

**DEPARTMENT OF COMMERCE****United States Patent and Trademark Office****37 CFR Part 2**

[Docket No. PTO-T-2017-0054]

RIN 0651-AD29

**Changes in Requirements for Collective Trademarks and Service Marks, Collective Membership Marks, and Certification Marks; Correction****AGENCY:** United States Patent and Trademark Office, Commerce.**ACTION:** Final rule; correcting amendment.

**SUMMARY:** The United States Patent and Trademark Office published in the **Federal Register** on June 11, 2015 a final rule, which became effective on July 11, 2015, revising the Trademark Rules of Practice. This document reinstates three paragraphs, which were inadvertently deleted as a result of an error in the amendatory instructions.

**DATES:** This rule is effective January 12, 2018.

**FOR FURTHER INFORMATION CONTACT:**

Catherine Cain, Office of the Deputy Commissioner for Trademark Examination Policy, by email at [TMFRNotices@uspto.gov](mailto:TMFRNotices@uspto.gov), or by telephone at (571) 272-8946.

**SUPPLEMENTARY INFORMATION:** The USPTO issues this final rule to correct an inadvertent error in § 2.193(e)(1) of its June 11, 2015 final rule revising the Trademark Rules of Practice (80 FR 33170) (published under RIN 0651-AC89).

The June 11, 2015 final rule amended the introductory text of § 2.193(e)(1) to correspond with new § 2.2(n). However, the amendatory instruction inadvertently instructed that § 2.193(e)(1)(i)-(iii) be deleted. This correction revises the amendatory instruction and thereby reinstates paragraphs (i)-(iii).

This rule is issued without prior notice and opportunity for comment as this correction is procedural/interpretative in nature, and is being implemented to avoid inconsistencies and confusion with the rule issued on June 11, 2015. Additionally, as this correction rule is nonsubstantive, it is effective immediately upon publication.

**Rulemaking Requirements**

Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs): This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

**List of Subjects in 37 CFR Part 2**

Administrative practice and procedure, Trademarks.

For the reasons stated in the preamble and under the authority contained in 15 U.S.C. 1123 and 35 U.S.C. 2, as amended, the Office amends part 2 of title 37 as follows:

**PART 2—RULES OF PRACTICE IN TRADEMARK CASES**

■ 1. The authority citation for 37 CFR part 2 continues to read as follows:

**Authority:** 15 U.S.C. 1113, 15 U.S.C. 1123, 35 U.S.C. 2, Section 10(c) of Pub. L. 112-29, unless otherwise noted.

■ 2. In § 2.193, revise paragraph (e)(1) to read as follows:

**§ 2.193 Trademark correspondence and signature requirements.**

\* \* \* \* \*

(e) \* \* \*

(1) *Verified statement of facts.* A verified statement in support of an application for registration, amendment to an application for registration, allegation of use under § 2.76 or § 2.88, request for extension of time to file a statement of use under § 2.89, or an affidavit under section 8, 12(c), 15, or 71 of the Act must satisfy the requirements of § 2.2(n), and be signed by the owner or a person properly authorized to sign on behalf of the owner. A person who is properly authorized to verify facts on behalf of an owner is:

(i) A person with legal authority to bind the owner (e.g., a corporate officer or general partner of a partnership);

(ii) A person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the owner; or

(iii) An attorney as defined in § 11.1 of this chapter who has an actual written or verbal power of attorney or an implied power of attorney from the owner.

\* \* \* \* \*

Dated: January 8, 2018.

**Joseph D. Matal,**

*Associate Solicitor Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2018-00428 Filed 1-11-18; 8:45 am]

**BILLING CODE 3510-16-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 63**

[EPA-R06-OAR-2017-0061; FRL-9972-28-Region 6]

**National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Texas**

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

**ACTION:** Direct final rule; delegation of authority.

**SUMMARY:** The Texas Commission on Environmental Quality (TCEQ) has submitted updated regulations for receiving delegation of the EPA authority for implementation and enforcement of National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources). These regulations apply to certain NESHAPs promulgated by the EPA, as amended between April 24, 2013 and August 3, 2016. The delegation of authority under this action does not apply to sources located in Indian Country. The EPA is taking direct final action to approve the delegation of certain NESHAPs to TCEQ.

**DATES:** This rule is effective on March 13, 2018 without further notice, unless the EPA receives relevant adverse comment by February 12, 2018. If the EPA receives such comment, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R06-OAR-2017-0061, at <http://www.regulations.gov> or via email to [barrett.richard@epa.gov](mailto:barrett.richard@epa.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, please

contact Rick Barrett, 214–665–7227, [barrett.richard@epa.gov](mailto:barrett.richard@epa.gov). For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI).

**FOR FURTHER INFORMATION CONTACT:** Mr. Rick Barrett (6MM–AP), (214) 665–7227; email: [barrett.richard@epa.gov](mailto:barrett.richard@epa.gov). To inspect the hard copy materials, please schedule an appointment with Mr. Rick Barrett or Mr. Bill Deese at (214) 665–7253.

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean the EPA.

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#### I. What does this action do?

The EPA is taking direct final action to approve the delegation of certain NESHAPs to TCEQ. With this delegation, TCEQ has the primary responsibility to implement and enforce the delegated standards. See sections V and VI, below, for a discussion of which standards are being delegated and which are not being delegated.

#### II. What is the authority for delegation?

Section 112(l) of the CAA, and 40 CFR part 63, subpart E, authorizes the EPA to delegate authority to any State or local agency which submits adequate regulatory procedures for

implementation and enforcement of emission standards for hazardous air pollutants. The hazardous air pollutant standards are codified at 40 CFR part 63.

#### III. What criteria must Texas’ program meet to be approved?

Section 112(l)(5) of the CAA enables the EPA to approve State air toxics programs or rules to operate in place of the Federal air toxics program or rules. 40 CFR part 63, subpart E (subpart E) governs the EPA’s approval of State rules or programs under section 112(l).

The EPA will approve an air toxics program if we find that:

- (1) The State program is “no less stringent” than the corresponding Federal program or rule;
- (2) The State has adequate authority and resources to implement the program;
- (3) The schedule for implementation and compliance is sufficiently expeditious; and
- (4) The program otherwise complies with Federal guidance.

In order to obtain approval of its program to implement and enforce Federal section 112 rules as promulgated without changes (straight delegation), only the criteria of 40 CFR 63.91(d) must be met. 40 CFR 63.91(d)(3) provides that interim or final Title V program approval will satisfy the criteria of 40 CFR 63.91(d) for part 70 sources (sources required to obtain operating permits pursuant to Title V of the Clean Air Act). The NESHAPs delegation was most recently approved on November 25, 2014 (79 FR 70102).

#### IV. How did TCEQ meet the subpart E approval criteria?

As part of its Title V submission, TCEQ stated that it intended to use the mechanism of incorporation by reference to adopt unchanged Federal section 112 standards into its regulations. This commitment applied to both existing and future standards as they applied to part 70 sources ((60 FR 30444 (June 7, 1995) and 61 FR 32699 (June 25, 1996)). On December 6, 2001, the EPA promulgated final full approval of the State’s operating permits program effective November 30, 2001 (66 FR 63318). TCEQ was originally delegated the authority to implement certain NESHAPs effective May 17, 2005 (70 FR 13108). Under 40 CFR 63.91(d)(2), once a State has satisfied up-front approval criteria, it needs only to reference the previous demonstration and reaffirm that it still meets the criteria for any subsequent submittals. TCEQ has affirmed that it still meets the up-front approval criteria.

#### V. What is being delegated?

By letter dated January 12, 2017, TCEQ requested the EPA to update its existing NESHAP delegation. With certain exceptions noted in section VI below, TCEQ requests delegation of certain Part 63 NESHAPs for all sources (both part 70 and non-part 70 sources). TCEQ’s request included newly incorporated NESHAPs promulgated by the EPA and amendments to existing standards currently delegated, as amended between April 24, 2013 and August 3, 2016. These NESHAP were adopted by TCEQ on December 7, 2016.

#### VI. What is not being delegated?

The EPA cannot delegate to a State any of the Category II Subpart A authorities set forth in 40 CFR 63.91(g)(2). These include the following provisions: § 63.6(g), Approval of Alternative Non-Opacity Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; and § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting. In addition, some Part 63 standards have certain provisions that cannot be delegated to the States. Therefore, any Part 63 standard that the EPA is delegating to TCEQ that provides that certain authorities cannot be delegated are retained by the EPA and not delegated. Furthermore, no authorities are delegated that require rulemaking in the **Federal Register** to implement, or where Federal overview is the only way to ensure national consistency in the application of the standards or requirements of CAA section 112. Finally, section 112(r), the accidental release program authority, is not being delegated by this approval.

All of the inquiries and requests concerning implementation and enforcement of the excluded standards in the State of Texas should be directed to the EPA Region 6 Office.

In addition, this delegation to TCEQ to implement and enforce certain NESHAPs does not extend to sources or activities located in Indian country, as defined in 18 U.S.C. 1151. Under this definition, the EPA treats as reservations, trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally designated as a reservation. Consistent with previous federal program approvals or delegations, the EPA will continue to implement the NESHAPs in Indian country because TCEQ has not submitted information to demonstrate authority over sources and activities

located within the exterior boundaries of Indian reservations and other areas in Indian country.

#### **VII. How will applicability determinations under section 112 be made?**

In approving this delegation, TCEQ will seek concurrence from the EPA on any matter involving the interpretation of section 112 of the CAA or 40 CFR part 63 to the extent that application, implementation, administration, or enforcement of these sections have not been covered by the EPA determinations or guidance.

#### **VIII. What authority does the EPA have?**

We retain the right, as provided by CAA section 112(l)(7), to enforce any applicable emission standard or requirement under section 112. The EPA also has the authority to make certain decisions under the General Provisions (subpart A) of part 63. We are granting TCEQ some of these authorities, and retaining others, as explained in sections V and VI above. In addition, the EPA may review and disapprove of State determinations and subsequently require corrections. (See 40 CFR 63.91(g) and 65 FR 55810, 55823, September 14, 2000, as amended at 70 FR 59887, October 13, 2005; 72 FR 27443, May 16, 2007.)

Furthermore, we retain any authority in an individual emission standard that may not be delegated according to provisions of the standard. Also, listed in the footnotes of the part 63 delegation table at the end of this rule are the authorities that cannot be delegated to any State or local agency which we therefore retain.

#### **IX. What information must TCEQ provide to the EPA?**

TCEQ must provide any additional compliance related information to the EPA, Region 6, Office of Enforcement and Compliance Assurance within 45 days of a request under 40 CFR 63.96(a). In receiving delegation for specific General Provisions authorities, TCEQ must submit to the EPA Region 6 on a semi-annual basis, copies of determinations issued under these authorities. For part 63 standards, these determinations include: Section 63.1, Applicability Determinations; Section 63.6(e), Operation and Maintenance Requirements—Responsibility for Determining Compliance; Section 63.6(f), Compliance with Non-Opacity Standards—Responsibility for Determining Compliance; Section 63.6(h), Compliance with Opacity and Visible Emissions Standards—

Responsibility for Determining Compliance; Sections 63.7(c)(2)(i) and (d), Approval of Site-Specific Test Plans; Section 63.7(e)(2)(i), Approval of Minor Alternatives to Test Methods; Section 63.7(e)(2)(ii) and (f), Approval of Intermediate Alternatives to Test Methods; Section 63.7(e)(iii), Approval of Shorter Sampling Times and Volumes When Necessitated by Process Variables or Other Factors; Sections 63.7(e)(2)(iv), (h)(2), and (h)(3), Waiver of Performance Testing; Sections 63.8(c)(1) and (e)(1), Approval of Site-Specific Performance Evaluation (Monitoring) Test Plans; Section 63.8(f), Approval of Minor Alternatives to Monitoring; Section 63.8(f), Approval of Intermediate Alternatives to Monitoring; Section 63.9 and 63.10, Approval of Adjustments to Time Periods for Submitting Reports; Section 63.10(f), Approval of Minor Alternatives to Recordkeeping and Reporting; Section 63.7(a)(4), Extension of Performance Test Deadline.

#### **X. What is the EPA's oversight role?**

The EPA must oversee TCEQ's decisions to ensure the delegated authorities are being adequately implemented and enforced. We will integrate oversight of the delegated authorities into the existing mechanisms and resources for oversight currently in place. If, during oversight, we determine that TCEQ made decisions that decreased the stringency of the delegated standards, then TCEQ shall be required to take corrective actions and the source(s) affected by the decisions will be notified, as required by 40 CFR 63.91(g)(1)(ii). We will initiate withdrawal of the program or rule if the corrective actions taken are insufficient.

#### **XI. Should sources submit notices to the EPA or TCEQ?**

For the NESHAPs being delegated and included in the table below, all of the information required pursuant to the general provisions and the relevant subpart of the Federal NESHAP (40 CFR part 63) should be submitted by sources located outside of Indian country, directly to TCEQ at the following address: Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration, Air Permits Division (MC 163), P.O. Box 13087, Austin, Texas 78711–3087. TCEQ is the primary point of contact with respect to delegated NESHAPs. Sources do not need to send a copy to the EPA. The EPA Region 6 waives the requirement that notifications and reports for delegated standards be submitted to the EPA in addition to TCEQ in accordance with 40

CFR 63.9(a)(4)(ii) and 63.10(a)(4)(ii).<sup>1</sup> For those standards that are not delegated, sources must continue to submit all appropriate information to the EPA.

#### **XII. How will unchanged authorities be delegated to TCEQ in the future?**

In the future, TCEQ will only need to send a letter of request to the EPA, Region 6, for NESHAP regulations that TCEQ has adopted by reference. The letter must reference the previous up-front approval demonstration and reaffirm that it still meets the up-front approval criteria. We will respond in writing to the request stating that the request for delegation is either granted or denied. A **Federal Register** action will be published to inform the public and affected sources of the delegation, indicate where source notifications and reports should be sent, and to amend the relevant portions of the Code of Federal Regulations showing which NESHAP standards have been delegated to TCEQ.

#### **XIII. Final Action**

The public was provided the opportunity to comment on the proposed approval of the program and mechanism for delegation of section 112 standards, as they apply to part 70 sources, on June 7, 1995, for the proposed interim approval of TCEQ's Title V operating permits program; and on October 11, 2001, for the proposed final approval of TCEQ's Title V operating permits program. In the EPA's final full approval of Texas' Operating Permits Program on December 6, 2001 (66 FR 63318), the EPA discussed the public comments on the proposed final delegation of the Title V operating permits program. In today's action, the public is given the opportunity to comment on the approval of TCEQ's request for delegation of authority to implement and enforce certain section 112 standards for all sources (both part 70 and non-part 70 sources) which have been adopted by reference into Texas' state regulations. However, the Agency views the approval of these requests as a noncontroversial action and anticipates no adverse comments. Therefore, the EPA is publishing this rule without prior proposal. However, in the "Proposed Rules" section of this issue of the **Federal Register**, the EPA is publishing a separate document that will serve as the proposal to approve the

<sup>1</sup> This waiver only extends to the submission of copies of notifications and reports; EPA does not waive the requirements in delegated standards that require notifications and reports be submitted to an electronic database (e.g., 40 CFR part 63, subpart HHHHHHHH).

program and delegation of authority described in this action if relevant adverse comments are received. This action will be effective March 13, 2018 without further notice unless the Agency receives relevant adverse comments by February 12, 2018.

If the EPA receives relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of a relevant adverse comment.

#### **XIV. Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The delegation is not approved to apply on any Indian reservation land or

in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state request to receive delegation of certain Federal standards, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing delegation submissions, the EPA’s role is to approve submissions, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), the EPA has no authority to disapprove a delegation submission for failure to use VCS. It would thus be inconsistent with applicable law for the EPA to use VCS in place of a delegation submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect

until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 13, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

#### **List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: January 4, 2018.

**Wren Stenger,**

*Director, Multimedia Division, Region 6.*

40 CFR part 63 is amended as follows:

#### **PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES**

■ 1. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### **Subpart E—Approval of State Programs and Delegation of Federal Authorities**

■ 2. Section 63.99 is amended by revising paragraph (a)(44)(i) to read as follows:

##### **§ 63.99 Delegated Federal authorities.**

(a) \* \* \*

(44) \* \* \*

(i) The following table lists the specific part 63 standards that have been delegated unchanged to the Texas Commission on Environmental Quality for all sources. The “X” symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law and regulations. Some authorities cannot be delegated and are retained by the EPA. These include certain General Provisions authorities and specific parts of some standards. Any amendments made to

these rules after August 3, 2016 are not delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF TEXAS<sup>1</sup>  
[Excluding Indian Country]

Subpart	Source category	TCEQ <sup>2</sup>
A .....	General Provisions .....	X
F .....	Hazardous Organic NESHAP (HON)—Synthetic Organic Chemical Manufacturing Industry (SOCMI) .....	X
G .....	HON—SOCMI Process Vents, Storage Vessels, Transfer Operations and Waste-water .....	X
H .....	HON—Equipment Leaks .....	X
I .....	HON—Certain Processes Negotiated Equipment Leak Regulation .....	X
J .....	Polyvinyl Chloride and Copolymers Production .....	( <sup>3</sup> )
K .....	(Reserved) .....	.....
L .....	Coke Oven Batteries .....	X
M .....	Perchloroethylene Dry Cleaning .....	X
N .....	Chromium Electroplating and Chromium Anodizing Tanks .....	X
O .....	Ethylene Oxide Sterilizers .....	X
P .....	(Reserved) .....	.....
Q .....	Industrial Process Cooling Towers .....	X
R .....	Gasoline Distribution .....	X
S .....	Pulp and Paper Industry .....	X
T .....	Halogenated Solvent Cleaning .....	X
U .....	Group I Polymers and Resins .....	X
V .....	(Reserved) .....	.....
W .....	Epoxy Resins Production and Non-Nylon Polyamides Production .....	X
X .....	Secondary Lead Smelting .....	X
Y .....	Marine Tank Vessel Loading .....	X
Z .....	(Reserved) .....	.....
AA .....	Phosphoric Acid Manufacturing Plants .....	X
BB .....	Phosphate Fertilizers Production Plants .....	X
CC .....	Petroleum Refineries .....	X
DD .....	Off-Site Waste and Recovery Operations .....	X
EE .....	Magnetic Tape Manufacturing .....	X
FF .....	(Reserved) .....	.....
GG .....	Aerospace Manufacturing and Rework Facilities .....	X
HH .....	Oil and Natural Gas Production Facilities .....	X
II .....	Shipbuilding and Ship Repair Facilities .....	X
JJ .....	Wood Furniture Manufacturing Operations .....	X
KK .....	Printing and Publishing Industry .....	X
LL .....	Primary Aluminum Reduction Plants .....	X
MM .....	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfide, and Stand-Alone Semichemical Pulp Mills .....	X
NN .....	Wool Fiberglass Manufacturing Area Sources .....	X
OO .....	Tanks—Level 1 .....	X
PP .....	Containers .....	X
QQ .....	Surface Impoundments .....	X
RR .....	Individual Drain Systems .....	X
SS .....	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process .....	.....
TT .....	Equipment Leaks—Control Level 1 .....	X
UU .....	Equipment Leaks—Control Level 2 Standards .....	X
VV .....	Oil—Water Separators and Organic—Water Separators .....	X
WW .....	Storage Vessels (Tanks)—Control Level 2 .....	X
XX .....	Ethylene Manufacturing Process Units Heat Exchange Systems and Waste Operations .....	X
YY .....	Generic Maximum Achievable Control Technology Standards .....	X
ZZ—BBB .....	(Reserved) .....	.....
CCC .....	Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration .....	X
DDD .....	Mineral Wool Production .....	X
EEE .....	Hazardous Waste Combustors .....	X
FFF .....	(Reserved) .....	.....
GGG .....	Pharmaceuticals Production .....	X
HHH .....	Natural Gas Transmission and Storage Facilities .....	X
III .....	Flexible Polyurethane Foam Production .....	X
JJJ .....	Group IV Polymers and Resins .....	X
KKK .....	(Reserved) .....	.....
LLL .....	Portland Cement Manufacturing .....	X
MMM .....	Pesticide Active Ingredient Production .....	X
NNN .....	Wool Fiberglass Manufacturing .....	X
OOO .....	Amino/Phenolic Resins .....	X
PPP .....	Polyether Polyols Production .....	X
QQQ .....	Primary Copper Smelting .....	X

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF TEXAS<sup>1</sup>—Continued  
[Excluding Indian Country]

Subpart	Source category	TCEQ <sup>2</sup>
RRR .....	Secondary Aluminum Production .....	X
SSS .....	(Reserved) .....	
TTT .....	Primary Lead Smelting .....	X
UUU .....	Petroleum Refineries—Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Plants .....	X
VVV .....	Publicly Owned Treatment Works (POTW) .....	X
WWW .....	(Reserved) .....	
XXX .....	Ferroalloys Production: Ferromanganese and Silicomanganese .....	X
AAAA .....	Municipal Solid Waste Landfills .....	X
CCCC .....	Nutritional Yeast Manufacturing .....	X
DDDD .....	Plywood and Composite Wood Products .....	X <sup>4</sup>
EEEE .....	Organic Liquids Distribution .....	X
FFFF .....	Misc. Organic Chemical Production and Processes (MON) .....	X
GGGG .....	Solvent Extraction for Vegetable Oil Production .....	X
HHHH .....	Wet Formed Fiberglass Mat Production .....	X
IIII .....	Auto & Light Duty Truck (Surface Coating) .....	X
JJJJ .....	Paper and other Web (Surface Coating) .....	X
KKKK .....	Metal Can (Surface Coating) .....	X
MMMM .....	Misc. Metal Parts and Products (Surface Coating) .....	X
NNNN .....	Surface Coating of Large Appliances .....	X
OOOO .....	Fabric Printing Coating and Dyeing .....	X
PPPP .....	Plastic Parts (Surface Coating) .....	X
QQQQ .....	Surface Coating of Wood Building Products .....	X
RRRR .....	Surface Coating of Metal Furniture .....	X
SSSS .....	Surface Coating for Metal Coil .....	X
TTTT .....	Leather Finishing Operations .....	X
UUUU .....	Cellulose Production Manufacture .....	X
VVVV .....	Boat Manufacturing .....	X
WWWW .....	Reinforced Plastic Composites Production .....	X
XXXX .....	Rubber Tire Manufacturing .....	X
YYYY .....	Combustion Turbines .....	X
ZZZZ .....	Reciprocating Internal Combustion Engines (RICE) .....	X
AAAAA .....	Lime Manufacturing Plants .....	X
BBBBB .....	Semiconductor Manufacturing .....	X
CCCCC .....	Coke Ovens: Pushing, Quenching and Battery Stacks .....	X
DDDDD .....	Industrial/Commercial/Institutional Boilers and Process Heaters Major Sources .....	X <sup>5</sup>
EEEEE .....	Iron Foundries .....	X
FFFFF .....	Integrated Iron and Steel .....	X
GGGGG .....	Site Remediation .....	X
HHHHH .....	Miscellaneous Coating Manufacturing .....	X
IIIII .....	Mercury Cell Chlor-Alkali Plants .....	X
JJJJJ .....	Brick and Structural Clay Products Manufacturing .....	X <sup>6</sup>
KKKKK .....	Clay Ceramics Manufacturing .....	X <sup>6</sup>
LLLLL .....	Asphalt Roofing and Processing .....	X
MMMMM .....	Flexible Polyurethane Foam Fabrication Operation .....	X
NNNNN .....	Hydrochloric Acid Production, Fumed Silica Production .....	X
OOOOO .....	(Reserved) .....	
PPPPP .....	Engine Test Facilities .....	X
QQQQQ .....	Friction Products Manufacturing .....	X
RRRRR .....	Taconite Iron Ore Processing .....	X
SSSSS .....	Refractory Products Manufacture .....	X
TTTTT .....	Primary Magnesium Refining .....	X
UUUUU .....	Coal and Oil-Fired Electric Utility Steam Generating Units .....	X <sup>7</sup>
VVVVV .....	(Reserved) .....	
WWWWW .....	Hospital Ethylene Oxide Sterilizers Area Sources .....	X
XXXXX .....	(Reserved) .....	
YYYYY .....	Electric Arc Furnace Steelmaking Facilities Area Sources .....	X
ZZZZZ .....	Iron and Steel Foundries Area Sources .....	X
AAAAAA .....	(Reserved) .....	
BBBBBB .....	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources .....	X
CCCCCC .....	Gasoline Dispensing Facilities Area Sources .....	X
DDDDDD .....	Polyvinyl Chloride and Copolymers Production Area Sources .....	X
EEEEEE .....	Primary Copper Smelting Area Sources .....	X
FFFFFF .....	Secondary Copper Smelting Area Sources .....	X
GGGGGG .....	Primary Nonferrous Metals Area Sources: Zinc, Cadmium, and Beryllium .....	X
HHHHHH .....	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources .....	X
IIIIII .....	(Reserved) .....	
JJJJJJ .....	Industrial, Commercial, and Institutional Boilers Area Sources .....	X
KKKKKK .....	(Reserved) .....	
LLLLLL .....	Acrylic and Modacrylic Fibers Production Area Sources .....	X

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF TEXAS<sup>1</sup>—Continued  
[Excluding Indian Country]

Subpart	Source category	TCEQ <sup>2</sup>
MMMMMM	Carbon Black Production Area Sources	X
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds	X
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources	X
PPPPPP	Lead Acid Battery Manufacturing Area Sources	X
QQQQQQ	Wood Preserving Area Sources	X
RRRRRR	Clay Ceramics Manufacturing Area Sources	X
SSSSSS	Glass Manufacturing Area Sources	X
TTTTTT	Secondary Nonferrous Metals Processing Area Sources	X
UUUUUU	(Reserved)	
VVVVVV	Chemical Manufacturing Area Sources	X
WWWWWW	Plating and Polishing Operations Area Sources	X
XXXXXX	Metal Fabrication and Finishing Area Sources	X
YYYYYY	Ferroalloys Production Facilities Area Sources	X
ZZZZZZ	Aluminum, Copper, and Other Nonferrous Foundries Area Sources	X
AAAAAA	Asphalt Processing and Asphalt Roofing Manufacturing Area Sources	X
BBBBBB	Chemical Preparations Industry Area Sources	X
CCCCCC	Paints and Allied Products Manufacturing Area Sources	X
DDDDDD	Prepared Feeds Manufacturing Area Sources	X
EEEEEE	Gold Mine Ore Processing and Production Area Sources	
FFFFFF—GGGGGG	(Reserved)	
HHHHHH	Polyvinyl Chloride and Copolymers Production Major Sources	X

<sup>1</sup> Program delegated to the Texas Commission on Environmental Quality (TCEQ).

<sup>2</sup> Authorities which may not be delegated include: § 63.6(g), Approval of Alternative Non-Opacity Emission Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting; and all authorities identified in the subparts (e.g., under "Delegation of Authority") that cannot be delegated.

<sup>3</sup> TCEQ was previously delegated this subpart on May 17, 2005 (70 FR 13018). The subpart was vacated and remanded to the EPA by the United States Court of Appeals for the District of Columbia Circuit. See, *Mossville Environmental Action Network v. EPA*, 370 F. 3d 1232 (DC Cir. 2004). Because of the DC Court's holding, this subpart is not delegated to TCEQ at this time.

<sup>4</sup> This subpart was issued a partial vacatur by the United States Court of Appeals for the District of Columbia Circuit. See 72 FR 61060 (October 29, 2007).

<sup>5</sup> Final rule. See 76 FR 15608 (March 21, 2011), as amended at 78 FR 7138 (January 31, 2013); 80 FR 72807 (November 20, 2015).

<sup>6</sup> Final promulgated rule adopted by the EPA. See 80 FR 65470 (October 26, 2015). Note that Part 63 Subpart KKKKK was amended to correct minor typographical errors. See 80 FR 75817 (December 4, 2015).

<sup>7</sup> Final Rule. See 77 FR 9304 (February 16, 2012), as amended 81 FR 20172 (April 6, 2016). Final Supplemental Finding that it is appropriate and necessary to regulate HAP emissions from Coal- and Oil-fired EUSGU Units. See 81 FR 24420 (April 25, 2016).

\* \* \* \*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 10

[PS Docket No. 15–91; PS Docket No. 15–94, FCC 16–127]

### Wireless Emergency Alerts; Emergency Alert System

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a three-year period, the information collection associated with the Commission's Wireless Emergency Alerts (WEA) Report and Order, FCC 16–127 (*WEA Report and Order*). In the *WEA Report and Order*, the Commission stated that it would publish a document

in the **Federal Register** announcing the effective date of the rule.

**DATES:** 47 CFR 10.320(g) published at 81 FR 75710, November 1, 2016, is effective January 12, 2018.

#### FOR FURTHER INFORMATION CONTACT:

Maureen McCarthy, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418–0011 or [Maureen.McCarthy@fcc.gov](mailto:Maureen.McCarthy@fcc.gov). For additional information concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418–2991.

#### SUPPLEMENTARY INFORMATION:

A summary of the *WEA Report and Order* was published in the **Federal Register** on November 1, 2016, 81 FR 75710. The *WEA Report and Order* promotes the utility of WEA as a life-saving tool. The summary stated that it would publish a document in the **Federal Register** announcing the effective date of the rules requiring OMB approval. The information collection requirements in § 10.320(g) were approved by OMB under OMB Control No. 3060–1126. With publication of the instant document in the **Federal Register**, the

rule changes to 47 CFR 10.320(g) adopted in the *WEA Report and Order* are now effective.

If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–1126, in your correspondence. The Commission will also accept your comments via email at [PRA@fcc.gov](mailto:PRA@fcc.gov).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

#### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on March