

# Rules and Regulations

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

<i>Area of Application. Survey area.</i>	<b>GUAM</b>	Camden
<b>Okaloosa</b>	<b>Guam</b>	Cass
<i>Survey Area</i>	<i>Survey Area</i>	<b>Sedgwick</b>
Florida:	Guam	<i>Survey Area</i>
Okaloosa	<i>Area of Application. Survey area.</i>	Kansas:
<i>Area of Application. Survey area plus:</i>	<b>HAWAII</b>	Sedgwick
Florida:	<b>Honolulu</b>	<i>Area of Application. Survey area plus:</i>
Walton	<i>Survey Area</i>	Kansas:
<b>Orange</b>	Hawaii:	Geary
<i>Survey Area</i>	Honolulu	Saline
Florida:	<i>Area of Application. Survey area plus:</i>	<b>KENTUCKY</b>
Orange	Hawaii (counties):	<b>Christian-Montgomery</b>
<i>Area of Application. Survey area.</i>	Hawaii	<i>Survey Area</i>
<b>GEORGIA</b>	Kauai	Kentucky:
<b>Chatham</b>	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	<b>Hardin-Jefferson</b>
Georgia:	<b>IDAHO</b>	<i>Survey Area</i>
Glynn	<b>Ada-Elmore</b>	Kentucky:
Liberty	<i>Survey Area</i>	Hardin
South Carolina:	Idaho:	Jefferson
Beaufort	Ada	<i>Area of Application. Survey area plus:</i>
<b>Clayton-Cobb-Fulton</b>	Elmore	Indiana:
<i>Survey Area</i>	<i>Area of Application. Survey area.</i>	Jefferson
Georgia:	<b>ILLINOIS</b>	Martin
Clayton	<b>Lake</b>	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>	<b>LOUISIANA</b>
Bartow	Illinois:	<b>Bossier-Caddo</b>
Clarke	Cook	<i>Survey Area</i>
De Kalb	Rock Island	Louisiana: (parishes)
<b>Columbus</b>	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	<b>Orleans</b>
Chattahoochee	Wisconsin:	<i>Survey Area</i>
<b>Dougherty</b>	Dane	Louisiana: (parish)
<i>Survey Area</i>	Milwaukee	Orleans
Georgia:	<b>St. Clair</b>	<i>Area of Application. Survey area plus:</i>
Dougherty	<i>Survey Area</i>	Louisiana: (parish)
<i>Area of Application. Survey area.</i>	Illinois:	Plaquemines
<b>Houston</b>	St. Clair	<b>Rapides</b>
<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
<b>Lowndes</b>	Missouri: (counties)	<b>MAINE</b>
<i>Survey Area</i>	Jefferson	<b>Cumberland</b>
Georgia:	Pulaski	<i>Survey Area</i>
Lowndes	<b>KANSAS</b>	Maine:
<i>Area of Application. Survey area.</i>	<b>Leavenworth/Jackson-Johnson</b>	Cumberland
<b>Richmond</b>	<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	

**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 plus:*

**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:  
Ottawa

**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:*

Alabama:  
Mobile

Mississippi:  
Forest  
Jackson

**Lauderdale**  
Survey Area

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

Mississippi:  
Hinds  
Rankin  
Warren

**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 plus:*

**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 plus:*

**Morris**  
Survey Area

New Jersey:  
Morris  
*Area of Application. Survey area plus:*

New Jersey:  
Somerset

Pennsylvania:  
Monroe

<p><b>NEW MEXICO</b> <b>Bernalillo</b> <i>Survey Area</i></p> <p>New Mexico: Bernalillo <i>Area of Application. Survey area plus:</i></p> <p>New Mexico: McKinley</p> <p style="text-align: center;"><b>Curry</b> <i>Survey Area</i></p> <p>New Mexico: Curry <i>Area of Application. Survey area plus:</i></p> <p>Texas: Lubbock Potter</p> <p style="text-align: center;"><b>Dona Ana</b> <i>Survey Area</i></p> <p>New Mexico: Dona Ana <i>Area of Application. Survey area plus:</i></p> <p>New Mexico: Chaves Otero</p> <p style="text-align: center;"><b>NEW YORK</b> <b>Jefferson</b> <i>Survey Area</i></p> <p>New York: Jefferson <i>Area of Application. Survey area plus:</i></p> <p>New York: Albany Oneida Onondaga Ontario Schenectady Steuben</p> <p style="text-align: center;"><b>Kings-Queens</b> <i>Survey Area</i></p> <p>New York: Kings Queens <i>Area of Application. Survey area plus:</i></p> <p>New Jersey: Essex Hudson</p> <p>New York: Bronx Nassau New York Richmond Suffolk</p> <p style="text-align: center;"><b>Niagara</b> <i>Survey Area</i></p> <p>New York: Niagara <i>Area of Application. Survey area plus:</i></p> <p>New York: Erie Genesee</p> <p>Pennsylvania: Erie</p> <p style="text-align: center;"><b>Orange</b> <i>Survey Area</i></p> <p>New York: Orange <i>Area of Application. Survey area plus:</i></p> <p>New York: Dutchess Westchester</p>	<p style="text-align: center;"><b>NORTH CAROLINA</b> <b>Craven</b> <i>Survey Area</i></p> <p>North Carolina: Craven <i>Area of Application. Survey area plus:</i></p> <p>North Carolina: Carteret Dare</p> <p style="text-align: center;"><b>Cumberland</b> <i>Survey Area</i></p> <p>North Carolina: Cumberland <i>Area of Application. Survey area plus:</i></p> <p>North Carolina: Durham Rowan</p> <p style="text-align: center;"><b>Onslow</b> <i>Survey Area</i></p> <p>North Carolina: Onslow <i>Area of Application. Survey area plus:</i></p> <p>North Carolina: New Hanover</p> <p style="text-align: center;"><b>Wayne</b> <i>Survey Area</i></p> <p>North Carolina: Wayne <i>Area of Application. Survey area plus:</i></p> <p>North Carolina: Halifax</p> <p style="text-align: center;"><b>NORTH DAKOTA</b> <b>Grand Forks</b> <i>Survey Area</i></p> <p>North Dakota: Grand Forks <i>Area of Application. Survey area plus:</i></p> <p>North Dakota: Cass Cavalier Pembina Steele</p> <p style="text-align: center;"><b>Ward</b> <i>Survey Area</i></p> <p>North Dakota: Ward <i>Area of Application. Survey area plus:</i></p> <p>North Dakota: Divide</p> <p style="text-align: center;"><b>OHIO</b> <b>Greene-Montgomery</b> <i>Survey Area</i></p> <p>Ohio: Greene Montgomery <i>Area of Application. Survey area plus:</i></p> <p>Indiana: Allen Grant Marion Miami</p> <p>Ohio: Clinton Franklin Hamilton Licking Ross</p> <p>West Virginia: Raleigh Wayne</p>	<p style="text-align: center;"><b>OKLAHOMA</b> <b>Comanche</b> <i>Survey Area</i></p> <p>Oklahoma: Comanche <i>Area of Application. Survey area plus:</i></p> <p>Oklahoma: Cotton Jackson</p> <p style="text-align: center;"><b>Oklahoma</b> <i>Survey Area</i></p> <p>Oklahoma: Oklahoma <i>Area of Application. Survey area plus:</i></p> <p>Oklahoma: Garfield Muskogee Pittsburg</p> <p style="text-align: center;"><b>PENNSYLVANIA</b> <b>Allegheny</b> <i>Survey Area</i></p> <p>Pennsylvania: Allegheny <i>Area of Application. Survey area plus:</i></p> <p>Ohio: Cuyahoga Trumbull</p> <p>Pennsylvania: Butler Westmoreland</p> <p>West Virginia: Harrison</p> <p style="text-align: center;"><b>Cumberland</b> <i>Survey Area</i></p> <p>Pennsylvania: Cumberland <i>Area of Application. Survey area plus:</i></p> <p>Pennsylvania: Blair Franklin</p> <p style="text-align: center;"><b>Montgomery</b> <i>Survey Area</i></p> <p>Pennsylvania: Montgomery <i>Area of Application. Survey area plus:</i></p> <p>Pennsylvania: Bucks Chester Luzerne Philadelphia</p> <p style="text-align: center;"><b>York</b> <i>Survey Area</i></p> <p>Pennsylvania: York <i>Area of Application. Survey area plus:</i></p> <p>Pennsylvania: Lebanon</p> <p style="text-align: center;"><b>PUERTO RICO</b> <b>Guaynabo-San Juan</b> <i>Survey Area</i></p> <p>Puerto Rico: (municipalities) Guaynabo San Juan <i>Area of Application. Survey area plus:</i></p> <p>Puerto Rico: (municipalities) Aguadilla Bayamon Ceiba Isabela Ponce</p>
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Salinas	Coryell	<i>Area of Application. Survey area.</i>
Toa Baja	Falls	<b>UTAH</b>
Vieques		<b>Davis-Salt Lake-Weber</b>
U.S. Virgin Islands:	<b>Bexar</b>	<i>Survey Area</i>
St. Croix	<i>Survey Area</i>	Utah:
St. Thomas	Texas:	Davis
	Bexar	Salt Lake
<b>RHODE ISLAND</b>	<i>Area of Application. Survey area plus:</i>	Weber
<b>Newport</b>	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:	<b>Dallas</b>	<b>VIRGINIA</b>
Barnstable	<i>Survey Area</i>	<b>Alexandria-Arlington-Fairfax</b>
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)
<b>SOUTH CAROLINA</b>	Fannin	Arlington
<b>Charleston</b>	Galveston	Fairfax
<i>Survey Area</i>	Harris	<i>Area of Application. Survey area.</i>
South Carolina:	<b>El Paso</b>	<b>Chesterfield-Richmond</b>
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	<b>McLennan</b>	Chesterfield
<b>Richland</b>	<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>	<b>Nueces</b>	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
<b>SOUTH DAKOTA</b>	Calhoun	<b>Hampton-Newport News</b>
<b>Pennington</b>	Kleberg	<i>Survey Area</i>
<i>Survey Area</i>	San Patricio	Virginia: (cities)
South Dakota:	Webb	Hampton
Pennington	<b>Tarrant</b>	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	<b>Norfolk-Portsmouth-Virginia Beach</b>
Wyoming:	Palo Pinto	<i>Survey Area</i>
Sheridan	<b>Taylor</b>	Virginia: (cities)
<b>TENNESSEE</b>	<i>Survey Area</i>	Norfolk
<b>Shelby</b>	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	<b>Tom Green</b>	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)
<b>TEXAS</b>	Howard	Accomack
<b>Bell</b>	<b>Wichita</b>	Northampton
<i>Survey Area</i>	<i>Survey Area</i>	<b>Prince William</b>
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>	
Texas:	Virginia:	
Burnet	Wichita	

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.*

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## 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](mailto: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