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DEPARTMENT OF EDUCATION

[Docket No.: ED-2012-ICCD-0030]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Student Assistance General Provisions – Non-Title IV Revenue Requirements (90/10)

AGENCY: Department of Education (ED), Federal Student Aid (FSA)

ACTION: Notice

SUMMARY: In accordance with the Paperwork Reduction of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before [insert the 30th day after publication of this notice].

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting Docket ID number **ED-2012-ICCD-0030** or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or e-mail and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue, SW, LBJ, Room 2E105, Washington, D.C. 20202-4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail ICDocketMgr@ed.gov. **Please do not send comments here.**

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions – Non-Title IV Revenue Requirements (90/10)

OMB Control Number: 1845-0096

Type of Review: Extension of an existing information collection

Respondents / Affected Public: Private Sector (Business or for-profit institutions)

Total Estimated Number of Annual Responses: 2,201

Total Estimated Number of Annual Burden Hours: 3,302

Abstract: As provided by the Higher Education Opportunity Act (Pub. L. 110-315), the regulations provide that a proprietary institution must derive at least 10% of its annual revenue from sources other than Title IV, Higher Education Act (HEA) funds, sanctions for failing to meet this requirement, and otherwise implement the statute by 1) specifying a Net Present Value (NPV) formula used to establish the revenue for institutional loans, 2) providing an administratively easier alternative to the NPV calculation, and 3) describing more fully the non-Title IV eligible programs from which revenue may be counted for 90/10 purposes. The regulations require an institution to disclose in a footnote to its audited financial statements the amounts of Federal and non-Federal revenues, by category, that it used in calculating its 90/10 ratio (see section 487(d) of the HEA). This request is for extending approval of reporting requirements contained in the regulations related to the administrative requirements of the non-Title IV revenue requirement (90/10) program. The information collection requirements in the regulations are necessary to determine eligibility to receive program benefits and to prevent fraud and abuse of program funds.

Dated: December 5, 2012

Stephanie Valentine, Acting Director
Information Collection Clearance Division
Privacy, Information and Records Management Services
Office of Management

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