

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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BILLING CODE 6325–63–P

#### 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

the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400–900.407).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents or from their appointees.

#### List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

**Authority:** 7 U.S.C. 601–674.

Dated: December 17, 2013.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2013–30391 Filed 12–20–13; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1216

[Document Number AMS–FV–13–0042]

#### **Peanut Promotion, Research, and Information Order; Amendment to Primary Peanut-Producing States and Adjustment of Membership**

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

**ACTION:** Proposed rule.

**SUMMARY:** This proposal invites comments on adding the State of Arkansas as a primary peanut-producing State under the Peanut Promotion, Research, and Information Order (Order). The Order is administered by the National Peanut Board (Board) with oversight by the U.S. Department of Agriculture (USDA). Under the Order, primary peanut-producing States must maintain a 3-year average production of at least 10,000 tons of peanuts. Arkansas's peanut production meets this requirement. Primary peanut-producing States also have a seat on the Board, and this proposal would also add a seat on the Board for the State of Arkansas. The Board recommended this action to ensure that the Board's representation reflects changes in the geographical distribution of the production of peanuts.

**DATES:** Comments must be received by January 22, 2014.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposal. Comments may be submitted on the Internet at:

<http://www.regulations.gov> or to the Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406–S, Stop 0244, Washington, DC 20250–0244; facsimile: (202) 205–2800. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address, if provided, in the above office during regular business hours or it can be viewed at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jeanette Palmer, Marketing Specialist, Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, Stop 0244, 1400 Independence Avenue SW., Room 1406–S, Washington, DC 20250–0244; telephone: (202) 720–9915; facsimile: (202) 205–2800; or electronic mail: [Jeanette.Palmer@ams.usda.gov](mailto:Jeanette.Palmer@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** This proposed rule is issued under the Order (7 CFR part 1216). The Order is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act)(7 U.S.C. 7411–7425).

#### **Executive Order 12866 and Executive Order 13563**

Executive Orders 12866 and 13563 direct 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action has been designated as a “non-significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has waived the review process.

#### **Executive Order 13175**

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

#### **Executive Order 12988**

This proposal has been reviewed under Executive Order 12988, Civil

Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act, a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

#### **Background**

This proposed rule invites comments on adding the State of Arkansas as a primary peanut-producing State under the Order. The Order is administered by the Board with oversight by USDA. This proposal would also add a seat on the Board for the State of Arkansas. Under the Order, primary peanut-producing States must maintain a 3-year average production of at least 10,000 tons of peanuts. Arkansas's peanut production meets this requirement. Primary peanut-producing States also have a seat on the Board. This action would ensure that the Board's representation reflects changes in the geographical distribution of the production of peanuts covered under the Order.

The Order became effective on July 30, 1999. Under the Order, the Board administers a nationally-coordinated program of promotion, research, and information designed to strengthen the position of peanuts in the market place and to develop, maintain, and expand the demand for peanuts in the United States. Under the program, all peanut producers pay an assessment of one percent of the total value of all farmers' stock peanuts. The assessments are remitted to the Board by handlers and, for peanuts under loan, by the Commodity Credit Corporation.