

potential hazard. However, direct measurement of cholinesterase activity in peripheral nervous system tissues is rarely available at the present time. When these data are not available, as a matter of prudent science policy protective of human health, EPA will treat cholinesterase inhibition in the blood as a surrogate measure for the peripheral nervous system in animals and for both the peripheral and central nervous systems in humans. Information from blood cholinesterase inhibition data is considered to provide important insights into potential hazard.

Red blood cell (RBC) measures of acetylcholinesterase (AChE) are generally preferred over plasma measures of cholinesterase activity because data on red blood cells may provide a better representation of the inhibition of the neural target enzyme, acetylcholinesterase. OPP, however, may use plasma cholinesterase inhibition data under certain circumstances, such as if red blood cell data are insufficient, of poor quality, or unavailable; if there is a lack of dose-dependency for the red blood cell acetylcholinesterase inhibition; or, if the dose responses for inhibition of plasma cholinesterase more closely approximate those for AChE inhibition in the nervous system than do the dose responses for RBC acetylcholinesterase inhibition.

It should be noted that the present policy provides guidance only on how to deal with data as they relate to the cholinergic endpoints associated with nervous system function following exposure to organophosphorous and carbamate pesticides. This scope is consistent with all earlier descriptions of Agency assessment approaches as well as that of other organizations with regard to the evaluation of cholinesterase-inhibiting substances (e.g., WHO JMPR (1998), DPR-CalEPA (1997) and other national authorities). When applying the weight-of-the-evidence approach for selecting critical effect(s) for derivation of a reference dose (RfD) or concentration (RfC), however, the entire toxicological data base on a pesticide must be evaluated (i.e., there also must be consideration of endpoints not related to the cholinergic consequences of anticholinesterase activity, for instance, liver or developmental toxicity or carcinogenicity). It is possible that, for one or more of the exposure scenarios being evaluated, the non-cholinergic effects will be identified as critical or co-critical, and they may become a more appropriate basis for deriving RfDs or RfCs.

Finally, OPP policy documents are meant to be "living documents," that is, they are open to periodic updating and revision to reflect advances in the science. Thus, this policy, too, will be updated to incorporate important new scientific knowledge as it becomes available. For example, the routine availability of data on acetylcholinesterase activity in the peripheral nervous system may allow for refinements in the hazard assessment approach for anticholinesterase chemicals. Also, as knowledge increases about the potential roles of the different cholinesterases in the developing organism, particularly as they impact the development of the nervous system, it may allow for refinements in evaluating the potential differential sensitivity and susceptibility of the young versus adults. In fact, a substantial research effort has been, and continues to be, made to determine what roles acetylcholine-, butyrylcholine-, and other esterase may play in the development of the nervous system and in cell growth, proliferation, and death in other tissues. OPP encourages further discussion of the possible implications of the research findings, both for future research planning and for the Agency's regulation of cholinesterase-inhibiting pesticides.

IV. Summary of Comments and Responses

In the public comments referred to under Unit III., some commenters addressed the general policy and its rationale as well as all of the specific questions posed, while other reviewers provided detailed comments only on certain aspects of the policy. A listing of the names and affiliations of those who submitted comments is provided at the end of the document entitled "Responses to Public Comments on the Office of Pesticide Programs' 1997 Science Policy: The Use of Data on Cholinesterase Inhibition for Risk Assessments of Organophosphorus and Carbamate Pesticides." This document contains a summary of the most significant revisions to the 1997 science policy document, followed by responses to comments.

In the draft science policy document, the Agency requested comment on ten questions to help focus public comment. In order to organize the responses to these questions in the response to comments document, the ten specific questions have been combined into six somewhat broader topic areas:

1. General weight-of-the-evidence issues related to the use of blood and

brain measures as critical effects, differences between plasma and RBC measures and their use, and the weight-of-the-evidence approach (Questions 1, 2, and 9);

2. Peripheral nervous system measures (Questions 3 and 4);

3. Comparative measures in the young and adults (Questions 5 and 6);

4. Additional neurochemical measures (Questions 7 and 8);

5. Other comments.

6. Editorial comments on the science policy document (Question 10).

V. Policies Not Rules

The policy document discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, the policy in this guidance is not binding on either EPA or any outside parties. Although this guidance provides a starting point for EPA risk assessments, EPA will depart from its policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that a policy is not appropriate for a specific pesticide or that the circumstances surrounding a specific risk assessment demonstrate that a policy should not be applied.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: August 29, 2000.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6866-8]

Proposed Administrative Cashout "Ability to Pay" Settlement Under Section 122(h)(1) of the Comprehensive Environmental Response Compensation and Liability Act; In the Matter of Powell Road Landfill, Dayton, Montgomery County, OH

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive

Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past and projected future response costs concerning the Powell Road Landfill site in Montgomery County, Ohio, with Central State University. The settlement requires Central State University to pay \$1,000 to the Hazardous Substance Superfund.

The total cost of the cleanup is \$26,925,537. This includes \$4,735,2237, which represents Waste Management, Inc.'s past costs, including EPA oversight through December 31, 1996, and estimated future costs, including future oversight, of \$22,940,300. EPA reduced the estimated future cost figure by \$750,000 to account for certain generators who are insolvent or defunct. U.S. EPA's consultant, Industrial Economics, Inc., determined that based on the financial records supplied by Central State, Central State had no currently available resources to contribute to the cost of clean-up. Accordingly, U.S. EPA concluded that a payment of \$1,000 was sufficient to resolve Central State's CERCLA liability. The financial analysis of U.S. EPA's consultant is attached to the Administrative Order on Consent as Attachment A. In exchange for Central State University's payment, the United States covenants not to sue or take administrative action pursuant to sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), relating to the Site. In addition, Central State University will be entitled to protection from contribution actions or claims as provided by sections 113(f) and 122(h)(4) of CERCLA, 42 U.S.C. 9613(f) and 9622(h)(4), for all response costs incurred and to be incurred by any person at the Site.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at EPA's Region 5 Office at 77 West Jackson Boulevard, Chicago, Illinois, 60604 and at the Dayton & Montgomery County Public Library, Huber Heights Branch, 6160 Chambersburg Road, Huber Heights, Ohio 45424.

DATES: Comments must be submitted on or before October 10, 2000.

ADDRESSES: The proposed settlement is available for public inspection at EPA's Record Center, 7th floor, 77 W. Jackson Blvd., Chicago, Illinois, 60604. A copy of the proposed settlement may be obtained from Jeffrey A. Cahn, Associate Regional Counsel, U.S. EPA, Mail Code C-14J, 77 W. Jackson Blvd., Chicago, Illinois, 60604, telephone (312) 886-6670. Comments should reference the Powell Road Landfill site, Dayton, Montgomery County, Ohio, and EPA Docket No. V-W-00-C-589, and should be addressed to Jeffrey A. Cahn, Associate Regional Counsel, U.S. EPA, Mail Code C-14J, 77 W. Jackson Blvd., Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Cahn, Associate Regional Counsel, U.S. EPA, Mail Code C-14J, 77 W. Jackson Blvd., Chicago, Illinois, 60604, telephone (312) 886-6670.

SUPPLEMENTARY INFORMATION: None.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601, *et seq.*

Dated: August 28, 2000.

William E. Munro,

Director, Superfund Division, 052G.

[FR Doc. 00-23150 Filed 9-7-00; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96-45; FCC 00-248]

Federal-State Joint Board on Universal Service; Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission provides guidance to remove uncertainty and terminate controversy regarding whether section 214(e)(1) of the Communications Act of 1934, as amended, requires a common carrier to provide supported services throughout a service area prior to being designated an eligible telecommunications carrier that may receive federal universal service support.

FOR FURTHER INFORMATION CONTACT: Richard D. Smith, Attorney, Accounting Policy Division, Common Carrier Bureau, (202) 418-7400.

SUPPLEMENTARY INFORMATION: This is a summary of a Commission's Declaratory Ruling in CC Docket No. 96-45 released on August 10, 2000. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 Twelfth Street, SW., Washington, DC 20554.

I. Introduction

1. In this Declaratory Ruling, we provide guidance to remove uncertainty and terminate controversy regarding whether section 214(e)(1) of the Communications Act of 1934, as amended, (the Act) requires a common carrier to provide supported services throughout a service area prior to being designated an eligible telecommunications carrier (ETC) that may receive federal universal service support. We believe the guidance provided in this Declaratory Ruling is necessary to remove substantial uncertainty regarding the interpretation of section 214(e)(1) in pending state commission and judicial proceedings. We believe the guidance provided in this Declaratory Ruling will assist state commissions in acting expeditiously to fulfill their obligations under section 214(e) to designate competitive carriers as eligible for federal universal service support.

2. We believe that interpreting section 214(e)(1) to require the provision of service throughout the service area prior to ETC designation prohibits or has the effect of prohibiting the ability of competitive carriers to provide telecommunications service, in violation of section 253(a) of the Act. We find that such an interpretation of section 214(e)(1) is not competitively neutral, consistent with section 254, and necessary to preserve and advance universal service, and thus does not fall within the authority reserved to the states in section 253(b). In addition, we find that such a requirement conflicts with section 214(e) and stands as an obstacle to the accomplishment and execution of the full purpose and objectives of Congress as set forth in section 254. Consequently, under both the authority of section 253(d) and traditional federal preemption authority, we find that to require the provision of service throughout the service area prior to designation effectively precludes designation of new entrants as ETCs in violation of the intent of Congress. We believe that the guidance provided in this Declaratory Ruling will further the goals of the Act by ensuring that new entrants have a fair opportunity to provide service to consumers living in high-cost areas.