

will lead to a modest burden reduction, however, the Commission does not expect that the economic impact of the Rule will be significant.

Accordingly, this document serves as notice to the Small Business Administration of the FTC's certification of no effect. Although the Commission certifies under the RFA that the Rule will not have a significant impact on a substantial number of small entities, the Commission has determined, nonetheless, that it is appropriate to publish an FRFA. Therefore, the Commission has prepared the following analysis:

#### *A. Description of the Reasons That Action by the Agency Is Being Taken*

To provide clear disclosures to consumers and reduce labeling burden, the final rule directs manufacturers to use EPA fuel economy labels in lieu of the existing FTC label. Section 406(a) of EPC Act 92 directs the Commission to establish uniform labeling requirements, to the greatest extent practicable, for alternative fuels and AFVs.

#### *B. Issues Raised by Comments in Response to the IRFA*

No comments raised concerns with the impacts of the amendments on small businesses. By consolidating FTC labels with EPA's labels for new AFVs and eliminating the used vehicle label requirement, the amendments are likely to reduce impacts on small businesses.

#### *C. Estimate of Number of Small Entities to Which the Amendments Will Apply*

Under the Small Business Size Standards issued by the Small Business Administration, automobile manufacturers qualify as small businesses if they have fewer than 1,000 employees. The Commission estimates that approximately six vehicle manufacturers or commercial importers subject to the Rule qualify as small businesses.

#### *D. Projected Reporting, Recordkeeping, and Other Compliance Requirements*

The final rule does not impose any additional reporting, recordkeeping, or compliance requirements. Rather, it eliminates FTC labeling requirements for certain vehicles. The classes of small entities affected by the Rule include fuel distributors, vehicle manufacturers, and fuel retailers.

#### *E. Description of Steps Taken To Minimize Significant Economic Impact, If Any, on Small Entities, Including Alternatives*

As discussed in the Paperwork Reduction Act analysis of this Notice,

the final rule eliminates duplicative labeling burden for alternative fueled vehicles.

#### **Final Rule**

##### **List of Subjects in 16 CFR Part 309**

Alternative fuel, Alternative fueled vehicle, Energy conservation, Labeling, reporting and recordkeeping, Trade practices.

For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, Chapter 1, Subchapter C of the Code of Federal Regulations, part 309, as follows:

#### **PART 309—LABELING REQUIREMENTS FOR ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES**

■ 1. The authority citation for part 309 continues to read as follows:

**Authority:** 42 U.S.C. 13232(a).

■ 2. In § 309.1, revise paragraph (f)(2)(ii), add paragraph (f)(3), remove paragraphs (dd), (ee), and (ff), and redesignate (gg) as (dd).

The revision and addition read as follows:

##### **§ 309.1 Definitions.**

\* \* \* \* \*

(f) \* \* \*

(2) \* \* \*

(ii) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or  
(3) Any vehicle that is—

(i) A new qualified fuel cell motor vehicle (as defined in 26 U.S.C. 30B(b)(3));

(ii) A new advanced lean burn technology motor vehicle (as defined in 26 U.S.C. 30B(c)(3));

(iii) A new qualified hybrid motor vehicle (as defined in 26 U.S.C. 30B(d)(3)); or

(iv) Any other type of vehicle that the Administrator of the Environmental Protection Agency demonstrates to the Secretary would achieve a significant reduction in petroleum consumption.

\* \* \* \* \*

■ 3. Revise § 309.20 to read as follows:

##### **§ 309.20 Labeling requirements for new covered vehicles.**

(a) Before offering a new covered vehicle for acquisition to consumers, manufacturers shall affix or cause to be affixed, and new vehicle dealers shall maintain or cause to be maintained, fuel economy labels as required by 40 CFR part 600. For dual fueled vehicles, such labels must include driving range information for alternative fuel and gasoline operation and be otherwise

consistent with provisions in 40 CFR part 600.

(b) If an aftermarket conversion system is installed on a vehicle by a person other than the manufacturer prior to such vehicle's being acquired by a consumer, the manufacturer shall provide that person with the vehicle's fuel economy label prepared pursuant to 40 CFR part 600 and ensure that new fuel economy vehicle labels are affixed to such vehicles as required by paragraph (a) of this section.

##### **§§ 309.21 and 309.22 [Removed]**

■ 4. Remove §§ 309.21 and 309.22.

##### **§ 309.23 [Redesignated as § 309.21]**

■ 5. Redesignate § 309.23 as § 309.21.

##### **Appendix A to part 309 [Amended]**

■ 6. In Appendix A to part 309, remove figures 4, 5, 5.1, and 6.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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#### **COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA**

##### **28 CFR Part 811**

**RIN 3225-AA10**

#### **Sex Offender Registration Amendments**

**AGENCY:** Court Services and Offender Supervision Agency for the District of Columbia.

**ACTION:** Final rule.

**SUMMARY:** The Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA") is amending its regulations which set forth procedures and requirements relating to periodic verification of registration information for sex offenders.

Furthermore, the rule permits CSOSA to verify addresses of sex offenders by conducting home visits on its own accord and with its law enforcement partners. The rule also clarifies the schedule for verifying home addresses, even for those sex offenders who are required to register but are not under CSOSA's supervision.

**DATES:** Effective April 23, 2013.

**ADDRESSES:** Office of the General Counsel, CSOSA, 633 Indiana Avenue NW., Room 1380, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Rorey Smith, Deputy General Counsel,

(202) 220-5797, or  
*rorey.smith@csosa.gov*.

#### SUPPLEMENTARY INFORMATION:

### I. Background

CSOSA is responsible under the District of Columbia Sex Offender Registration Act of 1999, D.C. Law 13-137, D.C. Official Code Sections 22-4001 *et seq.*, for carrying out the sex offender registration functions in the District of Columbia, including verification of information maintained on sex offenders. In addition, the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006, (Pub. L. 109-248), provides a comprehensive set of minimum standards for sex offender registration and notification in the United States. SORNA is designed to strengthen and increase the effectiveness of sex offender registration and notification for the protection of the public and to reduce the risk that sex offenders could evade registration requirements or the consequences of registration violations.

On December 11, 2012, CSOSA published a proposed rule to amend part 811, Title 28 of the Code of the Federal Regulations, and it can be found at 77 FR 73558. The proposed rule was published to allow CSOSA to better meet the requirements of the District of Columbia Sex Offender Registration Act of 1999 and SORNA. CSOSA now adopts the proposed rule as a final rule without change.

### II. Statutory Authority

#### *The District of Columbia Sex Offender Registration Act of 1999*

The District of Columbia Sex Offender Registration Act of 1999, D.C. Law 13-137, D.C. Official Code Sections 22-4001 *et seq.*, grants CSOSA the authority to adopt and implement procedures and requirements for verification of address information and other information required for registration.

#### *The Sex Offender Registration and Notification Act (SORNA)*

The Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006, (Pub. L. 109-248), requires a sex offender to appear in person, allowing the jurisdiction to take a current photograph and verify the information in the sex offender registry on a scheduled frequency. Jurisdictions may require verification of registration information with greater frequency than that required by SORNA and may wish to include in their systems additional means of verification for registration

information, such as mailing address verification forms to the registered residence address, requesting that the sex offender to sign and return a verification form, crosschecking information provided by the sex offender for inclusion in the registry against other records systems, and verifying home addresses through home visits.

Jurisdictions are required to notify appropriate law enforcement agencies of failures by sex offenders to comply with registration requirements, and such registration violations must be reflected in the sex offender registry. SORNA requires that jurisdictions and the appropriate law enforcement agencies take any appropriate action to ensure compliance. Federal law enforcement resources, including those of the United States Marshals Service, are permitted to assist jurisdictions in locating and apprehending sex offenders who violate registration requirements.

### III. Matters of Regulatory Procedure

#### *Executive Order 12866*

CSOSA has determined that this rule is not a significant rule within the meaning of Executive Order 12866.

#### *Executive Order 13132*

This rule 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. Under Executive Order 13132, this rule does not have sufficient federalism implications requiring a Federalism Assessment.

#### *Regulatory Flexibility Act*

The rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

#### *Unfunded Mandates Reform Act of 1995*

The rule will not cause State, local, or tribal governments, or the private sector, to spend \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. No action under the Unfunded Mandates Reform Act of 1995 is necessary.

#### *Small Business Regulatory Enforcement Fairness Act of 1996 (Subtitle E—Congressional Review Act)*

This rule is not a “major rule” as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 Subtitle E—Congressional Review Act), now codified at 5 U.S.C. 804(2). The rule will

not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on the ability of United States-based companies to compete with foreign-based companies.

### List of Subjects in 28 CFR Part 811

Probation and parole.

For the reasons set forth in the preamble, the Court Services and Offender Supervision Agency for the District of Columbia amends 28 CFR part 811 as follows:

### PART 811—[AMENDED]

■ 1. The authority citation for 28 CFR part 811 is revised to read as follows:

**Authority:** DC ST sec. 24-133 and the District of Columbia Sex Offender Registration Act of 1999, D.C. Law 13-137.

■ 2. In § 811.9, revise paragraph (c) and add paragraph (e) to read as follows:

#### § 811.9 Periodic verification of registration information.

\* \* \* \* \*

(c) Quarterly or annually, as appropriate, CSOSA will send a certified letter with return receipt requested to the home of the sex offender.

\* \* \* \* \*

(e) CSOSA, either on its own accord or with its law enforcement partners, will conduct home verifications of registered sex offenders pursuant to the following schedule:

(1) Semi-annually, at least every six months, for all registered Class A sex offenders without supervision obligation.

(2) Annually, for all registered Class B sex offenders without a supervision obligation.

(3) As directed by CSOSA and consistent with Agency policy for all Class A and B sex offenders with supervision obligation.

May 28, 2013.

Dated: April 16, 2013.

**Nancy M. Ware,**

*Director, CSOSA.*

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