

The employee must also agree that if he or she does not return to work or the employing office cannot recover the debt in full from salary, the employing office may recover the debt from whatever other sources it normally has available for recovery of a debt to the Federal Government.

(iii) If an employee elects to terminate enrollment, the effective date of the termination is retroactive to the end of the last pay period in which the premium was withheld from pay.

(3) If the employee does not return the signed form within the time period described in paragraph (c)(2) of this section, the employing office will terminate the enrollment and notify the employee in writing of the termination.

(4) If an employee has not elected to terminate enrollment and is prevented by circumstances from returning a signed form indicating the employee elects to continue their enrollment under the option that the employer has chosen, the employee may request reinstatement.

(i) If the employee is prevented by circumstances beyond his or her control from returning a signed form to the employing office within the time period described in paragraph (c)(2) of this section, he or she may write to the employing office and request reinstatement of the enrollment. The employee must describe the circumstances that prevented him or her from returning the form. The request for reinstatement must be made within 30 calendar days from the date the employing office gives the employee notice of the termination. The employing office will determine if the employee is eligible for reinstatement of coverage. When the determination is affirmative, the employing office will reinstate the enrollment of the employee retroactive to the date of termination. If the determination is negative, the employee may request a review of the decision from the employing office (see § 890.104).

(ii) If the employee is subject to a court or administrative order as discussed in § 890.301(g)(3), the coverage cannot terminate unless the employee has provided documentation to the employing office that he or she has other coverage for the child or children, and the employing office has determined the coverage is appropriate, as discussed in 5 CFR 890.301(g)(3). If the employee does not return the signed form, the coverage will continue and the employee will incur a debt to the Federal Government, and the employing office will recover the amount of accrued unpaid premium as a debt

under as discussed in paragraph(c)(2)(ii) of this section.

(5) Terminations of enrollment under paragraphs (c)(2) and (3) of this section are retroactive to the last day of the last pay period in which the premium was withheld from pay. The employee and covered family members, if any, are entitled to the 31-day temporary extension of coverage and opportunity to convert to a non-group policy under § 890.401. An employee whose coverage is terminated under this paragraph may re-enroll upon his or her return to duty in pay status in a position in which the employee is eligible for coverage under this part.

(6) If an employee signs and returns a form to the employing office stating that he or she will make premium payments directly to the agency and keep the payments current in accordance with paragraph (c)(2)(i) but fails to pay currently, as soon as it becomes aware of the nonpayment of premium, the employing office shall notify the employee that he or she has 31 days to make payments current or she or he will have coverage terminated retroactively to the day that follows the last day of the last pay period for which a current employee contribution was received.

(i) If the employee does not make a payment within the 31 days of the notification, the employing office must terminate the employee's enrollment retroactively to the day that follows the last day of the last pay period for which a current employee contribution was received.

(ii) Termination of an enrollment for failure to pay premiums after the employee had elected to continue coverage and to pay premiums currently under (c)(2)(i) and (c)(6), is considered a cancellation as described in § 890.401(a)(2) and the employee is not entitled to a 31-day temporary extension of coverage or opportunity to convert to an individual policy.

(iii) If an employee that has enrollment terminated under this part was prevented by circumstances beyond his or her control from making payment within 31 days after receipt of the notice of termination, he or she may request reinstatement of coverage by writing to the employing office. Such a request must be filed within 30 calendar days from the date of termination and must be accompanied by verification that the employee was prevented by circumstances beyond his or her control from paying within the time limit. The verification must describe the circumstances that prevented him or her from making a payment within 31 days after receipt of the notice of termination.

The employing office will determine if the employee is eligible for reinstatement of coverage; and, when the determination is affirmative, notify the carrier of the decision. The notice must set forth the findings on which the decision was based. If the employing office determines that the employee was prevented from making payments current within the timeframe due to circumstances beyond his or her control, the employee's enrollment will be reinstated retroactive to the date of termination.

(iv) An employee whose coverage is terminated under paragraph (c)(6) may enroll upon his or her return to duty in pay status in a position in which the employee is eligible for coverage.

\* \* \* \* \*

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 205

[Document Number AMS-NOP-16-0069; NOP-16-08]

#### National Organic Program: Notice of Interim Instruction on Material Review

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

**ACTION:** Notice of availability of interim instruction with request for comments.

**SUMMARY:** The Agricultural Marketing Service (AMS) is announcing the availability of an interim instruction document intended for use by accredited certifying agents. The interim instruction document is entitled: NOP 3012: Material Review. This instruction specifies the criteria and process that USDA accredited organic certifying agents (certifiers) must follow when approving substances for use in organic production and handling. This instruction is directed at certifiers, who must meet certain terms and conditions as part of their accreditation. The AMS invites interested parties to submit comments about this instruction document.

**DATES:** To ensure that NOP considers your comment on this interim instruction before it begins work on the final version, submit written comments on the interim instruction by October 31, 2016.

**ADDRESSES:** Submit written requests for hard copies of this interim instruction to Dr. Paul Lewis, Standards Division, National Organic Program (NOP),

USDA-AMS-NOP, 1400 Independence Ave. SW., Room 2646—So., Ag Stop 0268, Washington, DC 20250-0268. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the interim instruction document.

You may submit comments, identified by AMS-NOP-16-0069; NOP-16-08, by any of the following methods:

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

- *Mail:* Dr. Paul Lewis, Standards Division, National Organic Program, USDA-AMS-NOP, 1400 Independence Ave. SW., Room 2646—So., Ag Stop 0268, Washington, DC 20250-0268.

*Instructions:* Written comments responding to this request should be identified with the document number AMS-NOP-16-0069; NOP-16-08. You should clearly indicate your position and the reasons supporting your position. If you are suggesting changes to the interim instruction document, you should include recommended language changes, as appropriate, along with any relevant supporting documentation.

USDA intends to make available all comments, including names and addresses when provided, regardless of submission procedure used, on [www.regulations.gov](http://www.regulations.gov) and at USDA, AMS, NOP, Room 2646—South building, 1400 Independence Ave. SW., Washington, DC, from 9 a.m. to noon and from 1 to 4 p.m., Monday through Friday (except official Federal holidays). Persons wanting to visit the USDA South building to view comments from the public to this notice are requested to make an appointment by calling (202) 720-3252.

**FOR FURTHER INFORMATION CONTACT:** Dr. Paul Lewis, Standards Director, National Organic Program (NOP), USDA-AMS-NOP, 1400 Independence Ave. SW., Room 2646—So., Ag Stop 0268, Washington, DC 20250-0268; Telephone: (202) 720-3252; Fax: (202) 205-7808; Email: [Paul.Lewis@ams.usda.gov](mailto:Paul.Lewis@ams.usda.gov); or visit the NOP Web site at: [www.ams.usda.gov/nop](http://www.ams.usda.gov/nop).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

This interim instruction specifies the criteria and process that accredited certifying agents (certifiers) must follow when approving substances for use in organic production and handling. This instruction is directed at certifiers, who must meet certain terms and conditions as part of their accreditation (see 7 CFR 205.501(a)(21)).

The instruction defines the term Material Review Organization (MRO)

and materials, and describes the USDA organic regulations as they relate to materials reviews. The instruction describes the policy that all certifiers must review all materials used by organic producers and handlers for compliance with the USDA organic regulations, and outlines options that certifiers have for determining whether materials may be used in organic production or handling under the USDA organic regulations.

The instruction also outlines certifier requirements for maintaining documentation, making synthetic vs. nonsynthetic or agricultural vs. nonagricultural determinations; demonstrating appropriate education, training, and experience levels for personnel conducting material reviews; and creating clear written protocols and procedures related to materials reviews. This instruction also outlines the process that occurs when different certifying agents and MROs reach different conclusions on whether a product complies with the USDA organic regulations.

A notice of availability of the final instruction on this topic will be issued upon review of comments and final approval of the document. Upon final approval, this instruction will be available in "The Program Handbook: Guidance and Instructions for Accredited Certifying Agents (ACAs) and Certified Operations". This Handbook provides those who own, manage, or certify organic operations with guidance and instructions that can assist them in complying with the USDA organic regulations. The current edition of the Program Handbook is available online at <http://www.ams.usda.gov/rules-regulations/organic>.

##### **II. Electronic Access**

Persons with access to Internet may obtain the interim instruction at either NOP's Web site at <http://www.ams.usda.gov/rules-regulations/organic> or <http://www.regulations.gov>. Requests for hard copies of the interim instruction document can be obtained by submitting a written request to the mailing address listed in the **ADDRESSES** section of this Notice.

**Authority:** 7 U.S.C. 6501-6522.

Dated: August 25, 2016.

**Elanor Starmer,**

*Administrator, Agricultural Marketing Service.*

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#### **DEPARTMENT OF AGRICULTURE**

##### **Animal and Plant Health Inspection Service**

##### **7 CFR Part 319**

[Docket No. APHIS-2015-0098]

RIN 0579-AE27

##### **Importation of Fresh Persimmon With Calyxes From Japan Into the United States**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the regulations concerning the importation of fruits and vegetables to allow the importation of fresh persimmon with calyxes from Japan into the United States. As a condition of entry, the persimmons would have to be produced in accordance with a systems approach that would include requirements for orchard certification, orchard pest control, post-harvest safeguards, fruit culling, traceback, and sampling. The persimmons would also have to be accompanied by a phytosanitary certificate with an additional declaration stating that they were produced under, and meet all the components of, the agreed upon systems approach and were inspected and found to be free of quarantine pests in accordance with the proposed requirements. This action would allow the importation of fresh persimmons with calyxes from Japan while continuing to protect against the introduction of plant pests into the United States.

**DATES:** We will consider all comments that we receive on or before October 31, 2016.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0098>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2015-0098, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0098> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m.,