

2542; Sec. 870.705 also issued under 5 U.S.C. 8714b(c) and 8714c(c); Public Law 104-106, 110 Stat. 521.

### Subpart G—Annuitants and Compensationers

■ 2. Amend § 870.705 by revising paragraph (b)(3)(ii), adding paragraph (b)(4), and revising paragraph (d)(1)(i) to read as follows:

#### § 870.705 Amount and election of Option B and Option C.

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(ii) Except as provided in paragraph (b)(4) of this section, after reaching age 65, an annuitant or compensationer cannot change from Full Reduction to No Reduction.

(4)(i) Shortly before an annuitant or compensationer's 65 birthday, the retirement system will send a reminder about the election he/she made and will offer the individual a chance to change the election. At that time, the annuitant or compensationer can choose to have some multiples of Option B and Option C reduce and some not reduce.

(ii) If the individual is already 65 or older at the time of retirement or becoming insured as a compensationer, the retirement system will send the reminder and give the opportunity to change the election as soon as the retirement processing or compensation transfer is complete.

(iii) If the individual assigned his/her insurance as provided in subpart I of this part, and if the employee elected No Reduction for Option B coverage at the time of retirement or becoming insured as a compensationer, the retirement system will send the reminder notice for Option B coverage to the assignee.

(iv) An annuitant or compensationer who wishes to change his/her reduction election must return the notice by the end of the month following the month in which the individual turns 65, or if already over age 65, by the end of the 4th month after the date of the letter. An annuitant or compensationer who does not return the election notice will keep his/her initial election.

\* \* \* \* \*

(d)(1) \* \* \*

(i) Annuitants and compensationers who were under age 65 were notified of the option to elect No Reduction. The retirement system will send these individuals an actual election notice before their 65th birthday, as provided in paragraph (b)(4) of this section.

\* \* \* \* \*

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### OFFICE OF PERSONNEL MANAGEMENT

#### 5 CFR Part 894

RIN 3206-AM57

#### Federal Employee Dental and Vision Insurance Program; Qualifying Life Event Amendments

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The U.S. Office of Personnel Management (OPM) is issuing a Notice of Proposed Rulemaking to change some conditions under which Federal employees may change an enrollment status under the Federal Employee Dental and Vision Insurance Program. OPM is proposing these changes to expand the opportunities for FEDVIP enrollment changes and therefore better align FEDVIP with the Federal Employees Health Benefits (FEHB) Program.

**DATES:** *Comment date:* Comments are due on or before February 21, 2014.

**ADDRESSES:** You may submit comments, identified by RIN number “3206-AM57” using any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Planning and Policy Analysis, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Michael W. Kaszynski.

**FOR FURTHER INFORMATION CONTACT:** Michael W. Kaszynski, Senior Policy Analyst at [mwkaszyn@opm.gov](mailto:mwkaszyn@opm.gov) or (202) 606-0004.

**SUPPLEMENTARY INFORMATION:** The U.S. Office of Personnel Management (OPM) is issuing a Notice of Proposed Rulemaking to change some of the requirements for Federal employees to make enrollment changes under the Federal Employee Dental and Vision Insurance Program (FEDVIP). OPM is proposing these changes to expand the opportunities for FEDVIP enrollment changes and therefore better align FEDVIP with the Federal Employees Health Benefits (FEHB) Program.

The Federal Employee Dental and Vision Benefits Enhancement Act of 2004 provided OPM the opportunity to establish arrangements under which supplemental dental and vision benefits were made available to federal employees, retirees, and their family members.

FEDVIP is available to eligible Federal and Postal employees, retirees, and their eligible family members on an enrollee-

pay-all basis. This program allows dental and vision insurance to be purchased on a group basis with competitive premiums and no pre-existing condition limitations. Premiums for enrolled federal and postal employees are withheld from salary on a pre-tax basis.

Enrollment takes place during the annual Federal Benefits Open Season in November and December of each year. New and newly eligible employees can enroll within 60 days after they become eligible.

Eligible individuals can enroll in a dental plan and/or a vision plan. Individuals may enroll in a plan for Self-only, Self plus one, or Self and family coverage. The rules for family members' eligibility are the same as they are for the FEHB Program.

OPM is proposing to expand enrollment opportunities so FEDVIP enrollees can make enrollment changes under the same qualifying life events (QLEs) as enrollees under the FEHB Program. This Notice of Proposed rulemaking is intended to authorize this change.

#### Regulatory Impact Analysis

OPM has examined the impact of this proposed rule as required by Executive Order 12866 and Executive Order 13563, which directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects of \$100 million or more in any one year. This rule is not considered a major rule because there will be a minimal impact on costs to Federal agencies.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation only adds flexibility to the current enrollment process.

#### 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 894

Administrative practice and procedure, Employee benefit plans, Government employees, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

**Katherine Archuleta,**

*Director.*

Accordingly, OPM proposes to amend 5 CFR part 894 as follows:

#### PART 894—FEDERAL EMPLOYEE DENTAL AND VISION PROGRAM

■ 1. The authority citation for part 894 continues to read as follows:

**Authority:** 5 U.S.C. 8962; 5 U.S.C. 8992; subpart C also issued under sec. 1 of Pub. L. 110–279, 122 Stat. 2604.

#### Subpart A—Administration and General Provisions

■ 2. Section 894.101 is amended by removing the definition of *QLE* and adding in its place a definition of *QLE qualifying life event* to read as follows:

##### § 894.101 Definitions.

\* \* \* \* \*

*QLE qualifying life event* means an event in this part 894 that permits an enrollment change and also includes all applicable QLEs defined in 5 CFR part 892 allowing enrollment in FEHB for those making pre-tax payment of FEHB premiums.

\* \* \* \* \*

#### Subpart E—Enrolling and Changing Enrollment

■ 3. Section 894.502 is amended as follows:

##### § 894.502 What are the Qualifying Life Events (QLEs) that allow me to enroll?

QLEs allowing enrollment in FEDVIP include the QLEs described in this part 894 and include applicable QLEs in 5 CFR part 892 allowing enrollment in FEHB for those making pre-tax payment of FEHB premiums.

■ 4. Section 894.507 is amended by adding new paragraph (c) to read as follows:

##### § 894.507 After I'm enrolled, may I change from one dental or vision plan or plan option to another?

\* \* \* \* \*

(c) Outside of open season, you may change from one dental and/or vision plan to another plan or one plan option to another option if you have

experienced a QLE. QLEs for dental and vision coverage are described in this part 894 and 5 CFR part 892 allowing enrollment in FEHB for those making pre-tax payment of FEHB premiums.

■ 5. Section 894.508 is amended by revising paragraph (e) to read as follows:

##### § 894.508 When may I increase my type of enrollment?

\* \* \* \* \*

(e) QLEs for dental and vision coverage are described in this part 894 and 5 CFR part 892 allowing enrollment in FEHB for those making pre-tax payment of FEHB premiums.

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#### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### 7 CFR Part 981

[Doc. No. AMS–FV–13–0082; FV14–981–1 CR]

#### Almonds Grown in California; Continuation Referendum

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

**ACTION:** Referendum order.

**SUMMARY:** This document directs that a referendum be conducted among eligible growers of almonds in California to determine whether they favor continuance of the marketing order that regulates the handling of almonds grown in California.

**DATES:** The referendum will be conducted from February 18 through March 7, 2014. To vote in this referendum, growers must have produced almonds in California during the period of August 1, 2012, through July 31, 2013.

**ADDRESSES:** Copies of the marketing order may be obtained from the California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, U.S. Department of Agriculture, 2202 Monterey Street, Suite 102B, Fresno, California, 93721–3129, or the Office of the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237, or internet: *regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Maria Stobbe, Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program,

AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Maria.Stobbe@ams.usda.gov* or *Martin.Engeler@ams.usda.gov*, respectively.

**SUPPLEMENTARY INFORMATION:** Pursuant to Marketing Order No. 981 (7 CFR part 981), hereinafter referred to as the “order,” and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act,” it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by growers. The referendum shall be conducted from February 18 through March 7, 2014, among eligible California almond growers. Only current growers that were also engaged in the production of almonds in California during the period of August 1, 2012, through July 31, 2013, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether growers favor the continuation of marketing order programs. USDA would consider termination of the order if fewer than two-thirds of the growers voting in the referendum and growers of less than two-thirds of the volume of California almonds represented in the referendum favor continuance. In evaluating the merits of continuance versus termination, USDA will consider the results of the continuance referendum and other relevant information regarding operation of the order. USDA will evaluate the order's relative benefits and disadvantages to growers, handlers, and consumers to determine whether continuing the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum herein ordered have been approved by the Office of Management and Budget (OMB), under OMB No. 0581–0178, Almonds Grown in California. It has been estimated that it will take an average of 10 minutes for each of the approximately 6,400 growers of California almonds to cast a ballot. Participation is voluntary. Ballots postmarked after March 7, 2014, will not be included in the vote tabulation.

Martin Engeler and Maria Stobbe of the California Marketing Field Office, Fruit and Vegetable Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the “Procedure for