

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Office and Miscellaneous Supplies
(Requirements for Davis-Monthan Air Force Base, Arizona)

NPA: Arizona Industries for the Blind,
Phoenix, Arizona

Services

Grounds Maintenance for the following locations:

Rockville Post Office, 2 West Montgomery Avenue, Rockville, Maryland

Bureau of Alcohol, Tobacco and Firearms,
1401 Research Boulevard, Rockville,
Maryland

Consumer Product Safety Commission,
10901 Darnstown Road, Gaithersburg,
Maryland

NPA: Melwood Horticultural Training
Center, Inc., Upper Marlboro, Maryland
Grounds Maintenance, USARC, Greenwood,
South Carolina

NPA: Emerald Center Multi-County Board for
Disabilities and Special Needs,
Greenwood, South Carolina

Janitorial/Custodial, U.S. Border Stations,
Lynden/Sumas, Washington

NPA: Cascade Christian Services,
Bellingham, Washington

Beverly L. Milkman,

Executive Director.

[FR Doc. 96-30631 Filed 11-29-96; 8:45 am]

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Procurement List Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the Procurement List.

SUMMARY: This action adds to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: January 2, 1997.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: On April 26, 1996, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (61 F.R. 18571) of proposed addition to the Procurement List. Comments were received from the current contractor at both its local and parent corporation levels, its legal counsel, a trade association, two Members of Congress, and the mayors of the two communities in the area where the service will be performed. Concerns were expressed about both the impact the addition to the Procurement List would have on the current contractor and its employees, and the capability of the designated nonprofit agency to perform the laundry service.

On the question of impact, several commenters claimed that the local branch of the current contractor would lose considerable business and be forced to lay off workers. Objections were made to the Committee's focus on the entire business enterprise of a contractor, including the parent corporation, as the entity on which impact is assessed, and the Committee's failure to solicit information directly from the contractor's local operation or to assess the impact of this addition to the Procurement List on the local economy.

The Committee looks at an entire business enterprise because the contractor can use other assets to support a local branch or to compensate for business losses there if it chooses. The Committee is not required to provide direct notice of its proposed actions to affected parties, as opposed to notice in the Federal Register, and frequently bases its initial impact assessment on current financial data from a reporting service, as occurred in this case.

Even if the Committee were to confine its impact analysis to the local branch of the current contractor's business, the figures the commenters have given, which are not consistent with each other, do not show an impact which reaches the level the Committee normally considers to be severe adverse impact. In addition, the Committee has reduced the scope of the Procurement List addition from what was proposed by eliminating the base laundry service, so only the hospital laundry service will be added, which should further minimize impact on the contractor and its employees. The contractor has only held short-term contracts for the hospital laundry service over the past two years, and the values of the contracts have been decreasing due to base downsizing. Consequently, the Committee does not believe the addition will have a severe adverse impact on the contractor or its employees. The commenters did not provide information to show an impact on the local economy, so the Committee has not assessed that impact, in accordance with the regulatory requirement at 41 CFR 51-2.4(a)(4)(i)(C) to address impact matters other than financial impact on the current contractor and the contractor's dependency on the contract over time only if substantive comments are received on those other impact matters.

Commenters also claimed that the legislative history of the Committee's statute shows that Congress did not intend for the Committee's program to have any impact on contractors, citing the legislative history of the 1938 act as interpreted by a 1970 court decision. However, the statute was extensively revised in 1971, and a 1978 decision by the same court stated that the legislative history of the amended statute showed Congress accepted the fact that every Procurement List addition will deprive private industry of a substantial amount of potential business.

On the question of nonprofit agency capability, commenters noted that the nonprofit agency is not in the laundry business and does not have a laundry facility. The role of base contracting personnel in inducing the nonprofit agency to perform this service was questioned. Commenters also pointed out that very stringent health and safety requirements apply to hospital laundry services, particularly in connection with blood-borne pathogens, including a requirement to have a backup laundry facility. They questioned the ability of any small entity to perform the service and meet these requirements, given the performance history of small businesses on this service, and particularly the

ability of an entity that will use mentally impaired persons to perform the service.

The nonprofit agency is aware of the health and safety requirements the commenters noted and is taking steps to assure compliance with them. Among these steps, the nonprofit agency has retained a retired nurse who worked at the hospital's infectious control unit to develop its quality assurance plan and related procedures and to provide expert advice. The nonprofit agency has acquired and installed the necessary laundry equipment. The nonprofit agency performed laundry service for a local hospital as part of its training and has made arrangements for that hospital to provide backup laundry services as needed.

The Committee's program is currently performing 25 other laundry projects successfully, including several hospital laundries, and the central nonprofit agency responsible for developing those projects has reviewed this nonprofit agency's plans and laundry facility and concluded that it will be able to perform this project successfully. In each of the hospital laundries, people with mental disabilities are successfully performing tasks which require contact with infectious materials, as they will do in performing this service. The contracting activity has visited and approved the nonprofit agency's laundry facility. Given this record, and the central nonprofit agency's expertise in assessing nonprofit agency capability to perform hospital laundry services and assisting such agencies in performing these services, the Committee believes the nonprofit agency is capable of performing this service successfully.

The Committee does not consider the involvement of base contracting personnel in the development of this addition to the Procurement List to be improper. Government personnel are encouraged by a Committee regulation, 41 CFR 51-5.1, to assist the Committee and its central nonprofit agencies in identifying suitable services to be added to the Procurement List, and are required by the same regulation to provide the Committee and the central nonprofit agencies with information needed to determine if a service should be added.

Commenters also indicated that the nonprofit agency would provide the service at a higher price than the contractor. The Committee's statute requires services added to the Procurement List to be sold to the Government at a fair market price, not necessarily the lowest possible price.

The Committee's procedures require prices in the dollar range represented by the hospital laundry service to be set by negotiation between the nonprofit agency and the contracting activity. The price which has been set for this service has followed this fair market pricing procedure and has been recognized by the Committee as a fair market price.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will not have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List:

Laundry Service, Hospital, Barksdale Air Force Base, Louisiana

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 96-30632 Filed 11-29-96; 8:45 am]

BILLING CODE 6353-01-P

CIVIL RIGHTS COMMISSION

Sunshine Act Meeting

November 27, 1996.

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Friday, December 6, 1996, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, N.W., Room 540, Washington, DC 20425.

STATUS:

Agenda

I. Approval of Agenda

II. Approval of Minutes of November 15, 1996 Meeting

III. Announcements

IV. Staff Director's Report

V. Future Agenda Items

11:00 a.m. Briefing on Civil Rights, Immigrant Rights, and Related Issues Presented by Welfare Reform

CONTACT PERSON FOR FURTHER

INFORMATION: Barbara Brooks, Press and Communications (202) 376-8312.

Stephanie Y. Moore,

Acting Solicitor.

[FR Doc. 96-30775 Filed 11-27-96; 2:18 pm]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 856]

Designation of New Grantee for Foreign-Trade Zone 174, Tucson, Arizona; Resolution and Order

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following Order:

After consideration of the request with supporting documents (Docket 59-96) from the Arizona Technology Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 174, Tucson, Arizona, for reissuance of the grant of authority for said zone to the City of Tucson, Arizona, a public corporation, which has accepted such reissuance subject to approval of the FTZ Board, the Board, finding that the requirements of the Foreign-Trade Zones Act and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the request and recognizes the City of Tucson, Arizona as the new grantee of Foreign-Trade Zone 174.

The approval is subject to the FTZ Act and the FTZ Board's regulations, including Section 400.28.

Signed at Washington, DC, this 22nd day of November 1996.

Robert S. LaRussa,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 96-30625 Filed 11-29-96; 8:45 am]

BILLING CODE 3510-DS-P