

extension of the comment period on a 1978 legal opinion concerning another addition to the Procurement List, *Barrier Industries, Inc. v. Eckard*, 584 F.2d 1074 (D.C. Cir.). That opinion addresses the issue of notice only by saying that the required form of notice is publication in the Federal Register, 584 F.2d at 1082, and that the failure by the plaintiff in that case to note the Federal Register publication meant that it missed its opportunity to submit comments, 584 F.2d at 1083. Nothing in the opinion supports the lawyer's contention that the Committee is required to grant an extension of a comment period.

The Government purchases the paper through semiannual requirements contracts. If the Committee were to grant the requested extension of the comment period, its addition of the paper to the Procurement List would be sufficiently delayed that half a year's requirement for the paper would not be available for production under the Committee's program. The statutory purpose of the Committee's program, to create jobs for people who are blind or severely disabled, would be frustrated as these people would be unable to produce the paper.

Because the corporation the lawyer represents is very large, the percentage of its sales which the Government requirement for this paper represents is extremely small, so it is very unlikely that the addition to the Procurement List would have a severe adverse impact on the corporation. Accordingly, it is unlikely that an extension of the comment period would result in any significant new information being brought to the Committee's attention. Any information the lawyer obtains later can be brought to the Committee's attention through the reconsideration process set forth in Committee regulations at 41 CFR 51-2.6.

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

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

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

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

Paper, Bond
7530-00-290-0599
7530-00-290-0600
7530-00-290-0617
7530-00-290-0618

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

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 95-23592 Filed 9-21-95; 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: October 23, 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 July 21, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (60 FR 37631) of proposed addition to the Procurement List.

Comments were received from two organizations and a State agency which represent blind people. All three commenters claimed that adding this service to the Procurement List would conflict with the priority afforded blind vendors in Federal buildings by the Randolph-Sheppard Act, 20 U.S.C. 107.

Two commenters also objected to the Committee's certification under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., that there was no regulatory alternative to adding the service to the Procurement List which would accomplish the objectives of the Javits-Wagner-O'Day (JWOD) Act, 41 U.S.C. 46-48c. Those commenters indicated that provision of the service under the Randolph-Sheppard Act would accomplish the objectives of the JWOD Act. One commenter asked the Committee not to inject the JWOD Program into a controversy between the Department of Veterans Affairs (VA) and the blind vendor community over the application of the Randolph-Sheppard Act to VA facilities.

The Randolph-Sheppard Act provides, in pertinent part, that blind vendors are authorized to operate "vending facilities" on Federal property, 20 U.S.C. 107(a), and are afforded a priority for "operation of cafeterias on Federal property," 20 U.S.C. 107d-3(e). The service to be provided by a nonprofit agency employing people with severe disabilities at the VA medical center will involve the performance of a number of discrete food service activities, such as preparation of Government-provided food, transporting meals to patient rooms, and cleaning utensils and the food service facility. VA will retain overall management control of food service operations. VA does not charge any fee to the individuals who consume the food, and the nonprofit agency will be paid by VA out of funds appropriated for the operation of the medical center. Consequently, the Committee believes that addition of the service to the Procurement List does not violate the Randolph-Sheppard Act, as no vending of food occurs, and the limited services to be provided by the nonprofit agency under VA management control do not constitute operation of a cafeteria.

The Committee does not agree that provision of this service under the Randolph-Sheppard Act would accomplish the objectives of the JWOD Act, which are to create employment for individuals with severe disabilities through using them to perform the labor connected with providing the service to the Government. The Randolph-Sheppard Act provides employment only for one blind vendor per food service operation, and for the people the vendor hires, who are not required to have any disabilities. Provision of the service under the JWOD Program will create employment for several individuals with severe disabilities.

The controversy between VA and the blind vendor community concerns application of the Randolph-Sheppard Act to VA canteen service operations at medical centers. The patient food service involved in this addition to the Procurement List is not connected to the medical center's canteen operation. Accordingly, the Committee does not believe this addition to the Procurement List will inject the JWOD Program into the controversy.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service, fair market price, 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 does not appear to 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: Food Service Attendant, Department of Veterans Affairs Medical Center, Mountain Home, Tennessee

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

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 95-23593 Filed 9-21-95; 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: October 23, 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 July 28, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (60 FR 38794) of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service, fair market price, 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 does not appear to 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: Food Service Attendant, U.S. Coast Guard Air Station, Clearwater, Florida.

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

E.R. Alley, Jr.,

Deputy Executive Director.

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Procurement List, Proposed Additions

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

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 23, 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: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

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