

Dated: January 6, 2023.

**Crystal Robinson,**

*Committee Management Officer.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 70-1374; NRC-2022-0032]

### Idaho State University

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License renewal; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has renewed Special Nuclear Materials (SNM) License No. SNM-1373, to Idaho State University (ISU, the licensee) located in Pocatello, Idaho. The renewed license authorizes ISU to continue to possess and use SNM for a period of 10 years and will expire on January 5, 2033.

**DATES:** License No. SNM-1373 was issued on January 6, 2023, and is effective as of the date of issuance.

**ADDRESSES:** Please refer to Docket ID NRC-2022-0032 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0032. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@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 <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, 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](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided in the "Availability of Documents" section.

- *NRC's PDR:* You may examine and purchase copies of public documents,

by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Osiris Siurano-Pérez, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-7827, email: [Osiris.Siurano-Perez@nrc.gov](mailto:Osiris.Siurano-Perez@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

ISU is a public research university in Pocatello, Idaho. ISU possesses and uses SNM, under this license primarily for instructional purposes in senior and graduate-level laboratory courses. The quantity of SNM possessed and used by ISU requires an NRC-issued SNM license pursuant to part 70 of title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic licensing of special nuclear material."

##### II. Discussion

Pursuant to section 2.106 of 10 CFR, the NRC is providing notice of the issuance of renewal of a 10 CFR part 70 license, SNM-1373, to ISU in Pocatello, Idaho. The license authorizes ISU to possess and use SNM for education, research, and training programs in senior and graduate-level laboratory courses at its Pocatello campus. ISU's original license renewal application for a 10-year license was made by letter dated July 9, 2021. The term of ISU's license expired on August 11, 2021. The NRC staff performed an acceptance review of ISU's application and determined that it did not contain sufficient technical information to proceed with its detailed technical review. The NRC staff discussed its findings during a call with ISU on September 8, 2021. Following the call, by letter dated September 9, 2021, the NRC staff documented its findings and decision to decline to proceed with a detailed technical review and provided ISU the opportunity to supplement the application by addressing the issues discussed in the enclosure to the request for supplemental information (RSI) letter. ISU was also notified that, since it filed its license renewal application at least 30 days before the license's expiration date, pursuant to the timely

renewal provisions in 10 CFR 70.38(a), ISU was permitted to continue using its SNM in accordance with the existing SNM-1373 license, pending a final decision by the Commission on the license renewal application. ISU revised and resubmitted its application to the NRC by letter dated December 6, 2021. By letter dated January 20, 2022, the NRC informed ISU of its decision to accept the application and proceed with its detailed technical review.

On February 23, 2022, a notice of receipt of ISU's license renewal application with an opportunity for the public to request a hearing and petition for leave to intervene was published in the **Federal Register** (87 FR 10259). The NRC did not receive a request for a hearing or for a petition for leave to intervene.

The license renewal application was subsequently supplemented by letters dated March 3, 2022, and March 24, 2022. The March 24, 2022, version of the license renewal application is a standalone document that integrates the information provided in ISU's responses to the NRC staff's requests for additional information.

The NRC staff determined that ISU's proposed licensed activities meet the categorical exclusion in 10 CFR 51.22(c)(14)(v) for the use of radioactive materials for research and development and for educational purposes. Therefore, an environmental assessment and an environmental impact statement are not required for the renewal of the SNM-1373 license.

The NRC finds that the renewed license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC's rules and regulations as set forth in 10 CFR chapter 1. Accordingly, the renewed license issued on January 6, 2023, is effective as of the date of issuance. The NRC prepared a safety evaluation report (SER) for the renewal of License SNM-1373 and concluded that the licensee can continue to use and possess SNM in accordance with its license without endangering the health and safety of the public, and that this action will not significantly affect the quality of the human environment for the duration of the license.

##### III. Availability of Documents

Documents related to this action, including the license renewal application and other supporting documentation, are available to interested persons as indicated.

Document description	ADAMS accession No.
License Renewal Application (Initial), dated July 9, 2021 .....	ML21190A251 (package).
Request for Supplemental Information, dated September 9, 2021 .....	ML21246A164 (package).
ISU Response to Request for Supplemental Information, Dated December 6, 2021 .....	ML21351A166 (package).
Request for Additional Information, dated February 7, 2022 .....	ML22033A444.
Acceptance of ISU's License Renewal Application, dated January 20, 2022 .....	ML22018A285.
ISU Response Request for Additional Information, dated March 4, 2022 .....	ML22075A215.
NRC Request for Clarification of Responses to the Request for Additional Information, dated March 21, 2022 .....	ML22081A296.
ISU Response to Request for Clarification of Responses to the Request for Additional Information, dated March 24, 2022.	ML22091A298.
ISU's Revised License Application, dated March 25, 2022 .....	ML22306A112.
Letter—SNM-1373 License Renewal Transmittal, dated January 6, 2023 .....	ML22147A069.
SER on ISU License Renewal Application, dated January 6, 2023 .....	ML22147A070.
October 2022 Renewed SNM-1373, dated January 6, 2023 .....	ML22147A071.
SER on ISU License Renewal Application .....	ML22147A072.
(non-public, withheld pursuant to 10 CFR 2.390) .....	
October 2022 Renewed SNM-1373 Sensitive Conditions (non-public, withheld pursuant to 10 CFR 2.390) .....	ML22147A073.

Dated: January 6, 2023.

For the Nuclear Regulatory Commission.

**Carrie M. Safford,**

*Deputy Director Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-11143; 34-96605; IA-6212; IC-34797]

### Adjustments to Civil Monetary Penalty Amounts

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of annual inflation adjustment of civil monetary penalties.

**SUMMARY:** The Securities and Exchange Commission (the "Commission") is publishing this notice (the "Notice") pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the "2015 Act"). This Act requires all agencies to annually adjust for inflation the civil monetary penalties that can be imposed under the statutes administered by the agency and publish the adjusted amounts in the **Federal Register**. This Notice sets forth the annual inflation adjustment of the maximum amount of civil monetary penalties ("CMPs") administered by the Commission under the Securities Act of 1933, the Securities Exchange Act of 1934 (the "Exchange Act"), the Investment Company Act of 1940, the Investment Advisers Act of 1940, and certain penalties under the Sarbanes-Oxley Act of 2002. These amounts are effective beginning on January 15, 2023, and will apply to all penalties imposed after that date for violations of the aforementioned statutes that occurred after November 2, 2015.

### FOR FURTHER INFORMATION CONTACT:

Stephen M. Ng, Senior Special Counsel, Office of the General Counsel, at (202) 551-7957, or Hannah W. Riedel, Senior Counsel, Office of the General Counsel, at (202) 551-7918.

### SUPPLEMENTARY INFORMATION:

#### I. Background

This Notice is being published pursuant to the 2015 Act,<sup>1</sup> which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (the "Inflation Adjustment Act").<sup>2</sup> The Inflation Adjustment Act previously had been amended by the Debt Collection Improvement Act of 1996 (the "DCIA")<sup>3</sup> to require that each federal agency adopt regulations at least once every four years that adjust for inflation the CMPs that can be imposed under the statutes administered by the agency. Pursuant to this requirement, the Commission previously adopted regulations in 1996, 2001, 2005, 2009, and 2013 to adjust the maximum amount of the CMPs that could be imposed under the statutes the Commission administers.<sup>4</sup>

<sup>1</sup> Public Law 114-74 Sec. 701, 129 Stat. 599-601 (Nov. 2, 2015), codified at 28 U.S.C. 2461 note.

<sup>2</sup> Public Law 101-410, 104 Stat. 890-892 (1990), codified at 28 U.S.C. 2461 note.

<sup>3</sup> Public Law 104-134, Title III, section 31001(s)(1), 110 Stat. 1321-373 (1996), codified at 28 U.S.C. 2461 note.

<sup>4</sup> See Release Nos. 33-7361, 34-37912, IA-1596, IC-22310, dated November 1, 1996 (61 FR 57773 (Nov. 8, 1996)) (effective December 9, 1996), previously found at 17 CFR 201.1001 and table I to subpart E of part 201; Release Nos. 33-7946, 34-43897, IA-1921, IC-24846, dated January 31, 2001 (66 FR 8761 (Feb. 2, 2001)) (effective February 2, 2001), previously found at 17 CFR 201.1002 and table II to subpart E of part 201; Release Nos. 33-8530, 34-51136, IA-2348, IC-26748, dated February 9, 2005 (70 FR 7606 (Feb. 14, 2005)) (effective February 14, 2005), previously found at 17 CFR 201.1003 and table III to subpart E of part 201; Release Nos. 33-9009, 34-59449, IA-2845, IC-28635, dated February 25, 2009 (74 FR 9159 (Mar. 3, 2009)) (effective March 3, 2009), previously found at 17 CFR 201.1004 and table IV to subpart E of part 201; and Release Nos. 33-9387, 34-68994,

The 2015 Act replaces the inflation adjustment formula prescribed in the DCIA with a new formula for calculating the inflation-adjusted amount of CMPs. The 2015 Act requires that agencies use this new formula to re-calculate the inflation-adjusted amounts of the penalties they administer on an annual basis and publish these new amounts in the **Federal Register** by January 15 of each year.<sup>5</sup> The Commission previously published the first annual adjustment required by the 2015 Act on January 6, 2017 (the "2017 Adjustment").<sup>6</sup> As part of the 2017 Adjustment, the Commission promulgated 17 CFR 201.1001(a) and table I to 17 CFR 201.1001, which lists the penalty amounts for all violations that occurred on or before November 2, 2015. For violations occurring after November 2, 2015, § 201.1001(b) provides that the applicable penalty amounts will be adjusted annually based on the formula set forth in the 2015 Act. Section 201.1001(b) further provides that these adjusted amounts will be published in the **Federal Register** and on the Commission's website. The Commission published the two most recent annual adjustments on January 8, 2021 ("2021 Adjustment")<sup>7</sup> and January 6, 2022 ("2022 Adjustment").<sup>8</sup>

A CMP is defined in relevant part as any penalty, fine, or other sanction that:

IA-3557, IC-30408, dated February 27, 2013 (78 FR 14179 (Mar. 5, 2013)) (effective March 5, 2013), previously found at 17 CFR 201.1005 and table V to subpart E of part 201. The penalty amounts contained in these releases have now been consolidated into table I to 17 CFR 201.1001.

<sup>5</sup> 28 U.S.C. 2461 note sec. 4.

<sup>6</sup> Release Nos. 33-10276; 34-79749; IA-4599; IC-32414 (82 FR 5367 (Jan. 18, 2017)) (effective Jan. 18, 2017).

<sup>7</sup> Release Nos. 33-10918; 34-90874; IA-5664; IC-34166 (86 FR 2716 (Jan. 13, 2021)) (effective Jan. 15, 2021).

<sup>8</sup> Release Nos. 33-11021; 34-93925; IA-5938; IC-34466 (87 FR 1808 (Jan. 12, 2022)) (effective Jan. 15, 2022).