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

NEW MEXICO**Bernalillo***Survey Area*

New Mexico:
Bernalillo

Area of Application. Survey area plus:

New Mexico:
McKinley

Curry*Survey Area*

New Mexico:
Curry

Area of Application. Survey area plus:

Texas:
Lubbock
Potter

Dona Ana*Survey Area*

New Mexico:
Dona Ana

Area of Application. Survey area plus:

New Mexico:
Chaves
Otero

NEW YORK**Jefferson***Survey Area*

New York:
Jefferson

Area of Application. Survey area plus:

New York:
Albany
Oneida
Onondaga
Ontario
Schenectady
Steuben

Kings-Queens*Survey Area*

New York:
Kings
Queens

Area of Application. Survey area plus:

New Jersey:
Essex
Hudson
New York:
Bronx
Nassau
New York
Richmond
Suffolk

Niagara*Survey Area*

New York:
Niagara

Area of Application. Survey area plus:

New York:
Erie
Genesee

Pennsylvania:
Erie

Orange*Survey Area*

New York:
Orange

Area of Application. Survey area plus:

New York:
Dutchess
Westchester

NORTH CAROLINA**Craven***Survey Area*

North Carolina:
Craven

Area of Application. Survey area plus:

North Carolina:
Carteret
Dare

Cumberland*Survey Area*

North Carolina:
Cumberland

Area of Application. Survey area plus:

North Carolina:
Durham
Rowan

Onslow*Survey Area*

North Carolina:
Onslow

Area of Application. Survey area plus:

North Carolina:
New Hanover

Wayne*Survey Area*

North Carolina:
Wayne

Area of Application. Survey area plus:

North Carolina:
Halifax

NORTH DAKOTA**Grand Forks***Survey Area*

North Dakota:
Grand Forks

Area of Application. Survey area plus:

North Dakota:
Cass
Cavalier
Pembina
Steele

Ward*Survey Area*

North Dakota:
Ward

Area of Application. Survey area plus:

North Dakota:
Divide

OHIO**Greene-Montgomery***Survey Area*

Ohio:
Greene
Montgomery

Area of Application. Survey area plus:

Indiana:
Allen
Grant
Marion
Miami

Ohio:
Clinton
Franklin
Hamilton
Licking
Ross

West Virginia:
Raleigh
Wayne

OKLAHOMA**Comanche***Survey Area*

Oklahoma:
Comanche

Area of Application. Survey area plus:

Oklahoma:
Cotton
Jackson

Oklahoma*Survey Area*

Oklahoma:
Oklahoma

Area of Application. Survey area plus:

Oklahoma:
Garfield
Muskogee
Pittsburg

PENNSYLVANIA**Allegheny***Survey Area*

Pennsylvania:
Allegheny

Area of Application. Survey area plus:

Ohio:
Cuyahoga
Trumbull
Pennsylvania:
Butler
Westmoreland

West Virginia:
Harrison

Cumberland*Survey Area*

Pennsylvania:
Cumberland

Area of Application. Survey area plus:

Pennsylvania:
Blair
Franklin

Montgomery*Survey Area*

Pennsylvania:
Montgomery

Area of Application. Survey area plus:

Pennsylvania:
Bucks
Chester
Luzerne
Philadelphia

York*Survey Area*

Pennsylvania:
York

Area of Application. Survey area plus:

Pennsylvania:
Lebanon

PUERTO RICO**Guaynabo-San Juan***Survey Area*

Puerto Rico: (municipalities)
Guaynabo
San Juan

Area of Application. Survey area plus:

Puerto Rico: (municipalities)
Aguadilla
Bayamon
Ceiba
Isabela
Ponce

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

**RHODE ISLAND
Newport**

Survey Area

Rhode Island:
Newport

Area of Application. Survey area plus:

Massachusetts:
Barnstable
Nantucket

Rhode Island:
Providence
Washington

**SOUTH CAROLINA
Charleston**

Survey Area

South Carolina:
Charleston

Area of Application. Survey area plus:

South Carolina:
Berkeley
Horry

Richland

Survey Area

South Carolina:
Richland

Area of Application. Survey area plus:

North Carolina:
Buncombe

South Carolina:
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