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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT
5 CFR Part 532
RIN 3206–AM09

Prevaling Rate Systems; Nonappropriated Fund Wage and Survey Areas


ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management is issuing a final rule to correct several minor formatting, spelling, and typographical errors in appendix D to subpart B of part 532—Nonappropriated Fund (NAF) Wage and Survey Areas. This document also corrects editorial or printing errors, inconsistencies, and omissions made in previously published rules. The purpose of this rule is not to make policy changes for Federal Wage System (FWS) NAF employees but rather to ensure Appendix D accurately reflects the correct wage area definitions for NAF employees as recommended by the Federal Prevailing Rate Advisory Committee (FPRAC). FWS NAF employees are not affected by the corrections in this final rule because the lead agency for FWS NAF surveys has followed FPRAC recommended wage area definitions when conducting wage surveys and publishing wage schedules. Appendix D is being reprinted in its entirety. The proposed rule had a 30-day comment period, during which OPM received no comments. Therefore, we are adopting the proposed rule as final.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532


John Berry,
Director.

Accordingly, the U.S. Office of Personnel Management amends 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Revise appendix D to subpart B to read as follows:

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

This appendix lists the wage area definitions for NAF employees. With a few exceptions, each area is defined in terms of county units or independent cities. Each wage area definition consists of:

1. Wage area title. Wage areas usually carry the title of the county or counties surveyed.

2. Survey area definition. Lists each county or independent city in the survey area.

3. Area of application definition. Lists each county or independent city which, in addition to the survey area, is in the area of application.

Definitions of Wage Areas and Wage Area Survey Areas

ALABAMA

Calhoun
Survey Area

Alabama: Calhoun
Area of Application. Survey area plus:
Alabama: Jefferson
Madison
Survey Area

Alabama: Madison
Area of Application. Survey area plus:

Tennessee:
Coffee
Davidson
Hamilton
Rutherford
Montgomery
Survey Area

Alabama: Montgomery
Area of Application. Survey area plus:

ALASKA

Anchorage
Survey Area

Alaska: (borough)
Anchorage
Area of Application. Survey area plus:

Alaska: (boroughs and census areas)
Fairbanks North Star
Juneau
Kenai Peninsula
Ketchikan Gateway
Kodiak Island
Sitka
Southeast Fairbanks
Valdez-Cordova
Yukon-Koyukuk
### Arizona
- **Maricopa**
  - Survey Area
  - Area of Application. Survey area plus:
    - California: Yuba
    - Oregon: Jackson
    - Klamath

- **Pima**
  - Survey Area
  - Area of Application. Survey area plus:
    - California: San Bernardino
      - Survey Area

- **Yuma**
  - Survey Area
  - Area of Application. Survey area plus:
    - California: San Joaquin
      - Survey Area
    - California: Santa Barbara
      - Survey Area

### Arkansas
- **Pulaski**
  - Survey Area
  - Area of Application. Survey area plus:
    - Arkansas: Jefferson
    - Sebastian
    - Washington

### California
- **Kern**
  - Survey Area
  - Area of Application. Survey area plus:
    - California: Los Angeles
      - Survey Area
    - California: San Luis Obispo
      - Solano
        - Survey Area
    - California: Ventura
      - Survey Area

- **Monterey**
  - Survey Area
  - Area of Application. Survey area plus:
    - California: El Paso
      - Survey Area

- **Orange**
  - Survey Area
  - Area of Application. Survey area plus:
    - California: Colorado: Mesa
      - El Paso
        - Survey Area

### Colorado
- **Arapahoe-Denver**
  - Survey Area
  - Area of Application. Survey area plus:
    - Colorado: Miami-Dade
      - Survey Area

### Connecticut
- **New London**
  - Survey Area
  - Area of Application. Survey area plus:
    - Connecticut: New Haven

### Delaware
- **Kent**
  - Survey Area
  - Area of Application. Survey area plus:
    - Delaware: Sussex
    - Maryland: Kent

### District of Columbia
- **Washington, DC**
  - Survey Area
  - Area of Application. Survey area

### Florida
- **Bay**
  - Survey Area
  - Area of Application. Survey area

- **Brevard**
  - Survey Area
  - Area of Application. Survey area

- **Duval**
  - Survey Area
  - Area of Application. Survey area

### Maryland
- **Howard**
  - Survey Area
  - Area of Application. Survey area

### Massachusetts
- **Boston**
  - Survey Area
  - Area of Application. Survey area

### Mississippi
- **Hinds**
  - Survey Area
  - Area of Application. Survey area

### New Jersey
- **Mercer**
  - Survey Area
  - Area of Application. Survey area

### New York
- **Albany**
  - Survey Area
  - Area of Application. Survey area

### Ohio
- **Cuyahoga**
  - Survey Area
  - Area of Application. Survey area

### Pennsylvania
- **Philadelphia**
  - Survey Area
  - Area of Application. Survey area

### Texas
- **Harris**
  - Survey Area
  - Area of Application. Survey area

### Virginia
- **Arlington**
  - Survey Area
  - Area of Application. Survey area

### Washington
- **King**
  - Survey Area
  - Area of Application. Survey area

### Wisconsin
- **Milwaukee**
  - Survey Area
  - Area of Application. Survey area
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<td>Maine</td>
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<td>Area of Application</td>
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<td>Knox</td>
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<td>Louisiana:</td>
<td>Washington</td>
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<td>Area of Application</td>
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</tbody>
</table>
York
Survey Area

Maine:
York
Area of Application. Survey area plus:
New Hampshire:
Rockingham
Vermont:
Windsor

MARYLAND
Anne Arundel
Survey Area

Maryland:
Anne Arundel
Area of Application. Survey area plus:
Maryland: (city)
Baltimore
Maryland: (county)
Baltimore

Charles-St. Mary’s
Survey Area

Maryland:
Charles
St. Mary’s
Area of Application. Survey area plus:
Maryland:
Calvert
Virginia:
King George

Frederick
Survey Area

Maryland:
Frederick
Area of Application. Survey area plus:
West Virginia:
Berkeley

Harford
Survey Area

Maryland:
Harford
Area of Application. Survey area plus:
Maryland:
Cecil

Montgomery-Prince George’s
Survey Area

Maryland:
Montgomery
Prince George’s
Area of Application. Survey area.

MASSACHUSETTS
Hampden
Survey Area

Massachusetts:
Hampden
Area of Application. Survey area plus:
Connecticut:
Hartford
Massachusetts:
Hampshire

Middlesex
Survey Area

Massachusetts:
Middlesex
Area of Application. Survey area plus:
Massachusetts:
Norfolk
Plymouth
Suffolk
New Hampshire:

Hillsborough

MICHIGAN
Macomb
Survey Area

Michigan:
Macomb
Area of Application. Survey area plus:
Michigan:
Alpena
Calhoun
Crawford
Grand Traverse
Huron
Iosco
Leelanau
Ottawa
Saginaw
Washtenaw
Wayne

Ohio:

MINNESOTA
Hennepin
Survey Area

Minnesota:
Hennepin
Area of Application. Survey area plus:
Minnesota:
Morrison
Murray
Ramsey
Stearns
St. Louis
Wisconsin:
Juneau
Monroe
Polk

MISSISSIPPI
Harrison
Survey Area

Mississippi:
Harrison
Area of Application. Survey area plus:
Mississippi:
Hinds
Rankin
Warren

Lauderdale
Survey Area

Mississippi:
Lauderdale
Area of Application. Survey area plus:
Mississippi:

Lowndes
Survey Area

Mississippi:
Lowndes
Area of Application. Survey area plus:
Alabama:
Tuscaloosa

MONTANA
Cascade
Survey Area

Montana:
Cascade
Area of Application. Survey area plus:
Montana:

Fergus
Flathead
Hill
Lewis and Clark
Valley
Yellowstone

NEBRASKA
Douglas-Sarpy
Survey Area

Nebraska:
Douglas
Sarpy
Area of Application. Survey area plus:
Iowa:
Marion
Polk
Woodbury

Nebraska:
Hall
Lancaster
Saunders
South Dakota:
Minnehaha

NEVADA
Churchill-Washoe
Survey Area

Nevada:
Churchill
Washoe
Area of Application. Survey area plus:
California:
Lassen
Mono
Nevada:
Mineral

Clark
Survey Area

Nevada:
Clark
Area of Application. Survey area.

NEW JERSEY
Burlington
Survey Area

New Jersey:
Burlington
Area of Application. Survey area plus:
Delaware:
New Castle
New Jersey:
Atlantic
Cape May
Ocean
Salem

Monmouth
Survey Area

New Jersey:
Monmouth
Area of Application. Survey area.

Morris
Survey Area

New Jersey:
Morris
Area of Application. Survey area plus:
New Jersey:
Somerset
Pennsylvania:
Monroe
NEW MEXICO

Bernalillo

Survey Area

New Mexico: Bernalillo

Area of Application. Survey area plus:

New Mexico: McKinley

Curry

Survey Area

New Mexico: Curry

Area of Application. Survey area plus:

Texas: Lubbock

Potter

Dona Ana

Survey Area

New Mexico: Dona Ana

Area of Application. Survey area plus:

New Mexico: Chaves

Otero

NEW YORK

Jefferson

Survey Area

New York: Jefferson

Area of Application. Survey area plus:

New York: Albany

Oneida

Onondaga

Ontario

Schenectady

Steuben

Kings-Queens

Survey Area

New York: Kings

Queens

Area of Application. Survey area plus:

New Jersey: Essex

Hudson

New York: Bronx

Nassau

New York: Richmond

Suffolk

Niagara

Survey Area

New York: Niagara

Area of Application. Survey area plus:

New York: Erie

Genesee

Pennsylvania: Erie

Orange

Survey Area

New York: Orange

Area of Application. Survey area plus:

New York: Dutchess

Westchester

NORTH CAROLINA

Craven

Survey Area

North Carolina: Craven

Area of Application. Survey area plus:

North Carolina: Carteret

Dare

Cumberland

Survey Area

North Carolina: Cumberland

Area of Application. Survey area plus:

North Carolina: Durham

Rowan

Onslow

Survey Area

North Carolina: Onslow

Area of Application. Survey area plus:

North Carolina: New Hanover

Wayne

Survey Area

North Carolina: Wayne

Area of Application. Survey area plus:

North Carolina: Halifax

NORTH DAKOTA

Grand Forks

Survey Area

North Dakota: Grand Forks

Area of Application. Survey area plus:

North Dakota: Cass

Cavalier

Pembina

Steele

Ward

Survey Area

North Dakota: Ward

Area of Application. Survey area plus:

North Dakota: Divide

OHIO

Greene-Montgomery

Survey Area

Ohio: Greene

Montgomery

Area of Application. Survey area plus:

Indiana: Allen

Grant

Marion

Miami

Ohio: Clinton

Franklin

Hamilton

Licking

Ross

West Virginia: Raleigh

Wayne

OKLAHOMA

Comanche

Survey Area

Oklahoma: Comanche

Area of Application. Survey area plus:

Oklahoma: Cotton

Jackson

Oklahoma

Area of Application. Survey area plus:

Oklahoma: Garfield

Muskogee

Pittsburg

PENNSYLVANIA

Allegheny

Survey Area

Pennsylvania: Allegheny

Area of Application. Survey area plus:

Ohio: Cuyahoga

Trumball

Pennsylvania: Butler

Westmoreland

West Virginia: Harrison

Cumberland

Survey Area

Pennsylvania: Cumberland

Area of Application. Survey area plus:

Pennsylvania: Blair

Franklin

Montgomery

Survey Area

Pennsylvania: Montgomery

Area of Application. Survey area plus:

Pennsylvania: Bucks

Chester

Luzerne

Philadelphia

York

Survey Area

Pennsylvania: York

Area of Application. Survey area plus:

Pennsylvania: Lebanon

PUERTO RICO

Guaynabo-San Juan

Survey Area

Puerto Rico: Guaynabo

San Juan

Area of Application. Survey area plus:

Puerto Rico: (municipalities)

Aguadilla

Bayamón

Ceiba

Isabela

Ponce
Salinas
Toa Baja
Vieques
U.S. Virgin Islands:
St. Croix
St. Thomas

RHODE ISLAND
Newport
Survey Area
Rhode Island:
Newport
Area of Application. Survey area plus:

Massachusetts:
Barnstable
Nantucket
Rhode Island:
Providence
Washington

SOUTH CAROLINA
Charleston
Survey Area
South Carolina:
Charleston
Area of Application. Survey area plus:
South Carolina:
Berkeley
Horry

Richland
Survey Area
South Carolina:
Richland
Area of Application. Survey area plus:
North Carolina:
Buncombe
South Carolina:
Sumter
Tennessee:
Washington

SOUTH DAKOTA
Pennington
Survey Area
South Dakota:
Pennington
Area of Application. Survey area plus:
Montana:
Custer
South Dakota:
Fall River
Meade
Wyoming:
Sheridan

TENNESSEE
Shelby
Survey Area
Tennessee:
Shelby
Area of Application. Survey area plus:
Arkansas:
Mississippi
Missouri:
Butler

TEXAS
Bell
Survey Area
Texas:
Bell
Area of Application. Survey area plus:
Texas:
Burnet

Bexar
Survey Area
Texas:
Bexar
Area of Application. Survey area plus:
Texas:
Comal
Kerr
Travis
Val Verde

Dallas
Survey Area
Texas:
Dallas
Area of Application. Survey area plus:
Texas:
Fannin
Galveston
Harris

El Paso
Survey Area
Texas:
El Paso
Area of Application. Survey area.

McLennan
Survey Area
Texas:
McLennan
Area of Application. Survey area.

Nueces
Survey Area
Texas:
Nueces
Area of Application. Survey area plus:
Texas:
Bee
Calhoun
Kleberg
San Patricio
Webb

Tarrant
Survey Area
Texas:
Tarrant
Area of Application. Survey area plus:
Texas:
Cooke
Palo Pinto

Taylor
Survey Area
Texas:
Taylor
Area of Application. Survey area.

Tom Green
Survey Area
Texas:
Tom Green
Area of Application. Survey area plus:
Texas:
Howard

Wichita
Survey Area
Texas:
Wichita

Area of Application. Survey area.

UTAH
Davis-Salt Lake-Weber
Survey Area
Utah:
Davis
Salt Lake
Weber
Area of Application. Survey area plus:
Utah:
Box Elder
Tooele
Uintah

VIRGINIA
Alexandria-Arlington-Fairfax
Survey Area
Virginia: (city)
Alexandria
Virginia: (counties)
Arlington
Fairfax
Area of Application. Survey area.

Chesterfield-Richmond
Survey Area
Virginia: (city)
Richmond
Virginia: (county)
Chesterfield
Area of Application. Survey area plus:
Virginia: (cities)
Bedford
Charlottesville
Salem
Virginia: (counties)
Caroline
Nottoway
Prince George
West Virginia:
Pendleton

Hampton-Newport News
Survey Area
Virginia: (cities)
Hampton
Newport News
Area of Application. Survey area plus:
Virginia: (city)
Williamsburg
Virginia: (county)
York

Norfolk-Portsmouth-Virginia Beach
Survey Area
Virginia: (cities)
Norfolk
Portsmouth
Virginia Beach
Area of Application. Survey area plus:
North Carolina:
Pasquotank
Virginia: (cities)
Chesapeake
Suffolk
Virginia: (counties)
Accomack
Northampton

Prince William
Survey Area
Virginia:
Prince William
Area of Application. Survey area plus:
Virginia:
Washington:

\begin{itemize}
  \item Kitsap
  \item Pierce
  \item Snohomish
  \item Clark
  \item Grays Harbor
  \item Jefferson
  \item Clallam
  \item King
  \item Yakima
  \item King
  \item Pierce
  \item Clark
  \item Grays Harbor
  \item Jefferson
  \item Clallam
  \item King
  \item Yakima
\end{itemize}

**Area of Application. Survey area plus:**

Washington:

\begin{itemize}
  \item Kitsap
  \item Pierce
  \item Snohomish
  \item Clark
  \item Grays Harbor
\end{itemize}

Oregon:

\begin{itemize}
  \item Clatsop
  \item Coos
  \item Multnomah
  \item Tillamook
\end{itemize}

Washington:

\begin{itemize}
  \item Yakima
  \item King
  \item Snohomish
\end{itemize}

**Area of Application. Survey area plus:**

Washington:

\begin{itemize}
  \item Kitsap
  \item Pierce
  \item Snohomish
\end{itemize}

Oregon:

\begin{itemize}
  \item Clatsop
  \item Coos
  \item Multnomah
  \item Tillamook
\end{itemize}

Washington:

\begin{itemize}
  \item Yakima
  \item King
  \item Snohomish
\end{itemize}

\begin{itemize}
  \item Kitsap
  \item Pierce
  \item Snohomish
\end{itemize}

**Area of Application. Survey area plus:**

Washington:

\begin{itemize}
  \item Kitsap
  \item Pierce
  \item Snohomish
\end{itemize}

Oregon:

\begin{itemize}
  \item Clatsop
  \item Coos
  \item Multnomah
  \item Tillamook
\end{itemize}

Washington: Spokane

\begin{itemize}
  \item Area of Application. Survey area plus:
  \item Washington:
  \item Island
  \item King
  \item Yakima
\end{itemize}

Wyoming:

\begin{itemize}
  \item Laramie
\end{itemize}

**Area of Application. Survey area:**

Wyoming: Laramie

\begin{itemize}
  \item Area of Application. Survey area.
\end{itemize}

[FR Doc. 2010–19969 Filed 8–12–10; 8:45 am]

**BILLING CODE 6325–39–P**

**DEPARTMENT OF AGRICULTURE**

**Office of the Chief Financial Officer**

**7 CFR Part 3022**

**RIN 0524–AA34**

**United States Department of Agriculture Research Misconduct Regulations for Extramural Research**

**AGENCY:** Office of the Chief Financial Officer, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Office of the Chief Financial Officer (OCFO) is establishing U.S. Department of Agriculture (USDA) regulations implementing the Federal Policy on Research Misconduct applicable to extramural research. The regulation defines research misconduct and establishes basic USDA requirements for the conduct of fair and timely investigations of alleged or suspected infractions. The regulation also includes instructions on USDA administrative actions when research misconduct is found.

**DATES:** This rule is effective on August 13, 2010.

**FOR FURTHER INFORMATION CONTACT:** Sara Mazie, USDA Research Integrity Officer, 214W Whitten Building, Washington, DC 20250; Telephone: (202) 720–5923; E-mail: research.integrity@usda.gov.

**SUPPLEMENTARY INFORMATION:** On December 6, 2000, the National Science and Technology Council, Office of Science and Technology Policy of the Executive Office of the President (OSTP), published in the Federal Register (65 FR 76260) the Federal Policy on Research Misconduct (OSTP Policy) as a final, government-wide policy addressing research misconduct. The purpose of the policy was to establish: (1) Uniformity among the Federal agencies’ definitions of research misconduct, and (2) consistency in Federal agencies’ processes for responding to allegations of research misconduct. The OSTP Policy covers both intramural research as well as extramural research.

This rule establishes U.S. Department of Agriculture (USDA or the Department) regulations to permanently implement the provisions of the OSTP Policy applicable to extramural research. An interim USDA Research Misconduct Policy was issued as a Secretary’s Memorandum on Research Misconduct Policies and Procedures in July, 2006. The Secretary’s Memorandum is consistent with the OSTP Policy. The substance of the regulation is the same as the policies and procedures in the Secretary’s Memorandum that relate to extramural research. Accordingly, all USDA agencies that conduct or support extramural research are expected either to: (1) Establish procedures to foster integrity in research activities, respond to allegations of research misconduct, and remedy findings of research misconduct, consistent with applicable laws, regulations, the OSTP Policy, and this proposed regulation; or (2) initiate and sign a standing Memorandum of Understanding (MOU) between the agency and Research, Education and Economics mission area to have another USDA agency act on its behalf in lieu of developing its own research misconduct procedures.

The regulation sets forth in Title 7 of the Code of Federal Regulations, a new part 3022 (7 CFR part 3022), referred to below as the regulation. The rule defines a number of terms that are used in new part 3022. Definitions of the following terms are set forth in § 3022.1: Adjudication; Agency Research Integrity Officer (ARIO); allegation; applied research; Assistant Inspector General for Investigations; basic research; extramural research; fabrication; falsification; finding of research misconduct; inquiry; intramural research; investigation; OIG; OSTP; plagiarism; preponderance of the evidence; research; research institution; research misconduct; research record; USDA; and USDA Research Integrity Officer (RIO).

**Summary of Comments and Recommendations**

The proposed rule was published in the Federal Register on November 24, 2008 (73 FR 70915), requesting comments from the public. Comments were received on the proposed rule from three organizations including The Council on Governmental Relations (COGR), Arizona State University (ASU), and the Physicians Committee for Responsible Medicine (PCRM). ASU stated that it supported COGR’s comments which are evidenced by the comments being duplicative in nature. The comments are summarized as follows:

(1) **Comment:** Concern that the proposed rule is intended only as core elements for the Department’s agencies and that individual agencies within the Department can and may implement separate policies that are consistent with the proposed rule. The Department is urged to reevaluate whether this approach achieves the Federal goals of consistency and uniformity.

**Response:** The proposed rule implements the OSTP policy and serves as the core policy for the Department. The agencies may supplement the core with agency requirements. USDA’s approach is similar in nature to other streamlining efforts whereas there is a standard that is supplemented with agency specifics. This approach is necessary to meet the unique mission and structure of each agency within the Department while maintaining consistency to the extent possible.

(2) **Comment:** A research institution must have the right to conduct an inquiry before reporting the allegation to the USDA. Such a provision is incorporated in the Federal Policy and common in the policies of other