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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 532

RIN 3206-AM09

Prevailing Rate Systems; Nonappropriated Fund Wage and Survey Areas

AGENCY: U.S. Office of Personnel Management.

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 will not be 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. For the convenience of the reader, Appendix D is being reprinted in its entirety.

DATES: This rule is effective on September 13, 2010.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, (202) 606-2838; e-mail pay-performance-policy@opm.gov; or FAX: (202) 606-4264.

SUPPLEMENTARY INFORMATION: On April 6, 2010, the U.S. Office of Personnel Management (OPM) issued a proposed

rule (75 FR 17316) to make several minor corrections to appendix D to subpart B of part 532—Nonappropriated Fund (NAF) Wage and Survey Areas. The revisions contained in this rule concern formatting, spelling, and typographical errors. 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

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

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:

Alabama:
Dale
Dallas
Macon

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

<p>ARIZONA Maricopa Survey Area</p>	<p><i>Area of Application. Survey area plus:</i> California: Yuba</p>	<p><i>Area of Application. Survey area plus:</i> Connecticut: New Haven</p>
<p>Arizona: Maricopa <i>Area of Application. Survey area plus:</i></p>	<p>Oregon: Jackson Klamath</p>	<p>DELAWARE Kent Survey Area</p>
<p>Arizona: Coconino Yavapai</p>	<p>San Bernardino Survey Area</p>	<p>Delaware: Kent <i>Area of Application. Survey area plus:</i></p>
<p>Pima Survey Area</p>	<p>California: San Bernardino <i>Area of Application. Survey area.</i></p>	<p>Delaware: Sussex</p>
<p>Arizona: Pima <i>Area of Application. Survey area plus:</i></p>	<p>San Diego Survey Area</p>	<p>Maryland: Kent</p>
<p>Arizona: Cochise</p>	<p>California: San Diego <i>Area of Application. Survey area.</i></p>	<p>DISTRICT OF COLUMBIA Washington, DC Survey Area</p>
<p>Yuma Survey Area</p>	<p>San Joaquin Survey Area</p>	<p>District of Columbia: Washington, DC <i>Area of Application. Survey area.</i></p>
<p>Arizona: Yuma <i>Area of Application. Survey area plus:</i></p>	<p>California: San Joaquin <i>Area of Application. Survey area.</i></p>	<p>FLORIDA Bay Survey Area</p>
<p>California: Imperial</p>	<p>Santa Barbara Survey Area</p>	<p>Florida: Bay <i>Area of Application. Survey area.</i></p>
<p>ARKANSAS Pulaski Survey Area</p>	<p>California: Santa Barbara <i>Area of Application. Survey area plus:</i></p>	<p>Brevard Survey Area</p>
<p>Arkansas: Pulaski <i>Area of Application. Survey area plus:</i></p>	<p>California: San Luis Obispo</p>	<p>Florida: Brevard <i>Area of Application. Survey area.</i></p>
<p>Arkansas: Jefferson Sebastian Washington</p>	<p>Solano Survey Area</p>	<p>Duval Survey Area</p>
<p>CALIFORNIA Kern Survey Area</p>	<p>California: Solano <i>Area of Application. Survey area plus:</i></p>	<p>Florida: Duval <i>Area of Application. Survey area plus:</i></p>
<p>California: Kern <i>Area of Application. Survey area plus:</i></p>	<p>California: Alameda Contra Costa Marin Napa San Francisco Sonoma</p>	<p>Florida: Alachua Clay Columbia</p>
<p>California: Fresno Kings</p>	<p>Ventura Survey Area</p>	<p>Georgia: Camden</p>
<p>Los Angeles Survey Area</p>	<p>California: Ventura <i>Area of Application. Survey area.</i></p>	<p>Escambia Survey Area</p>
<p>California: Los Angeles <i>Area of Application. Survey area.</i></p>	<p>COLORADO Arapahoe-Denver Survey Area</p>	<p>Florida: Escambia <i>Area of Application. Survey area plus:</i></p>
<p>Monterey Survey Area</p>	<p>Colorado: Arapahoe Denver <i>Area of Application. Survey area plus:</i></p>	<p>Florida: Santa Rosa</p>
<p>California: Monterey <i>Area of Application. Survey area plus:</i></p>	<p>Colorado: Mesa</p>	<p>Hillsborough Survey Area</p>
<p>California: Santa Clara</p>	<p>El Paso Survey Area</p>	<p>Florida: Hillsborough <i>Area of Application. Survey area plus:</i></p>
<p>Orange Survey Area</p>	<p>Colorado: El Paso <i>Area of Application. Survey area plus:</i></p>	<p>Florida: Pinellas Polk</p>
<p>California: Orange <i>Area of Application. Survey area.</i></p>	<p>Colorado: Bent Otero Pueblo</p>	<p>Miami-Dade Survey Area</p>
<p>Riverside Survey Area</p>	<p>CONNECTICUT New London Survey Area</p>	<p>Florida: Miami-Dade <i>Area of Application. Survey area plus:</i></p>
<p>California: Riverside <i>Area of Application. Survey area.</i></p>	<p>Connecticut: New London</p>	<p>Florida: Palm Beach</p>
<p>Sacramento Survey Area</p>		<p>Monroe Survey Area</p>
<p>California: Sacramento</p>		<p>Florida: Monroe</p>

<i>Area of Application. Survey area.</i>	GUAM	Camden
Okaloosa	Guam	Cass
<i>Survey Area</i>	<i>Survey Area</i>	Sedgwick
Florida:	Guam	<i>Survey Area</i>
Okaloosa	<i>Area of Application. Survey area.</i>	Kansas:
<i>Area of Application. Survey area plus:</i>	HAWAII	Sedgwick
Florida:	Honolulu	<i>Area of Application. Survey area plus:</i>
Walton	<i>Survey Area</i>	Kansas:
Orange	Hawaii:	Geary
<i>Survey Area</i>	Honolulu	Saline
Florida:	<i>Area of Application. Survey area plus:</i>	KENTUCKY
Orange	Hawaii (counties):	Christian-Montgomery
<i>Area of Application. Survey area.</i>	Hawaii	<i>Survey Area</i>
GEORGIA	Kauai	Kentucky:
Chatham	Maui	Christian
<i>Survey Area</i>	Pacific Islands:	Tennessee:
Georgia:	Midway Islands	Montgomery
Chatham	Johnston Atoll	<i>Area of Application. Survey area.</i>
<i>Area of Application. Survey area plus:</i>	American Samoa	Hardin-Jefferson
Georgia:	IDAHO	<i>Survey Area</i>
Glynn	Ada-Elmore	Kentucky:
Liberty	<i>Survey Area</i>	Hardin
South Carolina:	Idaho:	Jefferson
Beaufort	Ada	<i>Area of Application. Survey area plus:</i>
Clayton-Cobb-Fulton	Elmore	Indiana:
<i>Survey Area</i>	<i>Area of Application. Survey area.</i>	Jefferson
Georgia:	ILLINOIS	Martin
Clayton	Lake	Kentucky:
Cobb	<i>Survey Area</i>	Fayette
Fulton	Illinois:	Madison
<i>Area of Application. Survey area plus:</i>	Lake	Warren
Georgia:	<i>Area of Application. Survey area plus:</i>	LOUISIANA
Bartow	Illinois:	Bossier-Caddo
Clarke	Cook	<i>Survey Area</i>
De Kalb	Rock Island	Louisiana: (parishes)
Columbus	Vermilion	Bossier
<i>Survey Area</i>	Iowa:	Caddo
Georgia:	Johnson	<i>Area of Application. Survey area plus:</i>
Columbus Consolidated Government	Michigan:	Texas:
<i>Area of Application. Survey area plus:</i>	Dickinson	Bowie
Georgia:	Marquette	Orleans
Chattahoochee	Wisconsin:	<i>Survey Area</i>
Dougherty	Dane	Louisiana: (parish)
<i>Survey Area</i>	Milwaukee	Orleans
Georgia:	St. Clair	<i>Area of Application. Survey area plus:</i>
Dougherty	<i>Survey Area</i>	Louisiana: (parish)
<i>Area of Application. Survey area.</i>	Illinois:	Plaquemines
Houston	St. Clair	Rapides
<i>Survey Area</i>	<i>Area of Application. Survey area plus:</i>	<i>Survey Area</i>
Georgia:	Illinois:	Louisiana: (parish)
Houston	Madison	Rapides
<i>Area of Application. Survey area plus:</i>	Williamson	<i>Area of Application. Survey area plus:</i>
Georgia:	Missouri: (city)	Louisiana: (parish)
Laurens	St. Louis	Vernon
Lowndes	Missouri: (counties)	MAINE
<i>Survey Area</i>	Jefferson	Cumberland
Georgia:	Pulaski	<i>Survey Area</i>
Lowndes	KANSAS	Maine:
<i>Area of Application. Survey area.</i>	Leavenworth/Jackson-Johnson	Cumberland
Richmond	<i>Survey Area</i>	<i>Area of Application. Survey area plus:</i>
<i>Survey Area</i>	Kansas:	Maine:
Georgia:	Leavenworth	Aroostook
Richmond	Missouri:	Hancock
<i>Area of Application. Survey area plus:</i>	Jackson	Kennebec
South Carolina:	Johnson	Knox
Aiken	<i>Area of Application. Survey area plus:</i>	Penobscot
	Kansas:	Sagadahoc
	Shawnee	Washington
	Missouri:	
	Boone	

<p>York Survey Area</p> <p>Maine: York <i>Area of Application. Survey area plus:</i></p> <p>New Hampshire: Rockingham</p> <p>Vermont: Windsor</p>	<p>Hillsborough</p> <p>MICHIGAN Macomb Survey Area</p> <p>Michigan: Macomb <i>Area of Application. Survey area plus:</i></p> <p>Michigan: Alpena Calhoun Crawford Grand Traverse Huron Iosco Leelanau Ottawa Saginaw Washtenaw Wayne</p>	<p>Fergus Flathead Hill Lewis and Clark Valley Yellowstone</p>
<p>MARYLAND Anne Arundel Survey Area</p> <p>Maryland: Anne Arundel <i>Area of Application. Survey area plus:</i></p> <p>Maryland: (city) Baltimore</p> <p>Maryland: (county) Baltimore</p>	<p>Michigan: Alpena Calhoun Crawford Grand Traverse Huron Iosco Leelanau Ottawa Saginaw Washtenaw Wayne</p> <p>Ohio: Ottawa</p>	<p>NEBRASKA Douglas-Sarpy Survey Area</p> <p>Nebraska: Douglas Sarpy <i>Area of Application. Survey area plus:</i></p>
<p>Charles-St. Mary's Survey Area</p> <p>Maryland: Charles St. Mary's <i>Area of Application. Survey area plus:</i></p> <p>Maryland: Calvert</p> <p>Virginia: King George</p>	<p>MINNESOTA Hennepin Survey Area</p> <p>Minnesota: Hennepin <i>Area of Application. Survey area plus:</i></p> <p>Minnesota: Morrison Murray Ramsey Stearns St. Louis</p>	<p>Iowa: Marion Polk Woodbury</p> <p>Nebraska: Hall Lancaster Saunders</p> <p>South Dakota: Minnehaha</p>
<p>Frederick Survey Area</p> <p>Maryland: Frederick <i>Area of Application. Survey area plus:</i></p> <p>West Virginia: Berkeley</p>	<p>Wisconsin: Juneau Monroe Polk</p>	<p>NEVADA Churchill-Washoe Survey Area</p> <p>Nevada: Churchill Washoe <i>Area of Application. Survey area plus:</i></p>
<p>Harford Survey Area</p> <p>Maryland: Harford <i>Area of Application. Survey area plus:</i></p>	<p>MISSISSIPPI Harrison Survey Area</p> <p>Mississippi: Harrison <i>Area of Application. Survey area plus:</i></p>	<p>California: Lassen Mono</p> <p>Nevada: Mineral</p> <p>Clark Survey Area</p> <p>Nevada: Clark <i>Area of Application. Survey area.</i></p>
<p>Montgomery-Prince George's Survey Area</p> <p>Maryland: Montgomery Prince George's <i>Area of Application. Survey area.</i></p>	<p>Alabama: Mobile</p> <p>Mississippi: Forest Jackson</p>	<p>NEW JERSEY Burlington Survey Area</p> <p>New Jersey: Burlington <i>Area of Application. Survey area plus:</i></p>
<p>MASSACHUSETTS Hampden Survey Area</p> <p>Massachusetts: Hampden <i>Area of Application. Survey area plus:</i></p>	<p>Mississippi: Lauderdale <i>Area of Application. Survey area plus:</i></p> <p>Mississippi: Hinds Rankin Warren</p>	<p>Delaware: New Castle</p> <p>New Jersey: Atlantic Cape May Ocean Salem</p>
<p>Middlesex Survey Area</p> <p>Massachusetts: Middlesex <i>Area of Application. Survey area plus:</i></p>	<p>Lowndes Survey Area</p> <p>Mississippi: Lowndes <i>Area of Application. Survey area plus:</i></p>	<p>Monmouth Survey Area</p> <p>New Jersey: Monmouth <i>Area of Application. Survey area.</i></p>
<p>Massachusetts: Middlesex <i>Area of Application. Survey area plus:</i></p> <p>Massachusetts: Norfolk Plymouth Suffolk</p> <p>New Hampshire:</p>	<p>Alabama: Tuscaloosa</p> <p>MONTANA Cascade Survey Area</p> <p>Montana: Cascade <i>Area of Application. Survey area plus:</i></p> <p>Montana:</p>	<p>Morris Survey Area</p> <p>New Jersey: Morris <i>Area of Application. Survey area plus:</i></p> <p>New Jersey: Somerset</p> <p>Pennsylvania: Monroe</p>

NEW MEXICO Bernalillo <i>Survey Area</i>	NORTH CAROLINA Craven <i>Survey Area</i>	OKLAHOMA Comanche <i>Survey Area</i>
New Mexico: Bernalillo <i>Area of Application. Survey area plus:</i>	North Carolina: Craven <i>Area of Application. Survey area plus:</i>	Oklahoma: Comanche <i>Area of Application. Survey area plus:</i>
New Mexico: McKinley Curry <i>Survey Area</i>	North Carolina: Carteret Dare Cumberland <i>Survey Area</i>	Oklahoma: Cotton Jackson Oklahoma <i>Survey Area</i>
New Mexico: Curry <i>Area of Application. Survey area plus:</i> Texas: Lubbock Potter	North Carolina: Cumberland <i>Area of Application. Survey area plus:</i> North Carolina: Durham Rowan	Oklahoma: Oklahoma <i>Area of Application. Survey area plus:</i> Oklahoma: Garfield Muskogee Pittsburg
Dona Ana <i>Survey Area</i>	Onslow <i>Survey Area</i>	PENNSYLVANIA Allegheny <i>Survey Area</i>
New Mexico: Dona Ana <i>Area of Application. Survey area plus:</i> New Mexico: Chaves Otero	North Carolina: Onslow <i>Area of Application. Survey area plus:</i> North Carolina: New Hanover	Pennsylvania: Allegheny <i>Area of Application. Survey area plus:</i> Ohio: Cuyahoga Trumbull Pennsylvania: Butler Westmoreland West Virginia: Harrison
NEW YORK Jefferson <i>Survey Area</i>	Wayne <i>Survey Area</i>	Cumberland <i>Survey Area</i>
New York: Jefferson <i>Area of Application. Survey area plus:</i> New York: Albany Oneida Onondaga Ontario Schenectady Steuben	North Carolina: Wayne <i>Area of Application. Survey area plus:</i> North Carolina: Halifax	Pennsylvania: Cumberland <i>Area of Application. Survey area plus:</i> Pennsylvania: Blair Franklin
Kings-Queens <i>Survey Area</i>	NORTH DAKOTA Grand Forks <i>Survey Area</i>	Montgomery <i>Survey Area</i>
New York: Kings Queens <i>Area of Application. Survey area plus:</i> New Jersey: Essex Hudson New York: Bronx Nassau New York Richmond Suffolk	North Dakota: Grand Forks <i>Area of Application. Survey area plus:</i> North Dakota: Cass Cavalier Pembina Steele Ward <i>Survey Area</i> North Dakota: Ward <i>Area of Application. Survey area plus:</i> North Dakota: Divide	Pennsylvania: Montgomery <i>Area of Application. Survey area plus:</i> Pennsylvania: Bucks Chester Luzerne Philadelphia
Niagara <i>Survey Area</i>	OHIO Greene-Montgomery <i>Survey Area</i>	York <i>Survey Area</i>
New York: Niagara <i>Area of Application. Survey area plus:</i> New York: Erie Genesee Pennsylvania: Erie	Ohio: Greene Montgomery <i>Area of Application. Survey area plus:</i> Indiana: Allen Grant Marion Miami Ohio: Clinton Franklin Hamilton Licking Ross West Virginia: Raleigh Wayne	Pennsylvania: York <i>Area of Application. Survey area plus:</i> Pennsylvania: Lebanon PUERTO RICO Guaynabo-San Juan <i>Survey Area</i> Puerto Rico: (municipalities) Guaynabo San Juan <i>Area of Application. Survey area plus:</i> Puerto Rico: (municipalities) Aguadilla Bayamon Ceiba Isabela Ponce
Orange <i>Survey Area</i>		
New York: Orange <i>Area of Application. Survey area plus:</i> New York: Dutchess Westchester		

Salinas	Coryell	<i>Area of Application. Survey area.</i>
Toa Baja	Falls	UTAH
Vieques		Davis-Salt Lake-Weber
U.S. Virgin Islands:	Bexar	<i>Survey Area</i>
St. Croix	<i>Survey Area</i>	Utah:
St. Thomas	Texas:	Davis
	Bexar	Salt Lake
RHODE ISLAND	<i>Area of Application. Survey area plus:</i>	Weber
Newport	Texas:	<i>Area of Application. Survey area plus:</i>
<i>Survey Area</i>	Comal	Utah:
Rhode Island:	Kerr	Box Elder
Newport	Travis	Tooele
<i>Area of Application. Survey area plus:</i>	Val Verde	Uintah
Massachusetts:	Dallas	VIRGINIA
Barnstable	<i>Survey Area</i>	Alexandria-Arlington-Fairfax
Nantucket	Texas:	<i>Survey Area</i>
Rhode Island:	Dallas	Virginia: (city)
Providence	<i>Area of Application. Survey area plus:</i>	Alexandria
Washington	Texas:	Virginia: (counties)
SOUTH CAROLINA	Fannin	Arlington
Charleston	Galveston	Fairfax
<i>Survey Area</i>	Harris	<i>Area of Application. Survey area.</i>
South Carolina:	El Paso	Chesterfield-Richmond
Charleston	<i>Survey Area</i>	<i>Survey Area</i>
<i>Area of Application. Survey area plus:</i>	Texas:	Virginia: (city)
South Carolina:	El Paso	Richmond
Berkeley	<i>Area of Application. Survey area.</i>	Virginia: (county)
Horry	McLennan	Chesterfield
Richland	<i>Survey Area</i>	<i>Area of Application. Survey area plus:</i>
<i>Survey Area</i>	Texas:	Virginia: (cities)
South Carolina:	McLennan	Bedford
Richland	<i>Area of Application. Survey area.</i>	Charlottesville
<i>Area of Application. Survey area plus:</i>	Nueces	Salem
North Carolina:	<i>Survey Area</i>	Virginia: (counties)
Buncombe	Texas:	Caroline
South Carolina:	Nueces	Nottoway
Sumpter	<i>Area of Application. Survey area plus:</i>	Prince George
Tennessee:	Texas:	West Virginia:
Washington	Bee	Pendleton
SOUTH DAKOTA	Calhoun	Hampton-Newport News
Pennington	Kleberg	<i>Survey Area</i>
<i>Survey Area</i>	San Patricio	Virginia: (cities)
South Dakota:	Webb	Hampton
Pennington	Tarrant	Newport News
<i>Area of Application. Survey area plus:</i>	<i>Survey Area</i>	<i>Area of Application. Survey area plus:</i>
Montana:	Texas:	Virginia: (city)
Custer	Tarrant	Williamsburg
South Dakota:	<i>Area of Application. Survey area plus:</i>	Virginia: (county)
Fall River	Texas:	York
Meade	Cooke	Norfolk-Portsmouth-Virginia Beach
Wyoming:	Palo Pinto	<i>Survey Area</i>
Sheridan	Taylor	Virginia: (cities)
TENNESSEE	<i>Survey Area</i>	Norfolk
Shelby	Texas:	Portsmouth
<i>Survey Area</i>	Taylor	Virginia Beach
Tennessee:	<i>Area of Application. Survey area.</i>	<i>Area of Application. Survey area plus:</i>
Shelby	Tom Green	North Carolina:
<i>Area of Application. Survey area plus:</i>	<i>Survey Area</i>	Pasquotank
Arkansas:	Texas:	Virginia: (cities)
Mississippi	Tom Green	Chesapeake
Missouri:	<i>Area of Application. Survey area plus:</i>	Suffolk
Butler	Texas:	Virginia: (counties)
TEXAS	Howard	Accomack
Bell	Wichita	Northampton
<i>Survey Area</i>	<i>Survey Area</i>	Prince William
Texas:	Virginia:	<i>Survey Area</i>
Bell	Prince William	<i>Area of Application. Survey area plus:</i>
<i>Area of Application. Survey area plus:</i>	<i>Area of Application. Survey area plus:</i>	Virginia:
Texas:	Wichita	
Burnet		

Fauquier

WASHINGTON
Kitsap
Survey Area

Washington:
Kitsap
Area of Application. Survey area plus:

Washington:
Clallam
Jefferson

Pierce
Survey Area

Washington:
Pierce
Area of Application. Survey area plus:

Oregon:
Clatsop
Coos
Douglas
Multnomah
Tillamook

Washington:
Clark
Grays Harbor

Snohomish
Survey Area

Washington:
Snohomish
Area of Application. Survey area plus:

Washington:
Island
King
Yakima

Spokane
Survey Area

Washington:
Spokane
Area of Application. Survey area plus:

Washington:
Adams
Walla Walla

WYOMING
Laramie
Survey Area

Wyoming:
Laramie
Area of Application. Survey area.

[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: researchintegrity@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 Government 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