

MAINE—PM10 NONATTAINMENT AREAS—Continued

Designated area	Designation		Classification	
	Date	Type	Date	Type
Rest of State.....	11/15/90	Unclassifiable		

¹ This definition of the nonattainment area redefines its borders from the entire City of Presque Isle to this area of 0.6 square miles which circumscribe the area of high emission densities and ambient PM10 levels. (January 12, 1995 and FR citation from published date.)

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DEPARTMENT OF DEFENSE

48 CFR Parts 206 and 237

Defense Federal Acquisition Regulation Supplement; Personal Service Contracts

AGENCY: Department of Defense (DoD).
ACTION: Interim rule with request for public comments.

SUMMARY: The Director of Defense Procurement is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to establish procedures for contracting for personal services with individuals for health care services.

DATES: *Effective Date:* January 5, 1995.
Comment Date: Comments on the interim rule should be submitted to the address shown below on or before March 13, 1995 to be considered in formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, ATTN: Ms. Linda S. Holcombe, PDUSD (A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 94-D302 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Linda S. Holcombe, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 712 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) requires the Secretary of Defense to establish procedures for entering into personal service contracts under 10 U.S.C. 1091 to carry out health care responsibilities in medical/dental treatment facilities. Section 704 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) provides authority for the Secretary of Defense to enter into personal service contracts under 10 U.S.C. 1091 to provide the

services of clinical counselors, family advocacy program staff, and victim's services representatives.

B. Regulatory Flexibility Act

The interim rule may 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 it may, to the extent such authority is exercised by the Secretary of Defense, reduce competitive participation by any entities, large or small, which perform, or are interested in performing, personal service contracts under 10 U.S.C. 1091 to carry out health care responsibilities. Using these procedures for selecting sources for health care services, business entities other than individuals are not solicited and cannot receive contract awards. A copy of the Initial Regulatory Flexibility Analysis has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Initial Regulatory Flexibility Analysis may be obtained from Ms. Linda S. Holcombe, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. The interim rule applies to both large and small businesses. Comments are invited from small businesses and other interested parties. Comments from small entities will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite DFARS Case 94-D302 in all correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the interim rule does not impose reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Parts 206 and 237

Government procurement.
Claudia L. Naugle,
Deputy Director, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 206 and 237 are amended to read as follows:

1. The authority citation for 48 CFR Parts 206 and 237 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 206—COMPETITION REQUIREMENTS

2. A new subpart 206.1 is added to read as follows:

Subpart 206.1—Full and Open Competition
Sec.
206.102 Use of competitive procedures.

Subpart 206.1—Full and Open Competition

206.102 Use of competitive procedures.
(d) *Other competitive procedures.*
The procedures in 237.104(b)(ii) are competitive procedures.

PART 237—SERVICE CONTRACTING

3. Section 237.104 is amended by revising paragraph (b)(ii) to read as follows:

237.104 Personal services contracts.
(b)(i) * * *
(ii) Personal service contracts for health care are authorized by 10 U.S.C. 1091.

(A) This authority may be used to acquire—
(1) Direct health care services provided in medical treatment facilities; and

(2) Services of clinical counselors, family advocacy program staff, and victim's services representatives to members of the Armed Forces and covered beneficiaries who require such services, provided in medical treatment facilities or elsewhere. Persons with whom a personal services contract may be entered into under this authority include clinical social workers, psychologists, psychiatrists, and other comparable professionals who have advanced degrees in counseling or related academic disciplines and who meet all requirements for State licensure and board certification requirements, if any, within their fields of specialization.

(B) Sources for personal service contracts with individuals under the authority of 10 U.S.C. 1091 shall be