

**FOR FURTHER INFORMATION CONTACT:** The RCRA/Superfund Hotline at 1-800-424-9346 (toll free), or 703-412-9810 in the Washington, D.C. area. For information on technical aspects of this rule, contact David Eberly, U.S. EPA, Office of Solid Waste (5303W), 401 M Street SW., Washington, DC 20460; 260-4288.

**SUPPLEMENTARY INFORMATION:**

**I. Authority**

This rule is being proposed under the authority of section 3004(c) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984; 42 U.S.C. 6924(c).

**II. Additional Information**

For additional information, see the direct final rule published in the rules section of this **Federal Register**.

Dated: June 30, 1995.

**Fred Hansen,**

*Acting Administrator.*

[FR Doc. 95-16950 Filed 7-10-95; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 90**

[PR Docket No. 89-553, PP Docket No. 93-253, GN Docket No. 93-252]

**Request for Comments in 900 MHz SMR Proceeding**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** On April 17, 1995, the Commission released a Second Report and Order and Second Further Notice of Proposed Rule Making in PR Docket No. 89-553, PP Docket No. 93-253, and GN Docket No. 93-252, FCC 95-159, 60 FR 21987 and 60 FR 22023, published May 4, 1995, adopting service rules and requesting comment on competitive bidding procedures for Specialized Mobile Radio (SMR) systems in the 900 MHz Band. This Public Notice is a request for comments in the 900 MHz SMR Proceeding on the appropriate measures to address the issues raised by the Supreme Court's recent decision in *Adarand Constructors, Inc. v. Peña*, as it may relate to the proposed treatment of designated entities in the 900 MHz SMR auction.

**DATES:** Comments may be filed on or before July 14, 1995.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Amy J. Zoslov, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0620.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Public Notice in PR Docket No. 89-553, PP Docket No. 93-253, and GN Docket No. 93-252, released June 20, 1995, requesting comment in the 900 MHz SMR Proceeding. The full text of this Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, DC, and may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

By this action, we request comment on the appropriate measures to address the issues raised by the Supreme Court's recent decision in *Adarand Constructors, Inc. v. Peña*<sup>1</sup> ("Adarand") as it may relate to the proposed treatment of designated entities in the 900 MHz SMR auction.<sup>2</sup> The term "designated entities" refers to small business, rural telephone companies, and businesses owned by minorities or women.<sup>3</sup> Because the *Adarand* decision was announced at the conclusion of the reply comment period for the *900 MHz SMR Auction Notice*,<sup>4</sup> interested parties did not have a sufficient opportunity to address this issue for the record.

*Adarand* imposes a strict scrutiny standard for evaluating federally imposed race-conscious provisions. That standard requires us to show a "compelling government interest" for taking race into account.<sup>5</sup> Under *Adarand*, the agency must show that it considered "race-neutral alternatives" and that the program is "narrowly tailored" to meet the compelling

<sup>1</sup> 63 U.S.L.W. 4523 (U.S. June 12, 1995).

<sup>2</sup> See Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896-901 MHz and the 935-940 MHz Bands Allotted to the Specialized Mobile Radio Pool, Second Report and Order and Second Further Notice of Proposed Rule Making, PR Docket No. 89-553, 60 FR 21987 (May 4, 1995).

<sup>3</sup> Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6002(a), 107 Stat. 312, 388 (1993).

<sup>4</sup> See Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896-901 MHz and the 935-940 MHz Bands Allotted to the Specialized Mobile Radio Pool, Order, PR Docket No. 89-553, DA 95-1174, released May 26, 1995 (extending the reply comment deadline to June 12, 1995).

<sup>5</sup> *Adarand*, 63 U.S.L.W. at 4530.

governmental interest established by the record and findings.<sup>6</sup> Therefore, we invite comment specifically on the impact of the *Adarand* decision on the proposals we have set forth with respect to the treatment of designated entities in the auction rules for the 900 MHz SMR service.<sup>7</sup>

Interested parties may file comments on or before July 14, 1995. In the interest of expediting the rule making proceeding in this docket and initiating an auction for the 900 MHz SMR service, we are not inviting reply comments. An original and four copies of all comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. If you would like each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies with the Office of the Secretary. Comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. This is a non-restricted proceeding. *Ex parte* presentations are permitted except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules.<sup>8</sup>

Action by the Chief, Wireless Telecommunications Bureau, June 30, 1995. For additional information concerning this proceeding, contact Amy Zoslov (Legal Branch, Commercial Wireless Division) at (202) 418-0620.

Federal Communications Commission.

**Regina M. Keeney,**

*Chief, Wireless Telecommunications Bureau.*

[FR Doc. 95-17070 Filed 7-10-95; 8:45 am]

BILLING CODE 6712-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

**48 CFR Part 1552**

[FRL-5225-7]

**Acquisition Regulation; Compliance With EPA Policies for Information Resources Management**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes a change to the Environmental Protection

<sup>6</sup> *Id.*

<sup>7</sup> See 900 MHz SMR Auction Notice at ¶¶ 122-147.

<sup>8</sup> See generally 47 CFR §§ 1.1202, 1.1203, and 1.1206(a).