reference to rule on reconsideration of contract appeals board decisions].

§ 315.309 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 315.310 Payment of award.

An applicant seeking payment of an award shall submit to the [comptroller or other disbursing official] of the paying agency a copy of the agency's final decision granting the award, accompanied by a certification that the applicant will not seek review of the decision in the United States courts. [Include here address for submissions at specific agency.] The agency will pay the amount awarded to the applicant within 60 days.

Dated: April 28, 1986.

Marshall J. Breger,

Chairman.

[FR Doc. 86-9789 Filed 5-5-86; 8:45 am]

BILLING CODE 6110-01-M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

Pay Administration (General)

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: The Office of Personnel Management (OPM) is revising its regulations on offsetting debts due the United States from the current pay of a Federal employee. These revisions are necessary (1) to make the definition of "agency" reflect the full range of governmental entities authorized to use the provisions of 5 U.S.C. 5514; and (2) to establish a system through which Federal agencies can obtain an official to conduct salary offset hearings when they cannot make adequate arrangements by some other means.

EFFECTIVE DATE: June 5, 1986.

FOR FURTHER INFORMATION CONTACT: Patricia A. Rochester, (202) 632-1265.

SUPPLEMENTARY INFORMATION: These final regulations incorporate two regulations previously published separately. On October 31, 1984, OPM published interim regulations (49 FR 43619) to establish an emergency system so creditor agencies could arrange for a Federal employee to serve as a hearing official for salary offsets. On April 30, 1985, OPM published proposed regulations (50 FR 18267) revising the definition of "agency" and deleting some extraneous material inadvertently included in 5 CFR 550.1106(b)(3). Both regulations provided a 60-day comment period. A summary of the comments received and an explanation of any resulting changes to the regulatory text follows.

1. The Definition of Agency

We received three comments on our proposed regulations—two from Federal agencies and one from a labor organization.

The two agencies recommended changes to the proposed amendment of the definition. Both recommendations were incorporated. The final regulations expand the description of the judicial branch and add a new category for Government entities not directly classifiable in any of the three branches, such as the Smithsonian Institution.

The labor organization questioned whether the scope of 5 U.S.C. 5514 could be extended to include the legislative and judicial branches. The General Accounting Office (GAO) believes that it can and we agree. (See GAO decision B-217402 dated June 10, 1985). The original legislation (Pub. L. 83-497, 68 Stat. 482 (1954)) authorized administrative offset of current pay for erroneous payments made to or on behalf of civilian or military personnel of the Government. No qualifications were mentioned that would have restricted the authority to any particular branch of the Government. It does not appear that either the recodification of title 5 in 1966 (Pub. L. 89-554, 80 Stat. 477) or the subsequent amendments by the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749) made any substantive change in the scope of the original statute.

2. A System for Obtaining Hearing Officers

We received eight comments on the interim regulations—six from Federal agencies and two from labor organizations. The labor organizations did not object to the regulations.

a. *Burden on agency personnel.* Five of the six agencies commented on the potential burden on the debtor's employing agency if a significant number of employees were subjected to a salary offset at the same time. They believe the 60-day turnaround requirement may handicap agencies in performing their own missions.

We appreciate the concern expressed in these comments. We would like to stress, however, that this procedure for obtaining hearing officials applies in the event that "the creditor agency cannot provide a prompt and appropriate hearing before an administrative law judge or before a hearing official furnished pursuant to another lawful arrangement . . . ." [Emphasis added.] Agencies are free to establish a system that will meet their particular needs. These regulations establish an emergency procedure that was never intended to be the sole or primary system for obtaining hearing officials.

b. *Cost and reimbursement.* Four agencies were concerned about reimbursement for costs associated with the hearings. Some agencies believe that a requirement to provide hearing officials must be accompanied by a clear requirement for reimbursement.

Although the final salary offset regulations state that the arrangements for a salary offset hearing official are to be made by the creditor agency, the factors to be considered in determining which party bears the financial responsibility for salary offset hearings may vary from case to case. Therefore, agencies are free to arrive at any mutually satisfactory arrangements consistent with any applicable limitations on the expenditure of their appropriated funds.

c. *Competency of hearing officials and consistency of decisions.* Two agencies noted that the method of selecting hearing officials can affect consistency in the hearings and decisions. One agency believed that specific qualifications criteria provided by OPM would produce consistency in selecting individuals for hearing officials. This would in turn produce some consistency in the quality of hearings given Government-wide. Another agency believed that a plan requiring the creditor agency to obtain a hearing official from the debtor's employing agency would not permit the creditor agency to select specific hearing officers by name. The agency believed that if it could select an individual by name, repeated use of the same individual would permit him or her to become familar with the statutory basis of the debts under review, thus producing consistency in the decisions.

Both creditor and employing agencies should be aware of the importance of reliable and consistent debt collection procedures. However, the salary offset hearing is primarily a fact-finding proceeding. The primary plan established by an agency for requiring hearing officials, should be designed to ensure that each employee obtains a fair hearing and that the Government's interest in collecting the debt is well represented.

d. *Requests for assignments of hearing officials.* Two agencies questioned the method we proposed for contracting Federal agencies to obtain the appointment of a hearing official. These agencies believed that using the officials designated to receive garnishment orders in the appendix to 5 CFR Part 581, might delay getting the request to the appropriate agency contact for appointing hearing officials.

We realize that agency contacts for garnishments may not be the contacts designated to assign available hearing officers. However, because this is an emergency procedure and will not be used routinely, we suggest that agencies keep their garnishment contacts advised of the appropriate hearing officer contact so that a timely referral may be made.

e. *Transmitting confidential material.* One agency commented on the fact that some hearings will require the transfer of confidential material from one agency to another—a matter we do not address in these regulations. We do not believe it is necessary to include this discussion in the regulations. Any necessary guidance will be included in our FPM letter.

E.O. 12291, Federal Regulation

I have detemined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because the regulations are on administrative practices that affect only the Federal Government.

List of Subjects in 5 CFR Part 550

Administrative practice and procedures, Government employees, Wages.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM is amending 5 CFR Part 550 as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

* * * * *

Subpart K—Collection by Offset From Indebted Government Employees

1. The authority citation for Subpart K of Part 550 continues to read as follows:

Authority: 5 U.S.C. 5514; sec. 8(1), E.O. 11609, 3 CFR, 1971–1975 Comp., 586; redesignated in sec. 2-1, E.O. 12107, 3 CFR, 1978 Comp., 264.

2. In § 550.1103, the definition of "agency" is revised to read as follows:

§ 550.1103 Definitions.

* * * * *

"Agency" means (a) an Executive agency as defined in Section 105 of title 5, United States Code, including the U.S. Postal Service and the U.S. Postal Rate Commission; (b) a military department as defined in Section 102 of title 5, United States Code; (c) an agency or court in the judicial branch, including a court as defined in Section 610 of title 28, United States Code, the District Court for the Northern Mariana Islands, and the Judicial Panel on Multidistrict Litigation; (d) an agency of the legislative branch, including the U.S. Senate and the U.S. House of Representatives; and (e) other independent establishments that are entities of the Federal Government.

* * * * *

§ 550.1106 [Amended]

3. In § 550.1106, paragraph (b)(3) is amended by removing the last three sentences in the paragraph, commencing with the sentence—"Ordinarily, hearings may consist of informal conferences . . . ."

4. A new § 550.1107 is revised to read as follows:

§ 550.1107 Obtaining the services of a hearing official.

(a) When the debtor does not work for the creditor agency and the creditor agency cannot provide a prompt and appropriate hearing before an administrative law judge or before a hearing official furnished pursuant to another lawful arrangement, the creditor agency may contact an agent of the paying agency designated in Appendix A of Part 581 of this chapter to arrange for a hearing official, and the paying agency must then cooperate as provided by 4 CFR 102.1 and provide a hearing official.

(b) When the debtor works for the creditor agency, the creditor agency may contact any agent (of another agency) designated in Appendix A of Part 581 of this chapter to arrange for a hearing official. Agencies must then cooperate as required by 4 CFR 102.1 and provide a hearing official.

[FR Doc. 86-10139 Filed 5-5-86; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 917

[Plum Regs. 17 and 19; Amdt. 3 and 8]

Pears, Plums and Peaches Grown in California; Amendment of Container and Pack Requirements; Amendment of Grade and Size Requirements for Plums

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends container and pack requirements and grade and size requirements for shipments of fresh plums grown in California. These amendments are designed to provide uniformity of sizes of the plums in containers and assure adequate quality of plum pack during the 1986 season.

EFFECTIVE DATE: April 30, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through the group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that approximately 608 handlers will be subject to regulation under the Marketing Order for California pears, peaches, and plums (7 CFR Part 917) during the course of the current season and the great majority of this group may be classified as small entities. While the final rule may impose some costs on affected handlers, and that the number of such firms may be substantial, the added burden on small entities, if present at all, is not significant.

This final rule is issued under the marketing agreement, as amended, and Marketing Order 917, as amended (7 CFR Part 917), regulating the handling of pears, plums, and peaches grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Shipment of these California plums are regulated by container and pack under Plum Regulation 17 (7 CFR Part 917.454) and by grade and size under Plum Regulation 19 (7 CFR Part 917.460). Because these regulations do not change substantially from season to season, they are issued on a continuing basis subject to amendment, modification or suspension as may be recommended by the applicable committee and approved by the Secretary.

Notice of the proposed amendment of the respective requirements was published in the **Federal Register** (51 FR 9827) on March 21, 1986. It invited interested persons to file comments on the proposal through April 7, 1986. No comments were received.

This final rule is based upon the recommendation and information submitted by the Plum Commodity Committee, the information contained in the notice, and other available information.

With respect to container and pack requirements, the final rule allows a size variance between the smallest and largest plums of ⅜ inch for plums 2¼ inch in diameter and larger when packed in volume-filled containers. Previously, the maximum variation permitted was ¼ inch (or ⅜ inch) regardless of the diameter of the plums and the type of container. The size variation requirement should allow handlers additional flexibility in packing larger size plums in volume-filled containers, whereas for any size plums packed in tray packs the ⅜ inch size variance continues to apply. In addition, because the ⅜ inch size variance is greater than the ⅜ inch size variance permitted in the standard pack requirements in the United States Standards for Grades of Fresh Plums and Prunes (7 CFR 51.1520 to 51.1538), the requirement that shipments of plums meet all standard pack requirements is deleted. Instead, the final rule lists the specified pack requirements for shipments of plums.

With respect to size requirements, the final rule requires that all plums regulated by size be subject to a two-pound subsample of the smallest plums taken from each eight-pound sample used in checking compliance with size requirements. The volume-filled container is the most frequently used container in the California plum industry (it comprised more than 89 percent of total 1985 shipments). However, the nature of such packs allows for significant diameter variation. The additional two-pound subsample should limit such variation and help assure that the individual plums in each pack are uniformly sized.

Another size requirement change establishes minimum size requirements for three varieties of plums and removes minimum size requirements for six plum varieties. This change brings the variety-specific size regulation established for plums into conformity with a long-standing industry practice of applying such regulation to varieties produced in commercially significant quantities. Shipments of the varieties that are regulated exceeded 10,000 packages per variety during the 1985 season. Shipments of the varieties that have been removed from the variety-specific size regulation fell below 5,000 packages per variety during the season.

A final size requirement change requires all varieties not subject to the variety-specific regulations to be subject to a minimum size requirement. This size requirement will subject these varities of plums to the eight-pound sample and two-pound subsample tests. The eight-pound sample cannot contain more than 139 plums, and the two-pound subsample of the smallest plums in each eight-pound sample cannot contain more than 38 plums. This change should help to improve the size and maturity of the varieties not specifically regulated by size and thereby promote the availability of suitable quality fruit in the interest of producers and consumers.

After considering the recommendations submitted by the Plum Commodity Committee, the information contained in the notice, and other available information, the Department has determined that the action hereinafter set forth tends to effectuate the declared policy of the act and should be issued.

In addition, it is found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The harvest and shipment of these plums is expected to begin soon. Hence, this action must be effective promptly to minimize any inequity among producers or handlers due to different requirements for different parts of the 1986 shipping season. Moreover, the provisions in the final rule are the same as those contained in the proposal which was published in the **Federal Register** on March 21, 1986. Growers and handlers have been preparing to conduct their operations in light of the proposed changes and do not require any additional time for preparation. No useful purpose would be served by delaying the effective date of these actions.

This final rule amends Subpart—Container and Pack Regulation (7 CFR §§ 917.454; 50 FR 39073) by revising § 917.454(a)(1), (a)(2), and (d) and Subpart—Grade and Size Regulation (7 CFR §§ 917.460; 50 FR 27813) by revising § 917.460(a), (b), and (c).

List of Subjects in 7 CFR Part 917

Marketing agreements and orders, Pears, Plums, and Peaches from California.

1. The authority citation for 7 CFR Part 917 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

2. Section 917.454(a)(1), (a)(2), and (d) is revised to read as follows:

Subpart—Container and Pack Regulation

§ 917.454 Plum Regulation 17.

(a) * * *

(1) Such plums, when shipped in closed packages or containers, except master containers of consumer packages and individual consumer packages therein, shall meet the following pack requirements as set forth below.

(i) All packages shall be tightly packed or well filled, according to the approved and recognized methods.

(ii) The plums in the top layer of any package shall be reasonably representative in quality and size of those in the remainder of the package.

(iii) Four-basket crates shall not be more than three layers deep. The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer; the arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer. In the 3½—4x5 and 3½—4x4 packs the face of each half of the crate shall be packed as a unit, with no shim between the two baskets.

(2) The diameter of the smallest and largest plums in any individual pack or container shall not vary more than one-fourth (¼) inch, except that plums which

are placed in volume-fill or tight-fill type containers and have a diameter of two and one-fourth (2¼) inches or larger shall not vary more than three-eights (⅜) inch. A total of not more than five (5) percent, by count, of the plums in any package or container may fail to meet this requirement.

* * * * *

(d) When used herein "diameter" shall have the same meaning as set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (7 CFR 51.1520 to 51.1538) and all other terms shall have the same meaning as when used in the amended marketing agreement and order. "No. 12B standard fruit box" measures 2⅜ to 7⅛ x 11½ x 16⅛ inches, "No. 22D standard lug box" measures 2⅞ to 7⅛ x 13½ x 16⅛ inches, "No. 22G standard lug box" measures 7⅜ to 7½ x 13¼ x 15⅞ inches. All dimensions are given in depth (inside dimensions) by width by length (outside dimensions).

3. Section 917.460 is revised to read as follows:

§ 917.460 Plum Regulation 19.

(a) No handler shall ship any lot of packages or containers of any plums unless such plums grade at least U.S. No. 1, except that maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service. Internal discoloration not considered serious damage and healed growth cracks emanating from the stem end which do not cause serious damage shall be permitted. In addition to the above, any lot of Tragedy or Kelsey plums shall be permitted an additional 10 percent tolerance for defects not considered serious damage.

(b) No handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table, and that a two pound subsample of the smallest plums in each eight-pound sample contains not more than the number of plums listed for the variety in Column C of said table.

TABLE I

Column A, variety	Plums per sample	Column C, plums per subsample
Amazon	64	17
Ambra	67	18
Andys Pride	69	18
Angeleno	67	18
Angee	67	18
Autumn Rosa	72	19
Bee Gee	65	17
Blackamber	56	15
Black Beault	69	19
Black Diamond	59	16
Black Jewel	54	14
Black Knight	58	16
Carolyn Harris	61	17
Casselman	63	17
Catalina	59	16
Durado	74	20
Early Hawaiian Ann	60	16
Ebony	66	18
El Dorado	68	18
Empress	57	15
Freedom	56	15
Friar	56	15
Frontier	61	17
Gar-Rosa	71	19
Grand Rosa	54	14
July Red	64	17
July Santa Rosa	69	18
Kelsey	47	13
King David	50	14
King Richard	54	14
King's Black	58	16
Laroda	58	16
Late Santa Rosa (including improved Late Santa Rosa and Swall Rosa	64	17
Linda Rosa	63	17
Mariposa	61	17
Midsummer	63	17
Nubiana	56	15
President	57	15
Prima Black	69	13
Queen Ann	50	14
Queen Rosa	53	14
Red Beault	74	20
Red Glow	60	16
Red Rosa	64	17
Redroy	58	16
Rich Red	74	20
Rosa Ann	69	18
Rosemary	50	14
Rose Ann	60	16
Royal Red	74	20
Roysum	74	20
Santa Rosa	69	19
Simka, Arrosa, New Yorker	50	14
Spring Beault	74	20
Standard	83	21
Wickson	51	14

(c) No handler shall ship any package or container of any variety of plums not specifically named in paragraph (b) of this section, unless such plums are of a size that an eight-pound sample representative of the sizes of the plums in the package or container contains not more than 139 plums, and that a two-pound subsample of the smallest plums in each eight-pound sample contains not more than 38 plums.

(d) As used herein, "U.S. No. 1" and "serious damage" mean the same as defined in the United States Standards for Grades of Fresh Plums and Prunes (7 CFR 51.1520 through 51.1538).

Dated: April 30, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division.

[FR Doc. 86-10071 Filed 5-5-86; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Regulation A]

Extensions of Credit by Federal Reserve Banks Changes in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of reducing discount rates. The discount rate action was taken in the context of similar action by other important industrial countries and sizable declines in most market interest rates in recent weeks. More broadly, growth in the various monetary aggregates has been more limited this year, prospects for sustaining impoved price performance and continuing restraint on costs have been further enhanced by the recent sharp declines in oil prices, and the economic expansion appears to be proceeding within the nation's growth potential.

EFFECTIVE DATES: The changes were effective on the dates specified below.

FOR FURTHER INFORMATION CONTACT: William W. Wiles, Secretary of the Board (202/452-3257), or Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf (TDD) (202/452-3544), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of sections 10(b), 13, 14, 19, et al., of the Federal Reserve Act, the Board has amended its Regulation A to incorporate changes in discount rates on Reserve Bank extensions of credit. Further, under the authority of 5 U.S.C. 553(b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations require that these amendments be adopted immediately.

List of Subjects in 12 CFR Part 201

Banks, banking; Credit; Federal Reserve System.

For the reasons outlined above, the Board of Governors amends Part 201 as set forth below:

1. The authority citation for 12 CFR Part 201 is revised to read as follows: