



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

In the Matter of
NETTLETON JUNIOR COLLEGE,

Respondent

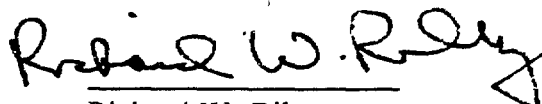
Docket Number 93-29-SP
Student Financial Assistance
Proceeding

CLARIFICATION OF CERTIFICATION

This matter comes before the Secretary on a March 24, 1995, Emergency Motion for Clarification (Motion) submitted by the Office of Student Financial Assistance Programs (SFAP) of the U.S. Department of Education (Department). The Motion requests clarification of the Secretary's Certification of Decision (Certification), dated February 28, 1995.¹ I hereby grant the Motion.

In the instant matter, SFAP seeks clarification of whether departmental regulations which are published in final form and then subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (PRA) are deemed to be "in final form," as this term is used in the Master Calendar Act, 20 U.S.C. § 1089(c). The Certification does not alter the Department's long-standing position on this issue. OMB's subsequent review and approval under the PRA does not negate the final form of a regulation simply because the regulation is subject to the foregoing review and approval. The Certification, which rejects SFAP's allegations and liabilities, is based upon other independent grounds which are set forth in the Initial Decision dated June 8, 1994.

So ordered this 13th day of April 1995.


Richard W. Riley

Washington, D.C.

¹ The Respondent timely filed its opposition to the Motion on April 3, 1995.

SERVICE LIST

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