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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

ARIZONA
Maricopa
Survey Area
 Arizona:
 Maricopa
Area of Application. Survey area plus:

Arizona:
 Coconino
 Yavapai

Pima
Survey Area

Arizona:
 Pima
Area of Application. Survey area plus:

Arizona:
 Cochise

Yuma
Survey Area

Arizona:
 Yuma
Area of Application. Survey area plus:

California:
 Imperial

ARKANSAS
Pulaski
Survey Area

Arkansas:
 Pulaski
Area of Application. Survey area plus:

Arkansas:
 Jefferson
 Sebastian
 Washington

CALIFORNIA
Kern
Survey Area

California:
 Kern
Area of Application. Survey area plus:

California:
 Fresno
 Kings

Los Angeles
Survey Area

California:
 Los Angeles
Area of Application. Survey area.

Monterey
Survey Area

California:
 Monterey
Area of Application. Survey area plus:

California:
 Santa Clara

Orange
Survey Area

California:
 Orange
Area of Application. Survey area.

Riverside
Survey Area

California:
 Riverside
Area of Application. Survey area.

Sacramento
Survey Area

California:
 Sacramento

Area of Application. Survey area plus:
 California:
 Yuba
 Oregon:
 Jackson
 Klamath

San Bernardino
Survey Area

California:
 San Bernardino
Area of Application. Survey area.

San Diego
Survey Area

California:
 San Diego
Area of Application. Survey area.

San Joaquin
Survey Area

California:
 San Joaquin
Area of Application. Survey area.

Santa Barbara
Survey Area

California:
 Santa Barbara
Area of Application. Survey area plus:

California:
 San Luis Obispo

Solano
Survey Area

California:
 Solano
Area of Application. Survey area plus:

California:
 Alameda
 Contra Costa
 Marin
 Napa
 San Francisco
 Sonoma

Ventura
Survey Area

California:
 Ventura
Area of Application. Survey area.

COLORADO
Arapahoe-Denver
Survey Area

Colorado:
 Arapahoe
 Denver
Area of Application. Survey area plus:

Colorado:
 Mesa

El Paso
Survey Area

Colorado:
 El Paso
Area of Application. Survey area plus:

Colorado:
 Bent
 Otero
 Pueblo

CONNECTICUT
New London
Survey Area

Connecticut:
 New London

Area of Application. Survey area plus:
 Connecticut:
 New Haven

DELAWARE
Kent
Survey Area

Delaware:
 Kent
Area of Application. Survey area plus:

Delaware:
 Sussex
 Maryland:
 Kent

DISTRICT OF COLUMBIA
Washington, DC
Survey Area

District of Columbia:
 Washington, DC
Area of Application. Survey area.

FLORIDA
Bay
Survey Area

Florida:
 Bay
Area of Application. Survey area.

Brevard
Survey Area

Florida:
 Brevard
Area of Application. Survey area.

Duval
Survey Area

Florida:
 Duval
Area of Application. Survey area plus:

Florida:
 Alachua
 Clay
 Columbia

Georgia:
 Camden

Escambia
Survey Area

Florida:
 Escambia
Area of Application. Survey area plus:

Florida:
 Santa Rosa

Hillsborough
Survey Area

Florida:
 Hillsborough
Area of Application. Survey area plus:

Florida:
 Pinellas
 Polk

Miami-Dade
Survey Area

Florida:
 Miami-Dade
Area of Application. Survey area plus:

Florida:
 Palm Beach

Monroe
Survey Area

Florida:
 Monroe

<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	

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:
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.

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

<p>NEW MEXICO Bernalillo <i>Survey Area</i></p> <p>New Mexico: Bernalillo <i>Area of Application. Survey area plus:</i></p> <p>New Mexico: McKinley</p> <p>Curry <i>Survey Area</i></p> <p>New Mexico: Curry <i>Area of Application. Survey area plus:</i></p> <p>Texas: Lubbock Potter</p> <p>Dona Ana <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>NEW YORK Jefferson <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>Kings-Queens <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>Niagara <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>Orange <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>NORTH CAROLINA Craven <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>Cumberland <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>Onslow <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>Wayne <i>Survey Area</i></p> <p>North Carolina: Wayne <i>Area of Application. Survey area plus:</i></p> <p>North Carolina: Halifax</p> <p>NORTH DAKOTA Grand Forks <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>Ward <i>Survey Area</i></p> <p>North Dakota: Ward <i>Area of Application. Survey area plus:</i></p> <p>North Dakota: Divide</p> <p>OHIO Greene-Montgomery <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>OKLAHOMA Comanche <i>Survey Area</i></p> <p>Oklahoma: Comanche <i>Area of Application. Survey area plus:</i></p> <p>Oklahoma: Cotton Jackson</p> <p>Oklahoma <i>Survey Area</i></p> <p>Oklahoma: Oklahoma <i>Area of Application. Survey area plus:</i></p> <p>Oklahoma: Garfield Muskogee Pittsburg</p> <p>PENNSYLVANIA Allegheny <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>Cumberland <i>Survey Area</i></p> <p>Pennsylvania: Cumberland <i>Area of Application. Survey area plus:</i></p> <p>Pennsylvania: Blair Franklin</p> <p>Montgomery <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>York <i>Survey Area</i></p> <p>Pennsylvania: York <i>Area of Application. Survey area plus:</i></p> <p>Pennsylvania: Lebanon</p> <p>PUERTO RICO Guaynabo-San Juan <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
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:
Sumpter
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

Coryell
Falls

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:

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