

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*¹ ("Adarand") as it may relate to the proposed treatment of designated entities in the 900 MHz SMR auction.² The term "designated entities" refers to small business, rural telephone companies, and businesses owned by minorities or women.³ Because the *Adarand* decision was announced at the conclusion of the reply comment period for the *900 MHz SMR Auction Notice*,⁴ 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.⁵ Under *Adarand*, the agency must show that it considered "race-neutral alternatives" and that the program is "narrowly tailored" to meet the compelling

¹ 63 U.S.L.W. 4523 (U.S. June 12, 1995).

² 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).

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

⁴ 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).

⁵ *Adarand*, 63 U.S.L.W. at 4530.

governmental interest established by the record and findings.⁶ 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.⁷

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.⁸

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

⁶ *Id.*

⁷ See 900 MHz SMR Auction Notice at ¶¶ 122-147.

⁸ See generally 47 CFR §§ 1.1202, 1.1203, and 1.1206(a).

Agency Acquisition Regulation (EPAAR) coverage on Information Resources Management (IRM) by providing electronic access to EPA IRM policies for the Agency's contractors. Electronic access is available through the Internet or a dial-up modem bulletin board service (BBS). Agency contractors will be required to review the Internet or bulletin board when receiving a work request (i.e. delivery order or work assignment) to ascertain the applicable IRM policies. The intended effect of this proposed rule is to ensure that contractors perform IRM related work in accordance with current EPA policies.

DATES: Written comments shall be submitted not later than September 11, 1995.

ADDRESSES: Comments should be addressed to: Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street SW., Washington, DC 20460, Attention: Edward N. Chambers.

FOR FURTHER INFORMATION CONTACT: Edward N. Chambers, telephone: (202) 260-6028.

SUPPLEMENTARY INFORMATION:

A. Background

The required EPA IRM policies are currently referenced in a clause contained in all Agency solicitations and contracts. While this clause provides for revised and new directives through attachments to contracts, because of the rapid changes in the IRM field EPA may still be at risk for requiring compliance with outdated directives. By locating the references and providing the full text of all required IRM policies on the Internet or the Agency's bulletin board service, EPA will be able to update this information as changes occur to ensure contractor compliance with current IRM policies. This effort to provide electronic access is consistent with the Federally mandated Government Information Locator Service (GILS), a key initiative of the National Performance Review (NPR).

B. Executive Order 12866

This is not a significant regulatory action under Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements that require the approval of the Office of Management and Budget (OMB) under 44. U.S.C. 3501 et seq.

D. Regulatory Flexibility Act

The proposed rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, U.S.C. 601 et. seq.

Internet and electronic bulletin boards are widely available information services, used commonly in the conduct of business by both small and large entities. Compliance with this requirement will require minimal cost or effort for any entity, large or small.

List of Subjects in 48 CFR Part 1552

Government Procurement, Specifications, Standards, and other Purchase Descriptions, Solicitation Provisions and Contract Clauses.

Dated: June 14, 1995.

Betty L. Bailey,

Director, Office of Acquisition Management.

For reasons set out in the preamble, chapter 15 of title 48 Code of Federal Regulations is proposed to be amended as set forth below:

1. The authority citation for 48 CFR part 1552 continues to read as follows:

Authority: Section 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

2. Section 1552.210-79 is amended by revising the date in the clause heading and paragraphs (b), (c) and (d); and by removing paragraphs (e) and (f) to read as follows:

§ 1552.210-79 Compliance with EPA Policies for Information Resources Management.

* * * * *

Compliance With EPA Policies for Information Resources Management (XXX-1995)

* * * * *

(b) *General.* The contractor shall perform any IRM related work under this contract in accordance with the IRM policies, standards and procedures set forth in this clause and noted below. Upon receipt of a work request (i.e. delivery order or work assignment) the contractor shall check this listing of directives (See paragraph (d) for electronic access). The applicable directives for performance of the work request are those in effect on the date of issuance of the work request.

(1) *IRM Policies, Standards and Procedures.* The 2100 Series (2100-2199) of the Agency's Directives System contain the majority of the Agency's IRM policies, standards and procedures.

(2) *Groundwater Program IRM Requirement.* A contractor performing any work related to collecting groundwater data, or developing or enhancing data bases containing groundwater quality data, shall comply with *EPA Order 7500.1A—Minimum Set of Data Elements for Groundwater Quality.*

(3) *EPA Computing and Telecommunications Services.* The National

Data Processing Division (NDPD) Operational Directives Manual contains procedural information about the operation of the Agency's computing and telecommunications services. Contractors performing work for the Agency's National Computer Center or those who are developing systems which will be operating on the Agency's national platforms must comply with procedures established in the Manual.

(c) *Printed Documents.* Documents listed in paragraphs (b)(1) and (b)(2) above may be obtained from: U.S. Environmental Protection Agency, Office of Administration, Facilities Management and Services Division, Distribution Section, Mail Code: 3204, 401 M Street SW., Washington, D.C. 20460, Phone: (202) 260-5797.

(d) *Electronic Access.*

(1) *Internet.* A complete listing, including full text, of documents included in the 2100 Series of the Agency's Directives System as well as the two other EPA documents noted in this clause is maintained on the EPA Public Access Server on the Internet. The listing is located in the EPA policy section under IRM Policy, Standards and Guidance. The address is gopher.epa.gov.

(2) *Bulletin Board Notices.* All documents, including the listing, are available for browsing and electronic download through a dial-up modem bulletin board service (BBS). Dial (919) 558-0335 for access to the BBS. Set the communication parameters to 8 data bits, no parity, 1 stop bit (8,N,1) Full Duplex, and the emulator to VT-100. The information is the same whether accessed through the BBS or the Internet. For technical assistance, call 1-800-334-2405.

(End of Clause)

[FR Doc. 95-16949 Filed 7-10-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF DEFENSE

Defense Logistics Agency

48 CFR Parts 5446 and 5452

DLA Acquisition Regulation; Quality Assurance

AGENCY: Defense Logistics Agency, DOD.

ACTION: Proposed rule and request for comments.

SUMMARY: The Defense Logistics Agency proposes to add a new part to 48 CFR Chapter 54, the Defense Logistics Acquisition Regulation (DLAR) part 5446 and add coverage to 48 CFR Chapter 54, Part 5452. The proposed coverage implements a test under which a contractor will be required to replace, repair or provide reimbursements for items which do not conform with the specifications of the contract when such nonconformances are discovered within one year after Government acceptance. Comments are hereby requested on the proposed coverage.