

September 16, 1999. FAA Order 7400.9G is incorporated by reference in 14 CFR 71.1. The offshore airspace area described in this document will be published in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

International Civil Aviation Organization (ICAO) Considerations

Since part of this rule effects navigable airspace outside the United States, the notice of proposed rulemaking was submitted to the Department of State and the Department of Defense in accordance with the ICAO International Standards and Recommended Practices.

The application of International Standards and Recommended Practices by the FAA, Office of Air Traffic Airspace Management, in areas outside U.S. domestic airspace, is governed by the Convention on International Civil Aviation. Specifically, the FAA is governed by Article 12 and Annex 11 of the Convention, which pertain to the establishment of necessary air navigational facilities and services to promote the safe, orderly, and expeditious flow of civil air traffic. The purpose of Article 12 and Annex 11 is to ensure that civil aircraft operations on international air routes are performed under uniform conditions.

The International Standards and Recommended Practices in Annex 11 apply to airspace under the jurisdiction of a contracting state, derived from ICAO. Annex 11 provisions apply when air traffic services are provided and a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting this responsibility may apply the International Standards and Recommended Practices that are

consistent with standards and practices utilized in its domestic jurisdiction.

In accordance with Article 3 of the Convention, state-owned aircraft are exempt from the Standards and Recommended Practices of Annex 11. The United States is a contracting state to the Convention. Article 3(d) of the Convention provides that participating state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Because this amendment involves, in part, the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

Paragraph 6007 Offshore Airspace Areas

* * * * *

East Coast Low [Revised]

That airspace extending upward from 2,000 feet MSL bounded on the west and north by a line 12 miles from and parallel to the U.S. shoreline and on the south and east by a line beginning at lat. 39°25'46" N., long. 74°02'34" W.; to lat. 39°02'05" N., long. 73°39'30" W.; to lat. 40°04'20" N., long. 72°30'00" W.; to lat. 40°37'14" N., long. 72°30'00" W.; and that airspace bounded on the west and north by a line 12 miles from and parallel to the U.S. shoreline and on the south and east by a line beginning at lat. 40°41'00" N., long. 72°17'00" W., thence along the northern boundary of Warning Areas W-106B and W-105A to lat. 40°58'33" N., long. 70°59'00" W.; to lat. 40°48'30" N., long. 70°30'00" W.; to lat. 40°59'00" N., long. 69°40'00" W.; to lat. 41°30'00" N., long.

69°10'00" W.; to lat. 42°05'00" N., long. 69°30'00" W.; to lat. 42°17'00" N., long. 69°49'30" W.; to lat. 42°17'00" N., long. 70°00'00" W.; to lat. 43°17'00" N., long. 70°00'00" W.; to lat. 43°33'56" N., long. 69°29'12" W.

* * * * *

Issued in Washington, DC, on June 15, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–15811 Filed 6–21–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

[SPATS No. AL–069–FOR]

Alabama Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving an amendment to the Alabama regulatory program (Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Alabama proposed revisions to and additions of regulations concerning removal of coal incidental to government-financed construction and the suitability of topsoil substitutes or supplements. Alabama also corrected citation references. Alabama intends to revise its program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: June 22, 2000.

FOR FURTHER INFORMATION CONTACT:

Arthur W. Abbs, Director, Birmingham Field Office, Office of Surface Mining, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209. Telephone: (205) 290–7282. Internet: aabbs@balgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Alabama Program
- II. Submission of the Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

I. Background on the Alabama Program

On May 20, 1982, the Secretary of the Interior conditionally approved the Alabama program. You can find background information on the Alabama program, including the Secretary's findings, the disposition of comments,

and the conditions of approval in the May 20, 1982, **Federal Register** (47 FR 22062). You can find later actions on the Alabama program at 30 CFR 901.15 and 901.16.

II. Submission of the Amendment

By letter dated April 11, 2000 (Administrative Record No. AL-0631), Alabama sent us an amendment to its program under SMCRA and the Federal regulations at 30 CFR 732.17(b). Alabama sent the amendment in response to our letters dated January 13, 1998, and October 15, 1998 (Administrative Record Nos. AL-0577 and AL-0587 respectively), that we sent to Alabama under 30 CFR 732.17(c). The amendment also includes changes made at Alabama's own initiative. Alabama proposes to amend the Alabama Surface Mining Commission (ASMC) rules.

We announced receipt of the amendment in the April 26, 2000, **Federal Register** (65 FR 24433). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. The public comment period closed on May 26, 2000. Because no one requested a public hearing or meeting, we did not hold one.

III. Director's Findings

Following, under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the amendment to the Alabama program.

A. 880-X-2A-.06, Definitions

1. Alabama revised the definition of "government-finance construction" to read as follows:

Government-finance construction means construction funded 50 percent or more by funds appropriated from a government financing agency's budget or obtained from general revenue bonds. Funding at less than 50 percent may qualify if the construction is undertaken as an approved reclamation project under Title IV of the Federal Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 *et seq.*, as amended. Construction funded through government financing agency guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent, or in-kind payments does not qualify as government-finance construction.

The revised definition is substantively the same as the Federal definition of "government-financed construction" found at 30 CFR 707.5. Therefore, we find that Alabama's definition is no less effective than the Federal definition, and we are approving it.

2. In our letter dated October 15, 1998, we notified Alabama that its

definitions of "material damage" and "occupied residential dwelling and structures related thereto" contained citation reference errors. Alabama corrected the definitions by removing a reference to 880-X-8I-.20 and adding a reference to 880-X-8I-.10. We find that the revised citation references are consistent with the citation references in the counterpart Federal definitions, and we are approving the revisions.

B. 880-X-2D-.04, Applicability

Alabama added language to Rule 880-X-2D-.04(1) to provide that with the exception of the requirements of Rule 880-X-2D-.06, if applicable, coal extraction which is incidental to government-financed construction is exempt from the Alabama Surface Mining Control and Reclamation Act and its implementing regulations.

As discussed below in finding C, Alabama's proposed exception to the exemption under Subchapter 880-X-2D would be applicable for coal removal incidental to government-financed construction where funding for the project is less than 50 percent and the construction is undertaken as an approved project under Title IV of SMCRA. Specifically, Rule 880-X-2D-.06 provides additional requirements for such coal removal when it is undertaken as part of a project under Alabama's approved Abandoned Mine Land Reclamation Program. Although the Federal regulations at 30 CFR Part 707 do not contain this exception language, the Federal regulations at 30 CFR Part 874 were revised to provide additional requirements for coal removal incident to AML projects receiving less than 50 percent government funding. Therefore, we find that the addition of the new exception language will not make Rule 880-X-2D-.04(1) less effective than the counterpart Federal regulation at 30 CFR 707.11(a).

C. 880-X-2D-.06, Additional Requirements for Coal Removal Incidental to Abandoned Mine Land Projects

Alabama proposes to add this new rule to provide additional requirements that apply to coal removal incidental to AML reclamation projects. The requirements of this rule apply to coal removal incidental to government-financed construction where funding for the project is less than 50 percent and the construction is undertaken as an approved reclamation project under Title IV of SMCRA. Paragraph (1) requires the AML contractor and any subcontractor involved in the removal of coal from, or processing of coal on, the project site to obtain or possess a

valid license under Chapter 880-X-6 of Alabama's regulations. Paragraph (2) requires the AML contractor to identify the prospective purchasers or end users of all coal that he or she will extract under the project before the ASMC can grant concurrence under the Federal regulations at 30 CFR 874.17. Paragraph (3) requires the AML contractor to maintain records of the exact tonnage of coal removed, as well as the names and addresses of all purchasers or end users of the coal at the project site. The AML contractor must make these records available to the ASMC upon request. Paragraph (4) provides that this exemption applies only to coal located within the boundaries of the approved construction project. In addition, removal of the coal must be necessary to achieve the objectives of the AML reclamation project. Paragraph (5) provides that both the Alabama Department of Industrial Relations and the ASMC must approve the project in accordance with the provisions of the Federal regulations at 30 CFR 874.17 before the AML contractor can remove coal under Subchapter 880-X-2D. Finally, paragraph (6) provides that all coal removal under this exemption must be under the direct supervision of the AML contractor. The AML contractor is liable for any violations of these regulations.

This new rule establishes the conditions under which ASMC, as the Title V regulatory authority, will approve an exemption for the removal of coal incidental to performance of a government-financed construction project where government funding for the project is less than 50 percent and the construction is undertaken as an approved AML reclamation project under Alabama's approved Abandoned Mine Land Reclamation Program. There are no counterparts in the Federal regulations at 30 CFR Part 707 for the additional requirements proposed at Rule 880-X-2D-.06. However, the requirements are not inconsistent with the provisions in 30 CFR Part 707. Also, Alabama's proposed regulation at paragraph (5) ensures the ASMC and the Alabama AML agency's actions are consistent with the Federal regulations at 30 CFR 874.17, which provide AML agency procedures for coal removal incident to reclamation projects receiving less than 50 percent government funding. The Federal regulation at 30 CFR 874.17(a) requires the AML agency to make specific determinations in consultation with the Title V regulatory authority. The Federal regulation at 30 CFR 874.17(b) requires the AML agency to concur with the Title

V regulatory authority in specific determinations before proceeding with an AML reclamation project that involves coal removal incident to government-financed construction with less than 50 percent government financing. These consultations and concurrences are intended to ensure the appropriateness of the project being undertaken as a Title IV AML project and not under the Title V regulatory program. Therefore, we are approving Alabama's new regulation at Rule 880-X-2D-.06.

D. 880-X-8I-.08(2)(d), Reclamation Plan: General Requirements; Topsoil

In response to our letter dated January 13, 1998, Alabama added two additional sentences to Rule 880-X-8I-.08(2)(d). The revised regulation reads as follows:

A plan for removal, storage, and redistribution of topsoil, subsoil and other material to meet the requirements of Rules 880-X-10D-.07-880-X-10D-.11. A demonstration of the suitability of topsoil substitutes or supplements shall be based upon analysis of the thickness of soil horizons, total depth, texture, percent coarse fragments, pH, and areal extent of the different kinds of soils. The regulatory authority may require other chemical and physical analyses, field-site trials, or greenhouse tests if determined to be necessary or desirable to demonstrate the suitability of the topsoil substitutes or supplements.

Alabama's revised regulation at Rule 880-X-8I-.08(2)(d) is substantively the same as the counterpart Federal regulation at 30 CFR 784.13(b)(4), and we are approving it.

E. 880-X-8I-.10, Subsidence Control Plan

In our letter dated October 15, 1998, we notified Alabama that its regulation at 880-X-8I-.10(2)(h) contained a citation reference error. Alabama corrected its regulation by removing a reference to 880-X-10D-.12(10) and adding a reference to 880-X-10D-12(9). We find that the revised citation reference is consistent with the citation reference in the counterpart Federal regulation, and we are approving the revision.

IV. Summary and Disposition of Comments

Federal Agency Comments

On April 14, 2000, under section 503(b) of SMCRA and 30 CFR 732.17(h)(11)(i) of the Federal regulations, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Alabama program (Administrative Record No. AL-0633).

By letter dated May 2, 2000 (Administrative Record No. AL-0638), the Mine Safety and Health Administration responded that it had no comments on the proposal.

Environmental Protection Agency (EPA)

Under 30 CFR 732.17(h)(11)(ii), we are required to obtain the written concurrence of the EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Alabama proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask the EPA for its concurrence.

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from the EPA (Administrative Record No. AL-0633). The EPA did not respond to our request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On April 14, 2000, we requested comments on Alabama's amendment (Administrative Record No. AL-0633). By letter dated May 17, 2000 (Administrative Record No. AL-0639), the Alabama Historical Commission (AHC) provided the following comments for our consideration:

1. The AHC commented that Alabama's regulation at 880-X-2D-.04(1) appears to state that coal extraction is exempt from these regulations and asked us to clarify Alabama's provision. The AHC thought that this statement appeared to be contrary to Section 106 of the National Historic Preservation Act of 1966.

Response: The exemption for extraction of coal which is incidental to Federal, State, or local government-financed highway or other construction is authorized by section 528(2) of SMCRA. Alabama's existing regulations at Subchapter 880-X-2D exempt the extraction of coal which is incidental to Federal, State, or local government-financed highway or other construction from the State Act and Alabama's regulations when that construction meets specified criteria. Alabama's current regulations limit the exemption to those construction projects that are funded 50 percent or more by a government agency. As discussed in finding A.1, the proposed revision extends the exemption to government

funding at less than 50 percent if the construction is undertaken as an approved reclamation project under Title IV of SMCRA. As discussed in finding B, Alabama revised its applicability regulation at 880-X-2D-.04(1) to specify additional criteria that would apply to coal extraction under the new exemption. Alabama's proposed regulations at Subchapter 880-X-2D are no less effective than the Federal regulations at 30 CFR Part 707.

Compliance with Section 106 is not jeopardized by the proposed revision because it requires that, for coal extraction with less than 50 percent government funding to be exempt from the State Act and regulations, it must be included as an integral part of an approved abandoned mine land reclamation project that is administered by the State Abandoned Mine Land (AML) Reclamation Program. State AML Programs are required to comply with the requirements of Section 106 for all reclamation projects. The Alabama Historical Commission will be consulted prior to any coal extraction activities authorized under Alabama's proposed revision because such consultation is required by the Office of Surface Mining as part of the National Environmental Policy Act (NEPA) review of all AML reclamation projects.

2. AHC commented that historical and archaeological should be added to the definition of a "person having an interest which is or may be adversely affected * * * ."

Response: Alabama is not proposing to revise this previously approved definition. Also, Alabama's definition is substantively identical to the Federal definition at 30 CFR 700.5. However, a copy of your comments will be forwarded to Alabama for consideration in a future rulemaking.

3. The AHC provided the following additional comments:

Cultural resource consultation should be required when activities will affect previously undisturbed areas. This should include any undisturbed areas impacted during reclamation projects.

The Alabama Historical Commission should be consulted if human remains or historic cemeteries are known or expected to be in the area of effect, in accordance with the Alabama Burial Act.

Response: Alabama is not proposing any revisions to its regulations concerning the consideration that must be given to historic properties, cultural resources, or cemeteries. Also, Alabama's currently approved regulations require coordination with requirements under other laws, including the National Historic Preservation Act of 1966. However, a

copy of your comments will be forwarded to Alabama for consideration in a future rulemaking.

Public Comments

We asked for public comments on the amendment, but did not receive any.

V. Director's Decision

Based on the above findings, we approve the amendment as sent to us by Alabama on April 11, 2000. We approve the rules that Alabama proposed with the provision that they be published in identical form to the rules sent to and reviewed by OSM and the public.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 901, which codify decisions concerning the Alabama program. We are making this final rule effective immediately to expedite the State program amendment process and to encourage Alabama to bring its program into conformity with the Federal standards. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulations.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations "consistent with" regulations issued by the Secretary under SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed State regulatory program provision does not constitute a major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be

implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- a. Does not have an annual effect on the economy of \$100 million.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.
- c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 6, 2000.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 901 is amended as set forth below:

PART 901—ALABAMA

1. The authority citation for Part 901 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 901.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 901.15 Approval of Alabama regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
April 11, 2000	June 22, 2000	880-X-2A-.06; 880-X-2D-.04(1) and .06; 880-X-8I-.08(2)(d); 880-X-8I-.10(2)(h).

[FR Doc. 00-15835 Filed 6-21-00; 8:45 am]
 BILLING CODE 4310-05-P

DEPARTMENT OF EDUCATION

34 CFR Parts 668, 682, 685 and 692

Student Assistance General Provisions, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and State Student Incentive Grant Program

AGENCY: Department of Education.
ACTION: Final regulations.

SUMMARY: The Secretary makes technical amendments to the Student Assistance General Provisions, Federal Family Education Loan (FFEL) Program, William D. Ford Federal Direct Loan Program, and the State Student Incentive Grant (SSIG) Program regulations. These amendments are necessary to change the name of the SSIG Program to the Leveraging Educational Assistance Partnership (LEAP) Program, correct cross-references, and delete obsolete references. These technical amendments incorporate changes made to the Higher Education Act of 1965, as amended (HEA), by the Higher Education Amendments of 1998 (1998 Amendments).

EFFECTIVE DATE: These regulations take effect June 22, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Jackie Butler, U.S. Department of Education, 400 Maryland Avenue, SW., Regional Office Building 3, Room 3045, Washington, DC 20202-5447. Telephone: (202) 708-8242.

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SUPPLEMENTARY INFORMATION: Because the Higher Education Amendments renamed the State Student Incentive Grant (SSIG) Program the Leveraging Educational Assistance Partnership (LEAP) Program, we are making conforming name changes to the Student Assistance General Provisions

regulations, 34 CFR part 668, FFEL Program regulations, 34 CFR part 682, William D. Ford Federal Direct Loan Program regulations, 34 CFR part 685, and SSIG Program regulations, 34 CFR part 692.

We are also correcting cross-references and removing obsolete references. Therefore:

- We have replaced references to “institution of higher education” throughout 34 CFR part 692 with “institution” to reflect the type of institutions described in § 668.1(b) of the Student Assistance General Provisions regulations, and corrected other cross-references to various terms now defined in 34 CFR parts 600 and 668.

- We have removed references to section 1203 of the HEA throughout 34 CFR part 692 to reflect that this section was eliminated by the 1998 Amendments.

- We have removed OMB control numbers after §§ 692.20, 692.21 and 692.40.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, these regulations merely reflect statutory changes, correct cross-references, and remove obsolete regulatory provisions. The changes do not establish or affect substantive policy. Therefore, the Secretary has concluded that these regulations are technical in nature and do not necessitate public comment. Therefore, the Secretary finds that such a solicitation would be unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

For the same reasons, the Secretary has determined, under section 492(b)(2) of the Higher Education Act of 1965, as amended, that these regulations should not be subject to negotiated rulemaking.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations would not have a significant economic impact on a substantial number of small entities. Small entities affected by these regulations are small institutions of higher education. Although States and State agencies are impacted by these regulations, they are not defined as “small entities” in the

Regulatory Flexibility Act. These regulations contain technical amendments designed to clarify and correct current regulations. The changes will not have a significant economic impact on the institutions, State or State agencies affected.

Paperwork Reduction Act of 1995

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Intergovernmental Review

The LEAP Program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, we intend this document to provide early notification of the Department’s specific plans and actions for this program.

Assessment of Educational Impact

Based on our own review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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