conferences, schools, and groups interested in women's and men's sports. Should such a form be developed and made available? Can one format be used by all of the types of IHEs that will be subject to the law, or will a small number of different formats be necessary? If the latter, on what basis should institutions be differentiated?

Do any of the categories of information required by the EADA simply not apply to some IHEs? If so, how should regulations, non-regulatory guidance, or a model format address this situation?

14. Disclosure to students and the public.

The EADA requires that an institution of higher education subject to the Act shall make available to students and potential students, upon request, and to the public, the information contained in the report. The institution shall inform all students of their right to request that information. The Act requires that each institution make available its first report not later than October 1, 1996. These statutory provisions are set forth in proposed § 668.41(e).

Each IHE must make its first report available by October 1, 1996. The Secretary believes that October 1 also should be the deadline for subsequent annual reports, and would best meet the needs of IHEs, students, and potential students.

The Secretary believes it is particularly important that students, potential students, and parents have easy and timely access to the information in this report. How should an IHE give notice to each of these groups that the report is available? How should the IHE make the information accessible to students, potential students, and the public? The Secretary does not believe that students or potential students should be charged for copies of the report but is sensitive to the possible financial burden on IHEs and requests comments on this matter. Also, should an IHE be allowed to charge the public for copies of the report?

#### **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 the regulatory action. The potential costs associated with the proposed regulations are those resulting from statutory requirements. Burdens specifically associated with information collection requirements are identified

and explained elsewhere in this preamble under the heading *Paperwork* Reduction Act of 1980.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on how the final regulations should be written to minimize potential costs or to increase potential benefits resulting from these proposed regulations consistent with the purposes of the EADA.

## 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 regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the 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, § 668.48 Report on athletic program participation rates and financial support data.) (4) Is the description of the proposed regulations in the "Supplementary Information" section of this preamble helpful in understanding the proposed regulations? How could this description be more helpful in making the proposed 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, S.W. (Room 5121, FB-10), Washington, D.C. 20202-

# **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. The small entities that would be affected by these regulations are small coeducational institutions of higher education that participate in Title IV, HEA programs and that have intercollegiate athletic programs. However, the regulations would not

have a significant economic impact on these small entities because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The proposed regulations would not impose any requirements except the statutory requirements in the EADA.

### Paperwork Reduction Act of 1980

Section 668.48 contains 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))

Educational institutions that are public or nonprofit institutions or businesses or other for-profit institutions may participate in the Title IV, HEA programs. IHEs will need and use the information required by these regulations to meet the disclosure requirements of the EADA.

Annual public reporting and recordkeeping burden contained in the collection of information proposed in these regulations is estimated to be 18,000 hours, including the time for searching existing data sources and gathering and maintaining the data needed.

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.

#### Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 4318, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

## Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

### List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Education, Grant