

environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0762 to read as follows:

#### § 165.T07–0762 Safety Zone; Pro Hydro-X Tour; Atlantic Ocean; Islamorada, FL.

(a) *Regulated Area.* The following regulated area is established as a safety zone. All coordinates are North American Datum 1983. All waters of the Atlantic Ocean, Islamorada, FL encompassed within the following points: starting at Point 1 in position 24°56'29" N, 80°36'20" W; thence southwest to Point 2 in position 24°56'27" N, 80°36'23" W; thence south to Point 3 in position 24°56'26" N, 80°36'23" W; thence east to Point 4 in position 24°56'26" N, 80°36'21" W; thence northeast to Point 5 in position 24°56'27" N, 80°36'20" W; thence northeast to Point 6 in position 24°56'28" N, 80°36'18" W; thence northwest to Point 7 in position 24°56'29" N, 80°36'19" W; thence northwest back to origin.

(b) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Key West in the enforcement of the regulated area.

(c) *Regulations.* (1) All non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the event area without authorization from the Captain of the

Port Key West or a designated representative.

(2) Non-participants persons and vessels desiring to enter, transit through, anchor in, or remain within a regulated area may contact the Captain of the Port Key West by telephone at 305–292–8727, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within a regulated area is granted by the Captain of the Port Key West or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Key West or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners and on-scene designated representatives.

(d) *Effective Date.* This rule will be enforced daily from 7:30 a.m. until 4 p.m. on September 20, 21 and 22, 2013.

Dated: September 5, 2013.

**J.W. Reed,**

*Commander, U.S. Coast Guard, Alternate Captain of the Port Key West.*

[FR Doc. 2013–22905 Filed 9–19–13; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF EDUCATION

### 34 CFR Part 668

[Docket ID ED–2010–OPE–0004]

RIN 1840–AD02

#### Program Integrity Issues

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

**ACTION:** Final regulations; Technical amendments.

**SUMMARY:** On October 29, 2010, the Department of Education published in the **Federal Register** final regulations for improving integrity in the programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA) (October 29, 2010, final regulations). This document makes technical amendments to those regulations in accordance with a court order.

**DATES:** These regulations are effective September 20, 2013.

**FOR FURTHER INFORMATION CONTACT:** Brian Kerrigan, U.S. Department of Education, 1990 K Street NW., room 8060, Washington, DC 20006. Telephone: (202) 219–7070 or by email at [Brian.Kerrigan@ed.gov](mailto:Brian.Kerrigan@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a 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, audiotape, or compact disc) by contacting the contact person listed in this section.

**SUPPLEMENTARY INFORMATION:** The October 29, 2010, final regulations (75 FR 66832) amended the regulations for Institutional Eligibility Under the HEA, the Secretary’s Recognition of Accrediting Agencies, the Secretary’s Recognition Procedures for State Agencies, the Student Assistance General Provisions, the Federal Family Education Loan (FFEL) Program, the William D. Ford Federal Direct Loan Program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program, the Federal Pell Grant Program, and the Academic Competitiveness Grant (AGC) and the National Science and Mathematics Access to Retain Talent Grant (National Smart Grant) Programs. This document amends 34 CFR 668.71(a), (b), and (c) and removes 34 CFR 668.75 of subpart F of part 668 of the Student Assistance General Provisions in accordance with the remand in *Association of Private Sector Colleges and Universities v. Duncan*, 681 F.3d 427 (D.C. Cir. 2012).

In this case, the D.C. Circuit held that the Department’s misrepresentation regulations exceeded the HEA’s limits in three respects: By allowing the Secretary to take certain enforcement actions against schools without procedural protections; by prohibiting misrepresentations with respect to subjects that are not set forth in the relevant provisions of the HEA; and by defining the term “misrepresentation” to include statements that have the likelihood or tendency to confuse. The court remanded these provisions for actions consistent with its opinion. These final regulations, therefore, amend or remove the subject regulatory provisions in order to make the Department’s regulations consistent with the court’s opinion.

#### Waiver of Proposed Rulemaking, Negotiated Rulemaking, and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, the APA provides that an agency is not required to conduct notice and comment rulemaking when the agency for good cause finds that notice and

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.

**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 this 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.

(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. 2013-22935 Filed 9-19-13; 8:45 am]

BILLING CODE 4000-01-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

[EPA-HQ-SFUND-1990-0010; FRL-9901-15-Region 9]

#### National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** On July 24, 2013, EPA published a Notice of Intent to Delete and a direct final Notice of Deletion for the Sola Optical U.S.A., Inc. Superfund Site from the National Priorities List. The EPA is withdrawing the Final Notice of Deletion due to adverse comments that were received during the public comment period. After consideration of the comments received, if appropriate, EPA will publish a Notice of Deletion in the **Federal Register** based on the parallel Notice of Intent to Delete and place a copy of the final deletion package, including a Responsiveness Summary, if prepared, in the Site repositories.

**DATES:** This withdrawal of the direct final action published July 24, 2013 (78 FR 44455), is effective as of September 20, 2013.

**ADDRESSES:** *Information Repositories:* Comprehensive information on the Site,

as well as the comments that we received during the comment period, are available in docket [EPA-HQ-SFUND-1990-0010], accessed through the <http://www.regulations.gov> Web site. Although listed in the docket index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at:

Superfund Records Center, 95 Hawthorne St., Room 403, Mail Stop SFD-7C, San Francisco, CA 94105, (415) 536-2000, Mon-Fri: 8:00 a.m. to 5:00 p.m.

Petaluma Public Library, 100 Fairgrounds Drive, Petaluma CA 94952, (707) 763-9801, Mon, Thurs, Fri, Sat: 10:00 a.m. to 6:00 p.m., Tues, Wed: 10:00 a.m. to 9:00 p.m.

#### FOR FURTHER INFORMATION CONTACT:

Dante Rodriguez, Remedial Project Manager, U.S. Environmental Protection Agency, Region 9, SFD-8-2, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3166, email: [rodriguez.dante@epa.gov](mailto:rodriguez.dante@epa.gov).

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: September 12, 2013.

**Jared Blumenfeld**,  
Regional Administrator, Region 9.

Accordingly, the amendment to Table 1 of Appendix B to CFR Part 300 to remove the entry “Sola Optical U.S.A., Inc.”, “Petaluma, California” is withdrawn as of September 20, 2013.

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

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