

**Authority:** 21 U.S.C. 346a and 348.

b. By adding new §§ 185.1975, 185.1985, and 185.3775, to read as follows:

**§ 185.1975 Dihydro-5-heptyl-2(3H)-furanone.**

The food additive dihydro-5-heptyl-2(3H)-furanone may be safely used in accordance with the following conditions:

(a) It is used in combination with the active ingredients d-limonene and dihydro-5-pentyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in food-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

**§ 185.1985 Dihydro-5-pentyl-2(3H)-furanone.**

The food additive dihydro-5-pentyl-2(3H)-furanone may be safely used in accordance with the following conditions:

(a) It is used in combination with the active ingredients d-limonene and dihydro-5-heptyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in food-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

**§ 185.3775 d-Limonene.**

The food additive d-limonene may be safely used in accordance with the following conditions:

(a) It is used with the active ingredients dihydro-5-pentyl-2(3H)-furanone and dihydro-5-heptyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in food-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

**PART 186—[AMENDED]**

2. In part 186:

a. The authority citation for part 186 continues to read as follows:

**Authority:** 21 U.S.C. 348.

b. By adding new §§ 186.1975, 186.1985, and 186.3775, to read as follows:

**§ 186.1975 Dihydro-5-heptyl-2(3H)-furanone.**

The feed additive dihydro-5-heptyl-2(3H)-furanone may be safely used in accordance with the following conditions:

(a) It is used in combination with the active ingredients d-limonene and dihydro-5-pentyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in feed-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

**§ 186.1985 Dihydro-5-pentyl-2(3H)-furanone.**

The feed additive dihydro-5-pentyl-2(3H)-furanone may be safely used in accordance with the following conditions:

(a) It is used in combination with the active ingredients d-limonene and dihydro-5-heptyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in feed-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

**§ 186.3775 d-Limonene.**

The feed additive d-limonene may be safely used in accordance with the following conditions:

(a) It is used with the active ingredients dihydro-5-pentyl-2(3H)-furanone and dihydro-5-heptyl-2(3H)-furanone in insect-repellent tablecloths and in insect-repellent strips used in feed-handling establishments.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

[FR Doc. 95-7715 Filed 3-28-95; 8:45 am]

BILLING CODE 6560-50-F

**40 CFR Part 300**

[FRL-5180-4]

**Amendment to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP); CERCLIS Definition Change**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Amendment to change definition.

**SUMMARY:** The Environmental Protection Agency (EPA) is adopting new procedures for maintaining its Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS). CERCLIS is the data base and data management system EPA uses to track activities at sites considered for cleanup under the Comprehensive Environmental Response and Liability Act (CERCLA) (also known as Superfund).

Today's document announces the decision to remove from CERCLIS those sites that EPA has decided do not warrant further evaluation under Superfund. We specifically include sites that the Agency has given a designation of "No Further Response Action Planned" (NFRAP), to eliminate any possible disincentive to purchase, improve, redevelop, and revitalize sites, related to inclusion on CERCLIS.

**EFFECTIVE DATE:** This rule is effective March 29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Michael Cullen, Office of Program Management, Office of Emergency and Remedial Response (5201G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, or the Superfund Hotline, phone (800) 424-9346, or (703) 412-9810 in the Washington DC, metropolitan area.

**SUPPLEMENTARY INFORMATION:** Sites given a NFRAP designation will now be placed in a separate archived data base. This document reflects these decisions by instituting formal changes to the part of EPA's regulations known as the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. Specifically, EPA is changing the definition of CERCLIS, found at 40 CFR 300.5, to provide that NFRAP sites will be placed in a separate archived data base that will also be available to the public.

This amendment to the CERCLIS definition also reflects the possibility that, in the future, EPA may consider archiving other categories of sites from CERCLIS at which the Agency's Superfund program has no further involvement.

Since these changes are matters relating to internal Agency management, there is no requirement for public notice and opportunity to comment.

The NCP describes CERCLIS and NFRAP in its "Definitions" section, 40 CFR 300.5. CERCLIS contains the official inventory of potential CERCLA sites and supports EPA's site planning

and tracking functions. CERCLIS contains information from pre-remedial, remedial, removal and enforcement actions of the Superfund program, and has the flexibility to retrieve these actions separately for tracking, planning or analysis purposes.

When a site is identified and placed in CERCLIS, it may undergo a series of evaluations of increasing complexity. These include a Preliminary Assessment, a Site Inspection, an Expanded Site Inspection, listing on the National Priorities List (NPL), conducting a Remedial Investigation/Feasibility Study, signing a Record of Decision detailing the remedial action which will be taken, completing all remedial actions, formally deleting the site from the NPL, taking enforcement actions against liable parties, and conducting removal actions or other actions to stabilize site conditions.

At any stage prior to listing a site on the NPL, EPA may determine that no further response action under CERCLA is appropriate, and the site is given a NFRAP designation or it may be deferred to another authority for response action. This means that no additional Federal steps under CERCLA will be taken at the site unless further information warrants such action.

According to the CERCLIS definition in § 300.5 of the NCP, a site is not removed from the CERCLIS data base after evaluations have been completed. This would include sites that have been given a NFRAP designation. This means that over 20,000 NFRAP sites continued to remain in CERCLIS even though no further action was planned.

In the revision to the NCP issued on March 8, 1990, (55 FR 8666) EPA explained that sites were not removed from the CERCLIS data base after completion of evaluations "in order to document that the evaluation took place and to preclude the possibility that it be needlessly repeated." 40 CFR 300.5 (definition of CERCLIS); see also 55 FR 8692-8693. This, of course, included NFRAP sites.

Since the NCP revision, however, the CERCLIS data base has taken on more significance than EPA had intended. While inclusion of a site in CERCLIS does not represent a determination of any party's liability or a finding that any response action is necessary, numerous oral and written comments have come to EPA from property owners, the housing and banking industry, prospective purchasers of CERCLIS properties, and the general public indicating that there is an apparent yet unintended stigma attached to sites in CERCLIS. This stigma has resulted in economic drawbacks as well as the

disincentive to purchase, improve, redevelop, and revitalize sites.

Because of this unintended stigma, EPA has decided to change the way it handles NFRAP sites and will exclude sites designated as NFRAP from the CERCLIS inventory. NFRAP sites will be removed from CERCLIS and archived as historical records. A NFRAP designation means that no additional steps under the Federal Superfund program will be taken at the site unless new information arrives which indicates otherwise. This archived database will be retrievable and accessible to the public upon request.

EPA Administrator Carol Browner announced the decision to remove NFRAP sites from the CERCLIS data base on January 25, 1995. Today's action formally amends the CERCLIS definition to implement the Administrator's announcement.

EPA is also considering removing from CERCLIS other categories of sites at which the EPA Superfund program has no further involvement. These sites could include sites deleted from the NPL or those being addressed by EPA's corrective action program under the Resource Conservation and Recovery Act (RCRA). In order to increase its flexibility in managing these sites on CERCLIS, EPA is also amending the CERCLIS definition to remove any statement that sites at which EPA has no further Superfund involvement will remain on CERCLIS. EPA has not made the decision on these other sites, yet, but will notify the public of any decision.

In the 1990 revision to the NCP, EPA did respond to public comments on the structure of CERCLIS and decided to leave sites on CERCLIS even after completion of evaluations, including NFRAP sites. It was not necessary at that time to take comment on this issue, nor is it necessary now that EPA is amending the NCP. This is because the Administrative Procedure Act (APA), 5 U.S.C. 553(a), exempts from requirements for public notice and opportunity to comment any "matter relating to agency management. \* \* \*" 5 U.S.C. 553(a)(2). How EPA structures its CERCLIS data base and management system is a matter relating to Agency management.

To the extent it may be argued that public notice and opportunity to comment is required, EPA finds that good cause exists, under 5 U.S.C. 553(b), not to apply these requirements because this amendment has no legal effect, and no effect on choosing Superfund cleanup actions, since the decision has already been made that there will be no further Superfund action at NFRAP

sites. Therefore, compliance with notice and hearing requirements are unnecessary.

According to its regulatory definition, at 40 CFR 300.5, CERCLIS is an EPA computerized database and "management system that inventories and tracks releases addressed or needed to be addressed by the Superfund program." [Emphasis added]. It simply "stores management information on all sites evaluated under Superfund." [Emphasis added]. See, Final Rule, National Oil and Hazardous Substances Pollution Contingency Plan, 55 FR 8666 at 8693 (March 8, 1990). Designations in CERCLIS are only memorializations of Agency decisions already made. Today's action does not change the public's ability to obtain any information compiled at any time in the CERCLIS data base.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous materials, Hazardous substances, Intergovernmental relations, Natural resources, Occupational safety and health, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: March 23, 1995.

**Elliott P. Laws,**

*Assistant Administrator.*

Therefore, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 is revised to read as follows:

**Authority:** 42 U.S.C. 9601-9657; 33 U.S.C. 1321(c)(2); E.O. 11735, 38 FR 21243; E.O. 12580, 52 FR 2923.

2. Section 300.5 is amended by revising the definition for "CERCLIS" to read as follows:

#### § 300.5 Definitions.

\* \* \* \* \*

*CERCLIS* is the abbreviation of the CERCLA Information System, EPA's comprehensive data base and data management system that inventories and tracks releases addressed or needing to be addressed by the Superfund program. CERCLIS contains the official inventory of CERCLA sites and supports EPA's site planning and tracking functions. Sites that EPA decides do not warrant moving further in the site evaluation process are given a "No Further Response Action Planned" (NFRAP) designation. This means that no additional federal steps under CERCLA will be taken at the site unless

future information so warrants. Sites given a NFRAP designation are placed in a separate archival data base. Inclusion of a specific site or area in the CERCLIS data base does not represent a determination of any party's liability, nor does it represent a finding that any response action is necessary.

\* \* \* \* \*

[FR Doc. 95-7596 Filed 3-28-95; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[FCC 95-1]

#### Filing of Documents

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This order will clarify the Commission's rule regarding the filing of documents by including language stating that, unless otherwise provided in this Title, by Public Notice, or by decision of the Commission or Commission staff acting on delegated authority, documents are deemed filed when they are received by the Commission. This order is intended to provide guidance to the public and avoid any potential uncertainty.

**EFFECTIVE DATE:** March 29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Donna Viert, Office of General Counsel, (202) 418-1720.

#### SUPPLEMENTARY INFORMATION:

##### Order

In the matter of: Amendment of the Commission's Rules of Practice and Procedure.

Adopted: January 3, 1995.

Released: February 21, 1995.

By the Commission:

1. On September 26, 1994, Multinational Legal Services, P.C. (MLS) filed a Petition for Reconsideration or Clarification of the Commission's *Order*, FCC 94-210, released August 24, 1994, 59 Fed. Reg. 44340 (1994), by which the Commission promulgated new section 1.7 of its Rules, 47 CFR 1.7. In adopting section 1.7, the *Order* formalized a Commission practice of accepting documents as filed when they are received at a location designated by the Commission. The *Order* may have created some confusion, and to address this, we grant MLS's petition and clarify the language of section 1.7. See 59 FR 44340.

2. In its petition, MLS argues that section 1.7 may create uncertainty about the filing deadline for time-critical applications at the lockbox facility of the Mellon Bank in Pittsburgh, Pennsylvania. In accordance with procedural rules adopted in connection with our fee collection program, applications submitted to the lockbox facility by the next business day after an official filing deadline are considered timely filed.<sup>1</sup> This procedural rule allowing additional time is not, however, codified in the Code of Federal Regulations. MLS notes that this rule may therefore conflict with the newly promulgated section 1.7 which states that:

Unless otherwise provided in this Title [47], pleadings and other documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission.

3. To avoid potential confusion, we will adopt MLS's recommendation (with one minor change) and clarify section 1.7 by including language stating that, unless otherwise provided in this Title, by Public Notice, or by decision of the Commission or Commission staff acting on delegated authority, documents are deemed filed when they are received by the Commission.

4. In view of the foregoing and pursuant to the authority contained in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r), it is ordered that the Petition for Reconsideration or Clarification filed by Multinational Legal Services, P.C. is granted.

5. It is further ordered that Part 1 of the Commission's Rules is amended in the manner indicated below to be effective upon publication in the **Federal Register**.

#### List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

#### Rule Change

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

<sup>1</sup> *Fee Collection Program*, 5 FCC Rcd 3558, 3565 (1990); *Public Notice, Filing of Time Critical Feeable Applications*, 67 Rad. Reg (P&F) 2d 1127 (1990); see *GAF Broadcasting Company*, 8 FCC Rcd 1742, 1744 (Aud. Serv. Div. 1993) (application received at the lockbox facility the day after the official deadline considered timely filed).

## PART 1—PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read:

**Authority:** 47 U.S.C. 154, 303, 503(b)(5); 5 U.S.C. 552; 21 U.S.C. 853a, unless otherwise noted.

2. Section 1.7 is revised to read as follows:

#### § 1.7 Documents are filed upon receipt.

Unless otherwise provided in this Title, by Public Notice, or by decision of the Commission or of the Commission's staff acting on delegated authority, pleadings and other documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission.

[FR Doc. 95-7700 Filed 3-28-95; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 15

[DH 95-581]

#### Closed Captioning Requirements for Computer Systems Used as Television Receivers

**AGENCY:** Federal Communications Commission.

**ACTION:** Interpretation.

**SUMMARY:** The FCC's Office of Engineering and Technology is issuing this document interpreting the requirements of the Television Decoder Circuitry Act of 1990 and the FCC rules implementing that Act, as they apply to computer systems. These requirements specify that all devices designed to receive television service must be equipped with built-in decoder circuitry designed to display closed-captioned television transmissions when the picture size of such a device is 33 cm (13 inches) or greater in size. This interpretation is intended to provide guidance for computer manufacturers and vendors with regard to the application of the closed caption circuitry requirements to computers and other related equipment that provide the capability to receive television transmissions.

**ADDRESSES:** Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

#### FOR FURTHER INFORMATION CONTACT:

Richard Engelman, Office of Engineering and Technology, (202) 776-1626.