

ACTION: Proposed additions to Procurement List.

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

COMMENTS MUST BE RECEIVED ON OR BEFORE: January 8, 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: 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 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 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.

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

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

Administrative Services, Social Security Administration, Great Lakes Program Service Center, Chicago, Illinois, NPA: Lester & Rosalie ANIXTER CENTER, Chicago, Illinois

Grounds Maintenance, Base Command, Building 2750, Burger King, Building 6006, Edwards Air Force Base, California, NPA: Desert Haven Enterprises, Inc., Lancaster, California.

Beverly L. Milkman,
Executive Director.

[FR Doc. 95-29958 Filed 12-7-95; 8:45 am]

BILLING CODE 6820-33-P

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 8, 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 29, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (60 F.R. 50558) of proposed addition to the Procurement List.

Comments were received from the current contractor for this service before the notice of proposed rulemaking was published in the Federal Register. Some of these comments were transmitted to the Committee by a Member of Congress. The Committee initially was asked to add janitorial services at a group of buildings to the Procurement List, but the request was revised to include only the Ariel Rios Building to minimize the impact on the current contractor.

Despite the limitation, the contractor continued to claim that the proposed addition would have a severe impact on the company. The contractor claimed that the percentage of contract revenues it would lose on its award for the remaining buildings exceeds a "rule of thumb" percentage beyond which the Committee will consider impact to be severe. The contractor also indicated that it has been a continuous supplier of building maintenance at various Government sites and is thus more dependent on such sales to the Government. The contractor claimed that the remaining buildings in the

group would soon be closing for extensive renovations, so the limitation of the Procurement List addition to the one building would not lessen the impact on the contractor.

The Committee's criteria on permissible impact on a current contractor for a Procurement List addition, at 41 CFR 51-2.4(a)(4), look at the impact on the total sales of a company, not the percentage of revenue for a particular contract. The Committee has no "rule of thumb" for total sales percentage, as impact determinations are made on the facts of each situation. In this situation, the percentage of sales which the contractor will lose is well below the percentage cited as the "rule of thumb" level and, even when consideration is given to the contractor's dependence on Government sales, does not reach a level which would be considered severe adverse impact. In addition, the contracting activity has informed the Committee that the other two buildings in the group will not close for renovation until April and December 1997, respectively, later than the contractor contended, which should give the contractor ample time to develop other business to replace business temporarily lost to the renovations.

The contractor also claimed that addition of the services at the Ariel Rios Building does not meet the legislative intent of the Committee's statute, the Javits-Wagner-O'Day (JWOD) Act, 41 U.S.C. 46-48c, in regard to the labor operations to be performed. According to the contractor, the JWOD Act requires that 75 percent of the total labor operations to be performed in providing these services must be done by people with a severe disability.

The contractor has misconstrued the labor requirement in the JWOD Act. In order to qualify for participation in the JWOD Program, a nonprofit agency employing people with severe disabilities must employ such people for not less than 75 percent of the overall total of direct labor performed on commodities and services which the nonprofit agency provides, whether or not these commodities or services are provided to the Government under the JWOD Program. 41 U.S.C. 48b(4)(C). There is no statutory requirement for a specific percentage of direct labor on a JWOD contract, although it is anticipated that the designated nonprofit agency performing the services at the Ariel Rios Building will reach a 75 percent disabled direct labor level on that contract. Addition of these services to the Procurement List will thus create substantial work for people with disabilities, and is not a "front" for

awarding a contract to people without disabilities as the contractor contended. The statutory definition of direct labor, at 41 U.S.C. 48b(5), excludes activities such as supervision, administration, inspection and shipping, which are considered indirect labor by the Committee and not counted in assessing direct labor ratios.

The contractor also contended that the Committee has abused its authority to the disadvantage of small businesses and the competitive process of Government contracting. While the JWOD Program's share of Government contracts has grown in recent years, it is still only a very small part of total Government contracting, and is dwarfed by the share of Government contracts which goes to small businesses. The contractor's claim that the JWOD Program has permitted abuses of the competitive contracting process is based on the contractor's just-discussed misunderstanding of the JWOD Act's direct labor requirement, and is thus without foundation.

The contractor also attempted, in its comments relayed by a Member of Congress, to characterize the JWOD Act as requiring only that a Government agency give "priority consideration" to purchasing JWOD commodities and services, with the mandatory nature of such procurements coming only from a Committee regulation. However, the mandate comes directly from the JWOD Act, at 41 U.S.C. 48, which requires Government agencies intending to procure commodities or services on the Procurement List to buy them from a JWOD nonprofit agency, unless they are not available or are commodities available from Federal Prison Industries.

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 is a 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: Janitorial/Custodial, Ariel Rios Federal Building, 12th & Pennsylvania Avenue, NW, Washington, DC.

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. 95-29957 Filed 12-7-95; 8:45 am]
BILLING CODE 6820-33-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG96-20-000, et al.]

China U.S. Power Partners I, Ltd., et al.; Electric Rate and Corporate Regulation Filings

December 1, 1995.

Take notice that the following filings have been made with the Commission:

1. China U.S. Power Partners I, Ltd.

[Docket No. EG96-20-000]

On November 20, 1995, China U.S. Power Partners I, Ltd. ("CUPPI"), with its principal office at Church Street, Clarendon House, Hamilton HM11, Bermuda filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

CUPPI is a limited liability company organized under the laws of Bermuda. CUPPI will be engaged indirectly through an Affiliate as defined in Section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935, and exclusively in owning, or both owning and operating a proposed coal-fired electric generating facility consisting of two electric generating units, each with a net rating of approximately 300,000 kilowatts to be located in the People's Republic of China and to engage in project development activities with respect thereto.

Comment date: December 21, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Cenergy, Inc.

[Docket No. ER94-1402-002]

Take notice that on November 9, 1995, Cenergy, Inc. (Cenergy) tendered for filing a letter supporting Cenergy's position in the above-referenced docket.

Comment date: December 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Mock Resources, Inc.

[Docket No. ER95-300-004]

Take notice that on November 15, 1995, Mock Resources, Inc. tendered for filing an amendment to its October 30, 1995 quarterly report filed in the above-reference docket.

4. Commonwealth Edison Company

[Docket No. ER95-901-000]

Take notice that on November 13, 1995, Commonwealth Edison Company tendered for filing an amendment in the above-referenced docket.

Comment date: December 15, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Consolidated Edison Company of New York, Inc.

[Docket No. ER95-1694-000]

Take notice that on October 20, 1995, Consolidated Edison Company of New York, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: December 15, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Greenwich Energy Partners, L.P.

[Docket No. ER96-116-000]

Take notice that on November 16, 1995, Greenwich Energy Partners, L.P. tendered for filing an amendment in the above-referenced docket.

Comment date: December 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Texas Utilities Electric Company

[Docket No. ER96-267-000]

Take notice that on November 2, 1995, Texas Utilities Electric Company (TU) tendered for filing three executed transmission service agreements (TSA's) with LG&E Power Marketing, Inc., Enron Power Marketing, Inc., and Electric Clearinghouse, Inc. for certain Economy Energy Transmission Service under TU Electric's Tariff for Transmission Service To, From and Over Certain HVDC Interconnections.

TU Electric requests effective dates for the TSA's that will permit them to become effective on or before the service commencement date under each of the three TSA's. Accordingly, TU Electric