may assess against the individual a civil monetary penalty in any amount, not to exceed the amounts set forth below, as provided by section 102(f)(6)(C)(ii) of the Act and as adjusted in accordance with the inflation adjustment procedures of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended:

<table>
<thead>
<tr>
<th>Date of violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation occurring between Sept. 29, 1999 and Nov. 2, 2015</td>
<td>$5,500</td>
</tr>
<tr>
<td>Violation occurring after Nov. 2, 2015</td>
<td>9,623</td>
</tr>
</tbody>
</table>

4. Section 2634.703 is revised to read as follows:

§2634.703 Misuse of public reports.
(a) The Attorney General may bring a civil action against any person who obtains or uses a report filed under this part for any purpose prohibited by 5 U.S.C. app. 504(a) and a civil monetary penalty of not more than the amounts set forth below, as adjusted in accordance with the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, or the amount of the compensation the individual received for the prohibited conduct, whichever is greater:

<table>
<thead>
<tr>
<th>Date of violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation occurring between Sept. 29, 1999 and Nov. 2, 2015</td>
<td>$11,000</td>
</tr>
<tr>
<td>Violation occurring after Nov. 2, 2015</td>
<td>19,246</td>
</tr>
</tbody>
</table>

(b) This remedy shall be in addition to any other remedy available under statutory or common law.

PART 2636—LIMITATIONS ON OUTSIDE EARNED INCOME, EMPLOYMENT AND AFFILIATIONS FOR CERTAIN NONCAREER EMPLOYEES

5. The authority citation for part 2636 continues to read as follows:


6. Section 2636.104 is amended by revising paragraph (a) to read as follows:

§2636.104 Civil, disciplinary and other action.
(a) Civil action. Except when the employee engages in conduct in good faith reliance upon an advisory opinion issued under §2636.103, an employee who engages in any conduct in violation of the prohibitions, limitations and restrictions contained in this part may be subject to civil action under 5 U.S.C. app. 504(a) and a civil monetary penalty of not more than the amounts set forth below, as adjusted in accordance with the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, or the amount of the compensation the individual received for the prohibited conduct, whichever is greater.

<table>
<thead>
<tr>
<th>Date of violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation occurring between Sept. 29, 1999 and Nov. 2, 2015</td>
<td>$11,000</td>
</tr>
<tr>
<td>Violation occurring after Nov. 2, 2015</td>
<td>19,246</td>
</tr>
</tbody>
</table>

(NRC–2016–0165)

[FR Doc. 2017–00627 Filed 1–23–17; 8:45 am]
BILLING CODE 6354–03–P

NUCLEAR REGULATORY COMMISSION
10 CFR Parts 2 and 13
[NRC–2016–0165]
RIN 3150–AJ82
Adjustment of Civil Penalties for Inflation for FY 2017
AGENCY: Nuclear Regulatory Commission.
ACTION: Final rule.
SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to adjust the maximum civil monetary penalties (CMPs) it can assess under statutes enforced by the agency. These changes are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Improvements Act). The NRC is amending its regulations to adjust the maximum CMP for a violation of the Atomic Energy Act of 1954, as amended (AEA), or any regulation or order issued under the AEA from $280,469 to $285,057 per violation, per day. Additionally, the NRC is amending provisions concerning program fraud civil penalties by adjusting the maximum CMP under the Program Fraud Civil Remedies Act from $10,781 to $10,957 for each false claim or statement.
DATES: This final rule is effective on January 24, 2017.
ADDRESSES: Please refer to Docket ID NRC–2016–0165 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:
• Federal Rulemaking Web site: Go to http://www.regulations.gov and search for Docket ID NRC–2016–0165. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.
• NRC’s Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at http://www.nrc.gov/reading-rm/adams.html. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the SUPPLEMENTARY INFORMATION section.
• NRC’s PDR: You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
SUPPLEMENTARY INFORMATION:
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I. Background
II. Discussion
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V. Regulatory Analysis
VI. Regulatory Flexibility Act
VII. Backfitting and Issue Finality
VIII. Plain Writing
IX. National Environmental Policy Act
X. Paperwork Reduction Act
XI. Congressional Review Act
I. Background

Congress passed the FCPIAA in 1990 to allow for regular adjustment for inflation of CMPs, maintain the deterrent effect of such penalties and promote compliance with the law, and improve the collection of CMPs by the Federal government (Pub. L. 101–410, 104 Stat. 890; 28 U.S.C. 2461 note). The Debt Collection Improvement Act of 1996 amended the FCPIAA to require the head of each agency to review, and if necessary adjust by regulation, the CMPs assessed under statutes enforced by that agency at least once every 4 years, in accordance with a statutory formula linked to the percentage change in the Consumer Price Index (CPI) (Pub. L. 104–34, 110 Stat. 321–373).

Pursuant to this authority, the NRC increased the CMP amounts for violations of the AEA (codified at § 2.205 of title 10 of the Code of Federal Regulations (10 CFR)) and Program Fraud Civil Remedies Act (codified at 10 CFR 13.3) on four occasions between 1996 and 2008.1

On November 2, 2015, Congress amended the FCPIAA through the 2015 Improvements Act (Sec. 701, Pub. L. 114–74, 129 Stat. 599). The 2015 Improvements Act required that the head of each agency perform a “catch-up” adjustment by rulemaking, not later than July 1, 2016, adjusting the CMPs within the jurisdiction of that agency according to the percentage change in the CPI between the month of October 2015 and October of the calendar year when the CMP amount was last established by Congress. The NRC performed this rulemaking on July 1, 2016 (81 FR 43019), increasing the amounts codified at 10 CFR 2.205 and 10 CFR 13.3 to $280,469 and $10,781, respectively.

The 2015 Improvements Act also requires that the head of each agency continue to adjust CMP amounts, rounded to the nearest dollar, each year thereafter. Specifically, each CMP is to be adjusted based on the percentage change between the CPI for the previous month of October, and the CPI for the month of October in the year preceding that. Therefore, the CMP adjustment required to be performed in 2017 is to be based on the percentage change between the CPI for the month of October 2016 and October 2015.

II. Discussion

Section 234 of the AEA limits civil penalties for violations of the AEA to $100,000 per day, per violation (42 U.S.C. 2282). However, as discussed in the Background section of this document, the NRC has increased this amount several times since 1996 under the FCPIAA, as amended. Using the formula in the 2015 Improvements Act, the $280,469 amount last established in July 2016 will increase by 1.636 percent, resulting in a new CMP amount of $285,057. This is based on the percentage change between the October 2016 CPI (241.729) and the October 2015 CPI (237.838).2 The NRC is amending 10 CFR 2.205 to reflect a new maximum CMP under the AEA in the amount of $285,057 per day, per violation. This represents an increase of $4,588.

Monetary penalties under the Program Fraud Civil Remedies Act were established in 1986 at $5,000 per claim (Pub. L. 99–509, 100 Stat. 1938; 31 U.S.C. 3802). Since 1996 the NRC has adjusted this amount (currently set at $10,781) multiple times under the FCPIAA, as amended. Using the same previously discussed formula in the 2015 Improvements Act, the $10,781 amount will increase by 1.636 percent, resulting in a new CMP amount of $10,957. Therefore, the NRC is amending 10 CFR 13.3 to reflect a new maximum CMP amount of $10,957 per claim. This represents an increase of $176.

As permitted by the 2015 Improvements Act, the NRC may apply these increased CMP amounts to any penalties assessed by the agency after the effective date of this final rule (January 24, 2017), regardless of whether the associated violation occurred before or after this date (Pub. L. 114–74, 129 Stat. 600; 28 U.S.C. 2461 note). The NRC assesses civil penalty amounts, based on the class of licensee and severity of the violation, in accordance with the NRC Enforcement Policy (ADAMS Accession No. ML16197A561).

III. Rulemaking Procedure

The 2015 Improvements Act expressly states that agencies shall make the adjustments required by the act “notwithstanding section 553 of title 5, United States Code”. Therefore, because this final rule has been expressly exempted by Congress from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553), it is being issued without prior public notice or opportunity for public comment, with an immediate effective date.

IV. Section-by-Section Analysis

10 CFR 2.205

Paragraph (j) in § 2.205 is revised by replacing “$280,469” with “$285,057.”

10 CFR 13.3

Paragraphs (a)(1)(iv) and (b)(1)(ii) in § 13.3 are revised by replacing “$10,781” with “$10,957.”

V. Regulatory Analysis

This final rule adjusts for inflation the maximum CMPs the NRC may assess under the AEA and under the Program Fraud Civil Remedies Act of 1986. The formula for determining the amount of the adjustment is mandated by Congress in the FCPIAA, as amended by the 2015 Improvements Act (codified at 28 U.S.C. 2461 note). Congress passed this legislation on the basis of its findings that the power to impose monetary civil penalties is important to deterring violations of Federal law and furthering the policy goals of Federal laws and regulations. Congress has also found that inflation has diminished the impact of these penalties and their effect. The principal purposes of this legislation are to provide for adjustment of civil monetary penalties for inflation, maintain the deterrent effect of civil monetary penalties, and promote compliance with the law. Therefore, these are the anticipated impacts of this final rule. Direct monetary impacts fall only upon licensees or other persons subjected to NRC enforcement for violations of the AEA and regulations and orders issued under the AEA (10 CFR 2.205), or those licensees or persons subjected to liability pursuant to the provisions of the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801–3812) and the NRC’s implementing regulations (10 CFR part 13).

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to regulations for which a Federal agency is not required by law, including the rulemaking provisions of

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1 Adjustment of Civil Penalties for Inflation, 73 FR 54071 (September 23, 2008); Adjustment of Civil Penalties for Inflation, 69 FR 62393 (October 26, 2004); Adjustment of Civil Penalties for Inflation; Miscellaneous Administrative Changes, 65 FR 59270 (October 4, 2000); Adjustment of Civil Monetary Penalties for Inflation, 61 FR 53554 (November 11, 1996). An adjustment was not performed in 2012 because the FCPIAA at the time required agencies to round their CMP amounts to the nearest multiple of $1,000 or $10,000, depending on the size of the CMP amount, and the 2012 adjustments based on the statutory formula were not large enough to warrant an adjustment.

List of Subjects

10 CFR Part 2

Administrative practice and procedure; Antitrust, Byproduct material, Classified information, Confidential business information, Freedom of information, Environmental protection, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 13

Administrative practice and procedure, Claims, Fraud, Organization and function (government agencies), Penalties.

IX. National Environmental Policy Act

The NRC has determined that this final rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

X. Paperwork Reduction Statement

This final rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

XI. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

III. Notice of Proposed Rulemaking

The NRC proposes to adjust the civil penalty amounts for violations that occurred after January 1, 2017.

IV. Explanation of Reason for Adjustments

Adjustments to the civil penalty amounts are made under 10 CFR 2.205(j).

VIII. Final Rule

The NRC is confirming certain amendments made on an interim final basis to the civil penalty amounts for violations that occurred after January 1, 2017.

The NRC is confirming certain amendments made on an interim final basis to the civil penalty amounts for violations that occurred after January 1, 2017.

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

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


PART 13—PROGRAM FRAUD CIVIL REMEDIES

3. The authority citation for part 13 continues to read as follows:


4. Amend § 13.3 by revising paragraphs (a)(1)(iv) and (b)(1)(ii) to read as follows:

§ 13.3 Basis for civil penalties and assessments.

(a) * * * *(1) * * * *(iv) Is for payment for the provision of property or services which the person has not provided as claimed, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $10,957 for each such claim.

(b) * * * *(1) * * *

(ii) Contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement, shall be subject, in addition to any other remedy that may be prescribed by law, to a civil penalty of not more than $10,957 for each such statement.

Dated in Rockville, Maryland, this 9th day of January, 2017.

VICTOR M. MCCREE, Executive Director for Operations.

FEDERAL TRADE COMMISSION

16 CFR Part 1

Adjustments to Civil Penalty Amounts

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (‘‘FTC’’ or ‘‘Commission’’) is confirming certain amendments made on an interim final basis to the civil penalty amounts within its jurisdiction in June 2016 and implementing further adjustments to the civil penalty amounts within its jurisdiction to account for inflation, as required by law.

DATES: Effective: January 24, 2017.

FOR FURTHER INFORMATION CONTACT: Kenny A. Wright, Attorney, Office of the General Counsel, FTC, 600 Pennsylvania Avenue NW., Washington,