

the Administrative Procedure Act, 5 U.S.C 553(b), to publish a general notice of proposed rulemaking. 5 U.S.C. 604. As discussed in this notice under Section III, "Rulemaking Procedure," the NRC has determined that this final rule is exempt from the requirements of 5 U.S.C. 553(b) and that notice and comment need not be provided. Accordingly, the NRC also determines that the requirements of the Regulatory Flexibility Act do not apply to this final rule.

## VII. Backfitting and Issue Finality

The NRC has not prepared a backfit analysis for this final rule. This final rule does not involve any provision that would impose a backfit, nor is it inconsistent with any issue finality provision, as those terms are defined in 10 CFR chapter I. As mandated by Congress, this final rule adjusts CMP amounts for violations of already-existing NRC regulations and requirements. This final rule does not modify any licensee system, structures, components, designs, approvals, or procedures required for the construction or operation of any facility.

## VIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, "Plain Language in Government Writing," published June 10, 1998 (63 FR 31883).

## 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.

## 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.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; 28 U.S.C. 2461 note; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 2 and 13.

## PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

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

**Authority:** Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note.

Section 2.205(j) also issued under 28 U.S.C. 2461 note.

- 2. Amend § 2.205 by revising paragraph (j) to read as follows:

### § 2.205 Civil penalties.

\* \* \* \* \*

(j) *Amount.* A civil monetary penalty imposed under Section 234 of the Atomic Energy Act of 1954, as amended, or any other statute within the jurisdiction of the Commission that provides for the imposition of a civil penalty in an amount equal to the amount set forth in Section 234, may not exceed \$285,057 for each violation. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purposes of computing the applicable civil penalty.

## PART 13—PROGRAM FRAUD CIVIL REMEDIES

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

**Authority:** 31 U.S.C. 3801 through 3812; 44 U.S.C. 3504 note. Section 13.3 also issued under 28 U.S.C. 2461 note. Section 13.13 also issued under 31 U.S.C. 3730.

- 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.

For the Nuclear Regulatory Commission.

**Victor M. McCree,**

*Executive Director for Operations.*

[FR Doc. 2017-01313 Filed 1-23-17; 8:45 am]

**BILLING CODE 7590-01-P**

## 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,

DC 20580, (202) 326–2907, *kwright@ftc.gov*.

**SUPPLEMENTARY INFORMATION:**

Commission Rule 1.98 sets forth civil penalty amounts for violations of certain laws enforced by the Commission.<sup>1</sup> As mandated by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,<sup>2</sup> the Commission adjusted the maximum civil penalty amounts under its jurisdiction through an Interim Final Rulemaking in June 2016.<sup>3</sup> This statutorily mandated “catch-up” adjustment was designed to address inflation since the civil penalties were first enacted. This Notice confirms those amendments and implements additional inflationary adjustments mandated by law.

Following the initial catch-up adjustment, the FCPIAA, as amended, directs agencies to adjust their civil penalties for inflation every January thereafter. Accordingly, the Commission is increasing these maximum civil penalty amounts to address inflation since the initial “catch-up” adjustment. The following adjusted amounts will take effect on January 24, 2017:

- Section 7A(g)(1) of the Clayton Act, 15 U.S.C. 18a(g)(1) (premerger filing notification violations under the Hart-Scott-Rodino Improvements Act)—Increase from \$40,000 to \$40,654;
- Section 11(I) of the Clayton Act, 15 U.S.C. 21(I) (violations of cease and desist orders issued under Clayton Act section 11(b))—Increase from \$21,250 to \$21,598;
- Section 5(I) of the FTC Act, 15 U.S.C. 45(I) (unfair or deceptive acts or practices)—Increase from \$40,000 to \$40,654;
- Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. 45(m)(1)(A) (unfair or

deceptive acts or practices)—Increase from \$40,000 to \$40,654;

- Section 5(m)(1)(B) of the FTC Act, 15 U.S.C. 45(m)(1)(B) (unfair or deceptive acts or practices)—Increase from \$40,000 to \$40,654;
- Section 10 of the FTC Act, 15 U.S.C. 50 (failure to file required reports)—Increase from \$525 to \$534;
- Section 5 of the Webb-Pomerene (Export Trade) Act, 15 U.S.C. 65 (failure by associations engaged solely in export trade to file required statements)—Increase from \$525 to \$534;
- Section 6(b) of the Wool Products Labeling Act, 15 U.S.C. 68d(b) (failure by wool manufacturers to maintain required records)—Increase from \$525 to \$534;
- Section 3(e) of the Fur Products Labeling Act, 15 U.S.C. 69a(e) (failure to maintain required records regarding fur products)—Increase from \$525 to \$534;
- Section 8(d)(2) of the Fur Products Labeling Act, 15 U.S.C. 69f(d)(2) (failure to maintain required records regarding fur products)—Increase from \$525 to \$534;
- Section 333(a) of the Energy Policy and Conservation Act, 42 U.S.C. 6303(a) (knowing violations of EPCA § 332, including labeling violations)—Increase from \$433 to \$440;
- Section 525(a) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(a) (recycled oil labeling violations)—Increase from \$21,250 to \$21,598;
- Section 525(b) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(b) (willful violations of recycled oil labeling requirements)—Increase from \$40,000 to \$40,654;
- Section 621(a)(2) of the Fair Credit Reporting Act, 15 U.S.C. 1681s(a)(2) (knowing violations of the Fair Credit

Reporting Act)—Increase from \$3,756 to \$3,817;

- Section 1115(a) of the Medicare Prescription Drug Improvement and Modernization Act of 2003, Public Law 108–173, 21 U.S.C. 355 note (failure to comply with filing requirements)—Increase from \$14,142 to \$14,373; and
- Section 814(a) of the Energy Independence and Security Act of 2007, 42 U.S.C. 17304 (violations of prohibitions on market manipulation and provision of false information to federal agencies)—Increase from \$1,138,330 to \$1,156,953.

**Calculation of Inflation Adjustments**

The FCPIAA, as amended, directs federal agencies to adjust each civil monetary penalty under their jurisdiction for inflation no later than January 15 of every year pursuant to a cost-of-living adjustment.<sup>4</sup> The cost-of-living adjustment is based on the percent change between the U.S. Department of Labor’s Consumer Price Index for all-urban consumers (“CPI–U”) for the month of October preceding the date of the adjustment, and the CPI–U for October of the prior year.<sup>5</sup> Based on that formula, the cost-of-living adjustment multiplier for 2017 is 1.01636. The FCPIAA also directs that these penalty level adjustments should be rounded to the nearest dollar. Agencies do not have discretion over whether to adjust a maximum civil penalty, or the method used to determine the adjustment.

The following chart illustrates the application of these adjustments to the civil monetary penalties under the Commission’s jurisdiction.

**CALCULATION OF ADJUSTMENTS TO MAXIMUM CIVIL MONETARY PENALTIES**

Citation	Description	Current penalty (2016)	Adjustment multiplier	Adjusted penalty
16 CFR 1.98(a): 15 U.S.C. 18a(g)(1)	Premerger filing notification violations	\$40,000	1.01636	\$40,654
16 CFR 1.98(b): 15 U.S.C. 21(I)	Violations of cease and desist orders	21,250	1.01636	21,958
16 CFR 1.98(c): 15 U.S.C. 45(I)	Unfair or deceptive acts or practices	40,000	1.01636	40,654
16 CFR 1.98(d): 15 U.S.C. 45(m)(1)(A)	Unfair or deceptive acts or practices	40,000	1.01636	40,654
16 CFR 1.98(e): 15 U.S.C. 45(m)(1)(B)	Unfair or deceptive acts or practices	40,000	1.01636	40,654
16 CFR 1.98(f): 15 U.S.C. 50	Failure to file required reports	525	1.01636	534
16 CFR 1.98(g): 15 U.S.C. 65	Failure to file required statements	525	1.01636	534
16 CFR 1.98(h): 15 U.S.C. 68d(b)	Failure to maintain required records	525	1.01636	534
16 CFR 1.98(i): 15 U.S.C. 69a(e)	Failure to maintain required records	525	1.01636	534
16 CFR 1.98(j): 15 U.S.C. 69f(d)(2)	Failure to maintain required records	525	1.01636	534
16 CFR 1.98(k): 42 U.S.C. 6303(a)	Knowing violations	433	1.01636	440
16 CFR 1.98(l): 42 U.S.C. 6395(a)	Recycled oil labeling violations	21,250	1.01636	21,598
16 CFR 1.98(l): 42 U.S.C. 6395(b)	Willful violations	40,000	1.01636	40,654

<sup>1</sup> 16 CFR 1.98.

<sup>2</sup> Public Law 114–74, 701, 129 Stat. 599 (2015). The Act amends the Federal Civil Penalties Inflation Adjustment Act (“FCPIAA”), Public Law 101–410, 104 Stat. 890 (codified at 28 U.S.C. 2461 note).

<sup>3</sup> 81 FR 42476 (June 30, 2016).

<sup>4</sup> 28 U.S.C. 2461 note (4).

<sup>5</sup> *Id.* (3), (5)(b); Office of Management and Budget, M–17–11, Memorandum for the Heads of Executive Departments and Agencies, Implementation of the

2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 16, 2016), available at [https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11\\_0.pdf](https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf).

## CALCULATION OF ADJUSTMENTS TO MAXIMUM CIVIL MONETARY PENALTIES—Continued

Citation	Description	Current penalty (2016)	Adjustment multiplier	Adjusted penalty
16 CFR 1.98(m): 15 U.S.C. 1681s(a)(2) .....	Knowing violations .....	3,756	1.01636	3,817
16 CFR 1.98(n): 21 U.S.C. 355 note .....	Non-compliance with filing requirements .....	14,142	1.01636	14,373
16 CFR 1.98(o): 42 U.S.C. 17304 .....	Market manipulation or provision of false information to federal agencies.	1,138,330	1.01636	1,156,953

**Effective Dates of New Penalties**

These new penalty levels apply to civil penalties assessed after the effective date of the applicable adjustment, including civil penalties whose associated violation predated the effective date.<sup>6</sup> These adjustments do not retrospectively change previously assessed or enforced civil penalties that the FTC is actively collecting or has collected.

**Procedural Requirements**

The FCPIAA, as amended, directs agencies to publish the required inflation adjustments in the **Federal Register** by no later than January 15, 2017, notwithstanding section 553 of title 5, United States Code. Pursuant to this congressional mandate, prior public notice and comment under the APA and a delayed effective date are not required. For this reason, the requirements of the Regulatory Flexibility Act (“RFA”) also do not apply.<sup>7</sup> Further, this rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995 as amended. 44 U.S.C. 3501 *et seq.*

**List of Subjects for 16 CFR Part 1**

Administrative practice and procedure, Penalties, Trade practices.

**Text of Amendments**

For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, chapter I, subchapter A, of the Code of Federal Regulations, as follows:

**PART 1—GENERAL PROCEDURES**

■ 1. The authority citation for subpart L continues to read as follows:

**Authority:** 28 U.S.C. 2461 note.

■ 2. Revise § 1.98 to read as follows:

**§ 1.98 Adjustment of civil monetary penalty amounts.**

This section makes inflation adjustments in the dollar amounts of

civil monetary penalties provided by law within the Commission’s jurisdiction. The following civil penalty amounts apply to violations occurring after January 24, 2017.

(a) Section 7A(g)(1) of the Clayton Act, 15 U.S.C. 18a(g)(1)—\$40,654;

(b) Section 11(I) of the Clayton Act, 15 U.S.C. 21(I)—\$21,598;

(c) Section 5(I) of the FTC Act, 15 U.S.C. 45(I)—\$40,654;

(d) Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. 45(m)(1)(A)—\$40,654;

(e) Section 5(m)(1)(B) of the FTC Act, 15 U.S.C. 45(m)(1)(B)—\$40,654;

(f) Section 10 of the FTC Act, 15 U.S.C. 50—\$534;

(g) Section 5 of the Webb-Pomerene (Export Trade) Act, 15 U.S.C. 65—\$534;

(h) Section 6(b) of the Wool Products Labeling Act, 15 U.S.C. 68d(b)—\$534;

(i) Section 3(e) of the Fur Products Labeling Act, 15 U.S.C. 69a(e)—\$534;

(j) Section 8(d)(2) of the Fur Products Labeling Act, 15 U.S.C. 69f(d)(2)—\$534;

(k) Section 333(a) of the Energy Policy and Conservation Act, 42 U.S.C. 6303(a)—\$440;

(l) Sections 525(a) and (b) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(a) and (b), respectively—\$21,598 and \$40,654, respectively;

(m) Section 621(a)(2) of the Fair Credit Reporting Act, 15 U.S.C. 1681s(a)(2)—\$3,817;

(n) Section 1115(a) of the Medicare Prescription Drug Improvement and Modernization Act of 2003, Public Law 108–173, 21 U.S.C. 355 note—\$14,373;

(o) Section 814(a) of the Energy Independence and Security Act of 2007, 42 U.S.C. 17304—\$1,156,953; and

(p) Civil monetary penalties authorized by reference to the Federal Trade Commission Act under any other provision of law within the jurisdiction of the Commission—refer to the amounts set forth in paragraphs (c) through (f) of this section, as applicable.

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

[FR Doc. 2017–01125 Filed 1–23–17; 8:45 am]

**BILLING CODE 6750–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Parts 250 and 385**

[Docket No. RM17–9–000; Order No. 834]

**Civil Monetary Penalty Inflation Adjustments**

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is issuing a final rule to amend its regulations governing the maximum civil monetary penalties assessable for violations of statutes, rules, and orders within the Commission’s jurisdiction. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended most recently by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, requires the Commission to issue this final rule.

**DATES:** This final rule is effective January 24, 2017.

**FOR FURTHER INFORMATION CONTACT:** Todd Hettenbach, Attorney, Office of Enforcement, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8794, [Todd.Hettenbach@ferc.gov](mailto:Todd.Hettenbach@ferc.gov).

**SUPPLEMENTARY INFORMATION:****Order No. 834****Final Rule**

(Issued January 9, 2017)

1. In this final rule, the Federal Energy Regulatory Commission (Commission) is complying with its statutory obligation to amend the civil monetary penalties provided by law for matters within the agency’s jurisdiction.

**I. Background**

2. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Adjustment Act),<sup>1</sup> which further amended the Federal Civil Penalties Inflation Adjustment Act

<sup>1</sup> Sec. 701, Public Law 114–74, 129 Stat. 584, 599.

<sup>6</sup> 28 U.S.C. 2461 note (6).

<sup>7</sup> A regulatory flexibility analysis under the RFA is required only when an agency must publish a notice of proposed rulemaking for comment. *See* 5 U.S.C. 603.