interest and will have no effect on any existing customer, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: August 1, 1996, in accordance with Standard Paragraph F at the end of this notice.

4. Colorado Interstate Gas Company

[Docket No. CP96–624–000]

Take notice that, on July 5, 1996, Colorado Interstate Gas Company (CIG), P. O. Box 1087, Colorado Springs, Colorado 80944, filed a request, pursuant to its blanket certificate in Docket No. CP83–21–000 (21 FERC ¶ 62,403) and Sections 157.205 and 157.212 of the Commission's Regulations, for authorization to construct new bi-directional delivery facilities so as to increase the capacity of its Fort Lupton Meter Station (a.k.a. the Fort Lupton delivery point) to 200,000 Dth per day, in order to provide increased deliverability to Public Service Company of Colorado (PSCo), all as more fully set forth in the request, which is on file with the Commission and open to public inspection.

The Fort Lupton delivery point is located in Section 34, T2N, R66W, in Weld County, Colorado. CIG states that it has sufficient capacity to accomplish the increased deliveries without detriment or disadvantage to its other customers. CIG also states that the deliveries through the new Fort Lupton delivery point facilities will provide service to PSCo's Fort Vrain power plant and other loads in the area, and will enable PSCo to avoid the construction of approximately 50 miles of 20-inch pipeline to transport the gas it has stored in the Young Storage Field. CIG further estimates that the new facilities will cost approximately $68,000.

Comment date: August 26, 1996, in accordance with Standard Paragraph G at the end of this notice.

5. Algonquin Gas Transmission Company

[Docket No. CP96–625–000]

Take notice that on July 5, 1996, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP96–625–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to construct and operate certain facilities in connection with establishing a new delivery point for Connecticut Natural Gas Corporation (Connecticut), under the blanket certificate issued in Docket No. CP87–317–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Algonquin states that Connecticut has requested and Algonquin has agreed to establish a new delivery point on land to be owned by Connecticut adjacent to Algonquin's existing pipeline facilities in the town of Hebron, Connecticut. Algonquin explains that it will construct a new measuring station and associated auxiliary facilities at a cost estimated to be $217,000; and that Connecticut will install approximately 4,400 feet of 6-inch steel main. In addition, Algonquin relates that Connecticut will pay all costs for the facilities installed and will construct all non-jurisdictional facilities downstream of those constructed by Algonquin. Algonquin says that the metering and certain auxiliary piping will be constructed, owned, operated, and maintained by Algonquin, while the meter station building, regulators, heaters, and other remaining facilities will be constructed, owned, operated and maintained by Connecticut. Algonquin states that it does not propose to increase the Maximum Daily Delivery obligation under firm service agreements between Algonquin and Connecticut. Algonquin relates that Connecticut has requested a transfer of 200 MMBtu per day under Rate Schedule AFT–1 (F–4) of its entitlement for firm service from an existing delivery point at Mansfield, Connecticut to the proposed Hebron delivery point. Algonquin states that its peak day or annual commitments under firm service agreements will not be adversely affected by construction of the new station.

Algonquin states that its existing tariff does not prohibit the addition of new delivery points. In addition, Algonquin states that it has sufficient capacity to accomplish the instant proposal without detriment or disadvantage to Algonquin's other firm customers.

Comment date: August 26, 1996, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–18207 Filed 7–17–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5538–5]

Performance Evaluation Studies Supporting Administration of the Clean Water Act and Safe Drinking Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting; invitation for public comment.

SUMMARY: By today's action, EPA invites public comment on and announces a public meeting to discuss options under consideration regarding the Agency's role in laboratory performance evaluation (PE) studies supporting administration of the Clean Water Act and Safe Drinking Water Act. EPA is reevaluating the federal role in the implementation of PE studies in light of current funding limitations, as well as the Agency's inability to create a dedicated fund for any fees collected under existing user fee authority. Based on the written comments received, as well as discussions at the public meeting, EPA intends to determine the appropriate federal role in the administration of PE studies supporting water programs. For further information contact Wendy Blake-Coleman by phone at 202–260–5680 or by facsimile at 202–260–7926.

DATES: EPA will conduct a public meeting on August 27, 1996 in Washington D.C. to obtain further input on the Agency's options for administering PE studies supporting water programs. The information obtained at the meeting, along with written comments, will be used to refine current options, determine whether other options should be considered, and decide which options should be eliminated from consideration. Registration for the meeting will begin at 8:30 AM. The meeting will be held from 9:00 AM to 4:00 PM. Meeting arrangements are being coordinated by DynCorp, Inc. To register contact Cindy Simbanin, DynCorp Inc., 300 N.Lee Street, Suite 500, Alexandria, Va. 22314. Cindy can be also be reached by phone at 703–519–1386 or by facsimile at 703–684–0610.

Written comments on today's notice must be received by no later than 60 days from publication to assure prompt consideration by the Agency. No facsimiles (faxes) will be accepted. People who want receipt of their comments acknowledged should include a self addressed, stamped envelop.

ADDRESSES: The public meeting will be held at the Jefferson Auditorium, United States Department of Agriculture (USDA), 14th and Independence Avenue SW., Washington DC 20250. The auditorium is in the USDA South Building Wing 4. Send written comments on today's notice and/or the public meeting to: PE Studies Docket Clerk, Water Docket (MC–4101), U.S. Environmental Protection Agency, Room M2616 401 M Street, SW., Washington, DC 20460. A copy of the comments are available for review at EPA's Water Docket at the above address. For access to the Docket materials, call (202) 260–3027 between 9:00 a.m. and 3:30 p.m. for an appointment. Comments should be accompanied by any references cited in the comments. People commenting are also requested to provide an original and a copy of the written comments and enclosures.

EPA will also accept comments electronically. Comments should be addressed to the following Internet address: ow-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Electronic versions will be transferred into a paper version for the official record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 60 days from publication. EPA is experimenting with electronic commenting, therefore people commenting may want to submit both the electronic comments and duplicate paper comments.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy Blake-Coleman, Office of Water (4102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Telephone Number: (202) 260–5680.

SUPPLEMENTARY INFORMATION: Since the 1970s, EPA has been conducting laboratory PE studies to support the various water programs administered by the States and EPA under the Clean Water Act and the Safe Drinking Water Act (water programs). Unfortunately, funding levels to support these PE programs has not remained consistent with the environmental monitoring requirements of the respective water programs. EPA's Office of Research and Development (ORD), the Office of Water (OW) and the Office of Enforcement and Compliance Assurance (OECA) are exploring alternative mechanisms to overcome funding shortfalls to better address the needs of State and federal water programs.

Although laboratory participation in the Agency's PE studies has been free of charge, recent resource limitations have caused the Agency to restrict participation to those laboratories nominated by State and EPA Regional offices. The Agency believes that the continued viability of these studies may depend upon the transfer of costs to the user community so that the PE program supply can meet demand. Because the Agency lacks authority under the Independent Offices Appropriations Act, 31 U.S.C. § 9701, to create a dedicated fund to support PE studies through a user participation fee, EPA has been exploring alternatives to assign some portion of the program to an organization with the ability to recover costs for a specified component of the PE studies program.

An EPA work group considered many options for assuring the continued viability of the PE studies program. The work group assessed several options that had a single provider manufacturing and distributing all the PE samples. A single provider rather than multiple providers has the major benefit of assuring that all study participants are treated exactly the same. EPA is such a single provider, and it's financial inability to continue this role was one of the reasons this effort was begun.

The work group initially believed that an ideal candidate for a single provider would (1) be an entity of the Federal government and (2) be capable of charging for PE samples. The National Institute of Standards and Technology (NIST) met these requirements. Accordingly, in-depth discussions were held with NIST personnel to determine whether it could take over this role from the EPA. After much consideration, NIST management decided that such a role was not compatible with the NIST mission and this scenario was eliminated as an option.

The remaining 8 options involve transferring all or some component of the PE study program to organizations other than EPA. A draft report, ''Externalization of EPA's Water Laboratory Performance Evaluation Programs,'' prepared by the EPA describes the options considered, the advantages and disadvantages of each, the estimates of costs to the Agency for each, and the estimates of time required to implement each option.

All of the options presented involve the use of a multiple PE study provider system: a partnership between the States, non-profit organizations and/or the private sector. Under this system, the multiple providers would conduct the PE studies according to established

standards in an effort to meet and better serve the needs of the PE programs(s), as well as reduce EPA costs and resources. Key criteria have been identified by the Agency to ensure national consistency, scientific integrity, and the appropriate quality of material to be prepared and distributed by multiple PE study providers. The draft report, ''EPA Requirements For National Consistency Among Multiple PE Study Providers,'' identifies these criteria and their rationale. This draft report is contained in Appendix A of the draft report, ''Externalization of EPA's Water Laboratory Performance Evaluation Programs.''

To obtain a copy of the document, call the Water Resource Center at 260–4786 or write the Office of Water Resource Center (RC4100), U.S. EPA, 401 M Street SW, Washington DC 20460. A single copy of the document can be picked up at the Water Resource Center in room M2615 Monday through Friday between 8:30 a.m. and 5 p.m. The document has also been placed on the Internet for public review and downloading at the following location: gopher.epa.gov.

I. Background of EPA-Supported PE Studies

The EPA-supported PE studies involve preparation of solutions of known concentrations of analytes of environmental concern, sending the samples to participating laboratories for analysis, and scoring the results against statistically-based or empirically-based performance criteria to determine whether the laboratory has demonstrated acceptable performance. PE studies are a valuable indicator of a laboratory's competency to analyze water samples. The PE studies also serve as one component of the overall federal program to assure quality in environmental measurement to implement the Clean Water Act and the Safe Drinking Water Act.

In total, EPA conducts three PE study programs to support nationwide implementation of water programs:

Water Supply (WS) study program, which includes chemistry, microbiology, and radiochemistry PE studies, supports implementation of the Safe Drinking Water Act. Under the Safe Drinking Water Act, laboratory certification programs are administered primarily by States (although, in limited instances, by EPA). Many State drinking water laboratory certification programs rely on EPA's Water Supply (WS) PE study program to provide a critical element for laboratory certification.

Water Pollution (WP) study program, which includes chemistry PE studies, tests laboratories' abilities to analyze for common surface water quality pollutant parameters and supports 25 to 30 State wastewater and other environmental laboratory certification programs. Many States conduct laboratory accreditation programs in support of the National Pollutant Discharge Elimination System (NPDES) permitting program under the Clean Water Act. Although participation in the WP is not federally compelled, many States require laboratories to participate in EPA's Water Pollution (WP) PE study program as a basis for accreditation under State laws.

Discharge Monitoring Report Quality Assurance (DMRQA) study program, which includes inorganic chemistry and whole effluent toxicity (WET) PE studies, is used as one tool for ensuring the quality of monitoring data submitted by National Pollutant Discharge Elimination System (NPDES) permittees. Regions and States use the results to identify laboratories that may need follow-up inspections. Historically, EPA administered the DMRQA studies through NPDES ''major'' permittees, who would transmit the DMRQA test samples to the laboratories who conducted compliance monitoring for such permittees. Starting in FY 1996, the DMRQA program is structured slightly differently. Now, the NPDES permittee instructs the laboratory that conducts compliance monitoring for the permittee to request the samples they need from the EPA. EPA, in turn, sends PE samples directly to the identified laboratory. NPDES permittees are required to participate in the DMRQA study under the authority of Clean Water Act section 308. Thus, though laboratories are not directly required to participate, participation is effectively or indirectly required by market forces.

In the event EPA decides not to externalize the Water PE Study Program, changes may continue to be made in the operation and design to improve the integrity of the program, fill in gaps, and reduce costs.

II. Development of Program Options and Definition of Terms

In reviewing the administration of existing EPA PE study programs and developing various options for future administration, the Agency defined its terms to identify the various roles of actors in the implementation of the programs. Currently, the primary actors in PE studies include EPA, permittees and laboratories, and in many instances, participating States. EPA currently oversees contractor preparation and distribution of samples directly to the laboratories. Results are returned to EPA, either directly by the laboratory, or, for DMRQA, by the permittee. For the purpose of evaluating different options to transfer portions of the PE Study programs to other entities, the Agency identified the various components of the PE Study program and the different roles currently played by EPA. The definitions below identify different components and roles that might be transferred to an entity other than EPA. In defining these terms, the Agency has made certain assumptions about the different components that might be transferred to other entities. Those assumptions are also explained.

a. Environmental Testing Laboratories: Any public or private sector laboratory that participates in approved laboratory performance evaluation programs in order to: Obtain or maintain certification/accreditation under EPA or State water programs, meet DMRQA requirements, or fulfill internal quality assurance or training requirements.

b. PE Study Providers: Organizations that supply PE study samples to environmental testing laboratories.

c. PE Study Provider Accreditation Body: Organization authorized to evaluate PE Study Providers using national standards and to accredit those PE Study Providers that meet the standards.

d. Standards Setting Authority: Organization responsible for determining the operation of the particular national water program (concerned with laboratory capacity), for setting the national standards for water PE studies and establishing national standards applicable to PE Study Providers.

e. National Standards for Water PE Studies: Nationally-applicable standards which establishes for the Water PE studies:

—Analytes to be included in each of the studies;
—Concentration ranges for each analyte in the PE samples for each type of study; and
—Scoring/evaluation criteria to be used in evaluating the data to determine acceptable performance

Ideally, national standards for Water PE Studies would be reviewed and published periodically (at least annually) and would incorporate the specific regulatory and non-regulatory requirements of the water programs. Depending on the administration option selected, such standards might be published in the Federal Register as a notice, or as a guidance document, or both. If the administration option selected involves EPA in standard setting, EPA would attempt to use

technical standards developed or adopted by voluntary consensus standards bodies, consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995, Public Law 104–113, section 12(d), 110 Stat. 783 (to be codified at 15 U.S.C. 272 note).

f. National Standards for Accreditation of Water PE Study Providers: Technical performance standards that establish the minimum level of performance to be achieved by a PE Study Provider as a condition of accreditation. Accreditation standards might include, at a minimum, technical standards for:

—Procedures necessary to ensure that each study is a fair and representative test;
—Adequacy of PE manufacturing facilities and equipment, including criteria describing adequate manufacturing and analytical testing components;
—Minimum required qualifications and experience of the personnel involved in all aspects of PE study design, manufacture, distribution, data evaluation, reporting, and data storage/retrieval;
—Adequacy of quality systems used by PE Study Suppliers to ensure the quality of PE studies; and
—Any other aspects of PE studies deemed necessary to ensure the consistency and quality of PE studies.

Ideally, national accreditation standards would be performance-based and would not reflect a highly prescriptive approach to PE study development and production. For example, accreditation standards might specify the components of an adequate quality system for PE study design, manufacture, and distribution. Accreditation standards might require that accredited PE Study Providers develop and maintain standard operating procedures for the various aspects of their processes, but would not specify the exact procedures to be used.

National accreditation standards might be published in the Federal Register, as a guidance document, or both. Such standards would be reviewed and revised periodically, as deemed necessary by the Standard Setting Authority. If the administration option selected involves EPA in standard setting for accreditation, EPA would attempt to use technical standards developed or adopted by voluntary consensus standards bodies, consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995, Public Law 104–113, section 12(d), 110 Stat. 783 (to be codified at 15 U.S.C. 272 note).

g. Primary Reference Standards: Analyte-specific standards that could be developed, for example, by the National Institute for Standards and Technology (NIST), an organization within the U.S. Department of Commerce, and used by all accredited PE Study Providers to ensure the traceability of PE materials. Properly prepared PE materials would have analyte concentrations with true values that are directly traceable to the primary reference standards.

III. EPA Decision-Making Process: Role of Stakeholders

EPA recognizes that the Water PE Study program has important roles to play in other on-going Agency and external efforts related to environmental monitoring and quality assurance. In particular, efforts undertaken by EPA's Environmental Monitoring Management Council (EMMC) regarding the establishment of a performance-based system for analytical methods, national environmental laboratory accreditation, and integration of EPA's analytical methods all relate to the water PE study program. Consequently, EPA has and will continue to coordinate its effort to re-configure the water PE study program with these other related activities to minimize duplication of efforts and to ensure that the outcomes of these efforts reflect consistent monitoring policy nationwide.

EPA also recognizes the need to coordinate this effort with external stakeholders. Of key importance is the EPA-sponsored National Environmental Laboratory Accreditation Conference (NELAC), a voluntary association of State and Federal Officials that also includes private sector membership in a nonvoting role. The purpose of NELAC is to promote environmental laboratory data of known quality through national consensus performance standards for environmental laboratories to be consistently implemented by State and federal accrediting authorities nationwide.

One component of the NELAC national program will be a self-supporting proficiency testing program that would address all fields of environmental testing, including drinking water and wastewater. One goal of the Water Laboratory PE Study externalization effort is to design a system that is amenable to incorporation into the NELAC national environmental laboratory accreditation program. To this end, EPA is soliciting the input of the NELAC Proficiency Testing Committee, Board of Directors, and the Agency FACA Committee, known as the Environmental Laboratory Advisory Board, on options for the Water Laboratory PE Program.

Working with external stakeholders such as the States, NPDES permit holders, drinking water suppliers, private laboratories, PE study providers, and State and National trade associations about changes to the Water laboratory PE Study program will be key in the decision making process. In addition, to the public meeting EPA is convening this August, EPA intends to pursue additional outreach efforts with these stakeholders. The intent is to provide all stakeholders an opportunity to discuss the options under consideration and mutually determine the best way to address any concerns prior to an Agency decision on a preferred option.

IV. PE Study Management Options

In developing options for consideration, EPA envisioned that an efficient water PE study program would consist of three core functions: (1) national standard setting for PE studies, (2) designation (selection and/or approval) of organizations to manufacture PE materials and administer PE studies, and (3) actual production and administration of the PE studies. Each of the options considered by EPA reflect permutations of these three core functions—variations on which organization(s) or type of organization(s) would fulfill the three functions.

Using these core functions, the EPA developed 8 different options for consideration. These 8 options reflect a range of possibilities. The options, however, are not exhaustive. The options do, however, represent the range of reasonable options available to EPA.

The 8 options considered by the Work Group are summarized below and in Table 1.

Option 1: EPA Oversees PE Study Providers

EPA would serve both as the Standards Setting Authority and as the PE Study Provider Accreditation Body. EPA would establish the national standards and standards for accrediting PE Study Providers. Accreditation standards would be based on current regulations, policies, and practices applicable to the WS, WP, and DMRQA studies. EPA would also determine when PE Study providers comply with the national PE study provider standards, and conduct periodic compliance monitoring activities (such as on-site audits and proficiency testing through ampule verification). EPA would publish a list of PE Study

Providers meeting such standards periodically (presumably, at least annually).

EPA would continue to maintain a national data base. The purpose of the national database would be to enable EPA (and States) to evaluate performance of the PE Study Providers, laboratory performance, and method effectiveness and make changes as necessary.

Private sector entities and/or interested States would assume the responsibility for conducting water PE studies. The PE Study Providers would: produce the PE materials (including PE samples); distribute the PE studies to participating laboratories; analyze client lab measurement data; determine acceptance limits according to procedures established by EPA; and report results (in the appropriate format and detail) to the participating laboratories, the organization accrediting the laboratory (or otherwise requiring laboratory participation), and to EPA. The report to EPA would provide a summary of variation among participating laboratories and how they have performed relative to EPA's performance criteria.

Laboratories desiring to participate in PE studies following EPA standards would use a PE study provider from a list developed by EPA. The laboratories would pay a participation fee to their PE study provider.

Option 2: NIST Oversees PE Study Providers

EPA would be the Standards Setting Authority for the Water PE Study program. EPA would work with NIST to establish the operational and technical standards to be used for accrediting private sector and State PE Study Providers. NIST would be responsible for publishing the accreditation standards. Both standards setting functions would be closely coordinated with NELAC. NIST would also develop primary reference standards which would be distributed to accredited PE Study Providers. NIST's National Voluntary Laboratory Accreditation Program would serve as the PE Study Provider Accreditation Body. NIST would oversee compliance with the national standards through periodic (presumably annual) on-site audits and validation of the quality of PE studies developed by the private sector and States. NIST would collect a fee from participating PE Study Providers to recover costs associated with the NIST accreditation program.

TABLE 1. ROLES AND RESPONSIBILITIES UNDER OPTIONS FOR EXTERNALIZATION OF PE PROGRAM

Option Number	Standards setting authority	PE study provider accreditation body	PE study provider *
Option 1: EPA Oversees PE Study Providers.	EPA would set national standards and standards for accreditation of PE Study Providers based on the current program.	EPA would accredit one or more companies and states to provide PE studies and would closely monitor the quality of the studies. EPA would review PE data and issue PE reports..	Private sector organizations and States would manufacture and distribute PE studies.
Option 2: NIST Oversees PE Study Providers.	EPA would set national standards for the water PE studies.	NIST would serve as the Accreditation Body and maintain the national data base..	Private sector organizations and states would manufacture and distribute PE materials.
Option 3: States Oversee Private Sector PE Study Providers.	EPA would act as the Standards Setting Authority and would oversee state PE Study Provider accreditation programs. EPA would also design and maintain the national data base.	State governments would serve as the accrediting bodies..	Private sector organizations and states would manufacturer and distribute PE studies.
Option 4: Private Sector Third Party Oversees PE Study Providers.	EPA would set national standards and standards for accreditation. EPA would also oversee the accreditation bodies.	Government or private sector organizations with expertise in accreditation would serve as Accreditation Bodies..	Private sector organizations and states would manufacture and conduct PE studies.
Option 5: EPA-Designated Third Party Oversees National Program.	Third party non-profit organization (e.g., NSF, A2LA, ANSI, ELAP) would be responsible for setting standards and operating the program.	Third party, non-profit organization would accredit suppliers and monitor PE material production to ensure that operational and quality standards are met.	Private sector organizations and states would manufacture and distribute PE materials, collect and compile PE data.
Option 6: No EPA Involvement in Water PE Studies.	EPA would develop and publish national standards.	None required, but the states, third party organizations, and the private sector could establish an oversight program.	Private sector organizations and states would manufacture and conduct PE studies.
Option 7: No National Accreditation/Oversight of PE Study Providers.	EPA would serve as the Standard Setting Authority and would establish guidance that includes national standards for PE studies and performance standards for PE Study Providers..	None.	Private sector organizations and states would manufacture and conduct PE studies in accordance with EPA guidance.
Option 8: EPA Oversight of One or More Government or Non-profit PE Study Providers.	EPA would set national standards and would also oversee the PE Study Provider accreditation bodies.	EPA would accredit PE Study Providers.	Non-profit organizations and states would manufacture and conduct PE studies.

* Under all options it is assumed that providers would collect PE data, conduct statistical treatments, compile reports and distribute them to the appropriate States and EPA.

NIST would maintain a national data base, accessible to EPA staff which would enable NIST and EPA to evaluate PE Study Providers' performance, laboratory performance, and method effectiveness.

The private sector and interested States would assume responsibility for conducting Water PE Studies. The PE Study Providers would: produce the PE materials; distribute the PE studies to participating laboratories; analyze client lab measurement data; determine acceptance limits according to procedures established by EPA; and report results (in the appropriate format and detail) to the participating laboratories, the organization accrediting the laboratory (or otherwise requiring laboratory participation), and to NIST. The report to NIST would provide a summary of variation among laboratories and how laboratories performed relative to EPA performance criteria. The PE Study Providers would prepare and characterize each batch of samples within a given study according to standardized protocols to determine the ''true concentration value'' of an analyte in the sample (e.g., consistent with NIST-provided primary reference standards). PE Study Providers would pay a fee to NIST for accreditation.

Laboratories desiring to participate in the Water PE Studies employing EPA/NIST standards might be required to pay a participation fee to the private sector or State PE Study Providers.

Option 3: States Oversee Private Sector PE Study Providers

EPA would serve as the Standards Setting Authority for the Water PE Study program and would maintain the national data base. EPA would design and implement a program to assure an appropriate level of consistency among State PE Study Provider accreditation programs.

Participating States would serve as PE Study Provider Accreditation Bodies. States would establish individual programs for accreditation of private sector PE Study Providers, individually or collectively through NELAC. The States would each determine the PE Study Providers authorized to distribute materials within their States. The States would also oversee compliance with the national standards through periodic on-site audits and ampule verification programs. Alternatively, any State could choose to serve as the PE Study Provider for all laboratories that it certifies or accredits (No State would be required to participate in any such program).

The private sector and interested States would conduct the Water PE Studies. The PE Study Providers would produce the PE materials; distribute the PE studies to participating laboratories; analyze client lab measurement data; determine acceptance limits according to procedures established by EPA; and report results (in the appropriate format and detail) to the participating laboratories and EPA. Depending on applicable state law, the participating State might charge PE Study Providers for accreditation.

Environmental testing laboratories would use any PE Study Provider approved by the State. Laboratories desiring to participate in the Water PE Studies might be required to pay a participation fee to the private sector or State PE Study Providers.

Option 4: Private Sector Third Party Oversees PE Study Providers

EPA would serve as the Standards Setting Authority for the Water PE Studies. EPA would establish national standards; establish technical performance standards for accreditation of PE Study Providers; establish standards for selection of qualified accreditation bodies; and select and oversee PE Study Provider accreditation bodies. All of these functions would be closely coordinated with NELAC and could be transferred to NELAC when NELAC develops consensus water laboratory PE study standards. EPA would also maintain the national data base.

One or more third parties would serve as the Water PE Study Provider Accreditation Body. The Water PE Study Provider Accreditation Body(ies) would oversee compliance with the EPA standards through annual on-site audits and ampule verification programs. The Water PE Study Provider Accreditation Body(ies) would collect a fee from participating PE Study Providers to cover their accreditation and for ongoing reaccreditation costs.

The private sector and interested States would conduct the Water PE Studies. The PE Study providers would: produce the PE materials; distribute the PE studies to participating laboratories; analyze client lab measurement data; determine acceptance limits according to EPA-established procedures; and report results (in the appropriate format and detail) to the participating laboratories, the organization accrediting the laboratory (or otherwise requiring laboratory participation), and the PE Study Provider Accreditation Body. The report to the PE Study Provider Accreditation Body would provide a summary of variation among laboratories and how laboratories performed relative to EPA performance criteria.

Environmental Testing Laboratories would use any accredited PE Study Provider or the State, where States choose to be the PE Study provider. Laboratories desiring to participate in the Water PE Studies employing EPA Standards might have to pay a participation fee to the PE Study Provider.

Option 5: EPA–Designated Third Party Oversees National Program

This option is essentially a privatized program which would use a process similar to the Drinking Water Additives Program. See 53 FR 25586 (July 7, 1988).

EPA would establish competitive process for selecting an organization to act as a Standard Setting Authority; publish that competitive process to reach as many potential competitors as possible, for example, in the Commerce Business Daily or Federal Register; and encourage non-profit, third-party standard organizations to respond. EPA would grade the proposals and select the Standard Setting Authority.

The selected Standards Setting Authority would develop consensus industry standards for PE samples/studies. EPA would be a participant in this process. Current EPA standards and/or forthcoming NELAC draft standards may serve as the model for the industry to develop the consensus industry standards for PE samples/studies.

The Standards Setting Authority may also assume the role of the Water PE Study Provider Accreditation Body or may select/contract with other third party organizations to certify private sector and State PE study providers. The Water PE Study Provider Accreditation Body(ies) would oversee compliance with the consensus industry standards through periodic on-site audits and ampule verification. The Water PE Study Provider Accreditation Body or the Standards Setting Authority would maintain a national data base. The Water PE Study Provider Accreditation Body(ies) would collect a fee from participating PE Study Providers to recover the costs associated with accreditation and for ongoing reaccreditation costs.

The private sector and interested States would conduct the Water PE Studies. The PE Study providers would: produce the PE materials; distribute the PE studies to participating laboratories; analyze client lab measurement data; determine acceptance limits according to procedures established by the Standards Setting Authority; and report results (in the appropriate format and detail) to the participating laboratories, the organization accrediting the

laboratory (or otherwise requiring laboratory participation), and the PE Study Accrediting Body and/or the Standards Setting Authority. The report to the PE Study Provider Accreditation Body would provide a summary of how the laboratories have varied and how they have performed relative to the SSA's performance criteria.

Environmental testing laboratories would use any accredited PE Study Provider. Laboratories desiring to participate in the Water PE Studies might have to pay a participation fee to the PE Study Provider.

Option 6: No EPA Involvement in Water PE Studies

This option would represent complete disinvestment by EPA. EPA would notify the States and the public of its intention to discontinue the Water PE Studies and publish the national standards. On the preannounced date, EPA would discontinue its involvement in water PE Studies. EPA would no longer maintain a national data base.

States would arrange for their own PE Study programs, to the extent necessary to meet State needs, and manage those programs to meet State regulatory requirements. States would direct laboratories to one or more private sector or State PE Study Providers. The individual States would each decide who would: produce the PE materials; validate the PE Study materials; distribute the PE studies to participating laboratories; analyze client laboratory measurement data; determine acceptance limits in accordance with State-specified procedures; and report results. The individual States would determine their individual needs for a data base. The States might also organize and conduct a cooperative national program through NELAC.

Environmental testing laboratories would use PE Study Provider(s) authorized in the State where they do business. Laboratories might pay a participation fee directly to the State or PE Study Provider.

Option 7: No National Accreditation/ Oversight of PE Study Providers

EPA would serve as the Standard Setting Authority for the Water PE Study Program. EPA would publish the national standards and performance standards for PE Study Providers as non-binding federal guidance (which States may elect to adopt for regulatory purposes under State laws). EPA might maintain a national data base in order to monitor the effectiveness of PE studies. Any private sector company or State entity would be eligible to provide PE studies to participating environmental testing laboratories. The market place would police itself, i.e., the PE material suppliers (private sector companies) through trade associations, f28((^U*^U^^^S^I^The Certified Reference Material Manufacturing Association (CRMMA), could develop voluntary (non-regulatory) criteria and protocols for PE manufacturers who might participate for market-based purposes. Participating PE study laboratories and EPA Regional and State regulators—the ''Water PE Study customers''—would individually determine which PE study providers provided quality products that met their needs.

The private sector and/or interested States would assume responsibility for conducting Water PE Studies. The Water PE Study Providers would produce the PE materials; distribute the PE studies to participating laboratories; analyze client lab measurement data; determine acceptance limits according to EPA guidance; and report results (in the appropriate format and detail) to the participating laboratories, the organization accrediting or certifying the laboratory (or otherwise requiring laboratory participation), and to EPA. The report to EPA would provide true values of measured analytes, reported values of participating laboratories, and an evaluation of how the laboratories performed relative to EPA's performance criteria.

Laboratories desiring to participate in PE studies would purchase the appropriate PE samples from the PE study provider(s) acceptable to the applicable laboratory accreditation authority, declare to the applicable laboratory accreditation authority that the PE samples are for official evaluation, and pay a participation fee to a PE study provider.

Option 8: EPA Oversight of One or More Government or Non-profit PE Study Providers

EPA would serve as the Standards Setting Authority and as the PE Study Provider Accreditation Body. EPA would establish national standards; establish technical performance standards for PE Study Providers; design and implement an accreditation program for PE Study Providers (including on-site accredits and ampule verification studies); and accredit PE Study Providers. The universe of accredited Water PE Study providers would include only government (e.g., States) and other not-for-profit organizations. EPA would maintain the national data base. All of EPA's functions would be closely coordinated with NELAC and could be transferred to NELAC once NELAC develops consensus-based PE standards.

One or more governmental or not-for-profit entities would serve as the Water PE Study Providers. The Water PE Study providers would conduct the Water PE Studies. The PE Study Providers would produce the PE materials; distribute the PE studies to participating laboratories; analyze client lab measurement data; determine acceptance limits according to EPA procedures; and report results (in the appropriate format and detail) to the participating laboratories, the organization accrediting the laboratory (or otherwise requiring laboratory participation), and to EPA.

Environmental testing laboratories would acquire Water PE samples from authorized PE Study Provider(s). Laboratories might be required to pay a nominal participation fee to their PE Study Provider.

V. Option Selection Criteria

EPA intends to evaluate the Water PE Study implementation options against identified selection criteria. Thus far, EPA has identified seven selection criteria, explained below. The Agency invites public comment on these seven criteria, as well as any other selection criteria EPA should consider.

1. Cost to EPA: Each option would be evaluated with respect to its costs to EPA in terms of both personnel and costs. Options which costs less to government agencies would generally be preferred.

2. Impact on States and Ease of Implementation: Each option would be evaluated to determine the budgetary, statutory, regulatory, programmatic and other impacts that they would have on participating States. Options would be evaluated for the costs and problems the States might incur under each option. Options with substantial adverse impacts on the States would be not favored.

3. Implementation Timetable: Each option would be evaluated relative to how long it would take to be implemented. Options which can be implemented faster would be considered more favorably.

4. Legality of Option: Each option would be evaluated to determine whether EPA has the necessary authority to implement the option under existing legal authorities. Options which may require statutory amendment or enactment would generally be not favored (for the implementation timetables concerns identified in criterion 2 above).

5. National Consistency: Each option should be evaluated against the

following measures for the degree to which:

a. Participating laboratories are evaluated on similar bases and subjected to the same standards;

b. The probability of a laboratory ''passing'' a particular study is independent of the PE study supplier;

c. A common measure can be applied to all data received from participating laboratories regardless of PE study sample supplier;

d. To the extent applicable under the option considered, data from different PE study suppliers could be combined into a national data base; and

e. Water PE Samples used by the participating laboratories would be of equal ''challenge,'' irrespective of PE study supplier.

6. Quality of PE Studies: Each option would be evaluated relative to the ease with which the homogeneity, accuracy and stability of the samples can be monitored.

7. Cost of Program to Laboratory Community: Each option would be evaluated for its implementation cost to participating laboratories. Lower cost options would be favored. One ''cost'' that we have not been able to quantify—interstate reciprocity—would be important to EPA decision making. Any option that would require a laboratory desiring to do business in more than one State to participate in multiple PE studies (or bear higher participation fees) would be less favored compared to an option where the costs of multi-state operations are low.

VI. Cost Estimates for Participating Laboratories

EPA estimates that full participation in the chemistry and microbiological studies for either a WP or WS series program would cost between $800–$1400 per study. This does not include any costs that might be passed on as a result of instituting a PE Study Provider Accreditation Body Program. Some States may require full participation in two WP or WS studies per year to be accredited by the State. However, since most laboratories are not required to be accredited for all analytes covered in a study, the costs to participate in a given PE study could be as low as $100 per study for laboratories analyzing only conventional analytes such as Biological Oxygen Demand, PH, and Total Suspended Solids. No cost estimates are currently available for Water PE studies that assure laboratory capacity to measure radioactivity or whole effluent toxicity.

VII. Invitation for Public Comment

EPA has not concluded whether any of these options is feasible. So that EPA can assure that the views of all affected stakeholder groups on these options have been considered, the Agency requests that written comments identify if the person commenting represents: (a) A State or political subdivision of a State (city, county, etc.) or a non-federal governmental regulatory agency; (b) an independent third-party organization; (c) a private-sector PE study provider or reference material producer; (d) affected environmental analytical laboratory; or (e) regulated water discharger or drinking water supplier.

EPA invites comments on the following issues:

General comments

(1) How well does each option for the proposed structure for the Water PE Study Program meet your organizational needs relative to: (1) National standard setting for PE studies, (2) designation (selection and/or approval) of organizations to manufacture PE materials and administer PE studies, and (3) actual production and administration of the PE studies.

(2) How do the variations in each option on which organization(s) or type of organization(s) would fulfill the three functions accommodate the needs of your organization and what would be the favorable or unfavorable consequences of that variation?

Specific comments

Cost to EPA

(1) EPA intends that any portion of the PE study program not transferred to another organization would not be funded by Water PE study participants. What is the minimum role that EPA should retain in each of the three intended function areas (identified above) to assure a successful nationwide PE study program for laboratories analyzing aqueous samples?

Adverse Impact on States and Ease of Implementation

(2) What budgetary, statutory, regulatory, programmatic and other impacts would each of these options have on States?

(3) Are the estimated costs for States realistic? If not, what is a realistic estimated cost? What is the basis for your estimate.

Implementation Timetable

(4) In the selection process, each option will be evaluated relative to how soon it can be implemented. Are the time lines presented in the options paper realistic? If not, why?

(5) Are there other implementation time issues related to your involvement with the studies that need to be considered?

(6) Should the Water PE Studies be transferred from EPA all at once or should there be a phased transition during which EPA should address specific needs or shortcomings in the new process?

National Consistency and Interstate Reciprocity

(7) Most of the identified options would involve multiple private-sector study providers. How could EPA assure that the probability of a laboratory ''passing'' a particular PE study is independent of the PE study supplier?

(8) How could EPA assure that a common measure can be applied to all data regardless of study supplier?

(9) Should the data from different PE study suppliers be combined into a national data base? Why?

(10) How can EPA assure that the samples, irrespective of study supplier are of equal challenge?

(11) What are the interstate reciprocity issues that will arise from the options presented?

Quality of PE Studies

(12) How should EPA attempt to ensure there will be adequate safeguards to assure PE samples are homogeneous and stable?

(13) What recourse should a laboratory have if the laboratory ''fails'' a PE study due to factors outside the laboratory's control (e.g., because the study provider assigns an incorrect true value or distributes an unstable sample)?

Cost of Program to Laboratory Community

(13) Are the estimated costs for participating laboratories realistic? If no, what do you believe to be realistic estimated costs? Why? Will the fees have a significant impact on the way the person commenting conducts business in the future?

VIII. Agenda Topics for Public Meeting in Washington, DC

The Agency expects a wide variety of organizations to have an interest in whether and how the Agency should externalize all or part of the Water PE Study program. The purpose of the public meeting on the alternative funding options for the Water PE study programs is twofold: (1) To present the options with pros and cons of each; and (2) to hear balanced responses from

representatives from affected parties, including (a) State regulators, (b) independent third-party organizations, (c) private-sector PE study provider or reference material producers; (d) affected environmental analytical laboratories; or (e) regulated water dischargers or drinking water suppliers. Comments on the evaluation criteria and the accuracy of the estimated costs and timeliness for each option are of special interest. The first hour will be spent on presenting the options.

Attendees are invited to make a formal presentation on current options or offer alternative options. Fifteen minutes will be allotted for each presentation. Participants are asked to notify EPA of their intention to make a presentation by August 10, 1996 and submit a written summary no later than August 15, 1996. The intent is to distribute a package of presentations to all participants at the meeting. Please contact Cindy Simbanin at 703–519–1386 about your plan to make a presentation at the meeting. Send written presentations for the public meeting to: Cindy Simbanin, DynCorp Inc., 300 N. Lee Street, Suite 500, Alexandria, Va. 22314. Presentations can also be faxed to 703–684–0610.

Dated: July 5, 1996.

Steven Herman,

Assistant Administrator for Enforcement and Compliance Assurance.

Dated: July 3, 1996.

Henry L. Longest II,

Acting Assistant Administrator for Research and Development.

Dated: July 3, 1996.

Robert Perciasepe,

Assistant Administrator for Water.

[FR Doc. 96–18178 Filed 7–17–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5537–1]

Notice of Proposed Agreement and Covenant Not To Sue Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as Amended, et seq., Osage Metals Superfund Site, Kansas City, Kansas

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed agreement and covenant not to sue, Osage Metals Superfund Site, Kansas City, Kansas.

SUMMARY: Notice is hereby given that a proposed agreement and covenant not to sue regarding the Site at 120 Osage Avenue, Kansas City, Kansas, was signed by the United States Environmental Protection Agency (EPA) on May 7, 1996 and approved by the United States Department of Justice on May 24, 1996.

DATES: EPA will receive, until August 19, 1996, written comments relating to the proposed agreement and covenant not to sue.

ADDRESSES: Comments should be addressed to Audrey Asher, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101 and should refer to *the Osage Metals Superfund Site Agreement and Covenant Not to Sue.*

The proposed agreement and covenant not to sue may be examined or obtained in person or by mail at the office of the United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, KS 66101 (913) 551–7255. In requesting a copy please refer to the referenced case and enclose a check in the amount of $10.25 (25 cents per page reproduction costs), payable to the United States Environmental Protection Agency.

SUPPLEMENTARY INFORMATION: The proposed agreement concerns the 1.7-acre Osage Metals Superfund Site (''Site''), located at 120 Osage Avenue in Kansas City, Kansas. The Site was the location of metals salvage and reclamation facilities between 1948 and 1993. Samples taken at the Site in 1994 found polychlorinated biphenyls (''PCBs'') in surface soils at levels as high as 334 mg/kg, and lead contamination in levels as high as 56,600 mg/kg. The EPA approved a removal action at the Site on February 13, 1995, and began cleanup in March of 1995. It completed its work in October of 1995. As of October 31, 1995, EPA had incurred costs in excess of $1.1 million exclusive of interest. On June 26, 1995, EPA perfected a CERCLA lien on the Site to secure its $1.1 million in response costs.

The Site owner and the Site operator, who are liable for the United States' response costs as owner and operator of the Site, have no valuable assets except for their personal residence, personal cars and the Site itself. Under the terms of a separate agreement, the owner has agreed to transfer title to the property (Site) to W.W. Land Company, L.L.C. (*U.S.* v. *Noreen Greenberg et al.*, Civil Action 96–2289–JWL).

Under the proposed agreement and covenant not to sue, the W.W. Land Company, L.L.C. will pay the United States $80,000 in exchange for a Covenant Not to Sue for Past Removal Costs and the release of the CERCLA lien now attached to the property. The W.W. Land Company, which had no part in the activities that gave rise to the United States' response costs of the Site, plans to build and operate a commercial warehouse on the Site.

Dated: July 2, 1996.

William Rice,

Acting Regional Administrator, United States Environmental Protection Agency, Region VII.

[FR Doc. 96–18043 Filed 7–17–96; 8:45 am]

BILLING CODE 6560–50–M

FARM CREDIT ADMINISTRATION

[NV–96–27]

Policy Statement on Disaster Relief Efforts by Farm Credit Institutions

AGENCY: Farm Credit Administration.

ACTION: Policy statement.

SUMMARY: Section 5.17 of the Farm Credit Act of 1971, as amended (Act) provides the Farm Credit Administration (FCA) the authority to establish standards and guidelines appropriate for carrying out the purposes of the Act and to ensure the safety and soundness of the Farm Credit System (FCS) institutions. Pursuant to such authorities, the FCA Board has adopted a Board Policy Statement on Disaster Relief Efforts by Farm Credit Institutions. The FCA Board in its Board Policy Statement recognizes that natural and man-made disasters and their impact on a specific region of the country or specific segment of the agricultural community are occurrences that FCS institutions are required to respond to from time to time. The Board Policy Statement provides the general philosophy of the FCA with regard to disaster relief actions by FCS institutions. The Board Policy Statement also provides general direction on the principal objectives and safety and soundness concerns associated with any disaster relief actions undertaken by FCS institutions.

EFFECTIVE DATE: June 13, 1996.

FOR FURTHER INFORMATION CONTACT:

Dennis K. Carpenter, Senior Policy Analyst, Regulation Development, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703) 883–4498;

or

Rebecca S. Orlich, Senior Attorney, Regulatory Enforcement Division, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean Virginia 22102–