

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

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## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Delta-Montrose Electric Association, Inc.; Finding of No Significant Impact

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of finding of no significant impact.

**SUMMARY:** Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact (FONSI) with respect to the potential environmental impact related to the construction of a new headquarters facility proposed by Delta-Montrose Electric Association, Inc. (DMEA), of Delta, Colorado. The proposed project will be located on a site 2.0 miles north of the City of Montrose, Colorado, on County Road 6300 near U.S. Highway 50 in Montrose County, Colorado.

RUS has concluded that the environmental impacts from the proposed project would not be significant and that the proposed action is not a major Federal action significantly affecting the quality of the human environment. Therefore, the preparation of an environmental impact statement is not required.

**FOR FURTHER INFORMATION CONTACT:** Lawrence R. Wolfe, Senior Environmental Protection Specialist, Engineering and Environmental Staff, room 1246, Ag Box 1569, South Agriculture Building, RUS, Washington, DC 20250, telephone (202) 720-1784.

**SUPPLEMENTARY INFORMATION:** RUS, in accordance with its environmental policies and procedures, required that DMEA prepare a Borrower's Environmental Report (BER) reflecting the potential impacts of the proposed facilities. The BER, which includes input from Federal, State and local agencies and the public, has been adopted as RUS's Environmental Assessment for the project in accordance with 7 CFR Part 1794.61.

RUS has concluded that the BER represents an accurate assessment of the environmental impacts of the project. The proposed project should have no impact on cultural resources, floodplains, wetlands, important farmland, and federally listed or proposed for listing threatened or endangered species or their critical habitat.

Alternatives considered to the proposed project included no action, expansion of DMEA's existing headquarters facility, renovation of an existing commercial building, consolidation of DMEA facilities at one of the existing service center sites, and alternate sites. RUS has considered these alternatives and concluded that the project as proposed meets the needs of DMEA to reduce overcrowding at the present facility, provide increased space for equipment storage, consolidate operations done at various existing facilities and provide adequate space for future expansion.

Copies of the BER and FONSI are available for review at RUS at the address provided herein; or can be reviewed at or obtained from the offices of DMEA, P.O. Box 59, Delta, Colorado 81416-0059, telephone (970) 874-8081, during normal business hours.

Dated: December 21, 1995.

Adam M. Golodner,

*Deputy Administrator, Program Operations.*

[FR Doc. 95-31451 Filed 12-28-95; 8:45 am]

**BILLING CODE 3410-15-M**

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Cancellation of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Honduras

December 22, 1995.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs cancelling import limits.

**EFFECTIVE DATE:** January 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212.

## SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

A notice and letter to the Commissioner of Customs published in the Federal Register on December 6, 1995 (60 FR 62406) announce the establishment of import restraint limits for textile products in Categories 352/652 and 435, produced or manufactured in Honduras and exported during the period January 1, 1996 through December 31, 1996. In the letter published below, the Chairman of CITA directs the Commissioner of Customs to cancel the implementation of that directive.

A description of the textile and apparel categories in terms of HTS numbers is available in the 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).

Troy H. Cribb,

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

Committee for the Implementation of Textile Agreements

December 22, 1995.

Commissioner of Customs,

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

Dear Commissioner: Effective on January 1, 1996, this directive cancels the directive issued to you on November 29, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of cotton, wool and man-made fiber textile products in Categories 352/652 and 435, produced or manufactured in Honduras and exported during the period beginning on January 1, 1996 and extending through December 31, 1996.

This letter will be published in the Federal Register.

Sincerely,

Troy H. Cribb,

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

[FR Doc. 95-31449 Filed 12-28-95; 8:45 am]

**BILLING CODE 3510-DR-F**

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

### 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 mimeograph and duplicating paper to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** January 29, 1996.

**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 September 22, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (60 F.R. 49263) of proposed addition to the Procurement List.

Comments were received from a lawyer representing the current contractor for this mimeograph and duplicating paper. The lawyer claimed that addition of the paper to the Procurement List would violate the Committee's statute, the Javits-Wagner-O'Day (JWOD) Act, 41 U.S.C. 46-48c, because the fair market price established for the paper could not meet what the lawyer claimed to be the accepted legal meaning of that term, which is essentially the lowest possible price on which a buyer and seller could agree for the item in question.

The JWOD Act considers the determination of whether a commodity or service is suitable for addition to the Procurement List to be a separate Committee function from the establishment and modification as conditions change of a fair market price for the commodity or service. 41 U.S.C. 47 (a) & (b). The statutory requirement to use the informal rulemaking procedure set forth in 5 U.S.C. 553 applies only to the addition decision, and not the determination of a fair market price. This point was emphasized in a court decision which led to a 1994 revision of the Committee's regulations in this area. Consequently, the lawyer's claim is not one which the Committee is required to consider in making a decision to add mimeograph and duplicating paper to the Procurement List.

The suitability factors which the Committee considers in adding commodities and services to the Procurement List are set forth in its regulations at 41 CFR 51-2.4. The lawyer has attempted to link his pricing argument to one of these factors, capability of the designated nonprofit agency to produce a commodity, by claiming that this factor requires the nonprofit agency to demonstrate a capability to produce the commodity at what the lawyer considers to be a fair market price.

The lawyer relied on an obsolete and ambiguous formulation of the Committee's suitability regulation to make the connection between nonprofit agency capability and fair market price. The Committee revised its regulation in 1991 to remove this ambiguous language. As the lawyer has been informed, the Committee has never agreed with the interpretation he placed on the regulation.

In addition, the Committee does not believe that its discretion in setting fair market prices is as limited as the lawyer claimed. In a second comment letter, the lawyer admitted that his point was that "fair market price" must have an objective meaning rather than permitting the Committee to be totally arbitrary in setting prices, and that the objective meaning left room for some discretion. His difference with the Committee is thus over the extent of the Committee's discretion to set prices. The Committee believes that the JWOD Act and its legislative history allow for the discretion which the Committee exercises in setting prices under its fair market pricing policy. The initial fair market prices established for the mimeograph and duplicating paper are in accord with this policy.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities, 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 will not 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, Mimeograph and Duplicating  
7530-00-234-7169  
7530-00-285-3070  
7530-00-364-3035  
7530-00-286-6178  
7530-01-072-2533  
7530-01-074-1832  
7530-00-213-7125  
7530-00-221-0805  
7530-00-224-6754  
7530-00-239-9747  
7530-00-253-0986  
7530-01-037-5555  
7530-01-072-2534  
7530-01-240-4768

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

Beverly L. Milkman,  
*Executive Director.*

[FR Doc. 95-31493 Filed 12-28-95; 8:45 am]

BILLING CODE 6820-33-P

### 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 commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** January 29, 1996.

**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 November 3 and 13, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (60 F.R. 55835 and 56988) of proposed additions to the Procurement List. After consideration of