

**§ 99.37 What conditions apply to disclosing directory information?**

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(c) A parent or eligible student may not use the right under paragraph (a)(2) of this section to opt out of directory information disclosures to—

(1) Prevent an educational agency or institution from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled; or

(2) Prevent an educational agency or institution from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information under § 99.3 and that has been properly designated by the educational agency or institution as directory information in the public notice provided under paragraph (a)(1) of this section.

(d) In its public notice to parents and eligible students in attendance at the agency or institution that is described in paragraph (a) of this section, an educational agency or institution may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. When an educational agency or institution specifies that disclosure of directory information will be limited to specific parties, for specific purposes, or both, the educational agency or institution must limit its directory information disclosures to those specified in its public notice that is described in paragraph (a) of this section.

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6. Section 99.60 is amended by redesignating paragraph (a) as paragraph (a)(1) and adding a new paragraph (a)(2) to read as follows:

**§ 99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?**

(a) \* \* \*

(2) Solely for the purposes of this subpart, an "educational agency or institution" includes any public or private agency or institution to which this part applies under § 99.1(a)(2), as well as any State or local educational authority or any other recipient to which funds have been made available under any program administered by the Secretary, including funds provided by grant, cooperative agreement, contract, subgrant, or subcontract.

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**BILLING CODE 4000-01-P****ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[EPA-R06-OAR-2005-TX-0013; FRL-9290-1]****Approval and Promulgation of Implementation Plans; Texas; System Cap Trading Program****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** On November 18, 2010 (75 FR 70654), EPA published a proposed rule to disapprove severable portions of two revisions to the Texas State Implementation Plan (SIP) submitted by the State of Texas on May 1, 2001, and August 16, 2007, that create and amend the System Cap Trading (SCT) Program at Title 30 Texas Administrative Code, Chapter 101—General Air Quality, Subchapter H—Emissions Banking and Trading, Division 5, sections 101.380, 101.382, 101.383, and 101.385. We proposed disapproval because the SCT Program lacks several necessary

components for emissions trading programs as outlined in EPA's Economic Incentive Program Guidance. Subsequent to our proposed disapproval, EPA received a letter dated March 4, 2011, from the Texas Commission on Environmental Quality (TCEQ) stating that the May 1, 2001, and August 16, 2007, SCT Program SIP submissions have been withdrawn from our consideration as revisions to the Texas SIP. Therefore, EPA is withdrawing our proposed disapproval and finds that no further action is necessary on the SCT Program. The State's action also withdraws from EPA's review the SCT Program component of the January 22, 2010 Consent Decree between EPA and the BCCA Appeal Group, Texas Association of Business, and Texas Oil and Gas Association. This withdrawal is being taken under section 110 and parts C and D of the Federal Clean Air Act.

**DATES:** The proposed rule published on November 18, 2010 (75 FR 70654), is withdrawn as of April 8, 2011.

**FOR FURTHER INFORMATION CONTACT:** Ms. Adina Wiley (6PD-R), Air Permits Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue (6PD-R), Suite 1200, Dallas, TX 75202-2733. The telephone number is (214) 665-2115. Ms. Wiley can also be reached via electronic mail at [wiley.adina@epa.gov](mailto:wiley.adina@epa.gov).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: March 25, 2011.

**Al Armendariz,***Regional Administrator, EPA Region 6.*

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