

## DEPARTMENT OF EDUCATION

## 34 CFR Part 280

RIN 1810-AA88

## Magnet Schools Assistance Program

AGENCY: Department of Education.

ACTION: Final rule.

**SUMMARY:** The Secretary amends the regulations governing the Magnet Schools Assistance Program (MSAP). This amendment makes a technical change to conform the existing regulations to the other amendments to the regulations made on March 20, 1995.

**EFFECTIVE DATE:** These regulations take effect March 19, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven L. Brockhouse, U.S. Department of Education, 600 Independence Ave., SW., Room 4500, Portals Building, Washington, D.C. 20202-6140. Telephone: (202) 260-2476. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact person listed in the preceding paragraph.

**SUPPLEMENTARY INFORMATION:** On March 20, 1995, the Assistant Secretary for Elementary and Secondary Education amended the MSAP regulation at § 280.32 by revising the heading, removing paragraph (b), redesignating paragraph (d) as paragraph (b), removing the parenthetical reference to "15 points" from the redesignated paragraph (b), adding a new paragraph (d), and revising paragraphs (a), (c), (e), (f). At that time redesignated subparagraph (b)(2), which provides—The applicant receives up to 15 points, depending on the extent of its need for assistance—was inadvertently not eliminated. In order to conform with the purpose of the 1995 amendment eliminating the 15 points reference for this priority factor, this regulation eliminates § 280.32(b)(2). Under § 280.32(a) of the regulations, the Secretary will announce, in an

application notice published in the **Federal Register**, how these points will be distributed.

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**Intergovernmental Review**

The program is subject to the requirements of 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, this document is intended to provide early notification of the Secretary's specific plans and actions for this program.

**Waiver of Proposed Rulemaking**

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations in accordance with the Administrative Procedure Act (5 U.S.C. 553). However, since this change does not affect substantive policy, public comment could have no effect. Therefore, the Secretary has determined pursuant to 5 U.S.C. 553(b)(B) that public comment on these regulations is unnecessary and contrary to the public interest.

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**Note:** The official version of this document is the document published in the **Federal Register**. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-3339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**List of Subjects in 34 CFR Part 280**

Civil rights, Desegregation, Education, Elementary and secondary education, Grant programs—education, magnet schools, Reporting and record keeping requirements.

[Catalog of Federal Domestic Assistance Number 84.165A—Magnet Schools Assistance Program]

Dated: February 11, 1998.

**Gerald N. Tirozzi,**

*Assistant Secretary for Elementary and Secondary Education.*

The Secretary amends part 280 of title 34 of the Code of Federal Regulations as follows:

**PART 280—MAGNET SCHOOLS ASSISTANCE PROGRAM**

1. The authority citation for Part 280 continues to read as follows:

**Authority:** 20 U.S.C. 7201-7213, unless otherwise noted.

**§ 208.32 [Amended]**

2. Section 280.32 is amended by removing paragraph (b)(2); and redesignating paragraphs (b)(1)(i) through (iv) as paragraphs (b)(1) through (4), respectively.

[FR Doc. 98-3830 Filed 2-13-98; 8:45 am]

BILLING CODE 4000-01-P