

other manifest forms, shipping document, or information, other than that required by federal law, may be required by the State to travel with the shipment.

(h) * * *

(1) A State that supplies the manifest form required by § 262.20(a) may preprint information on the form only as follows:

(i) In items A and L, a State Manifest document number; (EPA Form 8700-22, items A; EPA Form 8700-22A, item L);

(ii) In items 11 and 28, a hazardous materials (HM) column for use in distinguishing between federally regulated wastes and other materials according to 49 CFR 172.201(a)(1);

(iii) Anywhere on the form, light organizational marks to indicate proper placement of characters or to facilitate data entry;

(iv) Anywhere in the margin of the form or on the back of the form, any information or instructions that do not require generators, transporters, or owners or operators of hazardous waste management facilities to supply additional information;

(v) In item 16, reference to State laws or regulations following the federal certification; and

(vi) Abbreviations for headings in State optional information spaces (EPA Form 8700-22, items A-H; and EPA Form 8700-22A, items L-Q).

(2) In addition to the federally required information, both the State in which the generator is located and the State in which the designated facility is located may require completion of the following items:

(i) State manifest document number (EPA Form 8700-22, item A; EPA Form 8700-22A item L);

(ii) For generators, State generator identification numbers (EPA Form 8700-22, item B; EPA Form 8700-22A, item M);

(iii) For transporters, telephone numbers and State transporter identification numbers (EPA Form 8700-22, items C, D, E and F; EPA Form 8700-22A, items N, O, P and Q);

(iv) For owners and operators of hazardous waste management facilities, facility telephone number, and State facility identification numbers (EPA Form 8700-22, items G and H);

(v) Codes associated with particular wastes (EPA Form 8700-22, item I; EPA Form 8700-22A, item R);

(vi) Codes associated with particular waste treatment, storage, or disposal methods (EPA Form 8700-22, item K; EPA Form 8700-22A, item T); and

(vii) Additional waste description associated with particular hazardous

wastes listed on the Manifest. This information is limited to information such as chemical names, constituent percentages, and physical state (EPA Form 8700-22, item J; EPA Form 8700-22A, item S).

(3) No State, however, may impose enforcement sanctions on a transporter during transportation of the shipment for failure of the form to include preprinted information or optional State information items

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BILLING CODE 6550-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 172

[Docket HM-145D; Amdt. Nos. 171-78, 172-90]

Hazardous Waste Manifest; Shipping Papers

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation (DOT) and the Environmental Protection Agency (EPA) today are publishing requirements for a Uniform Hazardous Waste Manifest. These rules are necessary to assure uniform enforcement and to resolve difficulties encountered by shippers and carriers involved in the transportation of hazardous waste, which were brought on by differing State manifest requirements. EPA is adopting a standard format for the manifest and the Materials Transportation Bureau (MTB) is amending the Hazardous Materials Regulations to require use of EPA's standardized hazardous waste manifest form for the transportation of hazardous waste in commerce. MTB has amended § 171.1 of the Hazardous Materials Regulations to delete the reference to EPA interim authorizations, and § 171.3 by revising the Note to paragraph (c)(3). MTB also adopts two amendments pertaining to shipping papers; one is a revision of § 172.201 to recognize that a shipping paper, including a hazardous waste manifest, may consist of more than one page; the other is a revision of § 172.205 to include reference to the EPA form number for the hazardous waste manifest.

EFFECTIVE DATE: September 20, 1984, however, compliance with the

regulations as herein amended is authorized on or after March 20, 1984.

FOR FURTHER INFORMATION CONTACT:

Lee E. Metcalfe, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION:

I. Background

On February 26, 1980, the Environmental Protection Agency (EPA) established a manifest system to assure that hazardous wastes designated for delivery to offsite treatment, storage or disposal facilities actually reach their destination. The central element of that system is the "manifest", a control and transport document that accompanies the hazardous waste shipment from its point of generation to its point of destination. On May 22, 1980, MTB issued final regulations, under Docket HM-145A (45 FR 34560), relative to the use and disposition of manifests.

Although EPA considered requiring a uniform manifest form when it developed its regulations, the Agency chose instead only to require that specific information accompany the waste. It did not require the use of a specified format for a manifest. EPA recognized that DOT's regulations already require shipping papers for the transportation of hazardous materials without a requirement for use of a specific form; therefore, EPA concluded that a shipping paper could be used satisfactorily as a manifest if additional information required by EPA was included. By not requiring a specific form EPA's intent was to provide the regulated community with the option of adapting their existing DOT shipping papers to function as manifests as was requested by several commenters in response to the proposed EPA rule (43 FR 58946, Dec. 18, 1978).

Since the introduction of the Federal manifest system, there has been a proliferation of manifests as various States decide to develop and print their own forms. At least 22 States presently require generators to use specific manifest forms, often with varying additional information requirements. This has caused two major problems. First, the lack of uniformity in the manifests required by States has created a substantial burden for both generators and transporters. Prior to the effective date of this rule, a transporter carrying hazardous waste may be required to carry the manifest of each State in which it travels in order to comply with those States' manifest requirements. Failure to carry a State's particular

manifest may delay or prevent shipments from reaching their destination, or subject the transporter to legal action. Under these conditions, a generator may be required to go through the costly and inefficient procedure of filling out several manifest forms with duplicative information in order to ensure that the waste shipment reaches the designated facility. Second, generators with facilities in more than one State are hampered when attempting to standardize manifesting procedures because of a lack of uniform requirements. This prevents multistate generators from achieving efficiency in their information collection activities.

II. Development of Standard Forms and Rules for Their Use

In an effort to solve these problems, EPA and MTB asked two organizations representing the States and the regulated community to submit suggestions for a uniform manifest. The State group, the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) and the industry group, the Hazardous Materials Advisory Council (HMAC), each developed a set of recommendations concerning the content and use of a uniform manifest which were submitted to EPA and MTB in March of 1981. EPA and MTB reviewed the recommendations, prepared a draft manifest form and met with the ASTSWMO and HMAC committees in July of 1981. Since the current problems associated with the manifest involve both DOT and EPA, the Agencies have worked together to devise a regulatory solution. EPA is amending 40 CFR Parts 262 and 271 (formerly 123) to introduce the Uniform Hazardous Waste Manifest form and to make use of the form a requirement for State interim and final authorization. MTB, in turn, is amending the Hazardous Materials Regulations to require that shippers and carriers of hazardous waste comply with EPA's amendments pertaining to use of the manifest, and to clarify that any State (or political subdivision of a State) law or regulation requiring a different, or additional manifest, is inconsistent with the Hazardous Materials Regulations.

The effect of these amendments is twofold. First, the use of a nationally uniform manifest will be required for all offsite transport of hazardous waste. Second, no State may require a carrier to provide information with or on the manifest which is in addition to that authorized by the uniform manifest system. Thus, no carrier could be required to carry any State manifest form that differs from the EPA form.

Neither the EPA nor DOT amendments prohibit States from requiring additional information from the generator or the treatment, storage or disposal facility concerning a hazardous waste shipment. For example, States may require that the generator (or the treatment, storage, or disposal facility, if the State so chooses) submit a copy of the manifest directly to the appropriate agency of that State. In addition, the State in which the waste disposal facility is located may require that certain disposal-related data be presented to the appropriate State agency or be present at the facility before the facility accepts the waste. Considering that the conventional methods of transmitting data by mail, wire, telephone and other means are very reliable and readily available, MTB is not persuaded that placing additional paperwork burdens on carriers is appropriate or necessary for the safe transportation of hazardous waste. Therefore, while these amendments do not prohibit the transporter from voluntarily carrying such information, they do preclude States from requiring the transporter to do so.

Certain areas of transportation demand a strong predominant Federal role. In the Senate Committee language reporting on what became Section 112 of the Hazardous Materials Transportation Act (HMTA), 49 U.S.C. 1801 et seq., the need for uniform national standards in the field of hazardous materials is strongly indicated. Section 112 of the HMTA expressly preempts any State or local requirement that is inconsistent with the HMTA or the regulations issued thereunder. MTB believes that national uniformity is necessary in this area and that an evolving patchwork of differing State requirements for manifests is clearly inconsistent with the Congressional intent underlying the HMTA. Rather than addressing the differing requirements of the States through proceedings initiated pursuant to 49 CFR Part 107, MTB believes it best to amend its regulations to require use of the Uniform Hazardous Waste Manifest and to revise the Note following § 171.3(c)(3) to make it clear that EPA's instructions and limitations pertaining to a manifest are within the scope of the inconsistency declaration of the paragraph.

Docket HM-145D, Hazardous Waste Manifest was first identified in the April 1, 1982, issue of the Department of Transportation Semi-Annual Regulations Agenda and Review List (47 FR 14080) as a "Significant Regulation." It was believed there would be substantial shipper and carrier industry

as well as State government interest in, and controversy concerning, a hazardous waste manifest system. EPA resolved the only significant problem area by modifying the format of the manifest slightly to allow limited State requested information to be entered on the manifest. As presented in this final rule, the uniform hazardous waste manifest is an EPA standard form and MTB is authorizing it to be used as a shipping paper when it contains the necessary entries to meet shipping paper requirements. The anticipated substantial controversy has not materialized.

III. Discussion of Comments

A. *General.* In response to Notice No. 82-2 (Docket No. HM-145D, 47 FR 9346, March 4, 1982), MTB received comments from 78 different organizations. Generators accounted for the largest group and all but one of those 52 commenters expressed a general approval of the rules as proposed.

Various agencies of the State governments filed a total of 13 comments. Although the New Jersey Department of Transportation gave its unequivocal support to the proposed rules and the Wisconsin Department of Natural Resources strongly opposed the proposed rules, most State agencies indicated they did see advantages in nationally consistent regulations but expressed only their tentative support for adoption of a uniform hazardous waste manifest. Limited support by the States is generally tied to provisions that: (1) Would have the content of the form modified to include specific data which the States consider essential to effective waste management; (2) allow control of the forms and assignment of unique document numbers to be managed by the States; and (3) permit the States to require use of their own manifest form when the generator and treatment, storage, or disposal facility are both located within the same State.

Comments were also received from six organizations representing carriers or carrier associations. Only the California Trucking Association expressed a disapproval of the proposed rule. Its main objection is to the provision which effectively prohibits States from requiring their own forms for purely intrastate shipments.

Five comments were received from operators of hazardous waste treatment, storage or disposal facilities. Three of those commenters support the proposal and two oppose it.

Finally, ASTSWMO and HMAC filed separate and joint comments which support the concept of the proposed

rules. Their comments do, however, contain recommendation which each organization considers necessary to accomplish the objectives of this rulemaking.

B. Format of the Uniform Hazardous Waste Manifest. Practically every comment received in response to the notice of proposed rulemaking contains recommendations that the manifest forms be revised to: include more data elements than were proposed, delete some of the proposed data elements, or incorporate designs which are more suitable for data entry and extraction. Aside from the acceptability of the forms to contain hazard warning, certification, and additional information considered absolutely necessary for all shipping papers, MTB has deferred to EPA's judgment in all other aspects of the development of the manifest document. MTB is satisfied that the format developed by EPA does permit generators to comply with requirements of the Hazardous Materials Regulations applicable to shipping papers. With respect to the commenter's specific recommendations regarding other data elements, MTB advised EPA of the presence of those comments in Docket HM-145D for EPA's consideration in revising the proposed form. Consequently, this document does not address specific comments regarding the format of the Uniform Hazardous Waste Manifest. Interested persons should refer to EPA's final rule appearing elsewhere in this issue of the **Federal Register** for a discussion of comments pertaining to the form.

C. Intrastate Shipments Transported by Motor Vehicle. Expanding the scope of the Hazardous Materials Regulations to include the intrastate shipment of hazardous waste in States which operate a hazardous waste program under interim authorization from EPA met resistance only on the issue of required use of the Uniform Hazardous Waste Manifest. Consistent with the Congressional intent discussed earlier in the preamble, MTB believes that a primary element in establishing a uniform national system for safe and effective control of hazardous waste transportation is uniform documentation. This is particularly important as greater emphasis is being placed on enforcement of the Department's Hazardous Materials Regulations (including those applying in particular to hazardous wastes) by highway enforcement agencies of the States. Therefore, this amendment applies to all hazardous waste transportation that is subject to EPA's

manifest requirements specified in 40 CFR Part 262.

D. Miscellaneous Comments. Comments filed by the Missouri Pacific Railroad Company express that carrier's concern about individual State requirements which may compel rail carriers to physically handle the Uniform Hazardous Waste Manifest. Presently, § 172.205(f) excepts rail carriers from that process, if the originating rail carrier signs the manifest and in turn obtains the handwritten signature of the person representing the designated facility on the carrier's separately generated shipping paper for the waste. Under this system, the generator sends the original manifest to the designated facility by mail or other means. The rail carrier's shipping paper, in turn, must contain all information required by DOT and EPA on the manifest except for generator and carrier identification numbers and the generator's certification and signature. The Missouri Pacific Railroad Company thinks it is necessary for DOT to restrict States from imposing different shipping paper requirements on railroads so that the railroad's existing automated record handling systems may be preserved. Because § 172.205(f) clearly indicates MTB's intent that rail carriers not be required to physically handle the waste manifest with other documents accompanying freight in a train delivering hazardous waste to a treatment, storage, or disposal facility, no further amendment is considered necessary or appropriate. State requirements which are inconsistent with the Hazardous Materials Regulations are expressly preempted by Section 112 of the HMTA. Where, as here MTB's stated purpose in amending the Hazardous Materials Regulations is to establish a nationally uniform hazardous waste manifest system, the type of State action which DOT is urged to prohibit would clearly be inconsistent and, therefore, preempted. Therefore, the concerns expressed by the Missouri Pacific Railroad Company are resolved by the rule as proposed and adopted by this amendment.

In comments submitted by the Allied Chemical Company, the proposed rule was correctly interpreted as precluding the practice whereby a vehicle which, in a single day, transported multiple shipments of the same type of waste to the same disposal facility could use a single manifest showing cumulative quantities of the waste transported. As that concept is presently being studied by EPA under Docket No. 3002 (Standard for Hazardous Waste Generators: Alternate Manifest) the

Allied Chemical Company comments are considered beyond the scope of Docket HM-145D.

IV. Effective Date and Synopsis of Amendments

After considering alternatives for phasing in the Uniform Hazardous Waste Manifest, MTB and EPA have agreed to an effective date six months following publication in the **Federal Register**. This time period was chosen to provide States and the regulated community sufficient time to implement the new hazardous waste manifest.

MTB is amending the Hazardous Materials Regulations to: (1) Remove the qualifying language in § 171.1(a)(3)(i) pertaining to transportation of hazardous waste by motor vehicle in intrastate commerce, thereby making the Hazardous Materials Regulations applicable to all hazardous wastes transported offsite by motor vehicle; (2) Revise the Note following § 171.3(c)(3); (3) Amend § 172.201 to specifically recognize the use of continuation pages for shipping papers, by requiring a showing of the number of pages constituting a multi-page shipping paper; and (4) Amend § 172.205(a) to require that EPA Form 8700-22 (and 8700-22A when appropriate) be used to display mandatory hazardous waste information for all such transportation.

V. Classification of Rule; Reporting Requirements; and Impact on Small Entities

A. Non-Major Rule. The Materials Transportation Bureau has determined that this regulatory amendment is not a major rule under terms of Executive Order 12291 or significant under DOT's regulatory procedures (44 FR 11034), and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). This determination is made on the basis that: (1) The final rule will have an annual effect on the economy not exceeding \$100 million, (2) there will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local governmental agencies, or geographic regions, (3) it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets, and (4) no environmental impact is anticipated, however, if there is any it is expected to be positive, resulting from more positive control over carriers of hazardous

waste. A regulatory evaluation is available for review in the docket.

B. Paperwork Reduction Act. Information collection requirements contained in this regulation (§ 172.205) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2137-0034.

C. Impact on Small Entities. Based on limited information available concerning size and nature of entities likely to be affected, I certify that this amendment will not, as promulgated, have a significant economic impact on a substantial number of small entities. This determination recognizes that most small entities generate less than 2200 pounds of hazardous waste per month and, therefore, are already excepted from the regulations applicable to hazardous waste transportation.

VI. List of Subjects

49 CFR Part 171

Hazardous materials transportation, and waste treatment and disposal.

49 CFR Part 172

Hazardous materials transportation.

In consideration of the foregoing, Parts 171 and 172 of Title 49 Code of Federal Regulations are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.1, paragraph (a)(3)(i) is revised to read as follows:

§ 171.1 Purpose and scope.

- (a) * * *
- (3) * * *
- (i) Hazardous waste.

2. In § 171.3, Note 1 to paragraph (e) is amended by removing the reference "40 CFR 262.21 and 263.11" and inserting, in its place, "40 CFR 262.20(a) and 263.11", and the Note following paragraph (c)(3) is revised to read as follows:

§ 171.3 Hazardous waste.

(c) * * *

(3) * * *

Note.—See § 172.205; each manifest must be prepared in accordance with 40 CFR 262.20 including the instructions and limitations specified for preparation of a manifest.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

3. In § 172.201, paragraph (c) is added to read as follows:

§ 172.201 General entries.

(c) *Continuation page.* A shipping paper may consist of more than one page, if each page is consecutively numbered and the first page bears a notation specifying the total number of pages included in the shipping paper. For example, "Page 1 of 4 pages."

4. In § 172.205, paragraph (a) is revised to read as follows:

§ 172.205 Hazardous waste manifest.

(a) No person may offer, transport, transfer, or deliver a hazardous waste (waste) unless an EPA Forms 8700-22 and 8700-22A (when necessary) hazardous waste manifest (manifest) is prepared in accordance with 40 CFR 262.20 and is signed, carried, and given as required of that person by this section.

(Approved by the Office of Management and Budget under OMB control numbers 2137-0034)

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

Issued in Washington, D.C., on March 12, 1984.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-7167 Filed 3-19-84; 8:45 am]

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34 CFR Part 690

Tuesday
March 20, 1984

Part V

Department of Education

34 CFR Part 690

Pell Grant Program—Schedule of
Expected Family Contributions; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 690

Pell Grant Program—Schedule of Expected Family Contributions

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations for the Pell Grant Expected Family Contribution Schedule for the 1985-86 award year. These regulations are needed to implement the provisions of Section 4 of the Student Loan Consolidation and Technical Amendments Act of 1983, Public Law 98-79. The Family Contribution Schedule sets forth the formulas used in determining student eligibility for Pell Grants on the basis of need. The Pell Grant expected family contribution number is also known as the "student aid index (SAI)."

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the *Federal Register* or later if Congress takes certain adjournments. It should be noted, however, that these regulatory amendments apply only to the awarding of student financial assistance under the Pell Grant Program for periods of enrollment beginning on or after July 1, 1985. The regulations for the 1984-85 award year, which pertain to the awarding of student financial assistance under the Pell Grant Program for periods of enrollment beginning on or after July 1, 1984 through June 30, 1985, are still applicable. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Brian Kerrigan, Chief, Pell Grant Policy Section, or Deborah Cohen, Pell Grant Program Specialist, Office of Student Financial Assistance, U.S. Department of Education, [ROB-3, Room 4318], 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 472-4300.

SUPPLEMENTARY INFORMATION:**Background**

Section 4 of the Student Loan Consolidation and Technical Amendments Act of 1983 (Pub. L. 98-79), enacted on August 15, 1983, requires the Secretary to use, with certain specified modifications, the 1983-84 award year Pell Grant Expected Family Contribution Schedule in award years 1984-85 and 1985-86. The modifications include changes in the family size offsets, and other changes to reflect the most recent and relevant data, such as updating the calendar years. The Secretary is

amending only the relevant sections of the 1984-85 Pell Grant Family Contribution Schedule, and publishing these amendments as final regulations.

A technical revision also is being made to correct an omission in § 690.46 of the 1984-85 Family Contribution Schedule concerning the adjustment to the total expected family contribution for an independent student, based on the number of family members enrolled in programs of postsecondary education. The words "or more" should be added for "4" family members.

Updating the Family Size Offsets to Account for Inflation

Section 4 of the Student Loan Consolidation and Technical Amendments Act of 1983 requires that the family size offsets for the 1985-86 Pell Grant Expected Family Contribution Schedule be based upon the offsets used in the 1984-85 award year schedule, adjusted by a percentage change equal to the percentage increase or decrease in the Consumer Price Index for Wage Earners and Clerical Workers published by the Department of Labor, rounded to the nearest \$100. That section also provides that the percentage change is the percentage difference between the arithmetic mean for the period of October 1, 1982, through September 30, 1983, and the arithmetic mean for the period of October 1, 1983, through September 30, 1984. Finally, that section directs the Secretary to publish the family size offset tables for the 1985-86 Pell Grant Schedule immediately after the Secretary of Labor publishes the Consumer Price Index for September, 1984. Therefore, the family size offsets will be published in the *Federal Register* at that time.

Proposed Self-help Grant Program

The Secretary has included in the appropriation language for the 1985 Budget request, provisions that will implement a new Self-help Grant Program for the 1985-86 award year that will, if enacted, broaden the goals of the Pell Grant Program.

The Self-help Grant Program is designed to provide grant aid as a supplement to the family's and student's self-help contributions toward educational costs at postsecondary institutions. The Administration's Fiscal Year 1985 budget request provides for full funding of awards of up to \$3,000 for qualified students. As the cost of education increases, students will qualify for larger Self-help Grant awards and will also be required to make a larger self-help contribution. Therefore, while restoring some of the traditional responsibility for educational costs to

the student and family, substantial grant aid is provided to ensure not only access to but a wider choice of institutions, particularly for low-income students.

Description of the New Self-help Grant Program

There will be two elements for determining a student's financial eligibility for the Self-help Grant Program. The first element will be the expected family contribution as determined by this final regulation, except that an increase in the assessment rates on discretionary income for the family of a dependent student will be proposed. The second element will be a self-help contribution from the student which will be included in the award calculation.

The calculation used in determining the student's award will, in general, provide for a minimum self-help expectation of \$500 or 40 percent of the cost of attendance. The expectation rises as the cost of attendance increases.

The calculation used to determine a student's grant under this new program will be the least of the following:

- Cost of attendance minus \$500 minus expected family contribution;
- Cost of attendance minus 40 percent of cost of attendance minus expected family contribution;
- \$1,000 plus 25 percent of cost of attendance minus expected family contribution;
- Maximum grant minus expected family contribution.

The student's self-help contribution can be met through work earnings, loans or other aid. Supplemental grants available to students may not contribute to the Self-help expectation.

The allowable cost of attendance for the new program would be direct educational costs (tuition and fees) plus an allowance for indirect costs (a maximum of \$3,000 for students not living at home and \$1,500 for students living at home). Except for these numerical changes in the indirect cost allowances, the cost of attendance regulations for the Self-help Grant program will be identical to the current Pell Grant cost of attendance regulations. The cost of attendance regulations for the Self-help Grant would be published later in the year.

The Self-help Grant Program has a number of advantages over the existing Pell Grant Program. Under the new program all students will have a greater opportunity to attend the postsecondary institution of their choice because students will be able to qualify for larger

awards at higher cost schools. Under current law, no student's Pell Grant would vary at any institution with a cost of attendance above \$3,800. Under the new program, a student's Self-help Grant would continue to increase up to a cost of attendance of \$8,000. The maximum Self-help Grant would be \$3,000 for the 1985-86 award year.

Another advantage of the new Self-help Grant Program is that it would more equitably distribute federal financial assistance to students. The Self-help Grant award calculations would reduce the grants of middle income students attending low cost schools as compared to other students at the same institutions who have a higher financial need. Under the existing program, two students attending the same low cost institution may receive the same award even though one student is from a low income family and another student is from a middle income family.

The Self-help Grant Program, therefore, is designed to assure equity by targeting awards to the most economically disadvantaged students, by relating the level of awards directly to the family's ability to contribute to educational costs, and by making awards more sensitive to the cost of education.

By improving award accuracy and by distributing funds more equitably, a \$3,000 maximum grant can be provided under the President's budget request of \$2.8 billion.

Proposed Statutory Change to the Expected Family Contribution Schedule Under the Self-help Grant Program

The Secretary is proposing a legislative change to the schedule of expected family contributions for the assessment rates on the discretionary income of the family of a dependent student. A legislative change would be necessary because assessment rates are statutorily set under Pub. L. 98-79. The Secretary proposes to increase the rates on discretionary income. Discretionary income is the income that remains after income taxes and all of the other offsets are subtracted from the total income of the family. Both the current and proposed assessment rates for the family of a dependent student require the first \$15,000 of discretionary income to be divided into three equal amounts, and the rates applied accordingly. That is, the first, second, and third \$5,000 of discretionary income are assessed at certain rates. The amounts above \$15,000 also are assessed at a certain rate. Under current law, as reflected in this final regulation, the first \$5,000 is assessed at 11 percent, the second

\$5,000 is assessed at 13 percent, the third \$5,000 is assessed at 18 percent, and amounts above \$15,000 are assessed at 25 percent. Under the proposed legislation for the Self-help Grant Program, the first \$5,000 would be assessed at 18 percent, the second \$5,000 would be assessed at 20 percent, the third \$5,000 would be assessed at 25 percent, and amounts above \$15,000 would be assessed at 30 percent.

If Congress provides legislation to authorize the Self-help Grant Program, the Secretary will publish regulations implementing that legislation.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations revise the Pell Grant Family Contribution Schedule used in determining student eligibility for Pell Grants. They do not have an impact on small entities.

Assessment of Educational Impact

The Secretary has determined that the regulations in this document would not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Waiver of Rulemaking

In accordance with Section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the changes made in these regulations are specifically directed by Section 4 of Public Law 98-79 and establish no new substantive policy. Public comment could have no effect on the content of these regulations. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(3)(B), that proposed rulemaking on these regulations is unnecessary and contrary to the public interest.

List of Subjects in 34 CFR Part 690

Administrative practice and procedure, Education, Education of

disadvantaged, Grant programs—education, Student aid.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Dated: March 13, 1984.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.063; Pell Grant Program)

The Secretary amends Part 690 of Title 34 of the Code of Federal Regulations as follows:

PART 690—PELL GRANT PROGRAM

§ 690.32 Special Definitions. [Amended]

1. In § 690.32, under the definition for "Dependent of the student's parents," "1984-85" is amended to read "1985-86."

2. In § 690.32, under the definition "medical expenses," "1983" is amended to read "1984" and "1984" is amended to read "1985."

§ 690.33 Effective family income. [Amended]

3. In § 690.33(b)(1), "1983" is amended to read "1984."

4. In § 690.33(b)(2), "1984-85" is amended to read "1985-86."

5. In § 690.33(f), "1983 or 1984" is amended to read "1984 or 1985."

§ 690.33a Effective student income. [Amended]

6. In § 690.33a(b), "1983" is amended to read "1984."

7. In § 690.33a(f), "June 1, 1984 through May 31, 1985" is amended to read "June 1, 1985 through May 31, 1986," and "1983" is amended to read "1984."

§ 690.34 Computation of the expected family contribution for a dependent student from the effective family income. [Amended]

8. In § 690.34(a)(1)(i), "A family size offset in the amount specified in the following table."

FAMILY SIZE OFFSETS

Family members	Amount
2	\$6,000
3	7,300
4	9,300
5	11,000
6	12,400

Plus \$1,600 for each additional family member over 6," is amended to read "A family size offset. (The Secretary determines the amount of the family size offsets in accordance with section 5 of the Student Financial Assistance

Technical Amendments Act of 1982 as amended by the Student Loan Consolidation and Technical Amendments Act of 1983. The Secretary publishes a table in the **Federal Register** setting forth the offsets immediately after the Secretary of Labor publishes the Consumer Price Index for September.)

9. In § 690.34(a)(2), "1983" is amended to read "1984" and "1984" is amended to read "1985."

10. In § 690.34(a)(3)(ii), "1983" is amended to read "1984" and "1984" is amended to read "1985."

11. In § 690.34(a)(4), "1983" is amended to read "1984" and "1984" is amended to read "1985."

§ 690.34a Computation of the expected family contribution for a dependent student from the effective student income. [Amended]

12. In § 690.34a(a)(1), "If the parental discretionary income is positive, the dependent student offset, which is derived from the family size offset (See § 690.34(a)(1)(i)), is in the amount specified below:

DEPENDENT STUDENT OFFSET

Single student.....	\$3,200
Married student.....	4,700

is amended to read "If the parental discretionary income is positive, the dependent student offset, which is derived from the family size offset, will be the amount published in the **Federal Register** along with the family size offset. (See § 690.34(a)(1)(i))."

§ 690.39 Extraordinary circumstances affecting the expected family contribution determination for a dependent student. [Amended]

13. In § 690.39(a), "1984" is amended to read "1985."

14. In § 690.39(a)(1), "1983" is amended to read "1984" and "1984" is amended to read "1985."

15. In § 690.39(a)(2), "1983" is amended to read "1984," "1984" is amended to read "1985," and "1983 or 1984" is amended to read "1984 or 1985."

16. In § 690.39(a)(3), "1983" is amended to read "1984" and "1984" is amended to read "1985."

17. In § 690.39(a)(5), "1983" is amended to read "1984," "after the

submission of an earlier application for 1984-85" is amended to read "after the student has submitted his or her application," and "1984" is amended to read "1985."

18. In § 690.39(b), "1984" is amended to read "1985."

§ 690.42 Special definitions. [Amended]

19. In § 690.42, under the definition for "Dependent," "1984-85" is amended to read "1985-86."

§ 690.43 Effective family income. [Amended]

20. In § 690.43(b)(1), "1983" is amended to read "1984."

21. In § 690.43(b)(2), "1984-85" is amended to read "1985-86."

§ 690.44 Computation of the expected family contribution for an independent student from the effective family income. [Amended]

22. In § 690.44(a)(1)(i), "A family size offset in the amount specified in the following table.

FAMILY SIZE OFFSETS

Family members	Amount
1.....	\$4,700
2.....	6,000
3.....	7,300
4.....	9,300
5.....	11,000
6.....	12,400

Plus \$1,600 for additional family member over 6." is amended to read "A family size offset. (The Secretary determines the amount of the family size offset in accordance with section 5 of the Student Financial Assistance Technical Amendments Act of 1982 as amended by the Student Loan Consolidation and Technical Amendments Act of 1983. The Secretary publishes a table in the **Federal Register** setting forth the offsets immediately after the Secretary of Labor publishes the Consumer Price Index for September.)"

23. In § 690.44(a)(2), "1983" is amended to read "1984" and "1984" is amended to read "1985."

24. In § 690.44(a)(3)(ii), "1983" is amended to read "1984" and "1984" is amended to read "1985."

25. In § 690.44(a)(4), "1983" is amended to read "1984" and "1984" is amended to read "1985."

§ 690.46 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education. [Amended]

26. In § 690.46(b):

"Number of family members enrolled in programs of postsecondary education"	Expected contribution per student from combined contributions
1.....	100 percent of the contribution determined in paragraph (a).
2.....	70 percent of the contribution determined in paragraph (a).
3.....	50 percent of the contribution determined in paragraph (a).
4.....	40 percent of the contribution determined in paragraph (a).

is amended to read,

"Number of family members enrolled in programs of postsecondary education"	Expected contribution per student from combined contributions
1.....	100 percent of the contribution determined in paragraph (a).
2.....	70 percent of the contribution determined in paragraph (a).
3.....	50 percent of the contribution determined in paragraph (a).
4 or more.....	40 percent of the contribution determined in paragraph (a).

§ 690.48 Extraordinary circumstances affecting the expected family contribution determination for an independent student. [Amended]

27. In § 690.48(a), "1984" is amended to read "1985."

28. In § 690.48(a)(1), "1983" is amended to read "1984" and "1983" is amended to read "1984."

29. In § 690.48(a)(2), "1983" is amended to read "1984" and "1984" is amended to read "1985."

30. In § 690.48(a)(3), "1983" is amended to read "1984," and "1984" is amended to read "1985," and "1983 or 1984" is amended to read "1984 or 1985."

31. In § 690.48(a)(4), "1983" is amended to read "1984" and "1984" is amended to read "1985."

32. In § 690.48(a)(6), "1983" is amended to read "1984," and "after the submission of an earlier application for 1984-85," is amended to read "after the student has submitted his or her application."

33. In § 690.48(b), "1984" is amended to read "1985."

(Sec. 4 of Pub. L. 98-79)

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