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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 731

RIN 3206-AG36

Suitability, Personnel Security and Related Programs, Investigations, and Suitability Disqualification Actions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is adopting as final an interim rule that revoked the section of its interim regulations that established the OPM Review Panel (5 CFR Part 731, subpart E), and issued a new subpart E that spells out procedures for appealing adverse suitability determinations to the Merit Systems Protection Board.

EFFECTIVE DATE: October 17, 1994.

FOR FURTHER INFORMATION CONTACT: John J. Lafferty, Deputy Associate Director for Investigations, (202) 376-3800.

SUPPLEMENTARY INFORMATION: On September 16, 1994, OPM published an interim rule announcing its decision to revoke the section of its interim regulations establishing the OPM Review Panel, thereby abolishing the Review Panel, and promulgating new regulations that provide individuals the opportunity to appeal adverse suitability determinations to the Merit Systems Protection Board (59 FR 47527, September 16, 1994). OPM received no comments in response to this notice.

EO 12866, Regulatory Review

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

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on

a substantial number of small entities because they relate to internal personnel matters within the Federal Government.

List of Subjects in 5 CFR Part 731

Administrative practice and procedure, Government employees.

Accordingly, under authority of 5 U.S.C. 3301, the interim rule amending 5 CFR Part 731 published on September 16, 1994 (59 FR 47527), is adopted as final without any changes.

Office of Personnel Management.

James B. King,

Director.

[FR Doc. 95-6217 Filed 3-13-95; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1209

[FV-92-701FR]

RIN 0581-AA49

Mushroom Promotion, Research, and Consumer Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture is adopting with change as a final rule an interim final rule which specified the general rules and regulations under the Mushroom Promotion, Research, and Consumer Information Order (Order). The interim final rule implemented provisions of the Order concerning the nomination and appointment of members to the Mushroom Council; the preparation and submission of financial statements; the payment of assessments, including the application of late payment and interest charges; the procedures for claiming an exemption from assessments; and the filing of reports.

EFFECTIVE DATE: March 14, 1995.

FOR FURTHER INFORMATION CONTACT: Richard Schultz, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535-S, Washington, D.C. 20090-6456, telephone: (202) 720-5976.

SUPPLEMENTARY INFORMATION: This final rule is issued under the Mushroom Promotion, Research, and Consumer

Information Order [7 CFR Part 1209], hereinafter referred to as the Order. The Order is authorized by the Mushroom Promotion, Research, and Consumer Information Act of 1990 [7 U.S.C. 6101-6112], hereinafter referred to as the Act.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. Section 1930 of the Act provides that nothing in the Act may be construed to preempt or supersede any other program relating to mushroom promotion, research, consumer information, and industry information organized and operated under the United States or any State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1927 of the Act, a person subject to the Order may file with the Secretary of Agriculture (Secretary) a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After such hearing, the Secretary will make a ruling on the petition, which will be final if in accordance with the law. The Act provides that the district courts, of the United States in any district in which a person who is a petitioner resides or carries on business, are vested with jurisdiction to review the ruling on such person's petition, if a complaint for that purpose is filed within 20 days after the date of the entry of such ruling of the Secretary.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act [5 U.S.C. 601 et seq.] (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on 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.

The most recent Department estimate of mushroom growers in the United States indicates that there are 355