public procedure thereon are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B).

There is good cause here for waiving rulemaking under the APA. Notice and comment to amend current § 668.71 and to remove § 668.75 are unnecessary because we are merely amending these sections consistent with the D.C. Circuit’s decision in Association of Private Sector Colleges and Universities v. Duncan.

For the same reasons, the Secretary has decided to waive the 30-day delay in the effective date of these regulatory changes under 5 U.S.C. 553(d)(3) and determined, under section 492(b)(2) of the HEA, 20 U.S.C. 1098a(b)(2), that these regulations should not be subject to negotiated rulemaking.

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(Catalog of Federal Domestic Assistance Numbers: 84.268, Federal Direct Student Loans)

List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Aliens, Colleges and universities, Consumer protection, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

Dated: September 17, 2013.

Arne Duncan,
Secretary of Education.

For the reasons discussed in the preamble, the Secretary amends part 668 of title 34 of the Code of Federal Regulations as follows:

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

1. The authority citation for part 668 continues to read as follows:

Authority: 20 U.S.C. 1001, 1002, 1003, 1070g, 1085, 1088, 1091, 1092, 1094, 1099c, and 1099c–1, unless otherwise noted.

§ 668.71 [Amended]

2. Section 668.71 is amended by:

A. In paragraphs (a)(1) and (a)(2), adding the words “, if the institution is provisionally certified under § 668.13(c)” immediately before the semi-colon.

B. In the second sentence of paragraph (b), removing the words “regarding the eligible institution, including”.

C. In paragraph (c), in the second sentence of the definition of “misrepresentation”, removing the words “or confuse”.

§ 668.75 [Removed]

3. Section 668.75 is removed.

[FR Doc. 2013–22851 Filed 9–19–13; 8:45 am]