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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 531

RIN 3206-AM51

General Schedule Locality Pay Areas

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: On behalf of the President's Pay Agent, the Office of Personnel Management is issuing final regulations tying the metropolitan area portion of locality pay area boundaries to the geographic scope of Metropolitan Statistical Area and Combined Statistical Area definitions that are contained in the attachments to Office of Management and Budget Bulletin 10-02 of December 1, 2009.

DATES: *Effective Date:* February 25, 2013.

FOR FURTHER INFORMATION CONTACT: Allan Hearne, (202) 606-2838; FAX: (202) 606-0824; email: pay-leave-policy@opm.gov.

SUPPLEMENTARY INFORMATION: On November 26, 2012, the Office of Personnel Management (OPM) published proposed regulations (77 FR 70381) on General Schedule locality pay areas. Section 5304 of title 5, United States Code, authorizes locality pay for General Schedule (GS) employees with duty stations in the United States and its territories and possessions.

Section 5304(f) of title 5, United States Code, authorizes the President's Pay Agent (the Secretary of Labor, the Director of the Office of Management and Budget (OMB), and the Director of OPM) to determine locality pay areas. The boundaries of locality pay areas must be based on appropriate factors, which may include local labor market patterns, commuting patterns, and the practices of other employers. The Pay

Agent must give thorough consideration to the views and recommendations of the Federal Salary Council, a body composed of experts in the fields of labor relations and pay policy and representatives of Federal employee organizations. The President appoints the members of the Council, which submits annual recommendations to the Pay Agent about the locality pay program. The establishment or modification of pay area boundaries must conform with the notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553). Based on recommendations of the Council, we use Metropolitan Statistical Areas (MSAs) and Combined Statistical Areas (CSAs) as the basis for locality pay areas.

OMB periodically updates metropolitan area definitions and may make significant changes in 2013. Under the current regulations, locality pay areas change automatically to follow minor revisions in MSAs and CSAs. Since OMB plans a significant update of MSA and CSA definitions in 2013, we are revising the regulations so that locality pay areas will not change automatically when OMB revises metropolitan area definitions. This action provides time for the Pay Agent and the Federal Salary Council to review the new metropolitan area definitions for suitability for use in the locality pay program. After appropriate review, the Pay Agent will publish for comment any proposed changes in locality pay areas based on the new definitions, if they are adopted.

The 45-day comment period for the proposed regulations ended on January 10, 2013. We received one comment on the proposed regulations that was not related to the subject of tying locality pay areas to the 2009 definitions of metropolitan areas. Therefore, we are adopting the proposed rule as final without any changes.

Impact

The rule has no effect on existing locality pay area definitions but prevents any changes that would otherwise occur when OMB updates MSA and CSA definitions in 2013.

Executive Order 13563 and Executive Order 12866

The Office of Management and Budget has reviewed this rule in accordance with E.O. 13563 and E.O. 12866.

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 531

Government employees, Law enforcement officers, Wages.

John Berry,

Director, Office of Personnel Management.

Accordingly, OPM is amending 5 CFR part 531 as follows:

PART 531—PAY UNDER THE GENERAL SCHEDULE

■ 1. The authority citation for part 531 continues to read as follows:

Authority: 5 U.S.C. 5115, 5307, and 5338; sec. 4 of Pub. L. 103-89, 107 Stat. 981; and E.O. 12748, 56 FR 4521, 3 CFR, 1991 Comp., p. 316; Subpart B also issued under 5 U.S.C. 5303(g), 5305, 5333, 5334(a) and (b), and 7701(b)(2); Subpart D also issued under 5 U.S.C. 5335 and 7701(b)(2); Subpart E also issued under 5 U.S.C. 5336; Subpart F also issued under 5 U.S.C. 5304, 5305, and 5941(a), E.O. 12883, 58 FR 63281, 3 CFR, 1993 Comp., p. 682 and E.O. 13106, 63 FR 68151, 3 CFR, 1998 Comp., p. 224.

Subpart F—Locality-Based Comparability Payments

■ 2. In § 531.602, the definitions of CSA and MSA are revised to read as follows:

§ 531.602 Definitions.

* * * * *

CSA means the geographic scope of a Combined Statistical Area as defined by the Office of Management and Budget (OMB) in OMB Bulletin 10-02, December 1, 2009.

* * * * *

MSA means the geographic scope of a Metropolitan Statistical Area as defined by OMB in OMB Bulletin 10-02, December 1, 2009.

* * * * *

■ 3. In § 531.609, paragraph (d) is revised to read as follows:

§ 531.609 Adjusting or terminating locality rates.

* * * * *

(d) In the event of a change in the geographic coverage of a locality pay area, the effective date of any change in an employee's entitlement to a locality rate of pay under this subpart is the first

day of the first pay period beginning on or after the effective date indicated in the applicable final rule published in the **Federal Register**.

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[FR Doc. 2013-01399 Filed 1-23-13; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1203

[Document No. NASA-2012-0006]

RIN 2700-AD61

NASA Information Security Protection

AGENCY: National Aeronautics and Space Administration.

ACTION: Direct final rule.

SUMMARY: This direct final rule makes nonsubstantive changes to align with and implement the provisions of Executive Order (E.O.) 13526, Classified National Security Information, and appropriately to correspond with NASA's internal requirements, NPR 1600.2, Classified National Security Information, that establishes the Agency's requirements for the proper implementation and management of a uniform system for classifying, accounting, safeguarding, and declassifying national security information generated by or in the possession of NASA. The revisions to these rules are part of NASA's retrospective plan under E.O. 13563 completed in August 2011. NASA's full plan can be accessed on the Agency's open Government Web site at <http://www.nasa.gov/open/>.

DATES: This direct final rule is effective on March 25, 2013. Comments due on or before February 25, 2013. If adverse comments are received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Comments must be identified with RINs 2700-AD61 and may be sent to NASA via the *Federal E-Rulemaking Portal*: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Please note that NASA will post all comments on the Internet with changes, including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

Steve Peyton, 202-358-0191, steven.l.peyton@nasa.gov.

SUPPLEMENTARY INFORMATION:

Background

In accordance with E.O. 13526, Classified National Security

Information, 32 CFR part 2001, Information Security Oversight Office (ISOO) Classified National Security Information Final Rule Implementing Directive, E.O. 12968, Access to Classified Information, E.O. 13549, Classified National Security Information Programs for State, Local, Tribal and Private Sector Entities, E.O. 12829, National Industrial Security Program, and 51 U.S.C., 20132 and 20133, National and Commercial Space Program, the President and the NASA Administrator establish security requirements, restrictions, and safeguards for NASA information in the interest of national security.

Part 1203 is the foundation for establishing NASA's information security program implementation requirements. It prescribes security and protective services requirements for NASA Headquarters, NASA Centers, and component facilities in order to protect the Agency's employees, contractors, property, and information. Therefore, it is being amended to comply with the Order and the Implementing Directive and to clarify the requirements for establishing an Information Security Program and handling National Security Information.

Additional provisions of part 1203 are implemented in NASA Procedural Requirements (NPR) 1600.2, NASA Classified National Security Information, to further ensure compliance. NPR 1600.2 can be accessed at <http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPR&c=1600&s=2>.

Direct Final Rule and Significant Adverse Comments

NASA has determined this rulemaking meets the criteria for a direct final rule because it involves clarifications, updating, and nonsubstantive changes to existing regulations. NASA does not anticipate this direct final rule will result in major changes to its security procedures. However, if NASA receives significant adverse comments, NASA will withdraw this final rule by publishing a note in the **Federal Register** in order to revisit the commented-on language. In determining whether a comment necessitates withdrawal of this final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

Statutory Authority

Section 1203 is established under E.O. 13526, 32 CFR parts 2001 and 2003, the Implementing Directive, E.O. 12968 as amended, Access to Classified Information, E.O. 13549, Classified National Security Information Programs

for State, Local, Tribal and Private Sector Entities, E.O. 12829, National Industrial Security Program, and The Space Act, in accordance with 51 U.S.C., National and Commercial Space Program. Sections 20132 and 20133 authorize the NASA Administrator to establish security rules and procedures to handle and safeguard Classified National Security Information. The rules serve to achieve compliance with the Administrator's objectives for the protection of NASA's personnel, property, and information.

Regulatory Analysis

Executive Order 12866, Regulatory Planning and Review and Executive Order 13563, Improving Regulation and Regulation Review

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as "administrative" under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This requirement does not apply if the agency "certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities" (5 U.S.C. 603). This rule does not have a significant economic impact on a substantial number of small entities.

Review Under the Paperwork Reduction Act

This direct final rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Review Under Executive Order of 13132

E.O. 13132, "Federalism," 64 FR 43255 (August 4, 1999) requires regulations be reviewed for Federalism effects on the institutional interest of states and local governments, and, if the