

CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 53 FR 34573, published on September 7, 1988; 60 FR 13410, published on March 13, 1995; and 60 FR 27276, published on May 23, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the ATC, but are designed to assist only in the implementation of certain of their provisions.

**Rita D. Hayes,**

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

July 31, 1995.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: Effective on August 7, 1995, you are directed to cancel the directive issued to you on May 12, 1995, by the Chairman, Committee for the Implementation of Textile Agreements (CITA), directing you to count imports of textile products in Category 670-L<sup>1</sup> for the period beginning on April 27, 1995 and extending through April 26, 1996.

This directive amends, but does not cancel, the directive issued to you on March 7, 1995, by the Chairman of CITA. That directive concerns, among other things, imports of certain cotton, wool and man-made fiber textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Sri Lanka and exported during the period which began on January 1, 1995 and extends through December 31, 1995.

Effective on August 7, 1995, you are directed, pursuant to the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing (ATC), and a Memorandum of Understanding dated June 23, 1995 between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka, to establish a limit for man-made fiber textile products in Category 670-L for the period beginning on June 23, 1995 and extending through December 31, 1995 at a level of 3,945,206 kilograms<sup>2</sup>.

Textile products in Category 670-L which have been exported to the United States prior to June 23, 1995 shall not be subject to this directive.

Textile products in Category 670-L which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the

effective date of this directive shall not be denied entry under this directive.

For visa purposes, you are directed to amend further the directive dated September 1, 1988 to require a part-category visa for 670-L and 670-O for goods produced or manufactured in Sri Lanka and exported from Sri Lanka on and after August 7, 1995. Goods in Category 670 which are exported from Sri Lanka during the period August 7, 1995 through September 6, 1995 may be visaed as Category 670 or the correct part-category. Goods in Category 670 which are exported on and after September 7, 1995 must be visaed as Category 670-L or Category 670-O.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

*Chairman, Committee for the Implementation of Textile Agreements.*

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BILLING CODE 3510-DR-F

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

**Procurement List Additions and Deletions**

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

**ACTION:** Additions to and deletions from the procurement list.

**SUMMARY:** This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities previously furnished by such agencies.

**EFFECTIVE DATE:** September 5, 1995.

**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 28, May 26, June 2 and 9, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (60 FR 15535, 20971, 27968, 30523) of proposed additions to and deletions from the Procurement List:

**Additions**

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the services 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 services to the Government.

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

3. The action will result in authorizing small entities to furnish the 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 services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Administrative Services, General Services Administration, FSS, National Furniture Center, Crystal Mall Building 4, Arlington, Virginia  
Microfilming of EEG Records, Department of Veterans Affairs, William S. Middleton Memorial Veterans Hospital, Madison, Wisconsin.

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

**Deletions**

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.

2. The action will not have a severe economic impact on future contractors for the commodities.

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

<sup>1</sup> Category 670-L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025.

<sup>2</sup> The limit has not been adjusted to account for any imports exported after June 22, 1995.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48d) in connection with the commodities deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Accordingly, the following commodities are hereby deleted from the Procurement List:

Candle, Illuminating  
6260-00-840-5578

Tape, Red

7510-00-NIB-0069 (1" x 60 yds.)

7510-00-NIB-0070 (2" x 60 yds.)

7510-00-NIB-0068 (3" x 60 yds.)

Wood Container

8115-L1-599-7320

8115-L1-599-7920

8115-L1-465-1020

8115-L1-599-8020

8115-L1-599-7220

Cap, Garrison

8410-01-381-5481

8410-01-381-5507

8410-01-381-5521

8410-01-381-5536

8410-01-381-5544

8410-01-381-5559

8410-01-381-5566

8410-01-381-5612

8410-01-381-5627

8410-01-381-5647

8410-01-381-5504

**Beverly L. Milkman,**

*Executive Director.*

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### Procurement List Additions

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

**ACTION:** Additions to the procurement list.

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

**EFFECTIVE DATE:** September 5, 1995.

**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 June 2, 1995, the Committee for Purchase From

People Who Are Blind or Severely Disabled published notice (60 FR 28781) of proposed addition to the Procurement List.

Comments were received from the current contractor for the flag cases, both Senators from North Carolina, two other members of the State's Congressional delegation, the State's Department of Commerce and its Small Business & Technology Development Center, a county commissioner for one North Carolina county, and the Chambers of Commerce of two other counties. Many of the commenters expressed concern that loss of sales of the flag cases proposed to be added to the Procurement List could severely affect the current contractor, which is a startup business that has not yet shown a profit from its activities to develop its flag case business and is located in an area classified as "severely economically distressed."

The majority of the current contractor's Government sales of the flag cases are to the Army, Air Force, or exchange system. The Committee proposes to add only the Navy and Marine Corps requirements to the Procurement List. These requirements comprise less than five percent of the contractor's business, and the contractor has been selling the cases to the Navy and Marine Corps for less than a year. The Committee does not normally consider an impact of this size to be severe adverse impact, particularly when the contractor does not have a long-term dependence on sales of the item to the affected customer.

Nevertheless, some of the commenters have indicated that even a sales loss of this lesser size would have a severe impact on the contractor, given its current profitability status, and particularly on its subsidiary which makes the cases and on the county in which the subsidiary is located if the subsidiary is forced to close. They contend that the contractor must continue to expand its business in order to become profitable, so it cannot afford to lose any part of its current sales or prospects, and it would not be fair for it to lose the fruits of its business development efforts.

The contractor is currently selling the flag cases to the Government under the competitive purchasing system. In this system, no contractor is guaranteed that it will continue to receive Government contracts. Any company desiring to do business with the Government thus risks the loss of any expenditure of money or effort it makes in order to obtain this business. In addition, the Government's needs may change so that it would no longer buy the type of flag

case that the contractor sells. Until last year, in fact, the Navy and Marine Corps bought a different type of flag case for the same purpose. Addition of the Navy and Marine Corps requirements for the case to the Procurement List is thus not the only way the contractor can lose this business.

The Committee does not believe that the proposed addition will cause the contractor to close its subsidiary and impact the local economy as some of the commenters have indicated. In its initial comment, the contractor indicated that loss of its entire Government flag case business would only cause the loss of two sales positions and a possible closing of the subsidiary. Since the amount being added to the Procurement List is only one-fifth of the contractor's Government flag case business, it appears unlikely that the impact would force the subsidiary's closing. To the extent that the Committee's action causes losses to the contractor or its employees, the Committee believes the losses are outweighed by the creation of jobs for people with severe disabilities, whose overall unemployment rate exceeds 65 percent, well above the rate for nondisabled workers in the contractor's locality.

One commenter expressed a fear that the Committee would expand its share of the Government market for the flag case beyond the Navy and Marine Corps requirements, causing a greater impact on the contractor. The Committee could not do that without conducting a separate rulemaking proceeding to add the additional quantities to the Procurement List. In that proceeding, the Committee would be required to consider the cumulative impact on the contractor caused by both addition actions. Unless the contractor's business fortunes had improved markedly, it is unlikely the Committee would add any further part of the contractor's Government sales of the flag case to the Procurement List.

The same commenter indicated that making flag cases is dangerous work, and questioned the ability of the designated nonprofit agency to produce the flag cases at a competitive price and in sufficient quantity to meet wartime requirements. As the Navy official who conducted the plant inspection noted in finding the nonprofit agency capable of meeting all Navy and Marine Corps supply requirements, the nonprofit agency has a fully equipped commercial woodworking operation, with machines which have been specially designed to allow people with disabilities to operate them safely. The Committee is required to set a fair market price for each item on the Procurement List, and the