

available, determine the level of per capita personal income in the county or counties where project benefits accrue (the "project area", and compare this to the national average of per capita personal income. Source: Reference § 241.3(e). For Alaska and Hawaii only, divide the per capita personal income figure by one plus the percentage used in the Federal Government's cost of living pay differential for Federal workers who purchase local retail and who use private housing, employed in Anchorage, AK and Oahu, HI. Index each county's per capita personal income to the national average (U.S. = 100), and calculate the three year average of the county's index number.

(3) To assure consistency, the calculations in § 241.5(b) (1) and (2) will be performed by HQUSACE and distributed to all field elements. This information is included in Appendices A and B to this document. In subsequent years the information will be included in the Corps' Reference Handbook, Ref. § 241.3(g), which is updated annually.

(4) When the project area includes more than one county, calculate a composite project area index by taking a weighted average of the county index numbers, the weights being equal to the relative levels of benefits received in each county.

(5) Calculate an "eligibility factor" for the project according to the following formula:

$$EF = a - b_1 \times (\text{state factor}) - b_2 \times (\text{area factor}).$$

If EF is one or more, the project is eligible for the full reduction in cost-share to the benefits based floor. If EF is zero or less, the project is not eligible for a reduction. If EF is between zero and one, the non-Federal cost-share will be reduced proportionately to an amount which is greater than the BBF but less than the normal non-Federal cost-share. See paragraph § 241.5(c) below. The values of a , b_1 , and b_2 will be determined by HQUSACE. The parameter values will be based on the latest available data and set so that 20 percent of counties have an EF of 1.0 or more, while 66.7 percent have an EF of 0 or less. These values will be adjusted periodically as new information becomes available. Changes will be published in the Corps' Reference Handbook. The values as of July 1, 1987, are:

$$\begin{aligned} a &= 14.45646 \\ b_1 &= 0.08858 \\ b_2 &= 0.08858 \end{aligned}$$

Note that currently, b_1 and b_2 are equal, giving the same weight to state and local income levels.

(6) For Puerto Rico, Guam and other U.S. territories the eligibility factor is administratively established to be equal to 1.

(c) *Application of the ability to pay formula to the basic cost-sharing provisions of section 103.* If a flood control project has a BBF which is less than the normal cost-share and an EF which is greater than zero, the non-Federal cost-share will be reduced. The actual reduction is determined by applying the ability to pay formula to the basic flood control cost-sharing provisions of section 103 of Pub. L. 99-662 as follows:

(1) when EF = 1:

$$\text{cost-share} = \text{BBF}$$

(2) when EF < 1, for structural projects covered by section 103(a):

(i) if LERRD equals or exceeds 45 percent:

$$\text{cost-share} = 50 - EF \times (50 - \text{BBF})$$

(ii) if LERRD exceeds 20 percent but is less than 45 percent:

$$\text{cost-share} = (\text{LERRD} + 5) - EF \times [(\text{LERRD} + 5) - \text{BBF}]$$

(iii) if LERRD is less than 20 percent:

$$\text{cost-share} = 25 - EF \times (25 - \text{BBF})$$

(3) when EF < 1, for non-structural projects covered by Section 103(b):

$$\text{cost-share} = 25 - EF \times (25 - \text{BBF})$$

(4) In no case can the non-Federal share be less than five percent.

Note: LERRD equals the costs of lands, easements, rights-of-way, relocations, and dredged material disposal areas.

§ 241.6 Application of test.

(a) A preliminary ability to pay test will be applied during the study phase of any proposed project. If the ability to pay cost-share is lower than the share that would normally apply, the revised estimated cost-share will be used for budgetary and other planning purposes.

(b) The official application of the ability to pay test will be made at the time the Local Cooperation Agreement (LCA) between the Corps of Engineers and the Non-Federal interest is signed. For structural flood control projects, the normal level of cost-sharing will not be known until the end of the project (since the normal level as specified in section 103(a) includes LERRD). In this case, if the Eligibility Factor is greater than zero but less than one, the ability to pay non-Federal share will be determined using estimated costs. For all projects, the LCA will include a clause indicating the results of the ability to pay test. If a project is eligible for a lower non-Federal share, the revised share will be specified (there will be no recalculation

of this share once the LCA is signed). If at the time of project completion, the normal non-Federal share based on actual costs, is less than the ability to pay share specified in the LCA, the normal share will apply. For all projects, an exhibit attached to the LCA will include: The benefits based floor (BBF) determined in § 241.5(a); the eligibility factor (EF) determined in § 241.5(b); if the Eligibility Factor is greater than zero and less than one, the estimated normal non-Federal share; and the formula used in determining the ability to pay share as described in paragraphs § 241.5(c)(1) through (c)(4).

(c) For structural projects, the project sponsor will be required to provide a cash payment equal to a minimum of five per cent of estimated total project costs during the period of construction, regardless of the outcome of the ability to pay test. If formula § 241.5(c)(2) is used to estimate the non-Federal share, the resultant non-Federal cash requirement could continue to exceed five per cent. For example, if LERRD is 10 percent of costs, the normal cost-share requirement is 25 percent, including 15 percent cash payment; if the revised Non-Federal share under ability to pay is 20 percent, there remains a 10 percent cash requirement. In these cases, the Non-Federal interest shall pay its share of cash during construction at a rate proportionate to its projected final cash share. If the non-Federal share, adjusted for ability to pay considerations, exceeds 30 percent, section 103(a)(4), permitting deferred payment of the amount exceeding 30 percent, will still apply.

(d) If the normal LERRD plus five percent cash requirement exceeds the ability to pay cost-sharing requirement, the Federal Government will make any necessary adjustments to the Non-Federal interest through Federal payments for LERRD or reimbursement. The adjustment mechanism will be negotiated and the Local Cooperation Agreement will include a description of the mechanism.

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Appendix A.—State Per Capita Personal Income Index Numbers, State Income as a Percent of U.S. Average, 1984-86

State	State Index No.
Alabama.....	76.90
Alaska.....	104.14
Arizona.....	91.71
Arkansas.....	75.33

[illegible]

County	County PCI Index	County	County PCI Index	County	County PCI Index
Hendry.....	79.35	Chattooga.....	63.19	Marion.....	63.49
Hernando.....	75.38	Cherokee.....	85.30	Meriwether.....	62.46
Highlands.....	80.66	Clarke.....	84.83	Miller.....	64.52
Hillsborough.....	89.57	Clay.....	50.31	Mitchell.....	62.26
Holmes.....	52.70	Clayton.....	92.14	Monroe.....	74.40
Indian River.....	106.55	Clinch.....	64.28	Montgomery.....	63.99
Jackson.....	64.30	Cobb.....	118.73	Morgan.....	78.78
Jefferson.....	60.26	Coffee.....	64.36	Murray.....	70.33
Lafayette.....	71.63	Colquitt.....	70.15	Muscogee.....	83.48
Lake.....	92.48	Columbia.....	92.70	Newton.....	80.34
Lee.....	101.53	Cook.....	56.92	Oconee.....	86.71
Leon.....	84.80	Coweta.....	86.71	Oglethorpe.....	72.62
Levy.....	60.37	Crawford.....	73.16	Paulding.....	73.51
Liberty.....	58.01	Crisp.....	66.38	Peach.....	79.25
Madison.....	66.52	Dade.....	61.17	Pickens.....	79.21
Manatee.....	103.56	Dawson.....	84.67	Pierce.....	62.29
Marion.....	76.85	Decatur.....	70.39	Pike.....	75.37
Martin.....	113.73	De Kalb.....	116.85	Polk.....	74.36
Monroe.....	88.58	Dodge.....	64.81	Pulaski.....	76.25
Nassau.....	84.72	Dooly.....	77.98	Putnam.....	71.13
Okaloosa.....	82.23	Dougherty.....	78.52	Quitman.....	55.00
Okeechobee.....	60.04	Douglas.....	84.84	Rabun.....	61.81
Orange.....	99.90	Early.....	65.79	Randolph.....	54.86
Osceola.....	85.03	Echols.....	55.93	Richmond.....	84.44
Palm Beach.....	130.73	Effingham.....	76.56	Rockdale.....	93.75
Pasco.....	80.71	Elbert.....	76.57	Schley.....	69.39
Pinellas.....	113.11	Emanuel.....	60.20	Screven.....	65.01
Polk.....	82.71	Evans.....	66.09	Seminole.....	69.13
Putnam.....	71.99	Fannin.....	64.99	Spalding.....	78.93
St. Johns.....	94.78	Fayette.....	120.55	Stephens.....	72.72
St. Lucie.....	79.41	Floyd.....	87.61	Stewart.....	57.37
Santa Rosa.....	82.18	Forsyth.....	93.78	Sumter.....	74.31
Sarasota.....	126.95	Franklin.....	79.88	Talbot.....	56.49
Seminole.....	96.82	Fulton.....	109.42	Taliaferro.....	72.13
Sumter.....	66.95	Gilmer.....	74.02	Tattnall.....	62.31
Suwannee.....	65.44	Glascok.....	79.59	Taylor.....	65.97
Taylor.....	71.64	Glynn.....	89.67	Telfair.....	71.66
Union.....	47.77	Gordon.....	80.06	Terrell.....	59.42
Volusia.....	90.66	Grady.....	68.92	Thomas.....	78.21
Wakulla.....	63.72	Greene.....	64.77	Tift.....	77.95
Walton.....	56.01	Gwinnett.....	112.83	Toombs.....	64.38
Washington.....	61.79	Habersham.....	69.40	Towns.....	58.51
Georgia		Hall.....	91.75	Treutlen.....	58.02
Appling.....	73.56	Hancock.....	56.15	Troup.....	83.08
Atkinson.....	67.93	Haralson.....	81.22	Turner.....	71.07
Bacon.....	61.69	Harris.....	69.97	Twiggs.....	57.76
Baker.....	64.30	Hart.....	74.43	Union.....	50.44
Baldwin.....	72.23	Heard.....	76.05	Upson.....	71.35
Banks.....	71.18	Henry.....	91.29	Walker.....	74.99
Barrow.....	78.67	Houston.....	88.92	Walton.....	75.65
Bartow.....	77.19	Irwin.....	71.08	Ware.....	78.71
Ben Hill.....	67.59	Jackson.....	76.89	Warren.....	63.68
Berrien.....	70.14	Jasper.....	79.66	Washington.....	70.39
Bibb.....	86.46	Jeff Davis.....	74.13	Wayne.....	70.84
Bleckley.....	73.29	Jefferson.....	65.21	Webster.....	69.91
Brantley.....	59.62	Jenkins.....	57.48	Wheeler.....	58.15
Brooks.....	56.32	Johnson.....	63.11	White.....	64.15
Bryan.....	66.70	Jones.....	77.28	Whitfield.....	88.26
Bulloch.....	67.11	Lamar.....	71.55	Wilcox.....	62.60
Burke.....	64.88	Lanier.....	60.57	Wilkes.....	75.09
Butts.....	69.10	Laurens.....	74.26	Wilkinson.....	72.56
Calhoun.....	72.25	Lee.....	74.64	Worth.....	67.44
Camden.....	82.40	Liberty.....	66.60	Hawaii	
Candler.....	60.20	Lincoln.....	66.71	Hawaii.....	69.79
Carroll.....	78.62	Long.....	57.35	Honolulu.....	95.11
Catoosa.....	71.16	Lowndes.....	73.25	Kauai.....	73.07
Charlton.....	60.77	Lumpkin.....	68.55	Maui and Kalawao.....	81.12
Chatham.....	90.41	McDuffie.....	70.75		
Chattahoochee.....	60.74	McIntosh.....	55.11		
		Macon.....	58.15		
		Madison.....	73.51		

County	County PCI Index	County	County PCI Index	County	County PCI Index
Idaho		Edgar.....	88.61	Warren.....	88.11
Ada.....	98.15	Edwards.....	96.18	Washington.....	92.51
Adams.....	83.49	Effingham.....	83.91	Wayne.....	86.26
Bannock.....	81.50	Fayette.....	67.61	White.....	91.78
Bear Lake.....	71.06	Ford.....	103.98	Whiteside.....	89.34
Benewah.....	81.09	Franklin.....	88.47	Will.....	100.92
Bingham.....	67.53	Fulton.....	84.60	Williamson.....	81.52
Blaine.....	95.00	Gallatin.....	73.89	Winnebago.....	100.87
Boise.....	77.47	Greene.....	77.19	Woodford.....	98.94
Bonner.....	69.44	Grundy.....	111.95	Indiana	
Bonneville.....	86.16	Hamilton.....	73.86	Adams.....	79.72
Boundary.....	73.94	Hancock.....	83.21	Allen.....	95.90
Butte.....	66.28	Hardin.....	58.39	Bartholomew.....	96.36
Camas.....	113.80	Henderson.....	78.25	Benton.....	102.69
Canyon.....	74.98	Henry.....	97.42	Blackford.....	77.71
Caribou.....	75.36	Iroquois.....	97.33	Boone.....	104.64
Cassia.....	78.17	Jackson.....	76.90	Brown.....	70.68
Clark.....	124.46	Jasper.....	76.11	Carroll.....	84.35
Clearwater.....	67.41	Jefferson.....	87.23	Cass.....	89.24
Custer.....	76.38	Jersey.....	84.63	Clark.....	85.79
Elmore.....	70.53	Jo Daviess.....	88.44	Clay.....	83.90
Franklin.....	65.40	Johnson.....	53.12	Clinton.....	89.67
Fremont Co & Yellowstone Park.....	70.02	Kane.....	111.92	Crawford.....	60.73
Gem.....	76.53	Kankakee.....	91.81	Daviess.....	74.16
Gooding.....	72.03	Kendall.....	101.88	Dearborn.....	84.83
Idaho.....	69.58	Knox.....	91.17	Decatur.....	84.42
Jefferson.....	59.90	Lake.....	134.13	De Kalb.....	85.53
Jerome.....	66.26	La Salle.....	98.49	Delaware.....	81.97
Kootenai.....	80.81	Lawrence.....	97.72	Dubois.....	93.54
Latah.....	75.72	Lee.....	98.45	Elkhart.....	98.58
Lemhi.....	64.84	Livingston.....	100.48	Fayette.....	82.72
Lewis.....	101.42	Logan.....	100.05	Floyd.....	91.60
Lincoln.....	77.79	McDonough.....	72.79	Fountain.....	79.86
Madison.....	51.70	McHenry.....	115.82	Franklin.....	68.06
Minidoka.....	62.79	McLean.....	99.70	Fulton.....	78.86
Nez Perce.....	95.24	Macon.....	97.87	Gibson.....	93.11
Oneida.....	66.74	Macoupin.....	89.41	Grant.....	86.70
Owyhee.....	53.91	Madison.....	98.92	Greene.....	73.72
Payette.....	73.85	Marion.....	86.62	Hamilton.....	118.55
Power.....	85.92	Marshall.....	92.73	Hancock.....	97.95
Shoshone.....	77.87	Mason.....	88.08	Harrison.....	75.89
Teton.....	65.13	Massac.....	74.03	Hendricks.....	97.05
Twin Falls.....	84.35	Menard.....	95.53	Henry.....	83.10
Valley.....	81.51	Mercer.....	84.32	Howard.....	98.40
Washington.....	79.29	Monroe.....	104.39	Huntington.....	89.38
Illinois		Montgomery.....	89.81	Jackson.....	84.98
Adams.....	91.73	Morgan.....	97.30	Jasper.....	84.48
Alexander.....	59.38	Moultrie.....	86.80	Jay.....	80.70
Bond.....	83.06	Ogle.....	87.22	Jefferson.....	81.96
Boone.....	96.78	Peoria.....	103.19	Jennings.....	66.91
Brown.....	78.83	Perry.....	91.99	Johnson.....	98.48
Bureau.....	100.23	Piatt.....	100.93	Knox.....	84.11
Calhoun.....	79.64	Pike.....	75.19	Kosciusko.....	87.00
Carroll.....	84.38	Pope.....	45.92	LaGrange.....	65.45
Cass.....	93.14	Pulaski.....	57.81	Lake.....	92.23
Champaign.....	87.06	Putnam.....	95.29	La Porte.....	90.06
Christian.....	96.45	Randolph.....	85.81	Lawrence.....	80.97
Clark.....	84.52	Richland.....	97.25	Madison.....	86.50
Clay.....	80.87	Rock Island.....	100.58	Marion.....	101.46
Clinton.....	86.80	St. Clair.....	86.18	Marshall.....	85.79
Coles.....	80.08	Saline.....	86.06	Martin.....	74.33
Cook.....	111.75	Sangamon.....	104.49	Miami.....	83.66
Crawford.....	94.70	Schuyler.....	70.38	Monroe.....	72.23
Cumberland.....	65.43	Scott.....	91.21	Montgomery.....	87.17
De Kalb.....	86.46	Shelby.....	79.73	Morgan.....	86.69
De Witt.....	102.43	Stark.....	106.00	Newton.....	77.39
Douglas.....	91.04	Stephenson.....	101.51	Noble.....	79.41
Du Page.....	140.84	Tazewell.....	99.10	Ohio.....	75.55
		Union.....	75.88	Orange.....	67.10
		Vermilion.....	90.62		
		Wabash.....	98.27		

County	County PCI Index	County	County PCI Index	County	County PCI Index
Owen	72.61	Fremont	95.84	Barton	115.09
Parke	75.96	Greene	97.65	Bourbon	93.58
Perry	68.18	Grundy	93.82	Brown	89.16
Pike	87.68	Guthrie	84.97	Butler	105.91
Porter	100.41	Hamilton	99.44	Chase	93.22
Posey	92.16	Hancock	91.29	Chautauqua	75.52
Pulaski	85.94	Hardin	95.63	Cherokee	76.71
Putnam	77.26	Harrison	81.38	Cheyenne	96.48
Randolph	82.42	Henry	87.11	Clark	116.91
Ripley	79.53	Howard	77.35	Clay	86.29
Rush	83.30	Humboldt	101.20	Cloud	95.78
St. Joseph	95.45	Ida	87.84	Coffey	96.03
Scott	70.84	Iowa	95.11	Comanche	115.30
Shelby	88.25	Jackson	77.69	Cowley	90.51
Spencer	80.30	Jasper	92.81	Crawford	85.44
Starke	69.59	Jefferson	77.82	Decatur	115.37
Steuben	82.84	Johnson	93.88	Dickinson	88.04
Sullivan	79.14	Jones	77.95	Doniphan	76.93
Switzerland	62.34	Keokuk	89.14	Douglas	79.12
Tippecanoe	84.30	Kossuth	89.47	Edwards	114.09
Tipton	102.55	Lee	88.20	Elk	81.90
Union	84.31	Linn	103.59	Ellis	93.74
Vanderburgh	100.04	Louisa	80.63	Ellsworth	101.22
Vermillion	77.52	Lucas	88.51	Finney	108.44
Vigo	82.77	Lyon	78.77	Ford	109.79
Wabash	85.08	Madison	85.55	Franklin	92.32
Warren	83.98	Mahaska	81.83	Geary	83.61
Warlick	93.36	Marion	94.13	Gove	102.25
Washington	70.53	Marshall	100.03	Graham	99.78
Wayne	83.19	Mills	87.86	Grant	131.01
Wells	89.24	Mitchell	85.09	Gray	120.18
White	90.59	Monona	85.71	Greeley	151.42
Whitley	83.97	Monroe	80.63	Greenwood	95.58
Iowa		Montgomery	93.38	Hamilton	116.79
Adair	74.76	Muscatine	103.65	Harper	110.44
Adams	82.74	O'Brien	94.14	Harvey	93.19
Allamakee	72.58	Osceola	91.47	Haskell	117.44
Appanoose	73.88	Page	85.49	Hodgeman	136.21
Audubon	82.54	Palo Alto	92.96	Jackson	86.88
Benton	90.27	Plymouth	82.96	Jefferson	87.44
Black Hawk	94.72	Pocahontas	97.75	Jewell	99.30
Boone	90.98	Polk	112.56	Johnson	148.81
Bremer	91.13	Pottawattamie	91.85	Kearny	102.55
Buchanan	79.27	Poweshiek	95.65	Kingman	91.64
Buena Vista	93.66	Ringgold	73.38	Kiowa	104.68
Butler	84.45	Sac	91.28	Labette	79.38
Calhoun	96.75	Scott	100.92	Lane	147.43
Carroll	94.93	Shelby	87.16	Leavenworth	85.17
Cass	91.42	Sioux	77.79	Lincoln	105.25
Cedar	92.16	Story	87.39	Linn	87.85
Cerro Gordo	98.69	Tama	89.19	Logan	98.29
Cherokee	87.61	Taylor	71.74	Lyon	88.83
Chickasaw	83.89	Union	89.76	McPherson	100.96
Clarke	75.70	Van Buren	73.62	Marion	93.06
Clay	91.08	Wapello	86.69	Marshall	82.76
Clayton	78.92	Warren	94.60	Meade	129.96
Clinton	92.27	Washington	98.44	Miami	87.36
Crawford	85.63	Wayne	80.86	Mitchell	107.54
Dallas	98.57	Webster	94.26	Montgomery	87.36
Davis	66.31	Winnebago	97.97	Morris	80.36
Decatur	66.16	Winneshiek	73.30	Morton	114.38
Delaware	74.16	Woodbury	94.08	Nemaha	90.13
Des Moines	92.50	Worth	84.53	Neosho	93.46
Dickinson	93.64	Wright	107.96	Ness	115.05
Dubuque	88.27	Kansas		Norton	101.33
Emmet	89.84	Allen	87.22	Osage	83.27
Fayette	79.03	Anderson	93.31	Osborne	104.36
Floyd	84.75	Atchison	77.41	Ottawa	98.38
Franklin	88.37	Barber	111.76	Pawnee	101.26
				Phillips	112.80
				Pottawatomie	76.77

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County	County PCI Index	County	County PCI Index	County	County PCI Index
Vernon.....	59.91	Michigan		Ottawa.....	94.32
Washington.....	66.89	Alcona.....	67.60	Presque Isle.....	67.87
Webster.....	77.85	Alger.....	67.91	Roscommon.....	71.86
West Baton Rouge.....	83.05	Allegan.....	80.89	Saginaw.....	89.85
West Carroll.....	51.55	Alpena.....	76.14	St. Clair.....	93.76
West Feliciana.....	54.58	Antrim.....	73.41	St. Joseph.....	83.80
Winn.....	58.20	Arenac.....	68.38	Sanilac.....	77.81
Maine		Baraga.....	65.99	Schoolcraft.....	71.58
Androscoggin.....	83.69	Barry.....	80.32	Shiawassee.....	89.55
Aroostook.....	70.01	Bay.....	88.87	Tuscola.....	80.13
Cumberland.....	102.27	Benzie.....	73.88	Van Buren.....	76.51
Franklin.....	72.06	Berrien.....	87.42	Washtenaw.....	112.88
Hancock.....	84.15	Branch.....	82.43	Wayne.....	95.72
Kennebec.....	87.38	Calhoun.....	93.69	Wexford.....	70.11
Knox.....	84.00	Cass.....	86.54	Minnesota	
Lincoln.....	88.90	Charlevoix.....	77.74	Atkin.....	65.62
Oxford.....	76.81	Cheboygan.....	68.28	Anoka.....	99.67
Penobscot.....	81.41	Chippewa.....	65.08	Becker.....	65.08
Piscataquis.....	72.68	Clare.....	64.81	Beltrami.....	60.86
Sagadahoc.....	91.62	Clinton.....	93.15	Benton.....	75.32
Somerset.....	74.15	Crawford.....	64.65	Big Stone.....	73.69
Waldo.....	64.77	Delta.....	75.19	Blue Earth.....	91.74
Washington.....	67.96	Dickinson.....	90.48	Brown.....	90.76
York.....	84.40	Eaton.....	100.19	Carlton.....	75.99
Maryland		Emmet.....	84.61	Carver.....	102.07
Allegany.....	78.82	Genesee.....	100.72	Cass.....	68.30
Anne Arundel.....	111.83	Gladwin.....	65.15	Chippewa.....	81.41
Baltimore.....	119.14	Gogebic.....	71.61	Chisago.....	86.89
Calvert.....	102.94	Grand Traverse.....	93.20	Clay.....	80.40
Caroline.....	79.86	Gratiot.....	82.18	Clearwater.....	55.50
Carroll.....	106.40	Hillsdale.....	79.20	Cook.....	81.02
Cecil.....	89.80	Houghton.....	65.52	Cottonwood.....	92.06
Charles.....	97.67	Huron.....	84.28	Crow Wing.....	78.05
Dorchester.....	83.72	Ingham.....	96.49	Dakota.....	116.69
Frederick.....	100.82	Ionia.....	77.44	Dodge.....	85.18
Garrett.....	64.26	Iosco.....	71.27	Douglas.....	74.21
Harford.....	105.07	Iron.....	79.34	Faribault.....	91.54
Howard.....	137.13	Isabella.....	69.99	Fillmore.....	83.44
Kent.....	88.78	Jackson.....	88.32	Freeborn.....	95.70
Montgomery.....	166.64	Kalamazoo.....	100.49	Goodhue.....	94.62
E. George's.....	109.92	Kalkaska.....	70.45	Grant.....	82.48
Queen Anne's.....	95.68	Keweenaw.....	65.25	Hennepin.....	130.28
St. Mary's.....	85.92	Lake.....	55.95	Houston.....	81.08
Somerset.....	72.26	Lapeer.....	88.94	Hubbard.....	61.27
Talbot.....	119.65	Leelanau.....	89.07	Isanti.....	77.39
Washington.....	90.22	Lenawee.....	88.82	Itasca.....	72.35
Wicomico.....	86.54	Livingston.....	102.16	Jackson.....	88.24
Worcester.....	94.68	Luce.....	81.07	Kanabec.....	71.63
Baltimore Ind City.....	86.26	Mackinac.....	76.01	Kandiyohi.....	81.27
Massachusetts		Macomb.....	111.03	Kittson.....	92.15
Barnstable.....	119.12	Manistee.....	76.60	Koochiching.....	76.92
Berkshire.....	100.91	Marquette.....	76.25	Lac Qui Parle.....	79.48
Bristol.....	93.31	Mason.....	70.77	Lake.....	59.99
Dukes.....	101.04	Mecosta.....	56.36	Lake of the Woods.....	74.39
Essex.....	118.66	Menominee.....	76.64	Le Sueur.....	87.36
Franklin.....	92.92	Midland.....	103.76	Lincoln.....	68.19
Hampden.....	98.67	Missaukee.....	60.10	Lyon.....	86.26
Hampshire.....	91.16	Monroe.....	94.61	McLeod.....	98.42
Middlesex.....	132.22	Montcalm.....	75.71	Mahnomen.....	69.83
Nantucket.....	126.11	Montmorency.....	68.06	Marshall.....	84.77
Norfolk.....	138.57	Muskegon.....	82.25	Martin.....	103.81
Plymouth.....	103.19	Newaygo.....	70.15	Meeker.....	77.51
Suffolk.....	99.90	Oakland.....	137.12	Mille Lacs.....	79.31
Worcester.....	97.70	Oceana.....	68.42	Morrison.....	63.45
		Ogemaw.....	60.93	Mower.....	97.09
		Ontonagon.....	60.89	Murray.....	87.00
		Osceola.....	62.87	Nicollet.....	85.38
		Oscoda.....	56.71	Nobles.....	91.79
		Otsego.....	78.06	Norman.....	97.03

County	County PCI Index	County	County PCI Index	County	County PCI Index
Olmsted.....	117.28	Lafayette.....	56.87	Christian.....	73.80
Otter Tail.....	81.62	Lamar.....	63.89	Clark.....	64.60
Pennington.....	81.56	Lauderdale.....	79.96	Clay.....	107.47
Pine.....	67.61	Lawrence.....	53.39	Clinton.....	86.23
Pipestone.....	77.79	Leake.....	62.69	Cole.....	96.83
Polk.....	87.02	Lee.....	80.57	Cooper.....	83.78
Pope.....	71.36	LeFlore.....	62.55	Crawford.....	71.15
Ramsey.....	115.10	Lincoln.....	63.78	Dade.....	69.94
Red Lake.....	78.74	Lowndes.....	71.72	Dallas.....	60.28
Redwood.....	88.35	Madison.....	67.88	Davies.....	63.10
Renville.....	89.13	Marion.....	58.93	De Kalb.....	68.22
Rice.....	82.84	Marshall.....	51.09	Dent.....	60.97
Rock.....	84.14	Monroe.....	67.34	Douglas.....	49.20
Roseau.....	83.34	Montgomery.....	53.71	Dunklin.....	59.87
St. Louis.....	86.84	Neshoba.....	61.82	Franklin.....	87.43
Scott.....	102.99	Newton.....	68.61	Gasconade.....	76.49
Sherburne.....	78.70	Noxubee.....	48.60	Gentry.....	70.46
Sibley.....	79.21	Oktibbeha.....	60.10	Greene.....	89.37
Stearns.....	78.50	Panola.....	56.06	Grundy.....	77.59
Steele.....	102.77	Pearl River.....	62.46	Harrison.....	67.38
Stevens.....	81.05	Perry.....	70.07	Henry.....	87.37
Swift.....	71.33	Pike.....	61.97	Hickory.....	56.59
Todd.....	60.13	Pontotoc.....	62.06	Holt.....	73.90
Traverse.....	80.60	Prentiss.....	58.34	Howard.....	74.91
Wabasha.....	89.33	Quitman.....	53.01	Howell.....	61.70
Wadena.....	67.85	Rankin.....	78.81	Iron.....	68.53
Waseca.....	92.97	Scott.....	59.58	Jackson.....	102.73
Washington.....	109.99	Sharkey.....	56.30	Jasper.....	81.65
Watsonwan.....	96.44	Simpson.....	61.70	Jefferson.....	82.93
Wilkin.....	84.88	Smith.....	62.30	Johnson.....	72.36
Winona.....	81.82	Stone.....	68.07	Knox.....	66.56
Wright.....	83.63	Sunflower.....	53.49	Laclede.....	70.86
Yellow Medicine.....	85.23	Tallahatchie.....	49.08	Lafayette.....	88.06
Mississippi		Tate.....	68.25	Lawrence.....	68.41
Adams.....	79.17	Tippah.....	64.99	Lewis.....	65.81
Alcorn.....	70.96	Tishomingo.....	61.32	Lincoln.....	84.81
Amite.....	59.74	Tunica.....	51.19	Linn.....	75.49
Attala.....	55.23	Union.....	69.31	Livingston.....	81.53
Benton.....	53.90	Walthall.....	57.32	McDonald.....	58.11
Bolivar.....	54.76	Warren.....	84.38	Macon.....	71.31
Calhoun.....	55.37	Washington.....	66.00	Madison.....	57.09
Carroll.....	53.10	Wayne.....	52.92	Maries.....	57.13
Chickasaw.....	62.38	Webster.....	64.58	Marion.....	78.50
Choctaw.....	57.20	Wilkinson.....	53.44	Mercer.....	62.98
Claiborne.....	52.83	Winston.....	61.33	Miller.....	73.80
Clarke.....	64.02	Yalobusha.....	58.83	Mississippi.....	63.16
Clay.....	62.74	Yazoo.....	63.12	Moniteau.....	72.61
Coahoma.....	60.96	Missouri		Monroe.....	76.76
Copiah.....	60.81	Adair.....	72.34	Montgomery.....	78.85
Covington.....	60.85	Andrew.....	78.11	Morgan.....	62.68
De Soto.....	79.04	Atchison.....	81.87	New Madrid.....	60.57
Forrest.....	73.90	Audrain.....	85.23	Newton.....	68.22
Franklin.....	58.73	Barton.....	73.51	Nodaway.....	69.41
George.....	63.26	Bates.....	74.46	Oregon.....	52.92
Greene.....	48.54	Benton.....	79.23	Osage.....	68.10
Grenada.....	69.47	Bollinger.....	65.24	Ozark.....	52.04
Hancock.....	68.56	Boone.....	46.76	Pemiscot.....	56.92
Harrison.....	73.58	Buchanan.....	85.93	Perry.....	73.27
Hinds.....	92.73	Butler.....	89.99	Pettis.....	83.93
Holmes.....	45.72	Caldwell.....	66.46	Phelps.....	72.24
Humphreys.....	51.58	Callaway.....	78.06	Pike.....	74.19
Issaquena.....	48.89	Camden.....	87.80	Platte.....	107.39
Itawamba.....	63.49	Cape Girardeau.....	74.34	Polk.....	65.78
Jackson.....	75.29	Carroll.....	86.36	Pulaski.....	57.97
Jasper.....	61.12	Carter.....	85.13	Putnam.....	62.57
Jefferson.....	63.15	Cass.....	45.43	Rails.....	69.46
Jefferson Davis.....	53.17	Cedar.....	91.78	Randolph.....	81.99
Jones.....	74.89	Chariton.....	58.48	Ray.....	85.12
Kemper.....	47.71		79.50	Reynolds.....	55.47
				Ripley.....	47.13
				St. Charles.....	105.55

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County	County PCI Index	County	County PCI Index	County	County PCI Index
New Jersey		Clinton	72.25	Carteret	70.84
Atlantic	112.12	Columbia	84.72	Caswell	58.59
Bergen	153.40	Cortland	77.26	Catawba	91.01
Burlington	106.13	Delaware	74.12	Chatham	86.29
Camden	103.15	Dutchess	109.35	Cherokee	55.71
Cape May	107.09	Erie	99.06	Chowan	69.71
Cumberland	87.77	Essex	78.84	Clay	55.67
Essex	111.03	Franklin	68.08	Cleveland	76.92
Gloucester	97.44	Fulton	82.15	Columbus	61.63
Hudson	94.70	Genesee	91.24	Craven	78.75
Hunterdon	140.49	Greene	83.20	Cumberland	73.85
Mercer	117.85	Hamilton	80.25	Currituck	67.76
Middlesex	123.85	Herkimer	80.43	Dare	67.43
Monmouth	121.39	Jefferson	80.85	Davidson	83.20
Morris	150.24	Kings	90.21	Davie	84.36
Ocean	105.62	Lewis	67.17	Duplin	67.69
Passaic	106.65	Livingston	86.58	Durham	95.92
Salem	92.90	Madison	82.82	Edgecombe	76.32
Somerset	153.20	Monroe	116.59	Forsyth	106.85
Sussex	107.42	Montgomery	87.44	Franklin	66.62
Union	135.50	Nassau	155.17	Gaston	83.91
Warren	108.27	New York	157.77	Gates	72.80
New Mexico		Niagara	95.06	Graham	60.11
Bernalillo	96.42	Oneida	89.55	Granville	66.78
Catron	53.89	Onandaga	102.56	Greene	73.38
Chaves	81.79	Ontario	95.17	Guilford	101.91
Cibola	48.00	Orange	95.09	Halifax	62.20
Colfax	81.22	Orleans	88.44	Harnett	62.96
Curry	81.63	Oswego	82.91	Haywood	78.90
De Baca	75.00	Otsego	77.69	Henderson	93.09
Dona Ana	67.57	Putnam	121.79	Hertford	66.89
Eddy	85.80	Queens	115.10	Hoke	49.69
Grant	71.31	Rensselaer	90.61	Hyde	53.46
Guadalupe	52.98	Richmond	115.26	Iredell	80.85
Harding	77.04	Rockland	134.28	Jackson	66.00
Hidalgo	71.65	Saratoga	70.67	Johnston	72.08
Lea	96.89	Schenectady	95.10	Jones	62.76
Lincoln	84.04	Schoharie	110.60	Lee	87.26
Los Alamos	159.36	Seneca	70.53	Lenoir	75.75
Luna	69.11	Schuyler	75.51	Lincoln	81.57
McKinley	50.67	Seneca	88.99	McDowell	71.59
Mora	39.33	Steuben	85.02	Macon	70.80
Otero	75.82	Suffolk	115.44	Madison	60.09
Quay	77.93	Sullivan	87.15	Martin	72.14
Rio Arriba	54.89	Tioga	87.58	Mecklenburg	108.90
Roosevelt	66.30	Tompkins	80.98	Mitchell	70.82
Sandoval	78.09	Ulster	95.82	Montgomery	68.45
San Juan	76.79	Warren	89.95	Moore	88.80
San Miguel	51.46	Washington	76.24	Nash	89.86
Santa Fe	91.73	Wayne	93.05	New Hanover	84.78
Sierra	76.56	Westchester	163.00	Northampton	54.35
Socorro	54.72	Wyoming	76.24	Onslow	73.77
Taos	66.89	Yates	82.07	Orange	93.68
Torrance	56.94	North Carolina		Pamlico	71.89
Union	72.41	Alamance	87.54	Pasquotank	78.42
Valencia	73.91	Alexander	78.85	Pender	63.55
New York		Alleghany	68.18	Perquimans	66.56
Albany	111.50	Anson	66.06	Person	69.82
Allegany	65.85	Ashe	62.63	Pitt	75.87
Bronx	82.57	Avery	61.05	Polk	93.00
Broome	98.77	Beaufort	72.03	Randolph	84.89
Cattaraugus	73.34	Bertie	65.95	Richmond	66.64
Cayuga	81.06	Bladen	59.17	Robeson	56.94
Chautauqua	85.66	Brunswick	64.75	Rockingham	79.71
Chemung	88.76	Buncombe	88.03	Rowan	84.13
Chenango	75.46	Burke	78.16	Rutherford	73.99
		Cabarrus	89.11	Sampson	68.82
		Caldwell	74.25	Scotland	68.37
		Camden	66.79	Stanly	81.52
				Stokes	76.17
				Surry	79.09

County	County PCI Index	County	County PCI Index	County	County PCI Index
Swain.....	58.37	Ohio		Richland.....	91.08
Transylvania.....	82.11	Adams.....	53.17	Ross.....	76.95
Tyrell.....	79.38	Allen.....	91.94	Sandusky.....	90.98
Union.....	88.88	Ashland.....	85.76	Scioto.....	66.04
Vance.....	72.00	Ashtabula.....	81.81	Seneca.....	87.32
Wake.....	109.29	Athens.....	59.18	Shelby.....	83.89
Warren.....	64.34	Auglaize.....	89.33	Stark.....	93.50
Washington.....	77.41	Belmont.....	83.76	Summit.....	103.42
Watauga.....	65.14	Brown.....	76.62	Trumbull.....	95.52
Wayne.....	72.25	Butler.....	95.20	Tuscarawas.....	82.98
Wilkes.....	76.03	Carroll.....	73.33	Union.....	88.76
Wilson.....	86.00	Champaign.....	79.33	Van Wert.....	96.43
Yadkin.....	80.92	Clark.....	87.41	Vinton.....	58.83
Yancey.....	57.00	Clermont.....	83.94	Warren.....	88.43
North Dakota		Clinton.....	84.30	Washington.....	84.88
Adams.....	92.23	Columbiana.....	75.15	Wayne.....	88.19
Barnes.....	96.77	Coshocton.....	85.88	Williams.....	91.78
Benson.....	81.31	Crawford.....	84.75	Wood.....	93.53
Billings.....	89.97	Cuyahoga.....	113.32	Wyandot.....	92.45
Bottineau.....	104.84	Darke.....	83.19	Oklahoma	
Bowman.....	103.15	Defiance.....	91.84	Adair.....	55.46
Burke.....	110.95	Delaware.....	96.39	Alfalfa.....	107.78
Burleigh.....	110.16	Erie.....	95.18	Atoka.....	52.77
Cass.....	110.78	Fairfield.....	92.51	Beaver.....	97.21
Cavalier.....	109.61	Fayette.....	74.94	Beckham.....	75.87
Dickey.....	85.33	Franklin.....	101.27	Blaine.....	82.14
Divide.....	122.41	Fulton.....	91.03	Bryan.....	74.44
Dunn.....	92.91	Gallia.....	77.04	Caddo.....	78.54
Eddy.....	101.01	Geauga.....	111.74	Canadian.....	104.31
Emmons.....	72.60	Greene.....	96.15	Carter.....	95.02
Foster.....	93.93	Guernsey.....	72.87	Cherokee.....	61.20
Golden Valley.....	102.17	Hamilton.....	108.70	Choctaw.....	59.39
Grand Forks.....	88.02	Hancock.....	106.15	Cimarron.....	117.84
Grant.....	69.60	Hardin.....	75.54	Cleveland.....	99.94
Griggs.....	95.89	Harrison.....	76.03	Coal.....	61.58
Hettinger.....	95.41	Henry.....	91.95	Comanche.....	75.55
Kidder.....	77.84	Highland.....	71.13	Cotton.....	78.21
La Moure.....	82.01	Hocking.....	73.35	Craig.....	89.21
Logan.....	83.84	Holmes.....	57.91	Creek.....	84.88
McHenry.....	93.41	Huron.....	84.77	Custer.....	87.15
McIntosh.....	84.16	Jackson.....	68.41	Delaware.....	59.70
McKenzie.....	88.97	Jefferson.....	86.13	Dewey.....	94.79
McLean.....	100.47	Knox.....	79.22	Ellis.....	101.54
Mercer.....	107.64	Lake.....	106.96	Garfield.....	106.44
Morton.....	86.38	Lawrence.....	69.01	Garvin.....	85.09
Mountrail.....	84.68	Licking.....	90.28	Grady.....	82.09
Nelson.....	103.18	Logan.....	88.07	Grant.....	125.95
Oliver.....	91.21	Lorain.....	91.78	Greer.....	76.96
Pembina.....	108.00	Lucas.....	99.84	Harmon.....	72.10
Pierce.....	87.22	Madison.....	75.60	Harper.....	111.40
Ramsey.....	103.15	Mahoning.....	89.14	Haskell.....	64.79
Ransom.....	91.39	Marion.....	87.96	Hughes.....	66.31
Renville.....	109.95	Medina.....	101.27	Jackson.....	77.97
Richland.....	87.86	Meigs.....	70.13	Jefferson.....	79.69
Rolette.....	62.92	Mercer.....	86.26	Johnston.....	54.13
Sargent.....	96.71	Miami.....	93.72	Kay.....	118.63
Sheridan.....	87.72	Monroe.....	73.73	Kingfisher.....	96.17
Sioux.....	55.34	Montgomery.....	101.66	Kiowa.....	79.37
Slope.....	84.19	Morgan.....	80.92	Latimer.....	59.72
Stark.....	92.42	Morrow.....	71.83	Le Flore.....	64.27
Steele.....	117.67	Muskingum.....	82.61	Lincoln.....	81.94
Stutsman.....	97.61	Noble.....	67.84	Logan.....	85.30
Towner.....	101.26	Ottawa.....	96.59	Love.....	71.90
Trail.....	110.45	Paulding.....	81.16	McClain.....	84.25
Walsh.....	92.18	Perry.....	67.80	McCurtain.....	60.24
Ward.....	96.35	Pickaway.....	83.08	McIntosh.....	66.92
Wells.....	105.92	Pike.....	63.53	Major.....	91.96
Williams.....	115.29	Portage.....	87.96	Marshall.....	71.17
		Preble.....	83.27	Mayer.....	76.28
		Putnam.....	87.29		

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County	County PCI Index	County	County PCI Index	County	County PCI Index
Davison.....	84.97	Davidson.....	100.55	Washington.....	81.49
Day.....	78.10	Decatur.....	60.25	Wayne.....	57.25
Deuel.....	75.03	De Kalb.....	71.66	Weakley.....	61.89
Dewey.....	64.31	Dickson.....	76.96	White.....	63.16
Douglas.....	65.32	Dyer.....	74.15	Williamson.....	108.33
Edmunds.....	76.31	Fayette.....	55.40	Wilson.....	86.52
Fall River.....	91.23	Fentress.....	43.89		
Faulk.....	80.54	Franklin.....	64.54		
Grant.....	80.63	Gibson.....	69.93		
Gregory.....	74.80	Giles.....	77.76		
Haakon.....	88.63	Grainger.....	54.82		
Hamlin.....	73.95	Greene.....	70.61		
Hand.....	87.83	Grundy.....	50.96		
Hanson.....	64.15	Hamblen.....	64.03		
Harding.....	85.05	Hamilton.....	92.01		
Hughes.....	94.36	Hancock.....	42.42		
Hutchinson.....	77.76	Hardeman.....	58.21		
Hyde.....	92.75	Hargin.....	61.26		
Jackson.....	63.01	Hawkins.....	63.22		
Jerauld.....	68.04	Haywood.....	55.53		
Jones.....	105.23	Henderson.....	59.96		
Kingsbury.....	86.10	Henry.....	77.03		
Lake.....	80.63	Hickman.....	64.17		
Lawrence.....	82.03	Houston.....	65.79		
Lincoln.....	87.47	Humphreys.....	71.81		
Lyman.....	82.93	Jackson.....	49.19		
McCook.....	74.81	Jefferson.....	65.47		
McPherson.....	81.60	Johnson.....	57.08		
Marshall.....	74.97	Knox.....	87.96		
Meade.....	77.86	Lake.....	53.18		
Mellette.....	61.51	Lauderdale.....	60.37		
Miner.....	78.10	Lawrence.....	72.45		
Minnehaha.....	98.78	Lewis.....	47.22		
Moody.....	74.36	Lincoln.....	66.23		
Pennington.....	89.85	Loudon.....	82.06		
Perkins.....	89.29	McMinn.....	71.68		
Potter.....	92.54	McNairy.....	61.57		
Roberts.....	70.25	Macon.....	67.96		
Sanborn.....	71.79	Madison.....	79.52		
Shannon.....	29.08	Marion.....	64.35		
Spink.....	85.72	Marshall.....	79.41		
Stanley.....	92.23	Maury.....	78.17		
Sully.....	127.78	Meigs.....	65.72		
Todd.....	44.13	Monroe.....	52.76		
Tripp.....	82.68	Montgomery.....	74.12		
Turner.....	84.70	Moore.....	73.07		
Union.....	87.20	Morgan.....	50.55		
Walworth.....	88.08	Obion.....	82.99		
Yankton.....	81.48	Overton.....	52.86		
Ziebach.....	66.70	Perry.....	65.15		
		Pickett.....	48.19		
		Polk.....	64.47		
		Putnam.....	69.46		
		Rhea.....	73.65		
		Roane.....	73.12		
		Robertson.....	75.12		
		Rutherford.....	83.64		
		Scott.....	50.64		
		Sequatchie.....	56.44		
		Sevier.....	72.55		
		Shelby.....	93.43		
		Smith.....	65.53		
		Stewart.....	68.19		
		Sullivan.....	86.08		
		Sumner.....	86.01		
		Tipton.....	68.51		
		Trousdale.....	77.22		
		Unicoi.....	69.67		
		Union.....	53.29		
		Van Buren.....	53.28		
		Warren.....	76.74		

County	County PCI Index	County	County PCI Index	County	County PCI Index
Dickens	68.69	Kimble	87.89	San Patricio	79.54
Dimmit	50.01	King	78.81	San Saba	75.67
Donley	91.67	Kinney	80.08	Schleicher	96.66
Duval	67.16	Kleberg	75.19	Scurry	96.44
Eastland	78.25	Knox	79.47	Shackelford	100.28
Ector	99.70	Lamar	82.22	Shelby	72.82
Edwards	90.96	Lamb	92.83	Sherman	144.04
Ellis	97.75	Lampasas	84.87	Smith	105.01
El Paso	68.74	La Salle	47.76	Somervell	104.78
Erath	98.37	Lavaca	92.80	Starr	33.13
Falls	74.14	Lee	81.73	Stephens	88.23
Fannin	83.76	Leon	94.54	Sterling	87.91
Fayette	99.09	Liberty	92.02	Stonewall	92.92
Fisher	89.46	Limestone	79.51	Sutton	88.33
Floyd	84.93	Lipscomb	100.66	Swisher	74.94
Foard	93.64	Live Oak	80.11	Tarrant	111.95
Fort Bend	124.29	Llano	103.20	Taylor	98.84
Franklin	97.37	Loving	193.55	Terrell	103.69
Freestone	86.27	Lubbock	92.08	Terry	82.83
Frio	59.24	Lynn	73.31	Throckmorton	96.39
Gaines	77.40	McCulloch	84.95	Titus	94.96
Galveston	108.65	McLennan	92.07	Tom Green	97.70
Garza	88.11	McMullen	115.55	Travis	106.95
Gillespie	109.56	Madison	77.41	Trinity	67.85
Glasscock	145.85	Marion	61.08	Tyler	85.75
Goliad	89.05	Martin	96.99	Upshur	71.93
Gonzales	90.35	Mason	74.74	Upton	90.86
Gray	114.08	Matagorda	85.17	Uvalde	69.30
Grayson	94.71	Maverick	33.97	Val Verde	59.31
Gregg	101.29	Medina	77.68	Van Zandt	87.42
Grimes	84.04	Menard	90.91	Victoria	107.04
Guadalupe	87.23	Midland	134.04	Walker	69.98
Hale	78.90	Milam	88.75	Waller	85.93
Hall	82.61	Mills	97.67	Ward	92.78
Hamilton	74.25	Mitchell	86.85	Washington	106.01
Hansford	102.84	Montague	85.25	Webb	50.42
Hardeman	93.57	Montgomery	121.30	Wharton	85.14
Hardin	88.73	Moore	97.07	Wheeler	88.36
Harris	118.69	Morris	86.13	Wichita	103.62
Harrison	80.20	Motley	57.99	Wilbarger	97.35
Hartley	82.50	Nacogdoches	79.75	Willacy	48.70
Haskell	86.97	Navarro	88.68	Williamson	99.84
Hays	80.50	Newton	68.07	Wilson	68.67
Hemphill	92.96	Nolan	93.07	Winkler	92.20
Henderson	73.63	Nueces	91.52	Wise	95.58
Hidalgo	51.31	Ochiltree	109.60	Wood	92.68
Hill	81.59	Oldham	89.16	Yoakum	103.92
Hockley	87.79	Orange	84.33	Young	112.10
Hood	109.61	Palo Pinto	90.50	Zapata	55.13
Hopkins	98.21	Panola	77.91	Zavala	48.01
Houston	92.78	Parker	98.89		
Howard	92.21	Parmer	74.43		
Hudspeth	79.80	Pecos	81.34		
Hunt	87.34	Polk	74.36		
Hutchinson	116.04	Potter	92.87		
Irion	115.66	Presidio	72.43		
Jack	100.88	Rains	81.48		
Jackson	97.42	Randall	111.14		
Jasper	78.31	Reagan	98.30		
Jeff Davis	97.76	Real	57.39		
Jefferson	107.40	Red River	67.76		
Jim Hogg	86.57	Reeves	71.99		
Jim Wells	75.56	Refugio	97.13		
Johnson	99.54	Roberts	107.91		
Jones	87.50	Robertson	69.70		
Karnes	82.62	Rockwall	134.04		
Kaufman	92.99	Runnels	92.36		
Kendall	116.60	Rusk	94.39		
Kennedy	129.30	Sabine	68.27		
Kent	73.68	San Augustine	62.75		
Kerr	112.39	San Jacinto	71.68		

County	County PCI Index	County	County PCI Index	County	County PCI Index
San Juan.....	47.40	Hanover.....	108.71	Harrisonburg.....	79.05
Sanpete.....	53.83	Henrico.....	122.56	Hopewell.....	93.54
Sevier.....	75.04	Henry.....	82.31	Lexington.....	85.03
Summit.....	94.96	Highland.....	84.16	Lynchburg.....	97.61
Tooele.....	78.22	Isle of Wight.....	92.03	Manassas.....	122.68
Uintah.....	76.15	James City.....	94.17	Manassas Park.....	94.64
Utah.....	57.40	King and Queen.....	77.11	Martinsville.....	94.71
Wasatch.....	67.14	King George.....	93.50	Newport News.....	97.03
Washington.....	63.11	King William.....	91.24	Norfolk.....	87.84
Wayne.....	54.14	Lancaster.....	99.09	Norton.....	99.26
Weber.....	84.38	Lee.....	60.77	Petersburg.....	96.65
Vermont		Loudoun.....	125.65	Poquoson.....	107.68
Addison.....	73.10	Louisa.....	77.22	Portsmouth.....	88.95
Bennington.....	88.49	Lunenburg.....	66.43	Radford.....	78.94
Caledonia.....	73.72	Madison.....	67.74	Richmond.....	115.39
Chittenden.....	95.39	Mathews.....	82.39	Roanoke.....	96.68
Essex.....	67.30	Mecklenburg.....	71.63	Salem.....	100.26
Franklin.....	78.37	Middlesex.....	75.10	South Boston.....	88.53
Grand Isle.....	78.07	Montgomery.....	68.28	Staunton.....	96.17
Lamoille.....	80.58	Nelson.....	68.01	Suffolk.....	84.29
Orange.....	72.19	New Kent.....	98.29	Virginia Beach.....	109.42
Orleans.....	65.79	Northampton.....	72.54	Waynesboro.....	98.79
Rutland.....	87.41	Northumberland.....	87.54	Williamsburg.....	123.69
Washington.....	90.29	Nottoway.....	74.06	Winchester.....	105.39
Windham.....	87.28	Orange.....	85.75	Washington	
Windsor.....	88.51	Page.....	74.39	Adams.....	107.25
Virginia		Patrick.....	65.28	Asotin.....	90.78
Accomack.....	79.40	Pittsylvania.....	64.38	Benton.....	106.12
Albemarle.....	97.23	Powhatan.....	81.18	Chelan.....	96.59
Alleghany.....	71.18	Prince Edward.....	68.47	Ciallam.....	93.60
Amelia.....	70.78	Prince George.....	68.58	Clark.....	91.10
Amherst.....	74.24	Prince William.....	108.14	Columbia.....	125.60
Appomattox.....	73.05	Pulaski.....	73.20	Cowlitz.....	95.79
Arlington.....	176.03	Rappahannock.....	88.26	Douglas.....	90.23
Augusta.....	80.15	Richmond.....	80.53	Ferry.....	61.28
Bath.....	88.85	Roanoke.....	103.39	Franklin.....	90.56
Bedford.....	83.92	Rockbridge.....	75.59	Garfield.....	139.19
Bland.....	56.40	Rockingham.....	86.09	Grant.....	79.97
Botetourt.....	85.31	Russell.....	63.80	Grays Harbor.....	97.30
Brunswick.....	61.32	Scott.....	64.70	Island.....	91.80
Buchanan.....	70.64	Shenandoah.....	82.43	Jefferson.....	95.82
Buckingham.....	62.47	Smyth.....	64.85	King.....	123.99
Campbell.....	85.91	Southampton.....	82.82	Kitsap.....	101.70
Caroline.....	76.73	Spotsylvania.....	85.81	Kittitas.....	81.20
Carroll.....	59.91	Stafford.....	99.40	Klickitat.....	85.19
Charles City.....	79.25	Surry.....	81.58	Lewis.....	92.48
Charlotte.....	67.26	Sussex.....	80.34	Lincoln.....	141.17
Chesterfield.....	113.55	Tazewell.....	78.18	Mason.....	81.32
Clarke.....	96.47	Warren.....	84.98	Okanogan.....	87.85
Craig.....	80.69	Washington.....	70.15	Pacific.....	95.04
Culpeper.....	85.91	Westmoreland.....	78.67	Pend Oreille.....	66.15
Cumberland.....	57.79	Wise.....	81.42	Pierce.....	93.48
Dickenson.....	66.76	Wythe.....	71.24	San Juan.....	110.23
Dinwiddie.....	72.10	York.....	98.17	Skagit.....	99.55
Essex.....	72.72	Alexandria.....	174.95	Skamania.....	80.33
Fairfax.....	153.68	Bedford City.....	95.12	Snohomish.....	99.54
Fauquier.....	102.74	Bristol.....	84.80	Spokane.....	89.55
Floyd.....	62.30	Buena Vista.....	76.33	Stevens.....	69.10
Fluvanna.....	72.86	Charlottesville.....	97.75	Thurston.....	98.03
Franklin.....	65.33	Chesapeake.....	92.22	Wahkiakum.....	90.11
Frederick.....	87.18	Clifton Forge.....	101.19	Walla Walla.....	96.93
Giles.....	74.78	Colonial Heights.....	122.19	Whatcom.....	85.55
Gloucester.....	90.01	Covington.....	94.85	Whitman.....	93.13
Goochland.....	100.75	Danville.....	91.77	Yakima.....	82.58
Grayson.....	62.18	Emporia.....	99.55	West Virginia	
Greene.....	74.71	Fairfax City.....	165.15	Barbour.....	68.76
Greensville.....	60.64	Falls Church.....	194.25	Berkeley.....	79.52
Halifax.....	65.02	Franklin.....	115.59		
		Fredericksburg.....	97.62		
		Galax.....	90.04		
		Hampton.....	94.63		

County	County PCI Index	County	County PCI Index	County	County PCI Index
Boone.....	71.79	Wisconsin		Richland.....	74.43
Braxton.....	60.39	Adams.....	60.52	Rock.....	93.22
Brooke.....	79.27	Ashland.....	73.73	Rusk.....	63.81
Cabell.....	86.48	Barron.....	78.83	St. Croix.....	95.31
Calhoun.....	54.36	Bayfield.....	62.64	Sauk.....	87.12
Clay.....	51.85	Brown.....	99.55	Sawyer.....	64.42
Doddridge.....	56.49	Buffalo.....	80.39	Sheboygan.....	99.14
Fayette.....	68.39	Burnett.....	64.46	Taylor.....	73.35
Gilmer.....	61.04	Calumet.....	91.84	Trempealeau.....	72.32
Grant.....	66.15	Chippewa.....	77.23	Vernon.....	75.92
Greenbrier.....	70.18	Clark.....	73.58	Vilas.....	69.78
Hampshire.....	59.34	Columbia.....	91.10	Walworth.....	90.83
Hancock.....	91.11	Crawford.....	69.90	Washburn.....	73.55
Hardy.....	56.31	Dane.....	110.04	Washington.....	101.35
Harrison.....	82.59	Dodge.....	85.47	Waukesha.....	123.42
Jackson.....	75.23	Door.....	91.57	Waupaca.....	89.35
Jefferson.....	77.06	Douglas.....	78.26	Waushara.....	68.42
Kanawha.....	100.68	Dunn.....	69.71	Winnebago.....	100.13
Lewis.....	71.83	Eau Claire.....	84.93	Wood.....	93.71
Lincoln.....	53.44	Florence.....	63.14	Shawano.....	72.63
Logan.....	71.57	Fond Du Lac.....	90.93	Wyoming	
McDowell.....	66.37	Forest.....	56.81	Albany.....	88.34
Marion.....	86.22	Grant.....	80.80	Big Horn.....	74.60
Marshall.....	78.31	Green.....	102.20	Campbell.....	105.04
Mason.....	69.01	Green Lake.....	88.02	Carbon.....	95.44
Mercer.....	78.12	Iowa.....	76.25	Converse.....	87.62
Mineral.....	67.95	Iron.....	67.20	Crook.....	92.42
Mingo.....	66.06	Jackson.....	74.96	Fremont.....	84.42
Monongalia.....	80.40	Jefferson.....	91.60	Goshen.....	78.90
Monroe.....	58.40	Juneau.....	79.67	Hot Springs.....	97.93
Morgan.....	74.87	Kenosha.....	102.61	Johnson.....	97.01
Nicholas.....	69.95	Kewaunee.....	83.82	Laramie.....	109.70
Ohio.....	93.65	La Crosse.....	93.95	Lincoln.....	85.46
Pendleton.....	48.76	Lafayette.....	85.51	Natrona.....	123.69
Pleasants.....	78.19	Langlade.....	71.26	Niobrara.....	89.28
Pocahontas.....	66.49	Lincoln.....	74.38	Park.....	100.96
Preston.....	66.92	Manitowoc.....	89.01	Platte.....	75.30
Putnam.....	83.61	Marathon.....	84.63	Sheridan.....	107.65
Raleigh.....	79.17	Marquette.....	79.17	Sublette.....	98.28
Randolph.....	69.70	Milwaukee.....	107.61	Sweetwater.....	104.37
Ritchie.....	62.37	Monroe.....	81.54	Teton.....	118.02
Roane.....	63.82	Oconto.....	72.18	Uinta.....	87.12
Summers.....	59.57	Oneida.....	82.75	Washakie.....	93.80
Taylor.....	67.88	Outagamie.....	96.49	Weston.....	106.67
Tucker.....	57.90	Ozaukee.....	130.61	Note.—Alaska Income Figures Divided by 1.25. Hawaii Income Figures Divided by 1.15. Source: Bureau of Economic Analysis, Local Area Personal Income 1978-84.	
Tyler.....	68.97	Pepin.....	76.39		
Upshur.....	70.20	Pierce.....	87.81	BILLING CODE 3710-08-T	
Wayne.....	64.18	Polk.....	78.50		
Webster.....	49.35	Portage.....	85.16		
Wetzel.....	80.82	Price.....	74.38		
Wirt.....	61.50	Racine.....	104.48		
Wood.....	88.69				
Wyoming.....	62.19				

Registered Federal Register

Wednesday
September 23, 1987

Part VI

Environmental Protection Agency

40 CFR Parts 262 and 271

**Exception Reporting for Small Quantity
Generators of Hazardous Waste; Final
Rule**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 262 and 271****[SWH-FRL-3249-1]****Exception Reporting for Small Quantity Generators of Hazardous Waste****AGENCY:** U.S. Environmental Protection Agency.**ACTION:** Final rule.

SUMMARY: On March 24, 1986, the U.S. Environmental Protection Agency (EPA) promulgated final regulations for generators of between 100 and 1000 kilograms of hazardous waste in a calendar month (i.e., generators of 100-1000 kg/mo) under the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). In the final regulations, the Agency exempted these generators from the requirement to file an exception report in those instances where the generator did not receive confirmation of delivery of his hazardous waste shipment to the designated facility. As a result of this exemption, the Environmental Defense Fund (EDF) challenged the final rule. Based on the arguments raised by EDF, the Agency proposed to reinstate the exception reporting requirement in a modified form on May 1, 1987.

After considering public comments on the proposal, EPA is today promulgating in final form the exception reporting requirement as proposed.

DATE: This regulation applies to hazardous waste shipments by generators of between 100 and 1000 kg of hazardous waste per calendar month initiated after March 23, 1988.

ADDRESSES: The public docket for this rulemaking is located in Room LG-100, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The EPA RCRA Docket is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. To review docket materials, the public must make an appointment by calling (202) 475-9327. The docket has been assigned code number F-87-ESQP-FFFFF. A maximum of 50 pages of material may be copied from any regulatory docket at no cost. Additional copies cost \$0.20/page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/Superfund Hotline, toll free at (800) 424-9346 (in Washington, DC, call 382-3000), or the Small Business Hotline, (800) 368-5888. For information on

specific aspects of today's notice, contact Paul Mushovic, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475-7736.

SUPPLEMENTAL INFORMATION:

Preamble Outline

- I. Background and Summary
- II. Major Comments and EPA's Responses
 - A. The Need for Exception Reporting
 - 1. General policy for developing standards for small quantity generators
 - 2. Exception reporting as part of the manifest system
 - 3. Usefulness of the exception report in enforcement cases
 - B. Burdens of Exception Reporting
 - 1. Report preparation and submission
 - 2. Recordkeeping
 - C. Regulatory Changes and Educational Efforts
 - D. Requirement to Locate Lost Shipments
- III. State Authority
 - A. Applicability in Authorized States
 - B. Effect on State Authorizations
- IV. Executive Order No. 12291
- V. Regulatory Flexibility Act
- VI. Paperwork Reduction Act
- VII. Supporting Document

I. Background and Summary

On August 1, 1985, the U.S. Environmental Protection Agency (EPA) proposed regulations under the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), that would be applicable to generators of between 100 and 1000 kg of hazardous waste in a calendar month ("100-1000 kg/mo generators"). The proposed rules, based in large measure on the existing hazardous waste regulatory program, represented the Agency's efforts to balance the statutory mandate to protect human health and the environment with the statutory directive to keep burdensome regulation of small businesses to a minimum. Among other things, EPA proposed to exempt generators of between 100 and 1000 kg/mo from the full hazardous waste manifest system as well as the requirement to file exception reports. Under the proposed rules, there would have been only a single copy of the manifest; therefore, there would be no manifest copies for return to the generator, and, hence, no basis for exception reporting.

In the final rule issued on March 24, 1986 (see 51 FR 10146), EPA determined that the full, multiple-copy manifest system was necessary to protect public health and the environment and that its use would not impose a significant burden on 100 to 1000 kg/mo generators. See 51 FR 10155-10156. The Agency also concluded, however, that the

administrative burden associated with the exception reporting requirement outweighed the incremental environmental benefits that may be gained. See 51 FR 10159-160. Subsequently, on June 6, 1986, the Environmental Defense Fund (EDF) filed a petition in the United States Court of Appeals for the District of Columbia Circuit (Environmental Defense Fund v. Thomas, No. 86-1334) for review of EPA's decision to exempt 100 to 1000 kg/mo generators from the exception reporting requirement. On December 17, 1986, EPA and EDF agreed to defer the litigation pending EPA's reconsideration of the decision made in the final rule and additional rulemaking on the exception reporting exemption.

As a result of EPA's reconsideration of this issue, the Agency proposed to reinstate the exception reporting requirement for generators of between 100 and 1000 kg of hazardous waste per month, but in a modified form designed to reduce any burden associated with the full reporting requirement. (See 52 FR 16158; May 1, 1987.) The Agency also requested comment on a number of alternative approaches to the existing exception reporting requirement that were not considered in the March 24, 1986, rulemaking. The comment period on the May 1, 1987, proposal closed on June 1, 1987.

EPA has reviewed the public comments submitted in response to the May 1 proposal and has decided to promulgate the modified exception reporting rule as proposed. The Agency arrived at this decision based on our conclusion that the modified exception reporting requirement adequately protects human health and the environment without placing undue burdens on small businesses.

The remainder of this preamble discusses the major comments received and the Agency's response to those comments, the applicability of the final rule in authorized and nonauthorized States, and EPA's consideration of impacts, as required by Executive Order No. 12291, the Paperwork Reduction Act, and the Regulatory Flexibility Act.

The reader should note that the sections affected by today's rules (40 CFR 262.42 and 262.44) have been modified slightly from the proposal to clarify the requirements; these changes are nonsubstantive. First, in the May 1 proposal, EPA limited the full exception reporting requirements of § 262.42 (a) and (b) to generators of greater than 1000 kg/mo by adding a new paragraph (c) for generators of between 100 and 1000 kg/mo. In the final rule, we simply condensed old paragraphs (a) and (b) in

§ 262.42 into a new paragraph (a), and placed the requirements for generators of between 100 and 1000 kg/mo in a new paragraph (b) (*i.e.*, now paragraph (a) applies to generators of greater than 1000 kg/mo, and paragraph (b) to generators of between 100 and 1000 kg/mo). Second, EPA has added a "note" to the end of § 262.42(b) to clarify that when a generator of between 100 and 1000 kg of hazardous waste per month must notify EPA of a nonreturned manifest, the notice can be as simple as a handwritten or typed statement on a copy of the subject manifest or on an attached sheet of paper. The preamble of the May 1, 1987, proposal indicated that this was EPA's intent (52 FR 16159), but we now have concluded that a note in the actual regulation will make communication of the intent easier and prevent any confusion over what is actually required. Finally, EPA has amended § 266.44. Previously, this section read that generators of between 100 and 1000 kg/mo are exempt from Part 262, Subpart D, "except for . . . paragraphs (a), (c) and (d) in § 262.40, and . . . § 262.42 and 262.43." The "except for" language was somewhat confusing, so § 262.44 now simply lists requirements in the subpart that apply to generators of between 100 and 1000 kg/mo.

II. Major Comments and EPA's Responses

This section of the preamble addresses the major issues raised in comments received on the May 1, 1987, proposal. Any comments not addressed here are addressed in a response-to-comment document available in the public docket.

As an overview, the proposal was generally well received by commenters. Of the 11 comments received, 8 were favorable. In fact, 7 of the 11 commenters stated simply that they agreed with the proposal, *i.e.*, that the modified exception reporting requirement would be beneficial to public health and the environment without causing undue burdens on small businesses. Those commenting favorably included firms representing the chemical and petroleum industries as well as several trade associations representing both large and some small businesses; the other favorable comment was from a State environmental control agency. On the other hand, the National Automotive Dealer's Association (NADA) and the U.S. Small Business Administration (SBA) primarily representing small business, commented that the exception reporting requirements were unnecessary and

would impose additional burdens on small business (see discussion below).

A. The Need for Exception Reporting

The National Automotive Dealer's Association (NADA) and the U.S. Small Business Administration (SBA) questioned the need for exception reporting. These commenters argue that very few exception reports have been filed since the requirement was imposed for large quantity generators in 1980, and that when exception reports are filed the cause is usually a clerical error, not an illegal or misdirected shipment. Commenters further claim that State enforcement agencies rarely follow up on reports that do receive, and that any cases brought for illegal waste transport are discovered not through the manifest system, but through other means. NADA and SBA also claim the EPA has not demonstrated exception reporting is necessary to protect human health and environment. NADA further argues that EPA has not met the statutory test of RCRA Section 3001(d), and both NADA and SBA argue that exception reporting is simply an unnecessary burden imposed by EPA on small business. EPA will address the question of burden in Section II.B. The following is EPA's response to the claims that exception reporting is unnecessary to protect human health and the environment.

1. General Policy for Developing Standards for Small Quantity Generators

RCRA section 3001(d) reads that: the Administrator shall promulgate standards under sections 3002, 3003, and 3004 for hazardous waste generated by a generator in a total quantity of hazardous waste greater than one hundred kilograms but less than one thousand kilograms during a calendar month. (2) The standards . . . may vary from the standards applicable to hazardous waste generated by larger quantity generators, but such standards shall be sufficient to protect human health and the environment.

EPA has interpreted section 3001(d) as requiring a balancing between the two competing goals inherent in that section—protecting human health and the environment and avoiding unreasonable burdens on the large number of small businesses affected by the standards. In assuring protection of human health and the environment, the Agency deemed it appropriate and consistent to consider the relative risk posed by the small aggregate amounts of waste generated by the 100 and 1000 kg/mo generators. Given the lower relative risk that these generators pose compared to larger generators in terms of quantity of waste, it is possible that the standards applicable to large

quantity generators can be modified while still meeting the statutory criterion that the small generator standards protect human health and the environment.

EPA has determined that retaining the round trip manifest system for small quantity generators is necessary to protect human health and the environment. See 51 FR 10155-56 (March 24, 1986). It has also determined in previous rulemakings that exception reporting provides an important link in the "tracking" function of the round trip manifest system, and therefore, is necessary to protect human health and the environment. (See 45 FR 12731; February 26, 1980.)

EPA is not required by section 3001(d) to reexamine whether each generator standard is necessary to protect human health and the environment; rather, it is directed to vary the standards to the extent possible to reduce unreasonable burdens while still retaining their protectiveness.

Even when viewing small generators' waste as presenting a lower relative risk, EPA is unable to determine that eliminating the exception reporting for these generators would still be protective of human health and the environment. Although EPA made such a finding in the March 24, 1986, final rule, it had failed to consider a number of relevant factors. First, it had failed to consider that the relative risk associated with the illegal disposal of any given shipment of hazardous waste may be the same for large and small quantity generators since transporters often consolidate small quantity shipments for transport to TSD's. Therefore, although the small quantity shipped by a SQG may pose a minimal risk, actual shipping practices which consolidate shipments will increase the risks associated with a lost or illegally disposed of truckload. Second, the Agency failed to consider ways to reduce any unreasonable burdens imposed on small quantity generators by exception reporting while retaining the basic requirement. Under the balancing approach mentioned above, if the requirement can be modified to reduce burdens, there is no authority under section 3001(d) to eliminate a standard that has otherwise been found to be necessary to protect human health and the environment.

As EPA has proposed a means of reducing the burdens of exception reporting while retaining the necessary level of protectiveness (the May 1, 1987, proposal), and is today adopting this proposed mechanism, EPA's action is totally consistent with the statutory

directive. Thus, EPA disagrees with NADA's and SBA's comments.

The remainder of this section goes on to explain in detail that exception reporting is an important part of the hazardous waste manifest system, and discusses the issue of using exception reports in RCRA enforcement cases.

2. Exception Reporting as Part of the Manifest System

SBA argues that the RCRA multiple-copy manifest itself, without exception reporting, is an adequate means to prevent improper transport and disposal. EPA does not agree. As explained below, exception reporting is an important part of the manifest system, and the system is not adequate without some form of exception reporting.

EPA discussed the need for a hazardous waste manifest system, and Congress's intent that EPA institute such a system, on February 26, 1980 (45 FR 12748-12744). In large part, the reader may ascertain Congress' intent from RCRA section 3002(a)(5), in which EPA is directed to:

... establish requirements respecting... (5) use of a manifest system and any other reasonable means necessary to assure that all such hazardous waste generated is designated for treatment, storage, or disposal in, and arrives at, treatment, storage, or disposal facilities... for which a permit has been issued... (emphasis added).

That is, the purpose of the manifest is to ensure that hazardous waste is not only designated for, but is actually delivered to a properly permitted facility.

A basic principle supporting the utilization of the hazardous waste system is that the generator of a waste is responsible for ensuring delivery of his waste to a properly permitted facility, and that the generator is the person in the best position to monitor the tracking system to ensure his waste is properly delivered. (Id. at 12728 and 12731.) The failure of a generator to receive a signed and returned copy of the manifest is a signal or warning that a shipment may have been misdelivered or even illegally diverted to an unauthorized facility. The requirement to notify EPA of nonreceipt allows EPA (or State enforcement officials) the opportunity to begin an investigation to determine whether a violation has been committed. Additionally, the knowledge that generators must notify EPA when a manifest is not returned puts transporters and facility owners and operators on notice that manifests must be returned promptly, and so exception reporting helps maintain the manifest as a "self-policing" system. (Id. at 12731.)

3. Usefulness of the Exception Report in Enforcement Cases

Both NADA and SBA argue that few, if any, enforcement cases have been brought via exception reporting for large quantity generators, and therefore the requirement is virtually useless. EPA acknowledges that based on the information we have available at this time, it appears that very few enforcement cases for illegal transport or disposal have been initiated via the exception report. However, EPA does not concur with commenters who argue that because exception reporting has apparently resulted in few enforcement cases, EPA should therefore continue to exempt 100 to 1000 kg/mo generators from the requirement. Commenters presented two studies which supposedly support their contentions. It should be noted that the two studies provided by commenters covered only 5 States, but even in examining that limited universe, one study (performed by the U.S. General Accounting Office (GAO), entitled "Illegal Waste Shipments: Difficult to Detect and Deter," Feb. 1985), did identify one enforcement case that was in fact brought as a result of the generator's failure to file an exception report. (See page 27 of the GAO report, footnote 1.)

Further, EPA believes that exception reporting has a deterrent value that is hard to quantify or measure in any study. The knowledge that generators must report the nonreturn of manifest copies acts as a self-policing check between the parties involved.¹ Also, transporters or facility owners or operators who wish to evade regulation must either collude with generators or go to greater lengths to cover their tracks than if exception reporting is not required (e.g., in the GAO report, cases of transporters forging facility operator's signatures were uncovered).

In summary, EPA believes exception reporting is an important part of the manifest system, is sometimes used in enforcement cases, and is necessary for protection of human health and the environment.

B. Burdens of Exception Reporting

As explained in the May 1, 1987, proposal, EPA considered ways in which burdensome requirements could

¹ SBA suggested in their comments that EPA should obtain information from States which have been regulating generators of less than 1000 kg/mo previous to EPA's regulation. Presumably, a comparison could be made between States with and without exception reporting to see if there was more illegal disposal in States without. Such a study is impossible to conduct. Due to its very nature, illegal disposal is impossible to accurately measure, so any comparisons between States would be meaningless.

be reduced on 100 to 1000 kg/mo generators while still retaining the protective value provided by an exception reporting mechanism. (52 FR 16159-16160.) The option proposed was a modification of the requirement that applies to large quantity generators. The proposed option varied from the large generator requirement in that when a manifest is not returned, 100 to 1000 kg/mo generators are not required to attempt to locate lost shipments. Further, in lieu of a report to EPA, 100 to 1000 kg/mo generator could simply submit a copy of the unreturned manifest accompanied by a note (either typed or hand written on the manifest itself, or on an attached piece of paper) stating that the return copy was not received from the facility owner or operator. Finally, a 100 to 1000 kg/mo generator would be allowed 60 days before a report is to be submitted to EPA as compared to 45 days allowed for large quantity generators. EPA is adopting the proposed option in today's final rule to reduce any burdens that may be associated with exception reporting.

Most commenters, including several comments from associations representing small quantity generators, agreed that EPA had given due consideration to small business impacts and that the proposed requirements were reasonable. SBA and NADA claimed, however, that the requirements would still impose unreasonable burdens. In response to these comments, the following sections address each aspect of the reporting and recordkeeping burdens associated with the proposal.

1. Report Preparation and Submission

EPA estimated that on average a 100 to 1000 kg/mo generator would only initiate between 2 and 4 manifests per year. This is because under the rules promulgated on March 24, 1986, these generators may store waste on-site for up to 180 days (or in some cases 270 days) without a permit.² (See 52 FR 16160; May 1, 1987.) EPA further estimated that given such infrequent shipments, an exception report would only be required, on average, once in 10 years. (Id.) EPA estimated the actual cost of preparing and submitting an exception report to be \$19 (Id.) The commenters have provided no data to indicate costs would be any higher than

² Note that many generators who ship more frequently than this, e.g., vehicle maintenance facilities with spent solvents and spent lead acid batteries, are eligible for an exemption from the entire manifest system under 40 CFR 262.20(e) and 40 CFR Part 268, Subpart G.

these estimates, and given the relative infrequency of the reports and the modified reporting format, EPA concludes that such costs of reporting do not impose significant burdens on small businesses or on small quantity generators in general.

2. Recordkeeping

SBA pointed out that 100 to 1000 kg/mo generators would have to keep records to know if a manifest had not been returned within the allowable time frame, and claimed that this would be an unreasonable recordkeeping burden. EPA agrees that the requirement to file an exception report does impose some burden in addition to the burdens already imposed by § 262.40(a), made applicable to 100 to 1000 kg/mo generators on March 24, 1986, under which generators must keep copies of manifests for 3 years. (See 51 FR 10159.) Generators of between 100 to 1000 kg/mo must not only keep copies of manifests they initiate, but must also, under today's rule, be aware of when the return copy is due back and then must match returned copies against originals. EPA does not agree, however, that this is an unreasonable burden. The responsibility of a generator to ensure his waste is actually delivered to a properly permitted facility goes to the heart of the Subtitle C system; this was the intent of the manifest system. EPA expects that most generators, including small businesses, want to be sure their waste is properly delivered, and are likely to track their shipments out of their own interest to avoid liability problems. The rules promulgated today merely codify practices that make good business sense. Finally, the Agency notes that since 100 to 1000 kg/mo generators only initiate on average 2-4 shipments per year, they will typically have only one manifest outstanding at any point in time, so their recordkeeping will not be very complicated.

EPA concludes, in summary, that the burdens associated with today's rule are minimal, and are justified by the need to have the protection afforded by some form of exception reporting. EPA noted above that, first, 100 to 1000 kg/mo generators have relatively few shipments to keep track of, second, that generators keeping track of their shipments is necessary to make the manifest system work (and represents good business practices), and third, that when reports must be filed the costs are minimal due to the special modifications adopted today.

C. Regulatory Changes and Educational Efforts

One commenter, representing small quantity generators, specifically argued that "continual revision" of regulations affecting so many small businesses (i.e., small quantity generators) might adversely affect on-going compliance education programs. The Agency does not intend to continually revise the small quantity generator regulations, but at times some revisions may be necessary and this probably will make EPA's (and State and industry) educational efforts more difficult. Today's rule will not become effective for six months, so small businesses will have time to learn of their new responsibility. Also, today's rule is a minor revision to the current requirements, so major adjustments should not be necessary for most generators. To assist small quantity generators, EPA will prepare and distribute a pamphlet advising small businesses of the change in exception reporting requirements, and will update its handbook for small business, "Understanding the Small Quantity Generator Hazardous Waste Rules," to include the new requirement.

D. Requirement to Locate Lost Shipments

The Environmental Defense Fund (EDF) argued that EPA should require 100 to 1000 kg/mo generators to attempt to locate shipments when a manifest is not returned. (This is presently required of large quantity generators under 40 CFR 262.42(a).) EPA rejected this as a requirement for 100 to 1000 kg/mo generators in its May 1, 1987, proposal but rather encouraged 100 to 1000 kg/mo generators to attempt to locate shipments voluntarily. See 52 FR 16159. EDF further argues such a requirement would not be burdensome, and would only be necessary when something was (at least potentially) amiss.

EPA does not agree that an additional requirement to attempt to locate lost shipments is necessary for 100 to 1000 kg/mo generators. EPA expects that most generators will voluntarily undertake such efforts out of liability concerns and to avoid the need to file an exception report. Further, under RCRA section 3001(d), EPA must carefully consider the impacts of its rules on small businesses. Since requiring locational efforts would be of little value without an accompanying requirement to document those efforts, the requirement to attempt to locate a lost shipment would have the effect of requiring a full exception report to be filed (i.e., documenting efforts taken to

locate missing waste). This outcome does not seem consistent with Congressional intent for EPA to reduce paperwork burdens on small quantity generators whenever possible. Therefore, EPA is not imposing a requirement for generators of between 100 and 1000 kg/mo to attempt to locate lost shipments, but the Agency would strongly encourage 100 to 1000 kg/mo generators to attempt to locate a missing manifest or waste shipment on their own to minimize any potential long term liability as well as to avoid the need to file an exception report.

III. State Authority

Today's rules amend the March 24, 1986, rules and are being promulgated under the authority of RCRA section 3001(d). Section 3001(d) was added to RCRA by HSWA, and as explained below, HSWA contains special rules dealing with the applicability of HSWA-related requirements in authorized States, and State authorizations.

A. Applicability in Authorized States

Under Section 3006 of RCRA, EPA may authorize qualified States to administer and enforce their own hazardous waste programs pursuant to Subtitle C. (See 40 CFR Part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 3013 and 7003 of RCRA, although authorized States have primary enforcement responsibility.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), a State with final authorization administered its hazardous waste program entirely in lieu of the Federal program. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any hazardous waste management facilities which the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames; however, the new Federal requirements did not take effect in an authorized State until the requirements were adopted as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do

so. While States must still adopt HSWA provisions as State law to retain final authorization, the HSWA requirements apply in authorized States in the interim.

Today's final rule is promulgated pursuant to section 3001(d) of RCRA, a provision added by HSWA. Therefore, it is being added to Table 1 in § 271.1(j), which identifies the Federal program requirements that are promulgated pursuant to HSWA and that take effect in all States, regardless of their authorization status. States may apply for either interim or final status for the HSWA provisions identified in Table 1, as discussed in the following section of this preamble.

B. Effect on State Authorizations

As noted above, EPA will implement the standards in authorized States until they revise their programs to adopt these rules and the modification is approved by EPA. Because the rule is promulgated pursuant to HSWA, a State submitting a program modification may apply to receive either interim or final authorization under section 3006(g)(2) or 3006(b), respectively, on the basis of requirements that are substantially equivalent to EPA's. The procedures and schedule for State program modifications for either interim or final authorization are described in 40 CFR 271.21. It should be noted that all HSWA interim authorizations will expire January 1, 1993. (See § 271.24(c).)

40 CFR 271.21(e)(2) requires that States that have final authorization must modify their programs to reflect Federal program changes, and must subsequently submit the modifications to EPA for approval. The deadline by which a State must modify its programs to adopt today's rule is July 1, 1991 (or July 1, 1992 if a statutory change is needed.) These deadlines can be extended in certain cases. (See 40 CFR 271.21(e)(3).) Once EPA approves the modification, the State requirements become RCRA Subtitle C requirements.

It should be noted that States with authorized RCRA programs may already have requirements similar to those in today's rule. These State regulations have not been assessed against the Federal regulations being promulgated today to determine whether they meet the tests for authorization. Thus, a State is not authorized to implement these requirements in lieu of EPA until the State program modification is approved. Of course, States with existing standards may continue to administer and enforce them as a matter of State law. In implementing the Federal program, EPA will work with States under cooperative agreements to minimize duplication of efforts. In many

cases, EPA will be able to defer to States in their efforts to implement their programs rather than take separate action under Federal authority.

States that submit their official applications for final authorization less than 12 months after the effective date of these standards are not required to include standards equivalent to these standards in their application. However, the State must modify its program by the deadlines set forth in § 271.21(e). States that submit official applications for final authorization 12 months after the effective date of these standards must include standards equivalent to these in their application. 40 CFR 271.3 sets forth the requirements a State must meet when submitting its final authorization application.

IV. Executive Order No. 12291

Under Executive Order No. 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement to perform a Regulatory Impact Analysis. Today's rules would require that 100 to 1000 kg/mo generators report potentially lost shipments of hazardous waste to EPA or the appropriate State authority. However, because of the infrequent need to file such a report and the very low costs involved, I have determined that the rule would not constitute a major rule subject to the Regulatory Impact Analysis requirements of Executive Order No. 12291.

V. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA must prepare a regulatory flexibility analysis for all rules, unless the Administrator certifies that the rule will not have a significant impact on a substantial number of small entities. Today's rule will affect as many as 100,000 small businesses, but will not result in significantly increased compliance costs for these businesses. This is because an exception report, costing less than \$19/report, will most likely only be required, on average, once every 10 years. Further, during a 10-year period, generators would, on average, only have to track 20-40 manifests in total.

Therefore, I hereby certify, pursuant to 5 U.S.C. 601(b), that this final rule will not have a significant impact on a substantial number of small entities.

VI. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and have been

assigned the OMB control number 2050-0039 (Manifest Exception Reporting).

VII. Supporting Document

A background document in which EPA responds to any comments not addressed in this preamble, entitled *Summary and EPA Responses to Public Comments on the May 1, 1987, Proposed Rule Governing Exception Reporting for 100 to 1000 kg/mo Generators of Hazardous Waste*, dated September 1987, is available in the RCRA Docket at EPA (LG-100), 401 M Street, SW., Washington, DC 20460. The docket number for this rulemaking is F-87-ESQP-FFFFF. The docket is open from 9:00 a.m. to 4:00 p.m. Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (202) 475-9327. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost \$0.20 per page.

List of Subjects

40 CFR Part 262

Hazardous materials transportation, Hazardous waste, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Waste minimization.

40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: September 17, 1987.

Lee M. Thomas,
Administrator.

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

1. The authority citation for Part 262 is revised to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922, 6923, 6924, 6925, and 6937.

2. Section 262.42 is revised to read as follows:

§ 262.42 Exception reporting.

(a)(1) A generator of greater than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or

operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(2) A generator of greater than 1000 kilograms of hazardous waste in a calendar month must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

The Exception Report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery;

(ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(b) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the

date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.

Note.—The submission to EPA need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received. (The information requirements in this section have been approved by OMB and assigned control number 2050-0039)

3. Section 262.44 is revised to read as follows:

§ 262.44 Special requirements for generators of between 100 and 1000 kg/mo.

A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month is subject only to the following requirements in this Subpart:

(a) § 262.40(a), (c), and (d), recordkeeping;

(b) § 262.42(b), exception reporting; and

(c) § 262.43, additional reporting.

(The information requirements in this section have been approved by OMB and assigned control number 2050-0039)

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

4. The authority citation for Part 271 is revised to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

5. Section 271.1(j) is amended by adding the following entry to Table 1 in chronological order by date of publication:

§ 271.1 Purpose and scope.

* * * * *

(j) * * *

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	Federal Register reference	Effective date
September 23, 1987.	Exception Reporting for Small Quantity Generators of Hazardous Waste.	52 FR.....	March 23, 1988.

[FR Doc. 87-21940 Filed 9-22-87; 8:45 am]

BILLING CODE 6560-50-M

Registered Federal Reporter

Wednesday
September 23, 1987

Part VII

Department of Education

Perkins Loan, College Work Study,
Supplemental Educational Opportunity
Grant and Guaranteed Student Loan
Programs; Notice

DEPARTMENT OF EDUCATION**Perkins Loan (Formerly National Direct Student Loan), College Work-Study, Supplemental Educational Opportunity Grant and Guaranteed Student Loan Programs**

AGENCY: Department of Education.

ACTION: Notice of procedures for certification of need analysis servicers' systems and notice of closing dates for requesting and returning agreements and transmittal of information.

SUMMARY: The Secretary of Education is informing individuals and organizations that operate need analysis systems (need analysis servicer) that the Secretary will enter into an agreement with a need analysis servicer under which the need analysis servicer's system would become a certified system. If an institution uses a certified need analysis system in the calculation of an expected family contribution for the 1988-89 academic year under the Perkins Loan, College Work-Study (CWS), Supplemental Educational Opportunity Grant (SEOG) (known collectively as the campus-based programs) and Guaranteed Student Loan (GSL) Programs, the institution can be assured that the expected family contribution produced by the system will accurately reflect the expected family contribution described in Title IV, Part F, of the Higher Education Act of 1965, as amended (HEA). A need analysis servicer may also agree to incorporate Department of Education (ED) specifications and edits, and/or to select applicants for verification.

FOR FURTHER INFORMATION CONTACT: Margaret O. Henry, Division of Policy

and Program Development, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue, SW., Room 4018, ROB-3, Washington, DC 20202, Telephone (202) 732-4490. For information regarding the specification package contact: Paul Hill or Dan Madzalan, Telephone (202) 732-3963.

SUPPLEMENTARY INFORMATION:**Program Information**

The campus-based and Guaranteed Student Loan programs are "need-based" student financial aid programs. In order to award financial aid under each program, an institution must determine whether a student has financial need. The institution determines a student's financial need by subtracting from the student's educational cost his or her expected family contribution, i.e., the amount the student, his or her spouse and, in the case of a dependent student, his or her parents, may reasonably be expected to contribute toward his or her educational costs.

Part F of Title IV of the Higher Education Act of 1965 (HEA), after its amendment by the Higher Education Amendments of 1986, provides detailed formulas for determining a student's expected family contribution for the campus-based and GSL programs. The statutory formulas specify the criteria, data elements and tables for schedules of expected family contributions for these programs.

As authorized by the HEA and as a service to institutions, the Secretary will certify that an expected family contribution produced by an individual's or organization's system is consistent

with the calculation prescribed by Title IV-F of the HEA. To accomplish the certification process with a minimal disruption to the existing institutional practices of awarding financial aid, the Secretary has developed four levels of participation in the certification process. These four levels are described as follows:

Each need analysis servicer whose system is certified by the Secretary is able to calculate an expected family contribution under Title IV-F of the HEA when an applicant provides all the data elements necessary for that calculation in a complete and consistent manner. A need analysis servicer that is able only to perform this function may have its system certified at Level 1.

Under Level 2, the need analysis servicer is able to perform the function described under Level 1 and select applicants for verification under ED instructions for that selection.

Under Level 3, the need analysis servicer is able to perform the function described under Level 1 and calculate an expected family contribution under Title IV-F of the HEA, even when an applicant provides incomplete and inconsistent data, through the use of ED edits.

Under Level 4, the need analysis servicer is able to perform the function described under Level 1 and calculate an expected family contribution under Title IV-F of the HEA even when an applicant provides incomplete and inconsistent data through the use of ED edits and is able to select applicants for verification under ED instructions for that selection.

The following table summarizes characteristics of each participation level:

Characteristics Table

		Able to Calculate Expected Family Contribution (EFC) When Applicant Information is Complete and Consistent	Able to Incorporate Verification Selection Criteria	Able to Incorporate ED Edits for Incomplete or Inconsistent Information in Calculation of Expected Family Contribution (EFC)
Formula	Level 1	Yes	No	No
Formula and Verification	Level 2	Yes	Yes	No
Formula and Edits	Level 3	Yes	No	Yes
Formula, Edits, and Verification	Level 4	Yes	Yes	Yes

This notice describes below the procedures that must be followed by need analysis servicers to have their systems certified by the Secretary. The Secretary will subsequently publish other notices in January 1988 and March 1988 listing those need analysis servicers that have completed that process and whose systems have been certified.

Certification Procedural Requirements

In order to have its system certified by the Secretary, a need analysis servicer must enter into an agreement with the Secretary and follow the procedural steps below:

Step 1: The need analysis servicer requests an agreement from ED. The request must be in writing and either hand-delivered or mailed to the address indicated below.

Step 2: After ED receives a request, it provides an agreement package to the need analysis servicer. The agreement package contains information that will enable the need analysis servicer to determine whether it wishes its system to become certified and will enable the need analysis servicer to choose one of four levels of participation.

Step 3: A need analysis servicer selects its participation level by indicating that level on the agreement and returning its signed agreement to ED.

Step 4: Following submission of the signed agreement to ED, ED provides the need analysis servicer with the appropriate software development package based on the participation level selected.

Step 5: Test cases will then be transmitted to need analysis servicers at a date agreed upon between the Department and the need analysis servicer. The complexity and number of the test cases depend on the participation level the need analysis servicer has selected. (A test case is a discrete set of hypothetical applicant data which is used to test the accuracy and adequacy of a computer function and the need analysis servicer's implementation of Title IV, Part F of the HEA. A single test case may test one or more specific input, process, or output functions. An aggregate of test cases may test a particular computer process, computer run, process cycle, subsystem, or total system process.) ED will send test cases and additional information to the need analysis servicer signing the agreement, providing instructions for submitting the results of processing the test cases to ED. Each set of test cases is designed to provide evidence that will indicate the need analysis servicer's ability to actually perform operational functions at the particular level of service selected. A need analysis servicer will be given a choice of

receiving its test cases by hard copy, floppy disk, or magnetic tape.

Step 6: A need analysis servicer processes all the test cases provided it and submits the results of the test cases to ED by December 14, 1987. If there are deficiencies in the test case results, these must be resolved to the satisfaction of ED by January 6, 1988 in order for that need analysis servicer to be included in the list of certified need analysis servicers that the Secretary will publish in the Federal Register in January 1988.

If the submission date of December 14, 1987 is not met, results of the test cases must be submitted by the need analysis servicers to ED by February 1, 1988 with deficiencies in the test case results resolved to the satisfaction of ED by March 15, 1988 in order for the need analysis servicer to be included in the list of certified need analysis servicers that the Secretary will publish in the Federal Register in March 1988.

A need analysis servicer will be given a choice of submitting its processed test case data and system generated results by hard copy, floppy disk or magnetic tape.

Requesting Agreements

The deadline for requesting the agreement is October 16, 1987. Agreements must be requested in writing. The request must be addressed or hand-delivered to the Department of

Education, Office of Student Financial Assistance, Division of Policy and Program Development, Campus and State Grant Branch, 400 Maryland Avenue, SW., (Room 4018, Regional Office Building 3), Washington, DC 20202.

Submission of Agreements

All agreements must be signed and mailed or hand-delivered to the Department of Education by November 12, 1987.

Agreements Delivered by Mail

Agreements delivered by mail must be addressed to the Department of Education, Office of Student Financial Assistance, Division of Policy and Program Development, Campus and State Grant Branch, 400 Maryland Avenue, SW., (Room 4018, Regional Office Building 3), Washington, DC 20202.

A need analysis servicer must show proof of mailing the agreement. Proof of mailing consists of one of the following: (1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service, (2) a legibly dated U.S. Postal Service postmark, (3) a dated shipping label, invoice, or receipt from a commercial carrier, or (4) any other proof of mailing acceptable to the U.S. Secretary of Education.

If agreements are forwarded using the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. A need analysis servicer should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, confirmation should be obtained from the local post office. A need analysis servicer is encouraged to use certified or, at least, first-class mail.

Agreements Delivered by Hand

Agreements that are hand-delivered must be taken to the Department of Education, Office of Student Financial Assistance, Division of Policy and Program Development, Campus and State Grant Branch, 7th and D Streets, SW., Room 4018, Regional Office Building 3, Washington, DC 20202.

Hand-delivered agreements will be accepted between 8:00 a.m. and 4:30 p.m. daily (Washington, DC time), except Saturdays, Sundays and Federal

holidays. Agreements delivered by hand will not be accepted after 4:30 p.m. on the closing date.

Submission of Test Case Results

A need analysis servicer may choose to submit its test results data by—

(1) Submitting the processed test case data and its (the system's) generated results on hard copy;

(2) Submitting the processed test case data and generated results on floppy disks; or

(3) Submitting the processed test case data and generated results on a magnetic tape from data stored on a mainframe computer.

Regardless of which method is used for submitting test case results, need analysis servicers must submit data in accordance with the ED instructions.

Test Case Results Delivered by Mail

Test case results delivered by mail must be addressed to the Department of Education, Office of Student Financial Assistance, Division of Policy and Program Development, Campus and State Grant Branch, 400 Maryland Avenue, SW., (Room 4004, Regional Office Building 3), Washington, DC 20202.

A need analysis servicer must show proof of mailing the test case results. Proof of mailing consists of one of the following: (1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service, (2) a legibly dated U.S. Postal Service postmark (3) a dated shipping label, invoice, or receipt from a commercial carrier, or (4) any other proof of mailing acceptable to the U.S. Secretary of Education.

If test case results are forwarded using the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. A need analysis servicer should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, confirmation should be obtained from the local post office. A need analysis servicer is encouraged to use certified or, at least, first-class mail.

Test Case Results Delivered by Hand

Test case results that are hand-delivered must be taken to the Department of Education, Office of

Student Financial Assistance, Division of Policy and Program Development, Campus and State Grant Branch, 7th and D Streets, SW., Room 4004, Regional Office Building 3, Washington, DC 20202.

Hand-delivered test case results will be accepted between 8:00 a.m. and 4:30 p.m. daily (Washington, DC time), except Saturdays, Sundays and Federal holidays. Test case results delivered by hand will not be accepted after 4:30 p.m. on the closing date.

The Secretary plans to publish two notices listing systems that are certified. These notices are expected to be published in the *Federal Register* in January 1988 and March 1988. To ensure consideration for publication in the January 1988 notice, all test case results must be submitted by December 14, 1987 and all discrepancies resolved and approved by the Secretary by January 6, 1988. To ensure consideration for publication in the March 1988 notice, all test case results must be submitted by February 1, 1988 and all discrepancies resolved and approved by the Secretary by March 15, 1988.

Closing Dates

1. Deadline date to request agreement—October 16, 1987.
2. Deadline date to submit agreement to ED—November 12, 1987.
3. Deadline date to submit test case results to ED for January 1988 notice—December 14, 1987.
4. Deadline date to resolve test case results for January 1988 notice—January 6, 1988.
5. Deadline date to submit test case results to ED for March 1988 notice—February 1, 1988.
6. Deadline date to resolve test case results for March 1988 notice—March 15, 1988.

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loan Program; 84.033, College Work-Study Program; 84.007, Supplemental Educational Opportunity Grant Program; and 84.032, Guaranteed Student Loan Program)

Dated: September 18, 1987.

C. Ronald Kimberling,
Assistant Secretary for Postsecondary Education.

[FR Doc. 87-21946 Filed 9-22-87; 8:45 am]

BILLING CODE 4000-01-M