

II. Summary of Errors

On page 38503, we are adding contact information for issues concerning educational requirements for nurse practitioners and clinical nurse specialists, and physician certification and recertification for Medicare home health services.

On page 38510, in the formula for equipment cost per minute, we inadvertently omitted an asterisk.

On page 38518, in the 1st column, we cited the incorrect chapter in the CMS Internet-Only Medicare Claims Processing Manual for more information concerning the instructions for the submission of interactive telehealth claims.

On page 38525, we are correcting a typographical error that clarifies that participating CAP physicians whose participation in the CAP has been suspended will not receive CAP drugs.

On page 38545, we are correcting a date cited in the CY 2009 PFS proposed rule that references the suit against the Secretary (*Atlantic Urological Associates PA v. Leavitt*, Civil Action No. 08-141-(RMC) (D.D.C.)).

On page 38569, in Table 11, we inadvertently omitted an asterisk on measure numbers 110 and 111 that inform the public that these proposed PQRI measures were being proposed as measures that could be reported through electronic health records (EHR).

On pages 38569 and 38571, we are correcting the footnotes to Tables 11 and 13, respectively, to state these measures are 1 of 17 measures for which data may potentially be accepted through the EHR mechanism in 2009.

On page 38576, we are correcting the language summarizing the current nurse practitioner qualification standards.

III. Correction of Errors

In FR Doc. E8-14949 of July 7, 2008 (73 FR 38502), make the following corrections:

1. On page 38503, in the 1st column, after the 11th paragraph, add the following:

“Regina Walker-Wren, (410) 786-9160, for information concerning educational requirements for nurse practitioners and clinical nurse specialists.

Randy Thronset, (410) 786-0131, for information concerning physician certification and recertification for Medicare home health services.”

2. On page 38510, in the 2nd column, line 1, the phrase “rate) * life of the equipment))))) +” is corrected to read “rate) ** life of the equipment))))) +”.

3. On page 38518, in the 1st column; a. In the 1st full paragraph, line 22, the phrase “Chapter 15” is corrected to read “Chapter 12.”

b. In the 2nd full paragraph, line 19, the phrase “Chapter 15” is corrected to read “Chapter 12.”

4. On page 38525, in the 1st column, in the 2nd paragraph, line 16, the phrase “CAP has suspended” is corrected to read “CAP has been suspended.”

5. On page 38545, in the 2nd column; in the 1st full paragraph, line 1, the phrase “On January 25, 2008” is corrected to read “On January 24, 2008.”

6. On page 38569, in Table 11, a. Column 1, an asterisk is added to the title of measure numbers 110 and 111 to read as follows:

TABLE 11—2008 PQRI MEASURES PROPOSED FOR 2009

Measure number and title	Measure source
110. Preventive Care and Screening: Influenza Immunization for Patients ≥ 50 Years Old *	AMA-PCPI.
111. Preventive Care and Screening: Pneumonia Vaccination for Patients 65 Years and Older *	NCQA.

b. The footnote “* This measure is one fifteen measures for which data may potentially be accepted through the EHR mechanism in 2009.” is corrected to read “* This measure is 1 of 17 measures for which data may potentially be accepted through the EHR mechanism in 2009.”

7. On page 38571, Table 13, the footnote “* This measure is one fifteen measures for which data may potentially be accepted through the EHR mechanism in 2009.” is corrected to read “* This measure is 1 of 17 measures for which data may potentially be accepted through the EHR mechanism in 2009.”

8. On page 38576, in the 2nd column, in the 1st full paragraph, line 16, the phrase “requirements, but not entirely date” is corrected to read “requirements that are not entirely date.”

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: July 28, 2008.
Ann C. Agnew,
Executive Secretary to the Department.
 [FR Doc. E8-17732 Filed 7-31-08; 8:45 am]
BILLING CODE 4120-01-P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 512 and 552

[**GSAR Case 2008-G504; Docket 2008-0007; Sequence 11**]

RIN 3090-AI61

General Services Acquisition Regulation; GSAR Case 2008-G504; Rewrite of GSAR Part 512, Acquisition of Commercial Items

AGENCY: Office of the Chief Acquisition Officer, General Services Administration (GSA).

ACTION: Proposed rule with request for comments.

SUMMARY: The General Services Administration (GSA) is proposing to amend the General Services Acquisition Regulation (GSAR) to revise the

language pertaining to requirements for the acquisition of commercial items.

DATES: Interested parties should submit written comments to the Regulatory Secretariat on or before September 30, 2008 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by GSAR Case 2008-G504 by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting “GSAR Case 2008-G504” under the heading “Comment or Submission”. Select the link “Send a Comment or Submission” that corresponds with GSAR Case 2008-G504. Follow the instructions provided to complete the “Public Comment and Submission Form”. Please include your name, company name (if any), and “GSAR Case 2008-G504” on your attached document.

- Fax: 202-501-4067.
- Mail: General Services

Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite GSAR Case 2008–G504 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Michael O. Jackson at (202) 208–4949, or by e-mail at michaelo.jackson@gsa.gov. For information pertaining to the status or publication schedules, contact the Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC 20405, (202) 501–4755. Please cite GSAR Case 2008–G504.

SUPPLEMENTARY INFORMATION:

A. Background

The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to revise sections of GSAR Part 512 that provide requirements for the acquisition of commercial items.

This rule is a result of the General Services Administration Acquisition Manual (GSAM) rewrite initiative undertaken by GSA to revise the GSAM to maintain consistency with the Federal Acquisition Regulation (FAR) and to implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can utilize when entering into and administering contractual relationships. The GSAM incorporates the General Services Administration Acquisition Regulation (GSAR) as well as internal agency acquisition policy.

GSA will rewrite each part of the GSAR and GSAM, and as each GSAR part is rewritten, will publish it in the **Federal Register**.

This rule covers the rewrite of GSAR Part 512 and revises the text at GSAR 512.301, Solicitation provisions and contract clauses for the acquisition of commercial items. GSAR clauses 552.212–70, Preparation of Offer (Multiple Award Schedule), and 552.212–73, Evaluation—Commercial Items (Multiple Award Schedule), are proposed for deletion from GSAR Part 512 and proposed to be moved to GSAR Part 538, Federal Supply Schedule Contracting, as these GSAR clauses are a better fit in GSAR Part 538. GSAR clauses 552.212–71, Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items and 552.212–72, Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable

to GSA Acquisition of Commercial Items, are retained with no changes.

Discussion of Comments

Four comments covering Part 512 were received in response to the Advanced Notice of Proposed Rulemaking. A discussion of these comments is provided below:

Comment: Add a clause to the GSAM that allows for use of FAR Part 12 in relation to constructions or remodeling of real property.

Response: Office of Federal Procurement Policy Memorandum dated July 3, 2003 states “Part 12, as currently promulgated, should rarely, if ever, be used for new construction acquisitions or non-routine alterations and repair services. In accordance with longstanding practice, agencies should apply the policies of FAR Part 36 to these acquisitions. Therefore, no additional language is being added to Part 12.

Comment: Revise the GSAR to address inconsistencies and duplications between and among GSA contract clauses and FAR Part 12 that are often included in a single contract.

Response: The clauses were reviewed and any inconsistencies were eliminated to the maximum extent possible.

Comment: Revise the GSAR to encourage contracting officers to consider a vendor’s commercial practices and policies during negotiation of contract terms and conditions consistent with the contracting officer’s ability to tailor clauses under FAR 12.302.

Response: Current FAR Part 12 requires contracting officers to consider a vendor’s commercial practices and policies during negotiations of contract terms and conditions.

Comment: Revise the GSAR to eliminate inconsistencies and redundancies between the FAR and GSAR in the context of a Federal Supply Schedule, specifically citing Federal Supply Schedule 70.

Response: The Federal Supply Schedule clauses have been reviewed and are being published in GSAM Part 538. Inconsistencies and redundancies between the FAR and GSAR were eliminated to the maximum extent possible.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The General Services Administration does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the revisions are not considered substantive. The revisions only update and reorganize existing coverage. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. GSA will consider comments from small entities concerning the affected GSAR Parts 512 and 552 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (GSAR case 2008–G504), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act applies; however, these changes to the GSAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 3090–0027.

List of Subjects in 48 CFR Parts 512 and 552

Government procurement.

Dated: July 23, 2008.

Al Matera

Director, Office of Acquisition Policy, U.S. General Services Administration.

Therefore, GSA proposes to amend 48 CFR parts 512 and 552 as set forth below:

PART 512—ACQUISITION OF COMMERCIAL ITEMS

1. The authority citation for 48 CFR part 512 is revised to read as follows:

Authority: 40 U.S.C. 121(c).

2. Amend section 512.301 by revising paragraph (a) to read as follows:

512.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(a) *Solicitation provisions and clauses.* Insert these provisions or clauses in solicitations or solicitations and contracts, respectively, in accordance with the instructions provided:

(1) 552.212–71, Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items, when listed clauses apply. The clause provides for incorporation by reference of terms and conditions which are, to the maximum extent practicable, consistent with customary commercial practice. If necessary, tailor this clause.

(2) 552.212–72, Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to GSA Acquisitions of Commercial Items, when listed clauses apply. The clause provides for the incorporation by reference of terms and conditions required to implement provisions of law or executive orders that apply to commercial item acquisitions.

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PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. The authority citation for 48 CFR part 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

552.212–70 [Removed]

4. Remove section 552.212–70.

552.212–73 [Removed]

5. Remove section 552.212–73.

[FR Doc. E8–17540 Filed 7–31–08; 8:45 am]

BILLING CODE 6820–61–S

GENERAL SERVICES ADMINISTRATION

48 CFR Part 513

[GSAR Case 2007–G502; Docket 2008–0007; Sequence 16]

RIN 3090–A167

General Services Acquisition Regulation; GSAR Case 2007–G502; Rewrite of GSAR Part 513, Simplified Acquisition Procedures

AGENCY: Office of the Chief Acquisition Officer, General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is proposing to amend the General Services Acquisition Regulation (GSAR) to revise and update the agency's implementation of the Federal Acquisition Regulation (FAR) Part 13, Simplified Acquisition Procedures.

DATES: Interested parties should submit written comments to the Regulatory Secretariat on or before September 30, 2008 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by GSAR Case 2007–G502 by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting “GSAR Case 2007–G502” under the heading “Comment or

Submission”. Select the link “Send a Comment or Submission” that corresponds with GSAR Case 2007–G502. Follow the instructions provided to complete the “Public Comment and Submission Form”. Please include your name, company name (if any), and “GSAR Case 2007–G502” on your attached document.

- Fax: 202–501–4067.

- Mail: General Services

Administration, Regulatory Secretariat (VPR), 1800 F Street, NW, Room 4041, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite GSAR Case 2007–G502 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT For clarification of content, contact Ms. Meredith Murphy at (202) 208–6925. For information pertaining to the status or publication schedules, contact the Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC 20405, (202) 501–4755. Please cite GSAR Case 2007–G502.

SUPPLEMENTARY INFORMATION:

A. Background

This is part of the GSAM Rewrite Project, initiated in 2006 to revise, update, and simplify the GSAM. An Advance Notice of Proposed Rulemaking (ANPR), with a request for comments, was published in the **Federal Register** at 71 FR 7910, February 15, 2006. No public comments were received in response to Part 513. Prior to publication of this proposed rule, the draft coverage was circulated within GSA to the Services and regions. A total of 57 comments, from within the agency, were received from 16 commenters. The proposed rule incorporates those recommendations where appropriate. The current GSAM Part 513 implements three of the FAR Part 13 subparts and the policy at 513.003. There are no clauses associated with Part 513, and no supplementary subparts. The proposed rule deletes the policy statement at 513.003 and certain GSA-specific forms that are redundant to standard or optional forms in the FAR, as well as the GSAM text associated with them.

The GSA review team noted that GSAR Part 513 material currently coded as regulatory, *i.e.*, GSAR, does not, in fact, contain regulatory material. GSAR 513.302–70, 513.303–3(a) and (b), and 513.307 are considered policy because

these sections merely direct contracting officers to use certain forms in certain circumstances, and to include any geographic limitations and instructions in Blanket Purchase Agreements (BPAs). There are no clauses or solicitation provisions in these sections. Therefore, the team has recommended changing the referenced material (formerly shaded gray) to GSAM rather than GSAR. The effect is to remove all of the Part 513 GSAR material. However, this former GSAR material has been retained, with some modifications, in the GSAM, which will also be available to the public on the GSAM web site, once the revisions are made final.

The following sections explain in detail the changes that are proposed to the former GSAR, now GSAM, Part 513 coverage. This information is not being provided for comment, but rather to simply notify the reader about changes to the former GSAR, now GSAM.

513.302–70: References to electronic processing systems were updated at 513.302–70, and paragraph (f) relating to the outdated Standard Form (SF) 44 procedure was deleted. The GSA Forms 300 and 300A, Order for Supplies and Services, and Order for Supplies and Services—Continuation, respectively, are proposed for removal in favor of the preferred Optional Form (OF) 347, Order for Supplies and Services, and OF 348, Order for Supplies or Services—Continuation. These forms are outdated for a number of reasons:

- Part 553 shows GSA Forms 300 and 300A as being 14 pages in length; effectively, however, it is a two-page form (Form 300 is the front and Form 300A is the back) repeated seven times. With electronic commerce, those additional copies are no longer needed.
- The form is required to be printed and used in a pin-feed format, an outdated technology.

- The second page of the form contains outdated clauses. Also, including clauses on a GSA form does not allow for frequently required updates.

- Variations of the GSA Forms 300 and 300A are in use in at least four different software systems: NEAR, Pegasys, ITSS, and Comprison. However, none of these four systems uses the actual Form 300, and all four systems have modified the Form 300—but each has modified the form in different ways. In other words, there is not a single consistent format being used for the GSA Form 300 at GSA.

OF 347 and OF 348 are very similar to the GSA Forms 300 and 300A, without the outdated and duplicative elements of the latter. FAR Drafting Conventions establish an order of