant was receiving under his or her terminated health plan, and enroll the annuitant in the option of the BC/BS Service Benefit Plan that most closely approximates the terminated plan. In addition, this amendment will give the annuitant the opportunity to change the option or to change to another health plan of his or her choice within 60 days of the date OPM sent notification that he or she has been deemed enrolled in a particular option of the BC/BS Service Benefit Plan.

#### Regulatory Flexibility Act

OPM has determined that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect health benefits of certain Federal retirees.

#### Executive Order 12866, Regulatory Review

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

#### Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles, and

responsibilities of State, local, or Tribal governments.

#### List of Subjects in 5 CFR Part 890

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

Office of Personnel Management.

**Kay Coles James,**  
*Director.*

Accordingly, OPM is proposing 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), 11246 (b) and (c) of Pub. L. 105-33, 111 Stat. 251; and section 721 of Pub. L. 105-261, 112 Stat. 2061.

2. In § 890.306 revise paragraphs (l)(4)(ii), (l)(4)(iv) and (q)(1)(ii) to read as follows:

#### § 890.306 When can annuitants or survivor annuitants change enrollment or reenroll and what are the effective dates?

\* \* \* \* \*

(l) \* \* \*

(4) \* \* \*

(ii) If a plan discontinues all of its existing options, an annuitant who does not change the enrollment is deemed to have enrolled in the option of the Blue Cross and Blue Shield Service Benefit Plan that OPM determines most closely approximates the terminated plan.

\* \* \* \* \*

(iv) After an involuntary enrollment under paragraph (l)(4)(ii) or (iii) of this section becomes effective, the annuitant may change the enrollment to the other option of the Blue Cross and Blue Shield Service Benefit Plan or to another health plan of his or her choice retroactively within 60 days after OPM advises the annuitant of the new enrollment;

\* \* \* \* \*

(q) \* \* \*

(1) \* \* \*

(ii) Enroll in any plan in which the annuitant's share of the premium is less

than the amount of annuity. If the annuitant elects to change to a lower cost enrollment, the change takes effect immediately upon loss of coverage under the prior enrollment. The exemptions from debt collection procedures that are provided under § 831.1305(d)(2) and § 845.205(d)(2) of this chapter apply to elections under this paragraph (q)(1)(ii).

\* \* \* \* \*

[FR Doc. 04-2666 Filed 2-6-04; 8:45 am]

BILLING CODE 6325-50-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1205

[Doc. No. CN-03-003]

#### Cotton Research and Promotion Program: Section 610 Review

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

**ACTION:** Confirmation of regulations.

**SUMMARY:** This document summarizes the results of an Agricultural Marketing Service (AMS) review of the Cotton Research and Promotion Program under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA). Based upon its review, AMS has determined that the Cotton Research and Promotion Order should be continued without change.

**ADDRESSES:** Interested persons may obtain a copy of the review. Requests for copies should be sent to Whitney Rick, Chief, Research and Promotion Staff, USDA, AMS, Cotton Program, 14th and Independence Avenue, SW., Stop 0224, Washington, DC 20250-0224; Fax (202) 690-1718; or e-mail [whitney.rick@usda.gov](mailto:whitney.rick@usda.gov).

**FOR FURTHER INFORMATION CONTACT:** Whitney Rick, Chief, Research and Promotion Staff, USDA, AMS, Cotton Program, 14th and Independence Avenue, SW., Stop 0224, Washington, DC 20250-0224; Fax (202) 690-1718; or e-mail [whitney.rick@usda.gov](mailto:whitney.rick@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Cotton Research and Promotion Act of 1966 (7 U.S.C. 2101 *et seq.*) authorized a national Cotton Research and Promotion Program which is industry operated and funded, with oversight by USDA. The program's objective is to enable cotton growers and importers to establish, finance and carry out a coordinated program of research and promotion to improve the competitive position of, and to expand markets for cotton.

The Program became effective on December 31, 1966, when the Cotton Research and Promotion Order (7 CFR part 1205) was issued. Assessments began with the 1967 cotton crop. The Order was later amended and a supplemental assessment initiated, not to exceed one percent of the value of each bale, effective January 28, 1977. The current assessment is \$1 per bale plus five-tenths of one percent of the value of the bales and is collected on every bale of cotton harvested and ginned in the U.S. and on imported raw cotton and on the non-U.S. cotton content of imported textile and apparel products.

AMS published in the **Federal Register** (64 FR 8014) its plan to review certain regulations, including the Cotton Research and Promotion Order, under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612). An updated plan was published in the **Federal Register** on August 14, 2003 (68 FR 48573).

AMS published a notice for review and request for written comments on the Order in the August 26, 2003, issue of the **Federal Register** (68 FR 51202). No comments were received.

The review was undertaken to determine whether the Order should be continued without change, amended, or rescinded (consistent with the objectives of the Act) to minimize the impacts on small entities. In conducting this review, AMS considered the following factors: (1) The continued need for the Order; (2) the nature of complaints or comments received from the public concerning the Order; (3) the complexity of the Order; (4) the extent to which the Order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the Order has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Order.

Currently, there are approximately 21,000 producers, 300 first handlers, and 12,000 importers covered under the Order. AMS provides Federal oversight of the cotton research and promotion program. The Order is not unduly complex, and AMS has not identified regulations that duplicate, overlap, or conflict with the Order. Over the years, regulation changes have been made to address industry operation changes and to improve program administration. The goal of these evaluations is to assure that the Order and the regulations implemented under it fit the needs of the industry and are consistent with the Act. With the exception of challenges

concerning the constitutionality of assessments used for generic advertising under the Order, which the Department is currently defending, AMS has not received complaints about the Order.

Based upon the review, AMS has determined that the Order should be continued without change. AMS plans to continue working with the cotton industry in maintaining an effective program.

Dated: February 3, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04-2697 Filed 2-6-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-402-AD]

RIN 2120-AA64

#### Airworthiness Directives; Gulfstream Aerospace LP Model 1125 Westwind Astra Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Gulfstream Aerospace LP Model 1125 Westwind Astra series airplanes, that currently requires revising the Airplane Flight Manual (AFM) to provide the flight crew with operational guidance under certain failure conditions and a limitation not to engage the long-range navigation system during takeoff, approach, or landing. This action would require replacing the low-voltage sensing relays with higher-accuracy relays, and replacing the circuit breakers of the directional gyros with circuit breakers with lower amps. After the replacements have been accomplished, this action would also require inserting a new temporary revision (TR) in the Limitations section of the AFM, or removing the revision to the AFM required by the previous AD. The actions specified by the proposed AD are intended to prevent the loss of primary attitude and directional gyros, which relate position information to the flight crew. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by March 25, 2004.