

■ 2. Add § 165.T09–0165 to read as follows:

**§ 165.T09–0165 Safety Zone; McAloon Wedding Fireworks, Catawba Island Club, Catawba Island, OH.**

(a) *Location.* All the waters of Lake Erie within a 250-yard radius of the fireworks launch site located at position 41-34'-18.10" N, 082-51'-18.70" W (NAD 83).

(b) *Effective and Enforcement Period.* The safety zone will be effective and enforced from 9:30 p.m. until 10:15 p.m. on August 23, 2013. The Captain of the Port Detroit may suspend enforcement of the safety zone at any time. In the event that the enforcement is ended early, the Captain of the Port Detroit will notify the public via Broadcast Notice to Mariners.

(c) *Regulations.*

(1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Detroit, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated on-scene representative.

(3) The "on-scene representative" of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his designated on scene representative may be contact via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Detroit or his on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port or his on-scene representative.

Dated: April 29, 2013.

**J.E. Ogden,**

*Captain, U.S. Coast Guard, Captain of the Port, Detroit.*

[FR Doc. 2013–11234 Filed 5–10–13; 8:45 am]

**BILLING CODE 9110–04–P**

**DEPARTMENT OF EDUCATION**

**34 CFR Chapter VI**

[Docket ID ED–2012–OPE–0008]

**Negotiated Rulemaking Committee; Public Hearings**

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Notice of additional hearing and extension of comment date.

**SUMMARY:** In May 2012, we announced our intention to establish a negotiated rulemaking committee to prepare proposed regulations for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (title IV Federal Student Aid programs).

On April 16, 2013, we announced additional topics for consideration by that committee and three public hearings at which interested parties may comment.

We now announce a fourth public hearing at which interested parties may comment on the topics suggested by the Department and may suggest additional topics for consideration for action by the negotiated rulemaking committee.

We extend the deadline date for the submission of written comments to June 4, 2013.

**DATES:** The dates, times, and locations of the four public hearings are listed under the **SUPPLEMENTARY INFORMATION** section of this notice.

The deadline for the receipt of written comments suggesting issues that should be considered for action by the negotiated rulemaking committee is extended to June 4, 2013.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID (listed at the beginning of this notice) at the top of your comments.

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using [Regulations.gov](http://Regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket is available on the site under "How to Use [Regulations.gov](http://Regulations.gov)" in the Help section.

- *Postal Mail, Commercial Delivery, or Hand Delivery.* If you mail or deliver your comments about these proposed regulations, address them to Wendy Macias, U.S. Department of Education,

1990 K Street NW., Room 8017, Washington, DC 20006.

**Privacy Note:** The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** For information about the public hearings, go to <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html> or contact: Wendy Macias, U.S. Department of Education, 1990 K Street NW., Room 8017, Washington, DC 20006. Telephone: (202) 502–7526. Email: [wendy.macias@ed.gov](mailto:wendy.macias@ed.gov).

For information about negotiated rulemaking in general, see The Negotiated Rulemaking Process for Title IV Regulations, Frequently Asked Questions at <http://www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html> or contact: Wendy Macias, U.S. Department of Education, 1990 K Street NW., Room 8017, Washington, DC 20006. Telephone: (202) 502–7526. Email: [wendy.macias@ed.gov](mailto:wendy.macias@ed.gov).

If you use a telecommunications device for the deaf (TDD) or text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or compact disc) by contacting Wendy Macias, U.S. Department of Education, 1990 K Street NW., Room 8017, Washington, DC 20006. Telephone: (202) 502–7526. Email: [wendy.macias@ed.gov](mailto:wendy.macias@ed.gov).

**SUPPLEMENTARY INFORMATION:** On May 1, 2012, we published a notice in the **Federal Register** (77 FR 25658) announcing our intent to establish a negotiated rulemaking committee under section 492 of the HEA to develop proposed regulations designed to prevent fraud and otherwise ensure proper use of title IV Federal Student Aid program funds, especially within the context of current technologies. In particular, we announced our intent to propose regulations to address the use of debit cards and other banking mechanisms for disbursing title IV Federal Student Aid program funds, and to improve and streamline the campus-based Federal Student Aid programs. That notice also announced two public hearings at which interested parties could comment on the topics suggested by the Department and suggest additional topics for consideration for action by the negotiated rulemaking

committee. Those hearings were held on May 23, 2012, in Phoenix, Arizona, and on May 31, 2012, in Washington, DC. We invited parties to comment and submit topics for consideration in writing as well.

On April 16, 2013, we published a notice in the **Federal Register** (78 FR 2247), as corrected at 78 FR 25235, announcing additional topics for consideration for action by the negotiated rulemaking committee. We announced three additional public hearings at which interested parties could comment on the new topics suggested by the Department and suggest additional topics for consideration for action by the negotiating committee. We also invited parties unable to attend a public hearing to submit written comments on the additional topics and to submit other topics for consideration.

We now announce a fourth public hearing.

We are also extending the deadline date for the submission of written comments from May 30, 2013, to June 4, 2013.

#### Public Hearings

We will hold four public hearings for interested parties to discuss the topics suggested by the Department for consideration for action by the negotiated rulemaking committee and to suggest additional topics for the rulemaking agenda. The public hearings will be held on:

- May 21, 2013, at the U.S. Department of Education, 1990 K Street NW., Eighth Floor Conference Center, Washington, DC 20006.
- May 23, 2013, at the University of Minnesota, Twin Cities, Hubert H. Humphrey School of Public Affairs, Cowles Auditorium, 301 19th Avenue S, Minneapolis, MN 55455.
- May 30, 2013, at the University of California, San Francisco, UC Hall, Toland Hall Auditorium (Room U142), 533 Parnassus Avenue, San Francisco, CA 94143.
- June 4, 2013, at Spelman College, William and Camille Cosby Auditorium, 350 Spelman Lane, Atlanta, GA 30314.

The public hearings will be held from 9:00 a.m. to 4:00 p.m., local time. Further information on the public hearing sites, including directions, is available at <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html>.

Individuals desiring to present comments at the public hearing must register by sending email to [negreghearing@ed.gov](mailto:negreghearing@ed.gov). The email should include the name of the presenter along with a general

timeframe during which the individual would like to speak (for example, a presenter could indicate morning or afternoon, or before 11 a.m. or after 3 p.m.). We will attempt to accommodate each speaker's preference but, if we are unable to do so, we will make the determination on a first-come, first-served basis (based on the time and date the email was received). It is likely that each participant will be limited to five minutes. The Department will notify registrants of the location and time slot reserved for them. An individual may make only one presentation at the public hearings. If we receive more registrations than we are able to accommodate, the Department reserves the right to reject the registration of an entity or individual that is affiliated with an entity or individual that is already scheduled to present comments and to select among registrants to ensure that a broad range of entities and individuals is allowed to present. We will accept walk-in registrations for any remaining time slots on a first-come, first-served basis beginning at 8:30 a.m. on the day of the public hearing at the Department's on-site registration table.

Speakers may also submit written comments. In addition, for anyone who does not present at a public hearing, the Department will accept written comments through June 4, 2013. (See the **ADDRESSES** sections of this notice for submission information.)

Transcripts from the hearings can be found at <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html>. Written comments may be viewed through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Instructions for finding comments are available on the site under "How to Use Regulations.gov" in the Help section. Individuals can enter docket ID ED-2012-OPE-0008 in the search box to locate the appropriate docket.

After a review of the public comments presented at the public hearings and in the written submissions, we will publish a notice in the **Federal Register** announcing the specific subject areas for which we intend to establish a negotiated rulemaking committee and requesting nominations for individual negotiators for the committee. This notice will also be posted on the Department's Web site at: <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html>.

We intend to select participants for the negotiated rulemaking committee from nominees of the organizations and groups that represent the interests significantly affected by the proposed regulations. To the extent possible, we

will select individual negotiators who reflect the diversity among program participants, in accordance with section 492(b)(1) of the HEA.

#### Regulatory Issues

For the convenience of the reader, we repeat the additional topics for consideration that we published in April 2013. The topics are: cash management of funds provided under the title IV Federal Student Aid programs; State authorization for programs offered through distance education or correspondence education; State authorization for foreign locations of institutions located in a State; clock to credit hour conversion; gainful employment; changes made by the Violence Against Women Reauthorization Act of 2013, Public Law 113-4, to the campus safety and security reporting requirements in the HEA; and the definition of "adverse credit" for borrowers in the Federal Direct PLUS Loan Program. Descriptions of these issues are in the April 16, 2013 notice.

#### Schedule for Negotiations

We anticipate that any committee established after the public hearings will begin negotiations in September 2013, with the committee meeting for up to three sessions of approximately four days each at roughly monthly intervals. The committee will meet in the Washington, DC area. The dates and locations of these meetings will be published in a subsequent document in the **Federal Register**, and will be posted on the Department's Web site at: <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html>.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov).

Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Program Authority:** 20 U.S.C. 1098a.

*Delegation of Authority:* The Secretary of Education has delegated authority to Brenda Dann-Messier, Assistant Secretary for Vocational and Adult Education, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

Dated: May 8, 2013.

**Brenda Dann-Messier,**

*Assistant Secretary for Vocational and Adult Education, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.*

[FR Doc. 2013-11287 Filed 5-10-13; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 74

RIN 2900-AO63

#### VA Veteran-Owned Small Business (VOSB) Verification Guidelines

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Advanced notice of proposed rulemaking.

**SUMMARY:** The Office of Small and Disadvantaged Business Utilization (OSDBU) is currently reviewing its regulations governing the Department of Veterans Affairs (VA) Veteran-Owned Small Business (VOSB) Verification Program. OSDBU intends to improve the regulations to provide greater clarity, to streamline the program, and to encourage more VOSBs to apply for verification. By issuing this notice of proposed rulemaking, OSDBU seeks comments on how best to approach this undertaking. Although OSDBU identified specific issues for discussion below, it encourages commenters to discuss any issue related to improving these specific regulations and the program.

**DATES:** Comments must be received on or before July 12, 2013.

**ADDRESSES:** Written comments may be submitted through [www.Regulations.gov](http://www.Regulations.gov); by mail or hand-delivery to Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; or by fax to (202) 273-9026. (This is not a toll-free number.) Comments should indicate that they are submitted in response to “RIN 2900-AO63—VA Veteran-Owned Small Business (VOSB) Verification Guidelines.” Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1068,

between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Tom Loney, Executive Director, Center for Veterans Enterprise (OOVE), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington DC 20420, (202) 461-4300. (This is not a toll-free number.)

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### A. The Verification Regulations

VA first published its regulations governing the VA VOSB Verification Program on February 8, 2010 (75 FR 6101), and most recently amended them on January 19, 2011 (76 FR 3022). The regulations are codified at 38 CFR part 74. These regulations were developed using the Small Business Administration’s (SBA) regulations governing the Government-wide Service-Disabled Veteran-Owned Small Business (SDVOSB) program (13 CFR part 125) and the 8(a) Business Development Program (13 CFR part 124) for guidance generally with respect to Federal small business set-aside programs that involve agency verification. VA’s regulations lay out the criteria for determining a firm’s eligibility to participate in VA’s Veterans First Contracting Program that provides set-aside and sole source authority placing SDVOSBs and VOSBs as first and second priority in VA acquisitions from commercial sources under the Federal Acquisition Regulation (FAR). VA’s Veterans First Contracting Program does not apply to other Federal agencies.

###### B. Evaluation of Verification Regulations and Justification for the Rulemaking

VA seeks to find an appropriate balance between preventing fraud in the Veterans First Contracting Program and providing a process that would make it easier for more VOSBs to become verified. The Verification Program has been the subject of reports from both the Government Accountability Office and VA’s Office of Inspector General stating that despite VA’s Verification Program, fraud still exists in the Veterans First Contracting Program. Some stakeholder feedback has been that the current regulations at 38 CFR part 74 are too open to interpretation and are unnecessarily more rigorous than

similar certification programs run by SBA.

In addition to regulatory improvements, VA is also committed to making the verification process more efficient and less burdensome and creating greater clarity by providing improved training tools. The Verification Assistance Program currently consists of four parts aimed at helping veterans understand the regulation and how to bring their businesses into compliance in order to be eligible for Veterans First contracting opportunities. These include Verification Assistance Briefs that address the most common causes of eligibility denial and where the issues are found; a Verification Self-Assessment Tool that walks the veteran through the regulation and how it applies to the required documentation; Verification Assistance Partners consisting of veterans service organizations and other non-profit organizations to provide individual counseling services to veterans; and the Pre-Application Workshop that outlines what a veteran needs to know and do to put together a successful verification application.

##### II. Questions for Comment

VA is considering ways to improve the VA VOSB Verification Guidelines. VA has already collected suggestions from a wide range of sources for changes to the regulations, and has compiled them into a single document. This compilation document and the existing regulations can both be found at <http://www.vetbiz.gov>.

VA invites comments on the ideas offered in this compilation document as well as the following questions:

1. What could be changed to improve the clarity of the regulations? Where might bright lines be drawn to more clearly indicate compliance with the regulations and reduce potential for misinterpretation? Where might the addition of bright line tests create unintended consequences?
2. It has been suggested that VA should develop a list that would clearly delineate what constitutes ownership and control and what constitutes lack of control or ownership. Should a list like this be included in the rule, and if so, what should be on the list?
3. Are there changes to VA’s regulations that could be made to reduce the economic impact on VOSBs?
4. Are there changes to VA Form 0877 (application) that could streamline the process?
5. What verification process improvements could help to increase