guidelines. The package will contain directions regarding meeting the performance guidelines and copies of the performance guidelines. Each grantee would be required to meet or demonstrate significant progress toward meeting its annually derived set of priorities, goals, and objectives. If planned priorities, goals, or objectives are not met, grantees must document why, and if appropriate, provide a revised plan that includes a timetable for the particular priority, goal, and objective.

Compliance with section 508 of the Rehabilitation Act of 1973 (§ 345.31(d)): Section 103(d)(6) of the Act provides that, in an application for an extension grant, a State must provide an assurance that the State "or any recipient of funds made available to the State under (a development grant)" will comply with guidelines developed under section 508 of the Rehabilitation Act of 1973 (section 508). Section 508 guarantees that individuals with disabilities will have access to electronic and information technology. This requirement applies to all offices, agencies, and entities in a State. The Secretary believes that section 508 also applies to all subrecipients under the Act. The Secretary particularly solicits comments on this interpretation.

—Appeal of corrective action finding (§ 345.60)):

Section 105(b)(1) of the Act provides that any State that fails to comply with the requirements of Title I of the Act shall be subject to a corrective action plan. The Secretary would require that a State appeal a finding that it is subject to corrective action within 30 days of being notified in writing by the Secretary of the finding. (This timeframe is consistent with the Education Department General Administrative Regulations, at 34 CFR 81.37, which allows recipients of federal financial assistance from the Department of Education 30 days to appeal a notice of a disallowance decision requesting the return of misspent funds). The Secretary would respond to an appeal within 30 days.

Title to devices (§ 345.30(b)(5)(ii)): The Secretary would encourage the recycling of assistive technology devices that are no longer being used. Section 102(e)(12)(B) requires a public agency or an individual with a disability to hold title to property purchased with funds under the Act. Upon death or upon any event rendering an individual incapable of using, or making it unnecessary for an individual to use, an assistive technology device, the Secretary recommends that the individual, the individual's family, or the public agency

recycle the device for use by other disabled individuals.

Executive Order 12866

1. Assessment of Costs and Benefits

These proposed regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the proposed regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently. Burdens specifically associated with information collection requirements, if any, are identified and explained elsewhere in this preamble under the heading *Paperwork Reduction Act of 1980*.

In assessing the potential costs and benefits—both quantitative and qualitative—of these proposed regulations, the Secretary has determined that the benefits of the proposed regulations justify the costs.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on whether there may be further opportunities to reduce any potential costs or increase potential benefits resulting from these proposed regulations without impeding the effective and efficient administration of the program.

2. Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed regulations clearly stated? (2) Do the regulations contain technical terms or other wording that interferes with their clarity? (3) Does the format of the regulations (grouping and order of sections, use of headings, paragraphing etc.) aid or reduce their clarity? Would the regulations be easier to understand if they were divided into more (but shorter) sections? (A "section" is preceded by the symbol "§" and a numbered heading; for example, § 345.1 What is the State Grants Program for Technology-Related Assistance for Individuals with Disabilities?) (4) Is the description of the regulations in the "Supplementary Information" section of this preamble helpful in understanding

the regulations? How could this description be more helpful in making the regulations easier to understand? (5) What else could the Department do to make the regulations easier to understand?

A copy of any comments that concern how the Department could make these proposed regulations easier to understand should be sent to Stanley M. Cohen, Regulations Quality Officer, U.S. Department of Education, 600 Independence Avenue, SW. (Room 5121, FB–10B), Washington, DC. 20202–2241.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Because these proposed regulations would affect only States and State agencies, the regulations would not have an impact on small entities. States and State agencies are not defined as "small entities" in the Regulatory Flexibility Act.

Paperwork Reduction Act of 1980

Sections 345.30, 345.31, 345.42, 345.50, 345.53, and 345.55 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

States are eligible to apply for grants under these regulations. The Department needs and uses the information to make grants. Annual public reporting burden for this collection of information is estimated to be 30 hours per response for 55 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, D.C. 20503; Attention: Daniel J. Chenok.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 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