

PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

■ 16. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 408, 702.

■ 17. Amend § 202.3 by revising paragraphs (b)(6)(ii) and (b)(6)(iii) to read as follows:

§ 202.3 Registration of copyright.

* * * * *

(b) * * *
(6) * * *

(ii) To be eligible for group registration of serials, publishers must submit a letter affirming that two complimentary subscriptions to the particular serial have been entered for the Library of Congress. The letter should be mailed to the address specified in § 201.1 of this chapter.

(iii) The complimentary subscription copies must be mailed to the address specified in § 201.1 of this chapter.

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■ 18. Amend § 202.5 by revising paragraph (d)(1) to read as follows:

§ 202.5 Reconsideration Procedure for Refusals to Register.

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(d) *Submission of reconsiderations.*

(1) All submissions for reconsideration should be mailed to the address specified in § 201.1 of this chapter.

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■ 19. Amend § 202.12 by revising paragraphs (c)(1) and (c)(3)(ii)(B) to read as follows:

§ 202.12 Restored copyrights.

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(c) *Registration—(1) General.*

Application, deposit, and filing fee for registration of a claim in a restored work under Section 104A, as amended, may be submitted to the U.S. Copyright Office on or after January 1, 1996. The submission may be a completely electronic submission, with all required elements transmitted to the Office in electronic form; or, the submission may be partially electronic with the application form and fee submitted electronically and the deposit materials sent in physically tangible format(s). If all elements are submitted in physically tangible form, i.e., a completed, printed application form, physically tangible deposit copies/materials, and the appropriate filing fee in check, money order, or deposit account charge, all elements must be placed in the same package and sent to the address specified in § 201.1 of this chapter.

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(3) * * *

(ii) * * *

(B) *U.S. Copyright Office Deposit Account.* The U.S. Copyright Office maintains a system of Deposit Accounts for the convenience of those who frequently use its services. The system allows an individual or firm to establish a Deposit Account in the U.S. Copyright Office and to make advance deposits into that account. Deposit Account holders can charge copyright fees against the balance in their accounts instead of sending separate remittances with each request for service. For information on Deposit Accounts, visit the U.S. Copyright Office Web site or write to the address specified in § 201.1 of this chapter and request a copy of Circular 5.

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■ 20. Amend § 202.16 by revising paragraph (c)(11) to read as follows:

§ 202.16 Preregistration of copyrights.

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(c) * * *

(11) *Certification of preregistration.* A certified copy of the official notification may be obtained in physical form from the Records Research and Certification Section of the Information and Records Division at the address specified in § 201.1 of this chapter.

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■ 21. Amend § 202.17 by revising paragraph (g)(1) to read as follows:

§ 202.17 Renewals.

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(g) *Application for renewal registration for a work registered in its original 28-year term.* (1) Each application for renewal registration shall be submitted on Form RE. All forms are available free of charge via the Internet by accessing the U.S. Copyright Office homepage at <http://www.copyright.gov>. Copies of Form RE are also available free upon Request. Requests should be mailed to the address specified in § 201.1 of this chapter.

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Dated: July 11, 2013.

Maria A. Pallante,
Register of Copyrights.

Approved by:
James H. Billington,
The Librarian of Congress.

[FR Doc. 2013-17163 Filed 7-17-13; 8:45 am]

BILLING CODE 1410-30-P

POSTAL REGULATORY COMMISSION

39 CFR Parts 3001 and 3025

[Order No. 1171; Docket No. RM2011-13]

Appeals of Post Office Closings

Correction

In rule document 2012-02931, appearing on pages 6676-6681 in the issue of Thursday, February 9, 2012, make the following correction:

§ 3025.3 Notice by the Postal Service. [Corrected]

On page 6680, in the first column, on the thirteenth line from the bottom, the entry titled “§ 3025.3 Notice by the Postal Service” should have appeared in bold print, as a section heading, and is corrected to read as set forth below:

§ 3025.3 Notice by the Postal Service.

[FR Doc. C1-2012-02931 Filed 7-17-13; 8:45 am]

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[EPA-HQ-OEI-2011-0979; FRL-9825-8]

RIN 2025-AA36

Community Right-to-Know; Adoption of 2012 North American Industry Classification System (NAICS) Codes for Toxics Release Inventory (TRI) Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on updates to the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of Management and Budget (OMB) 2012 NAICS revision. Facilities would be required to use 2012 NAICS codes when reporting to TRI beginning with TRI reporting forms that are due on July 1, 2014, covering releases and other waste management quantities for the 2013 calendar year. In the “Proposed Rules” section of today’s **Federal Register**, we are simultaneously publishing the 2012 OMB NAICS revisions for TRI Reporting as a proposed rule. If we receive no adverse comment, this direct final rule will become effective as specified herein, and we will withdraw the proposed rule. If, however, we do receive adverse comments in response to this direct final rule or the proposed

rule, then we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. In that case, we would address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

DATES: This rule is effective on October 16, 2013 without further notice, unless EPA receives adverse comment by August 19, 2013. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OEI-2011-0979, by one of the following methods:

- *http://www.regulations.gov*: Follow the on-line instructions for submitting comments.

- *Email*: oei.docket@epa.gov

- *Fax*: (202) 566-0715

- *Mail*: OEI Docket, Environmental Protection Agency, Mailcode 2822T, 1200 Pennsylvania Ave. NW., Washington, DC, 20460

- *Hand Delivery*: EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OEI-2011-0979. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at

www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the

Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters or any form of encryption and must be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information for which disclosure is restricted by statute. Certain other materials, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the OEI Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Public Reading Room is open Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

FOR FURTHER INFORMATION CONTACT:

Judith Kendall, Toxics Release Inventory Program Division, Mailcode 2844T, OEI, Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Ave. NW., Washington, DC 20460; Telephone: (202) 566-0750; Fax: (202) 566-0715; email: kendall.judith@epa.gov. For general information on TRI, contact the Emergency Planning and Community Right-to-Know Hotline at (800) 424-9346 or (703) 412-9810, TDD (800) 553-7672, <http://www.epa.gov/epaoswer/hotline/>.

SUPPLEMENTARY INFORMATION:

I. Why is EPA using a direct final rule?

EPA is publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. EPA is proposing to update the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of

Management and Budget (OMB) final 2012 NAICS revision (75 FR 26856 and 76 FR 51240). However, as explained in the SUMMARY section of this document, in the "Proposed Rules" section of today's **Federal Register**, we are simultaneously publishing a separate document that will serve as the proposed rule to adopt 2012 NAICS Codes for TRI Reporting if adverse comments are received on this direct final rule.

II. Does this action apply to me?

Entities that may be affected by this action are those facilities that have 10 or more full-time employees or the equivalent 20,000 hours per year that manufacture, process, or otherwise use toxic chemicals listed on the TRI, and that are required under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) or section 6607 of the Pollution Prevention Act (PPA) to report annually to EPA and States or Tribes their environmental releases or other waste management quantities of covered chemicals. (A rule was published on April 19, 2012 (77 FR 23409), requiring facilities located in Indian country to report to the appropriate tribal government official and EPA instead of to the state and EPA.) Under Executive Order 13423 (January 24, 2007), published in the **Federal Register** on January 26, 2007 (72 FR 3919), all federal facilities are required to comply with the provisions set forth in Section 313 of EPCRA and section 6607 of the PPA. On March 29, 2007, the White House Council on Environmental Quality (CEQ) issued *Instructions for Implementing Executive Order 13423*, including annual reporting to the TRI program. Notice of availability of those implementing instructions was published in the **Federal Register** on June 18, 2007 (72 FR 33504).

To determine whether your facility is affected by this action, you should carefully examine the applicability criteria in Part 372 of Title 40 of the Code of Federal Regulations. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

III. What should I consider as I prepare my comments for EPA?

A. Submitting CBI. If you wish to claim information submitted in a comment to be CBI, it will be handled in accordance with procedures set forth in 40 CFR part 2, subpart B. If you do not assert a confidentiality claim at the time of submission, the information may

be made available to the public by EPA without further notice. See 40 CFR 2.203, 41 FR 36902, September 1, 1976. Do not submit this information to EPA through www.regulations.gov or email. Clearly mark the specific information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

B. Tips for Preparing Your Comments. When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

IV. What is EPA's statutory authority for taking this action?

EPA is taking this action under sections 313(g)(1) and 328 of EPCRA, 42 U.S.C. 11023(g)(1) and 11048. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99-499). In general, section 313 of EPCRA requires owners and operators of covered facilities in specified

Standard Industrial Classification (SIC) codes that manufacture, process, or otherwise use a listed toxic chemical in amounts above specified threshold levels to report certain facility specific information about such chemicals, including the annual releases and other waste management quantities. Section 313(g)(1) of EPCRA requires EPA to publish a uniform toxic chemical release form for these reporting purposes, and it also prescribes, in general terms, the types of information that must be submitted on the form. Section 313(g)(1)(A) requires owners and operators of facilities that are subject to section 313 requirements to report the principal business activities at the facilities. Congress also granted EPA broad rulemaking authority to allow the Agency to fully implement the statute. EPCRA section 328 states that: "The Administrator may prescribe such regulations as may be necessary to carry out this chapter." 42 U.S.C. 11048.

Consistent with these authorities, on June 6, 2006, EPA amended 40 CFR Part 372 to include the 2002 NAICS codes that correspond to the SIC codes that are currently subject to section 313 of EPCRA and section 6607 of the PPA (71 FR 32464). On June 9, 2008 (73 FR 32466), EPA amended 40 CFR Part 372 to include the 2007 NAICS codes that correspond to the SIC codes that are currently subject to section 313 of EPCRA and section 6607 of the PPA. This direct final action will amend 40 CFR Part 372 to include OMB's revised NAICS codes for 2012.

Owners and operators of facilities that are subject to section 313 would need to use 2012 NAICS codes when identifying their principal business activities beginning with TRI reporting forms that are due on July 1, 2014, covering releases and other waste management quantities at the facility for the 2013 calendar year.

V. Background Information

What is the general background for this action?

EPA promulgated a final TRI NAICS rule on June 6, 2006, to amend its regulations for TRI, found at 40 CFR Part 372, to include NAICS codes in addition to SIC codes. The list of TRI NAICS codes that appeared in the final rule was developed from the OMB 2002 NAICS revision. EPA updated the list of TRI NAICS codes in 2008 (73 FR 32466), to incorporate changes to the TRI NAICS codes resulting from the OMB 2007 NAICS revision.

The Office of Management and Budget (OMB) revises North American Industry Classification Codes every five years. An OMB **Federal Register** notice published on May 12, 2010 (75 FR 26856), announced updated NAICS codes for 2012, and a second OMB **Federal Register** notice published on Aug. 17, 2011 (76 FR 51240), finalized and further modified the NAICS codes for 2012.

VI. This Action

A. What would this action do?

EPA will amend 40 CFR Part 372 to include 2012 NAICS codes for TRI reporting that accurately reflect the universe of covered facilities under section 313 of EPCRA and section 6607 of the PPA.

B. Will this action change the universe of facilities that are currently required to report to EPA and the States?

Today's action of updating the list of NAICS codes to reflect the 2012 OMB NAICS revision will not change the universe of facilities that are currently required to report to EPA and the States.

C. How will section 313 reporting requirements change as a result of this direct final rule?

TRI reporting requirements will not change as a result of this direct final rule. This rule will simply revise the NAICS codes to reflect the OMB NAICS 2012 revision.

VII. Which TRI-covered NAICS codes have been modified under this direct final rule?

The Office of Management and Budget (OMB) revises North American Industry Classification System Codes every five years. An OMB **Federal Register** notice published on May 12, 2010 (75 FR 26856), announced updated NAICS codes for 2012, and a second OMB **Federal Register** notice published on Aug. 17, 2011 (76 FR 51240), finalized and further modified the NAICS codes for 2012. All facilities that are currently required to report to TRI will still be required to report, and facilities that are not currently required to file TRI reports to the Agency will not be required to do so. However, due to the 2012 NAICS modifications, some facilities will need to modify their NAICS codes as outlined in the table below. This table reflects only the 2007 TRI NAICS reporting codes that were revised in 2012.

REVISED TRI 2012 REPORTING CODES

2007 NAICS Code	2007 NAICS and U.S. description	2012 NAICS Code	2012 NAICS description
221119	Other Electric Power Generation.	221118	Other Electric Power Generation.
311222	Soybean Processing.	311224	Soybean and Other Oilseed Processing.
311223	Other Oilseed Processing.		
311311	Sugarcane Mills.	311314	Cane Sugar Manufacturing.
311312	Cane Sugar Refining.		
311320	Chocolate and Confectionery Manufacturing from Cacao Beans.	311351	Chocolate and Confectionery Manufacturing from Cacao Beans.
311330	Confectionery Manufacturing from Purchased Chocolate.	311352	Confectionery Manufacturing from Purchased Chocolate.
311711	Seafood Canning.	311710	Seafood Product Preparation and Packaging.
311712	Fresh and Frozen Seafood Processing.		
311822	Flour Mixes and Dough Manufacturing from Purchased Flour.	311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour.
311823	Dry Pasta Manufacturing.		
311710	Tobacco Stemming and Redrying.	312230	Tobacco Manufacturing.
312221	Cigarette Manufacturing.		
312229	Other Tobacco Product Manufacturing		
313111	Yarn Spinning Mills.	313110	Fiber, Yarn, and Thread Mills.
313112	Yarn Texturizing, Throwing, and Twisting Mills.		
313113	Thread Mills		
313221	Narrow Fabric Mills.	313220	Narrow Fabric Mills and Schiffli Machine.
313222	Schiffli Machine Embroidery.		
313241	Weft Knit Fabric Mills.	313240	Knit Fabric Mills.
313249	Other Knit Fabric and Lace Mills.		
313311	Broadwoven Fabric Finishing Mills.	313310	Textile and Fabric Finishing Mills.
313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills.		
314121	Curtain and Drapery Mills.	314120	Curtain and Linen Mills.
314129	Other Household Textile Product Mills.		
314911	Textile Bag Mills.	314910	Textile Bag and Canvas Mills.
314912	Canvas and Related Product Mills.		
315191	Rope, Cordage, and Twine Mills.	314994	Rope, Cordage, Twine, tire Cord, and Tire Fabric Mills.
315192	Tire Cord and Tire Fabric Mills		
315111	Sheer Hosiery Mills.	315110	Hosiery and Sock Mills.
315119	Other Hosiery and Sock Mills		
315191	Outerwear Knitting Mills.	315190	Other Apparel Knitting Mills.
315192	Underwear and Nightwear Knitting Mills.		
315211	Men's and Boys' Cut and Sew Apparel Contractors.	315210	Cut and Sew Apparel Contractors.
315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors		
315221	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing.	315220	Men's and Boys' Cut and Sew Apparel Manufacturing.
315222	Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturing.		
315223	Men's and Boys' Cut and Sew Shirt (except Work Shirt) Manufacturing.		
315224	Men's and Boys' Cut and Sew Trouser, Slack, and Jean Manufacturing.		
315225	Men's and Boys' Cut and Sew Work Clothing Manufacturing.		
315228	Men's and Boys' Cut and Sew Other Outerwear Manufacturing.		
315231	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing.	315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing.
315232	Women's and Girls' Cut and Sew Blouse and Shirt Manufacturing.		
315233	Women's and Girls' Cut and Sew Dress Manufacturing.		
315234	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturing.		
315239	Women's and Girls' Cut and Sew Other Outerwear Manufacturing.		
315291	Infants' Cut and Sew Apparel Manufacturing.		
315292	Fur and Leather Apparel Manufacturing.	315280	Other Cut and Sew Apparel Manufacturing.
315299	All Other Cut and Sew Apparel Manufacturing.		
315991	Hat, Cap, and Millinery Manufacturing.	315990	Apparel Accessories and Other Apparel Manufacturing.
315992	Glove and Mitten Manufacturing.		
315993	Men's and Boys' Neckwear Manufacturing.		
315999	Other Apparel Accessories and Other Apparel Manufacturing.		

REVISED TRI 2012 REPORTING CODES—Continued

2007 NAICS Code	2007 NAICS and U.S. description	2012 NAICS Code	2012 NAICS description
316211	Rubber and Plastics Footwear Manufacturing.	316210	Footwear Manufacturing.
316212	House Slipper Manufacturing.		
316213	Men's Footwear (except Athletic) Manufacturing.		
316214	Women's Footwear (except Athletic) Manufacturing.		
316219	Other Footwear Manufacturing.		
316991	Luggage Manufacturing.	316998	All Other Leather Good and Allied Product Manufacturing.
316993	Personal Leather Good (except Women's Handbag and Purse) Manufacturing.		
316999	All Other Leather Good and Allied Product Manufacturing.		
322213	Setup Paperboard Box Manufacturing.	322219	Other Paperboard Container Manufacturing.
322214	Fiber Can, Tube, Drum, and Similar Products Manufacturing.		
322215	Nonfolding Sanitary Food Container Manufacturing.		
322221	Coated and Laminated Packaging.	322220	Paper Bag and Coated and Treated Paper Manufacturing.
322222	Coated and Laminated Paper Manufacturing.		
322223	Coated Paper Bag and Pouch Manufacturing.		
322224	Uncoated Paper and Multiwall Bag Manufacturing.		
322225	Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses.		
322226	Surface-Coated Paperboard Manufacturing.		
322231	Die-Cut Paper and Paperboard Office Supplies Manufacturing.	322230	Stationery Product Manufacturing.
322232	Envelope Manufacturing.		
322233	Stationery, Tablet, and Related Product Manufacturing.		
323110	Commercial Lithographic Printing.	323111	Commercial Printing (except Screen and Books).
323111	Commercial Gravure Printing).		
323112	Commercial Flexographic Printing.		
323114	Quick Printing.		
323115	Digital Printing.		
323116	Manifold Business Forms Printing.		
323118	Blankbook, Looseleaf Binders, and Devices Manufacturing.		
323119	Other Commercial Printing.		
323121	Tradebinding and Related Work.	323120	Support Activities for Printing.
323122	Prepress Services.		
325131	Inorganic Dye and Pigment Manufacturing.	325130	Synthetic Dye and Pigment Manufacturing.
325132	Synthetic Organic Dye and Pigment Manufacturing.		
325181	Alkalies and Chlorine Manufacturing.	325180	Other Basic Inorganic Chemical Manufacturing.
325182	Carbon Black Manufacturing.		
325188	All Other Basic Inorganic Chemical Manufacturing.		
325191	Gum and Wood Chemical Manufacturing.	325194	Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing.
325192	Cyclic Crude and Intermediate Manufacturing.		
325221	Cellulosic Organic Fiber Manufacturing.	325220	Artificial and Synthetic Fibers and Filaments Manufacturing.
325222	Noncellulosic Organic Fiber Manufacturing.		
326192	Resilient Floor Covering Manufacturing.	326199	All Other Plastics Product Manufacturing
327111	Vitreous China Plumbing Fixture and China and Earthenware Bathroom Accessories Manufacturing.	327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing.
327112	Vitreous China, Fine Earthenware, and Other Pottery Product Manufacturing.		
327113	Porcelain Electrical Supply Manufacturing.		
327121	Brick and Structural Clay Tile Manufacturing.	327120	Clay Building Material and Refractories Manufacturing.
327122	Ceramic Wall and Floor Tile Manufacturing.		
327123	Other Structural Clay Product Manufacturing.		
327124	Clay Refractory Manufacturing.		
327125	Nonclay Refractory Manufacturing.		
331111	Iron and Steel Mills.	331110	Iron and Steel Mills and Ferroalloy Manufacturing.
331112	Electrometallurgical Ferroalloy Product Manufacturing.		
331311	Alumina Refining.	331313	Alumina Refining and Primary Aluminum Production.
331312	Primary Aluminum Production.		
331316	Aluminum Extruded Product Manufacturing.	331318	Other Aluminum Rolling, Drawing, and Extruding.
331319	Other Aluminum Rolling and Drawing.		
331411	Primary Smelting and Refining of Copper.	331410	Nonferrous Metal (except Aluminum) Smelting and Refining.
331419	Primary Smelting and Refining of Nonferrous Metal (except Copper and Aluminum).		
331421	Copper Rolling, Drawing, and Extruding.	331420	Copper Rolling, Drawing, Extruding, and Alloying.

REVISED TRI 2012 REPORTING CODES—Continued

2007 NAICS Code	2007 NAICS and U.S. description	2012 NAICS Code	2012 NAICS description
331422	Copper Wire (except Mechanical) Drawing.		
331423	Secondary Smelting, Refining, and Alloying of Copper.		
331521	Aluminum Die-Casting Foundries.	331523	Nonferrous Metal Die-Casting Foundries.
331522	Nonferrous (except Aluminum) Die-Casting Foundries.		
331525	Copper Foundries (except Die-Casting).	331529	Other Nonferrous Metal Foundries (except Die-Casting).
331528	Other Nonferrous Foundries (except Die-Casting).		
332115	Crown and Closure Manufacturing.	332119	Metal Crown, Closure, and Other Metal Stamping (except Automotive).
332116	Metal Stamping.		
332211	Cutlery and Flatware (except Precious) Manufacturing.	332215	Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing.
332214	Kitchen Utensil, Pot, and Pan Manufacturing.		
332212	Hand and Edge Tool Manufacturing.	332216	Saw Blade and Handtool Manufacturing.
332213	Saw Blade and Handsaw Manufacturing.		
332611	Spring (Heavy Gauge) Manufacturing.	332613	Spring Manufacturing.
332612	Spring (Light Gauge) Manufacturing	332613	Spring Manufacturing.
332994	Small Arms Manufacturing	332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing.
332995	Other Ordnance and Accessories Manufacturing		
332997	Industrial Pattern Manufacturing	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing.
332998	Enameled Iron and Metal Sanitary Ware Manufacturing.		
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing.		
333210	Sawmill and Woodworking Machinery Manufacturing pt	333243	Sawmill, Woodworking, and Paper Machinery Manufacturing.
333291	Paper Industry Machinery Manufacturing		
333220	Plastics and Rubber Industry Machinery Manufacturing	333249	Other Industrial Machinery Manufacturing.
333292	Textile Machinery Manufacturing		
333298	All Other Industrial Machinery Manufacturing		
333293	Printing Machinery and Equipment Manufacturing	333244	Printing Machinery and Equipment Manufacturing.
333294	Food Product Machinery Manufacturing	333241	Food Product Machinery Manufacturing.
333295	Semiconductor Machinery Manufacturing	333242	Semiconductor Machinery Manufacturing.
333311	Automatic Vending Machine Manufacturing	333318	Other Commercial and Service Industry Machinery Manufacturing.
333312	Commercial Laundry, Drycleaning, and Pressing Machine Manufacturing		
333313	Office Machinery Manufacturing		
333319	Other Commercial and Service Industry Machinery Manufacturing		
333315	Photographic and Photocopying Equipment Manufacturing	333316	Photographic and Photocopying Equipment Manufacturing.
334119	Other Computer Peripheral Equipment Manufacturing <i>digital camera manufacturing</i>		
333411	Air Purification Equipment Manufacturing	333413	Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing.
333412	Industrial and Commercial Fan and Blower Manufacturing		
333512	Machine Tool (Metal Cutting Types) Manufacturing.	333517	Machine Tool Manufacturing.
333513	Machine Tool (Metal Forming Types) Manufacturing		
333516	Rolling Mill Machinery and Equipment Manufacturing	333519	Rolling Mill and Other Metalworking Machinery Manufacturing.
333518	Other Metalworking Machinery Manufacturing.		
334113	Computer Terminal Manufacturing	334118	Computer Terminal and Other Computer Peripheral Equipment Manufacturing.
334119	Other Computer Peripheral Equipment Manufacturing <i>except digital camera manufacturing</i>	334118	Computer Terminal and Other Computer Peripheral Equipment Manufacturing.
334411	Electron Tube Manufacturing	334419	Other Electronic Component Manufacturing.
334414	Electronic Capacitor Manufacturing	334416	Capacitor, Resistor, Coil, Transformer, and Other Inductor Manufacturing.
334416	Electronic Coil, Transformer, and Other Inductor Manufacturing		
334518	Watch, Clock, and Part Manufacturing	334519	Other Measuring and Controlling Device Manufacturing.
334611	Software Reproducing	334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing.
334612	Prerecorded Compact Disc (except Software), Tape, and Record Reproducing		

REVISED TRI 2012 REPORTING CODES—Continued

2007 NAICS Code	2007 NAICS and U.S. description	2012 NAICS Code	2012 NAICS description
335211	Electric Housewares and Household Fan Manufacturing	335210	Small Electrical Appliance Manufacturing.
335212	Household Vacuum Cleaner Manufacture		
336311	Carburetor, Piston, Piston Ring, and Valve Manufacturing	336310	Motor Vehicle Gasoline Engine Parts Manufacturing.
336312	Gasoline Engine and Engine Parts Manufacturing		
336321	Vehicular Lighting Equipment Manufacturing	336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing.
336322	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing.		
336391	Motor Vehicle Air-Conditioning Manufacturing	336390	Other Motor Vehicle Parts Manufacturing.
336399	All Other Motor Vehicle Parts Manufacturing		
337129	Wood Television, Radio, and Sewing Machine Cabinet Manufacturing	321999	All Other Miscellaneous Wood Product Manufacturing.
339911	Jewelry (except Costume) Manufacturing	339910	Jewelry and Silverware Manufacturing.
339912	Silverware and Hollowware Manufacturing		
339913	Jewelers' Material and Lapidary Work Manufacturing		
339914	Costume Jewelry and Novelty Manufacturing		
339931	Doll and Stuffed Toy Manufacturing	339930	Doll, Toy, and Game Manufacturing.
339932	Game, Toy, and Children's Vehicle Manufacturing		
339941	Pen and Mechanical Pencil Manufacturing	339940	Office Supplies (except Paper) Manufacturing.
339942	Lead Pencil and Art Good Manufacturing		
3339943	Making Device Manufacturing		
339944	Carbon Paper and Inked Ribbon Manufacturing		

VIII. What additional reporting burden is associated with this action?

This direct final rule adds no new reporting requirements, and there will be no net increase in respondent burden. Facilities were first required to use NAICS codes when reporting their toxic chemical releases and other waste management activities to EPA beginning in 2007 for reporting year 2006. Covered facilities should refer to the updated NAICS code list in 40 CFR 372.23 when reporting. Crosswalk tables between 2007 NAICS codes and 2012 NAICS codes can be found on the Internet at <http://www.census.gov/epcd/www/naics.html>.

IX. Regulatory Assessment Requirements

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a “significant regulatory action” under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

EPA analyzed the potential costs and benefits associated with this action, and determined that since this rule adds no new reporting requirements, there will be no net increase in respondent burden or other economic impacts.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. Facilities that are affected by the rule are already required to report their industrial classification codes on the approved reporting forms under section 313 of EPCRA and 6607 of the PPA. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in 40 CFR part 372 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2025–0009 (EPA ICR No. 1363–21) for Form R and Form A. A copy of the OMB approved Information Collection Requests (ICRs) may be obtained from Susan Auby, Collection Strategies Division; U.S. Environmental Protection Agency (2822T); 1200 Pennsylvania Ave. NW., Washington, DC 20460 or by calling (202) 566–1672. The OMB control numbers for EPA’s regulations in 40 CFR are listed in 40 CFR part 9.

C. The Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a

substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this rule on small entities, section 601 of the RFA, 5 U.S.C. 601, defines “small entity” as: (1) A business that is classified as a “small business” by the Small Business Administration at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

This rule adds no new reporting requirements, and there will be no net increase in respondent burden. This rule only updates the NAICS codes already reported by respondents.

After considering the economic impacts of today’s final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This final rule will not impose any requirements on small entities.

D. Unfunded Mandates Reform Act

This rule does not contain a Federal mandate that may result in expenditures of \$100 million or more to State, local, and tribal governments, in the aggregate, or to the private sector in any one year. This rule adds no new reporting requirements and there will be no net

increase in respondent burden. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This EPA action contains no new reporting requirements.

E. Executive Order 13132, Federalism

This action does not have federalism implications. It will 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. This action only updates the NAICS reporting codes used by TRI reporting facilities on chemical reporting forms. Thus, Executive Order 13132 does not apply to this rule.

F. Executive Order 13175

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because this action only updates the NAICS reporting codes for TRI reporting purposes. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets EO 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement

Act of 1995 (“NTTAA”), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because the rule addresses information collection and does not affect the level of protection provided to human health or the environment. This rule simply updates the NAICS reporting codes for TRI reporting purposes.

K. Congressional Review Act

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. 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). This final rule is effective 90 days from the date of publication in the **Federal Register**. TRI facilities must use 2012 NAICS codes when reporting to TRI beginning with reporting forms that are due by July 1, 2014.

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: July 9, 2013.

Bob Perciasepe,
Acting Administrator.

For the reasons set out in the preamble, title 40 Chapter I of the Code of Federal Regulations is amended as follows:

PART 372—[AMENDED]

■ 1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

■ 2. Amend § 372.22 by revising the introductory text for paragraph (b) to read as follows:

§ 372.22 Covered facilities for toxic chemical release reporting.

* * * * *

(b) The facility is in a Standard Industrial Classification (SIC) (as in effect on January 1, 1987) major group or industry code listed in § 372.23(a), for which the corresponding North American Industry Classification System (NAICS) (as in effect on January 1, 2012, for reporting year 2013 and thereafter) subsector and industry codes are listed in §§ 372.23(b) and 372.23(c) by virtue of the fact that it meets one of the following criteria:

* * * * *

■ 3. Amend § 372.23 by revising paragraphs (b) and (c) to read as follows:

§ 372.23 SIC and NAICS codes to which this Part applies.

* * * * *

(b) NAICS codes that correspond to SIC codes 20 through 39.

Subsector code or industry code	Exceptions and/or limitations
311—Food Manufacturing	Except 311119—Exception is limited to facilities primarily engaged in Custom Grain Grinding for Animal Feed (previously classified under SIC 0723, Crop Preparation Services for Market, Except Cotton Ginning); Except 311340—Exception is limited to facilities primarily engaged in the retail sale of candy, nuts, popcorn and other confections not for immediate consumption made on the premises (previously classified under SIC 5441, Candy, Nut, and Confectionery Stores); Except 311352—Exception is limited to facilities primarily engaged in the retail sale of candy, nuts, popcorn and other confections not for immediate consumption made on the premises (previously classified under SIC 5441, Candy, Nut, and Confectionery Stores); Except 311611—Exception is limited to facilities primarily engaged in Custom Slaughtering for individuals (previously classified under SIC 0751, Livestock Services, Except Veterinary, Slaughtering, custom: for individuals); Except 311612—Exception is limited to facilities primarily engaged in the cutting up and resale of purchased fresh carcasses for the trade (including boxed beef), and in the wholesale distribution of fresh, cured, and processed (but not canned) meats and lard (previously classified under SIC 5147, Meats and Meat Products); Except 311811—Retail Bakeries (previously classified under SIC 5461, Retail Bakeries);
312—Beverage and Tobacco Product Manufacturing.	Except 312112—Exception is limited to facilities primarily engaged in bottling mineral or spring water (previously classified under SIC 5149, Groceries and Related Products, NEC); Except 312230—Exception is limited to facilities primarily engaged in providing Tobacco Sheeting Services (previously classified under SIC 7389, Business Services, NEC);
313—Textile Mills	Except 313310—Exception is limited to facilities primarily engaged in converting broadwoven piece goods and broadwoven textiles, (previously classified under SIC 5131, Piece Goods Notions, and Other Dry Goods, broadwoven and non-broadwoven piece good converters); and facilities primarily engaged in converting narrow woven Textiles and narrow woven piece goods, (previously classified under SIC 5131, Piece Good Notions, and Other Dry Goods, converters, except broadwoven fabric); and facilities primarily engaged in sponging fabric for tailors and dressmakers (previously classified under SIC 7389, Business Services, NEC (Sponging fabric for tailors and dressmakers));
314—Textile Product Mills	Except 314120—Exception is limited to facilities primarily engaged in making Custom drapery and in making Custom slipcovers for retail sale (previously classified under SIC 5714, Drapery, Curtain, and Upholstery Stores); Except 314999—Exception is limited to facilities primarily engaged in Binding carpets and rugs for the trade, Carpet cutting and binding, and Embroidering on textile products (except apparel) for the trade (previously classified under SIC 7389, Business Services Not Elsewhere Classified, Embroidering of advertising on shirts and Rug binding for the trade);
315—Apparel Manufacturing	Except 315220—Exception is limited to custom tailors primarily engaged in making and selling men's and boys' suits, men's and boys' dress shirts, and bridal dresses or gowns or women's, misses' and girls' dresses, cut and sewn from purchased fabric (previously classified under SIC 5699, Miscellaneous Apparel and Accessory Stores (custom tailors)) and to custom tailors primarily engaged in making and selling bridal dresses or gowns, or women's, misses' and girls' dresses cut and sewn from purchased fabric (except apparel contractors) (custom dressmakers) (previously classified under SIC Code 5699, Miscellaneous Apparel and Accessory Stores);
316—Leather and Allied Product Manufacturing.	
321—Wood Product Manufacturing.	
322—Paper Manufacturing.	
323—Printing and Related Support Activities	Except 323111—Exception is limited to facilities primarily engaged in reproducing text, drawings, plans, maps, or other copy, by blueprinting, photocopying, mimeographing, or other methods of duplication other than printing or microfilming (i.e., instant printing) (previously classified under SIC 7334, Photocopying and Duplicating Services, (instant printing));
324—Petroleum and Coal Products Manufacturing.	
325—Chemical Manufacturing	Except 325998—Exception is limited to facilities primarily engaged in Aerosol can filling on a job order or contract basis (previously classified under SIC 7389, Business Services, NEC (aerosol packaging));
326—Plastics and Rubber Products Manufacturing.	Except 326212—Tire Retreading, (previously classified under SIC 7534, Tire Retreading and Repair Shops (rebuilding));
327—Nonmetallic Mineral Product Manufacturing.	Except 327110—Exception is limited to facilities primarily engaged in manufacturing and selling pottery on site (previously classified under SIC 5719, Miscellaneous Homefurnishing Stores)
331—Primary Metal Manufacturing.	
332—Fabricated Metal Product Manufacturing.	
333—Machinery Manufacturing.	
334—Computer and Electronic Product Manufacturing.	Except 334614—Exception is limited to facilities primarily engaged in Software Reproducing (previously classified under SIC 7372, Prepackaged Software, (reproduction of software)) and to facilities primarily engaged in mass reproducing pre-recorded Video cassettes, and mass reproducing Video tape or disk (previously classified under SIC 7819, Services Allied to Motion Picture Production (reproduction of Video));
335—Electrical Equipment, Appliance, and Component Manufacturing.	Except 335312—Exception is limited to facilities primarily engaged in armature rewinding on a factory basis (previously classified under SIC 7694 (Armature Rewinding Shops (remanufacturing)));

Subsector code or industry code	Exceptions and/or limitations
336—Transportation Equipment Manufacturing. 337—Furniture and Related Product Manufacturing.	Except 337110—Exception is limited to facilities primarily engaged in the retail sale of household furniture and that manufacture custom wood kitchen cabinets and counter tops (previously classified under SIC 5712, Furniture Stores (custom wood cabinets)); Except 337121—Exception is limited to facilities primarily engaged in the retail sale of household furniture and that manufacture custom made upholstered household furniture (previously classified under SIC 5712, Furniture Stores (upholstered, custom made furniture)); Except 337122—Exception is limited to facilities primarily engaged in the retail sale of household furniture and that manufacture nonupholstered, household type, custom wood furniture (previously classified under SIC 5712, Furniture Stores (custom made wood nonupholstered household furniture except cabinets));
339—Miscellaneous Manufacturing	Except 339113—Exception is limited to facilities primarily engaged in manufacturing orthopedic devices to prescription in a retail environment (previously classified under SIC 5999, Miscellaneous Retail Stores, NEC); Except 339115—Exception is limited to lens grinding facilities that are primarily engaged in the retail sale of eyeglasses and contact lenses to prescription for individuals (previously classified under SIC 5995, Optical Goods Stores (optical laboratories grinding of lenses to prescription)); Except 339116—Dental Laboratories (previously classified under SIC 8072, Dental Laboratories);
111998—All Other Miscellaneous Crop Farming	Limited to facilities primarily engaged in reducing maple sap to maple syrup (previously classified under SIC 2099, Food Preparations, NEC, Reducing Maple Sap to Maple Syrup);
113310—Logging.	
211112—Natural Gas Liquid Extraction	Limited to facilities that recover sulfur from natural gas (previously classified under SIC 2819, Industrial Inorganic chemicals, NEC (recovering sulfur from natural gas));
212324—Kaolin and Ball Clay Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating kaolin and clay (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1455));
212325—Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating clay and ceramic and refractory minerals (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1459));
212393—Other Chemical and Fertilizer Mineral Mining.	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating chemical or fertilizer mineral raw materials (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1479));
212399—All Other Nonmetallic Mineral Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating nonmetallic minerals (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1499));
488390—Other Support Activities for Water Transportation.	Limited to facilities that are primarily engaged in providing routine repair and maintenance of ships and boats from floating drydocks (previously classified under SIC 3731, Shipbuilding and Repairing (floating drydocks not associated with a shipyard));
511110—Newspaper Publishers.	
511120—Periodical Publishers.	
511130—Book Publishers.	
511140—Directory and Mailing List Publishers	Except facilities that are primarily engaged in furnishing services for direct mail advertising including Address list compilers, Address list publishers, Address list publishers and printing combined, Address list publishing, Business directory publishers, Catalog of collections publishers, Catalog of collections publishers and printing combined, Mailing list compilers, Directory compilers, and Mailing list compiling services (previously classified under SIC 7331, Direct Mail Advertising Services (mailing list compilers));
511191—Greeting Card Publishers.	
511199—All Other Publishers.	
512220—Integrated Record Production/Distribution.	
512230—Music Publishers	Except facilities primarily engaged in Music copyright authorizing use, Music copyright buying and licensing, and Music publishers working on their own account (previously classified under SIC 8999, Services, NEC (music publishing));
519130—Internet Publishing and Broadcasting and Web Search Portals.	Limited to facilities primarily engaged in Internet newspaper publishing (previously classified under SIC 2711, Newspapers: Publishing, or Publishing and Printing), Internet periodical publishing (previously classified under SIC 2721, Periodicals: Publishing, or Publishing and Printing), Internet book publishing (previously classified under SIC 2731, Books: Publishing, or Publishing and Printing), Miscellaneous Internet publishing (previously classified under SIC 2741, Miscellaneous Publishing), Internet greeting card publishers (previously classified under SIC 2771, Greeting Cards); Except for facilities primarily engaged in web search portals;

Subsector code or industry code	Exceptions and/or limitations
541712—Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology).	Limited to facilities that are primarily engaged in Guided missile and space vehicle engine research and development (previously classified under SIC 3764, Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts), and in Guided missile and space vehicle parts (except engines) research and development (previously classified under SIC 3769, Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified);
811490—Other Personal and Household Goods Repair and Maintenance.	Limited to facilities that are primarily engaged in repairing and servicing pleasure and sail boats without retailing new boats (previously classified under SIC 3732, Boat Building and Repairing (pleasure boat building)).

(c) NAICS codes that correspond to SIC codes other than SIC codes 20 through 39.

Subsector or industry code	Exceptions and/or limitations
212111—Bituminous Coal and Lignite Surface Mining.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
212112—Bituminous Coal and Underground Mining.	
212113—Anthracite Mining.	
212221—Gold Ore Mining.	
212222—Silver Ore Mining.	
212231—Lead Ore and Zinc Ore Mining.	
212234—Copper Ore and Nickel Ore Mining.	
212299—Other Metal Ore Mining.	
221111—Hydroelectric Power Generation	
221112—Fossil Fuel Electric Power Generation	
221113—Nuclear Electric Power Generation	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221118—Other Electric Power Generation	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221121—Electric Bulk Power Transmission and Control.	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221122—Electric Power Distribution	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221330—Steam and Air Conditioning Supply	Limited to facilities engaged in providing combinations of electric, gas, and other services, not elsewhere classified (N.E.C.) (previously classified under SIC 4939, Combination Utility Services Not Elsewhere Classified.)
424690—Other Chemical and Allied Products Merchant Wholesalers.	Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified.
424710—Petroleum Bulk Stations and Terminals.	
425110—Business to Business Electronic Markets..	Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified.
425120—Wholesale Trade Agents and Brokers	Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC);
562112—Hazardous Waste Collection	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562211—Hazardous Waste Treatment and Disposal.	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562212—Solid Waste Landfill	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562213—Solid Waste Combustors and Incinerators.	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562219—Other Nonhazardous Waste Treatment and Disposal.	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562920—Materials Recovery Facilities	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>

FEDERAL MARITIME COMMISSION**46 CFR Parts 515, 520, and 532**

[Docket No. 11–22]

RIN 3072–AC51

Non-Vessel-Operating Common Carrier Negotiated Rate Arrangements; Tariff Publication Exemption**AGENCY:** Federal Maritime Commission.**ACTION:** Final rule.

SUMMARY: The Federal Maritime Commission (Commission) revises its rules to impose registration requirements on foreign-based unlicensed non-vessel-operating common carriers and to extend an exemption from certain provisions and requirements of the Shipping Act of 1984 and the Commission regulations to foreign-based unlicensed non-vessel-operating common carriers that agree to negotiated rate arrangements.

DATES: *Effective date:* This Final Rule is effective July 19, 2013.

Compliance date: Foreign-based unlicensed non-vessel-operating common carriers shall comply with the requirements of 46 CFR 515.19 no later than October 17, 2013.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Fenneman, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001, Phone: (202) 523–5740, Email: generalcounsel@fmc.gov.

SUPPLEMENTARY INFORMATION:**Background**

Under the Commission's current rule at 46 CFR part 532, titled NVOCC Negotiated Rate Arrangements, licensed non-vessel-operating common carriers (NVOCCs) that choose to enter into negotiated rate arrangements (NRAs) are exempted from the tariff rate publication requirements of the Shipping Act of 1984 and certain provisions and requirements of the Commission's regulations. At the time of the promulgation of the rule, the Commission determined to exempt only licensed NVOCCs because of concerns relating to the limited information available to the Commission about foreign-based unlicensed NVOCCs.

On December 5, 2012, however, the Commission determined it could extend the exemption at 46 CFR part 532 to foreign-based unlicensed NVOCCs by implementing new registration and other requirements. A Notice of Proposed Rulemaking (NPRM) was published on February 26, 2013. 78 FR 13011.

Comments

The Commission received six comments: Federazione Nazionale delle Imprese di Spedizioni Internazionali (FEDESPEDI), International Federation of Freight Forwarders Association (FIATA), National Customs Brokers and Forwarders Association of America, Inc. (NCBFAA), Transportation Intermediaries Association (TIA), Unaffiliated Shippers of America (USOA), and UPS Ocean Freight Services, Inc. (UPS).

FEDESPEDI supports the proposed rule and argues that the current rule is discriminatory. FEDESPEDI believes that granting the exemption to foreign-based unlicensed NVOCCs “will contribute to a level playing field and, at the same time, will reduce operating costs for [its] members, allowing them to concentrate on quality and price, rather than expending unnecessary time and money on administrative compliance.”

FIATA states that many of its members are NVOCCs. FIATA supports equal treatment of all NVOCCs, so that they are permitted to use the exemption whether or not they are licensed by the Commission. FIATA states that an NVOCC not using the exemption has the expense of maintaining tariff publication with no offsetting benefit to the shipping public. FIATA also states that the Commission has the ability to revoke the exemption for any NVOCC found to be abusing it. Like FEDESPEDI, FIATA believes that the proposed rule “will resolve the problem of unequal playing fields for foreign-based NVOCCs and their competitors in the United States and will give them the same tools to serve their customers without additional costs.”

NCBFAA supports the proposed rule. NCBFAA states that the extension of the exemption would increase competition by freeing foreign-based unlicensed NVOCCs from the burden of rate tariff publication obligation; that eliminating the costs of rate tariff publication for foreign-based unlicensed NVOCCs will better position them to serve their customers; and that removing the artificial distinction between U.S. and foreign NVOCCs will avoid possible regulatory measures of foreign governments seeking to level the playing field between their nationals and those of the U.S. NCBFAA notes that extending the NRA exemption will not remove any Shipping Act protections available to shippers because the exemption would not disturb or remove prohibitions for false billings, classifications or other unfair or unjust efforts to either obtain transportation at inappropriate rates or

to otherwise engage in fraudulent billing practices. NCBFAA believes that the registration and other requirements suggested in the NPRM are reasonable and appropriate as they do not impose any burden on foreign entities that is greater than that currently borne by licensed NVOCCs. In particular, NCBFAA believes that the proposed registration process requiring foreign-based unlicensed NVOCCs to provide basic information about their identity, appoint an agent for service of process, or agree to comply with legitimate document requests is appropriate.

TIA commends the Commission for moving forward with the NPRM. TIA states that the proposed extension will level the playing field for foreign-based unlicensed NVOCCs and their competitors in the U.S. and will give such NVOCCs the same tools to serve their customers without incurring additional cost.

USOA asserts that, as there are many examples of foreign-based NVOCCs “acting in manners which reflects extortion against [l]icensed US based NVOCCs,” the Commission should not allow foreign-based unlicensed NVOCCs any exemption from the present requirements of the Shipping Act. USOA states that the NRA should not be available to foreign-based unlicensed NVOCCs “except if there is a valid bonded tariff on file with FMC.”

Although it appears that UPS does not oppose the extension of NRA to foreign-based unlicensed NVOCCs in general, UPS opposes the requirements in the NPRM for a formal renewal process every three years for such NVOCCs. UPS states that “[t]his is an unnecessary regulatory burden that clearly will not facilitate Commission regulation or enforcement in any way, and does not otherwise benefit US commerce or shippers.” UPS claims that because foreign-based NVOCCs are already required to update their information promptly under the proposed section 515.19(f), the three-year renewal requirement is unnecessary, burdensome and should be dropped. Alternatively, UPS suggests that proposed 46 CFR 515.19(d) be revised to allow submission of a certificate, in lieu of a renewal of registration.¹

¹ UPS suggests that the proposed 46 CFR 515.19(d) be revised by adding to the end the reference “. . . provided, however, that where applicable, a registered foreign NVOCC may submit in lieu of an updated registration form a certificate signed by a fully-authorized representative reading: ‘[Name of NVOCC] hereby certifies that all information previously provided to the Commission