

Shipping Act of 1984), the Commission may, upon petition, award the prevailing party reasonable attorney fees.

(b) *Definitions.*

*Attorney fees* means the fair market value of the services of any person permitted to appear and practice before the Commission in accordance with subpart B of this part.

*Decision* means:

(1) An initial decision or dismissal order issued by an administrative law judge;

(2) A final decision issued by a small claims officer; or

(3) A final decision issued by the Commission.

(c) *Filing petitions for attorney fees.*

(1) In order to recover attorney fees, the prevailing party must file a petition within 30 days after a decision becomes final. For purposes of this section, a decision is considered final when the time for seeking judicial review has expired or when a court appeal has terminated.

(2) The prevailing party must file the petition with either:

(i) The administrative law judge or small claims officer, if that official's decision became administratively final under § 502.227(a)(3), § 502.227(c), § 502.304(g), or § 502.318(a); or

(ii) The Commission, if the Commission reviewed the decision of the administrative law judge or small claims officer under § 502.227, § 502.304, or § 502.318.

(d) *Content of petitions.* (1) The petition must:

(i) Explain why attorney fees should be awarded in the proceeding;

(ii) Specify the number of hours claimed by each person representing the prevailing party at each identifiable stage of the proceeding; and

(iii) Include supporting evidence of the reasonableness of the hours claimed and the customary rates charged by attorneys and associated legal representatives in the community where the person practices.

(2) The petition may request additional compensation, but any such request must be supported by evidence that the customary rates for the hours reasonably expended on the case would result in an unreasonably low fee award.

(e) *Replies to petitions.* The opposing party may file a reply to the petition within 20 days of the service date of the petition. The reply may address the reasonableness of any aspect of the prevailing party's claim and may suggest adjustments to the claim under the criteria stated in paragraph (d) of this section.

(f) *Rulings on petitions.* (1) Upon consideration of a petition and any

reply thereto, the Commission, administrative law judge, or small claims officer will issue an order granting or denying the petition.

(i) If the order awards the prevailing party attorney fees, the order will state the total amount of attorney fees awarded, specify the compensable hours and appropriate rate of compensation, and explain the basis for any additional adjustments.

(ii) If the order denies the prevailing party attorney fees, the order will explain the reasons for the denial.

(2) The Commission, administrative law judge, or small claims officer may adopt a stipulated settlement of attorney fees.

(g) *Timing of rulings.* An order granting or denying a petition for attorney fees will be served within 60 days of the date of the filing of the reply to the petition or expiration of the reply period, except that in cases involving a substantial dispute of facts critical to the determination of an award, the Commission, administrative law judge, or small claims officer may hold a hearing on such issues and extend the time for issuing an order by an additional 30 days.

(h) *Appealing rulings by administrative law judge or small claims officer.* The relevant rules governing appeal and Commission review of decisions by administrative law judges (§§ 502.227; 502.318) and small claims officers (§ 502.304) apply to orders issued by those officers under this section. [Rule 254.]

■ 6. Amend § 502.305 by revising paragraph (b) to read as follows:

**§ 502.305 Applicability of other rules of this part.**

\* \* \* \* \*

(b) The following sections in subparts A through Q of this part apply to situations covered by this subpart: §§ 502.2(a) (Requirement for filing); 502.2(f)(1) (Email transmission of filings); 502.2(i) (Continuing obligation to provide contact information); 502.7 (Documents in foreign languages); 502.21 through 502.23 (Appearance, Authority for representation, Notice of appearance; substitution and withdrawal of representative); 502.43 (Substitution of parties); 502.101 (Computation); 502.113 (Service of private party complaints); 502.117 (Certificate of service); 502.253 (Interest in reparation proceedings); and 502.254 (Attorney fees in complaint proceedings). [Rule 305.]

7. Amend § 502.318 by revising paragraph (b) to read as follows:

**§ 502.318 Decision.**

\* \* \* \* \*

(b) Attorney fees may be awarded to the prevailing party in accordance with § 502.254. [Rule 318.]

8. Amend § 502.321 by revising paragraph (b) to read as follows:

**§ 502.321 Applicability of other rules of this part.**

\* \* \* \* \*

(b) The following sections in subparts A through Q apply to situations covered by this subpart: §§ 502.2(a) (Requirement for filing); 502.2(f)(1) (Email transmission of filings); 502.2(i) (Continuing obligation to provide contact information); 502.7 (Documents in foreign languages); 502.21–502.23 (Appearance, Authority for representation, Notice of appearance; substitution and withdrawal of representative); 502.43 (Substitution of parties); 502.253 (Interest in reparation proceedings); and 502.254 (Attorney fees in complaint proceedings). [Rule 321.]

By the Commission.

**Karen V. Gregory,**  
*Secretary.*

[FR Doc. 2016–04219 Filed 2–29–16; 8:45 am]

**BILLING CODE 6731-AA-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 90**

**Private Land Mobile Radio Service**

*CFR Correction*

In Title 47 of the Code of Federal Regulations, Parts 80 to End, revised as of October 1, 2015, on page 413, in § 90.520, the second paragraph (b)(2) is removed.

[FR Doc. 2016–04433 Filed 2–29–16; 8:45 am]

**BILLING CODE 1505-01-D**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 1812, 1819, and 1852**

**NASA Federal Acquisition Regulation Supplement**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** NASA is making technical amendments to the NASA FAR Supplement (NFS) to provide needed editorial changes.

**DATES:** *Effective:* March 1, 2016.

**FOR FURTHER INFORMATION CONTACT:**

Manuel Quinones, NASA, Office of Procurement, Contract and Grant Policy Division, via email at [manuel.quinones@nasa.gov](mailto:manuel.quinones@nasa.gov), or telephone (202) 358-2143.

**SUPPLEMENTARY INFORMATION:****I. Background**

As part NASA's retrospective review of existing regulations pursuant to section 6 of Executive Order 13563, Improving Regulation and Regulatory Review, NASA conducted a review of its regulations and noted several minor inconsistencies requiring correction. A summary of changes follows:

- Revise section 1812.301(G) to match clause title at 1852.219-75.
- Revise section 1819.708-70 match clause title at 1852.219-75.
- Revise section 1852.235-73(b) to update title of the regulation NPR 2200.2.

**List of Subject in 48 CFR Parts 1812, 1819, and 1852**

Government procurement.

**Manuel Quinones,**

*NASA FAR Supplement Manager.*

Accordingly, 48 CFR parts 1812, 1819, and 1852 are amended as follows:

- 1. The authority citation for parts 1812 and 1819 is revised to read as follows:

**Authority:** 51 U.S.C. 20113(a) and 48 CFR chapter 1.

**PART 1812—ACQUISITION OF COMMERCIAL ITEMS****1852.301 [Amended]**

- 2. Amend 1812.301(f)(i)(G) by removing the words “Small Business Subcontracting Reporting” and adding “Individual Subcontracting Reports” in their place.

**PART 1819—SMALL BUSINESS PROGRAMS****1819.708-70 [Amended]**

- 3. Amend section 1819.708-70(b) by removing the words “Individual Subcontracts Reporting” and adding “Individual Subcontracting Reports” in their place.

**PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

- 4. The authority citation for part 1852 continues to read as follows:

**Authority:** 51 U.S.C. 20113(a) and 48 CFR chapter 1.

**1852.235-73 [Amended]**

- 5. Amend section 1852.235-73(b) by removing the words “NPR 2200.2, Guidelines” and adding “NPR 2200.2, Requirements” in their place.

[FR Doc. 2016-04444 Filed 2-29-16; 8:45 am]

**BILLING CODE** 7510-13-P

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 578**

[Docket No. NHTSA-2016-0023]

**RIN 2127-AL38**

**Civil Penalty Factors**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** This final rule provides NHTSA's interpretation of the civil penalty factors for determining the amount of a civil penalty or the amount of a compromise under the National Traffic and Motor Vehicle Safety Act (Safety Act). The Moving Ahead for Progress in the 21st Century Act (MAP-21) states that the Secretary of Transportation shall determine the amount of civil penalty or compromise under the Safety Act. MAP-21 identifies mandatory factors that the Secretary must consider and discretionary factors for the Secretary to consider as appropriate in making such determinations. MAP-21 directs NHTSA to issue a rule providing an interpretation of these penalty factors.

This final rule also amends NHTSA's regulation to the increase penalties and damages for odometer fraud, and to include the statutory penalty for knowingly and willfully submitting materially false or misleading information to the Secretary after certifying the same information as accurate.

In the NPRM, we proposed administrative procedures for NHTSA to follow when assessing civil penalties against persons who violate the Safety Act. We are not including those procedures in this final rule. Instead, NHTSA plans to address those procedures separately, in a rule to be issued soon.

**DATES:** *Effective date:* This final rule is effective May 2, 2016.

*Petitions for reconsideration:* Petitions for reconsideration of this final rule must be received not later than April 15, 2016.

**ADDRESSES:** Any petitions for reconsideration should refer to the docket number of this document and be submitted to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., West Building, Ground Floor, Docket Room W12-140, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Healy, Office of the Chief Counsel, NHTSA, 1200 New Jersey Ave. SE., West Building, W41-211, Washington, DC 20590. Telephone: (202) 366-2992 Fax: (202) 366-3820.

**SUPPLEMENTARY INFORMATION:**

I. Executive Summary

II. Background and Summary of Notice of Proposed Rulemaking

A. Background

B. Civil Penalties Procedures in NPRM

C. Civil Penalty Factors in the NPRM

III. The Final Rule

A. General Penalty Factors

B. Discretionary Penalty Factors

IV. Codification of Other MAP-21 Penalty Changes in 49 CFR Part 578

V. Rulemaking Analyses and Notices

**I. Executive Summary**

The Moving Ahead for Progress in the 21st Century Act (MAP-21 or the Act) was signed into law on July 6, 2012 (Pub. L. 112-141). Section 31203(a) of MAP-21 amends the civil penalty provision of the Safety Act, as amended and recodified, 49 U.S.C. Chapter 301, by requiring the Secretary of Transportation to consider various factors in determining the amount of a civil penalty or compromise. The factors that the Secretary shall consider in determining the amount of civil penalty or compromise are codified in amendments to 49 U.S.C. 30165(c). Section 31203(b) of MAP-21 requires the Secretary to issue a final rule, in accordance with 5 U.S.C. 553, providing an interpretation of the penalty factors set forth in MAP-21. Pub. L. 112-141, § 31203, 126 Stat. 758 (2012). This rule provides an interpretation of the civil penalty factors in 49 U.S.C. 30165(c) for NHTSA to consider in determining the amount of civil penalty or compromise.

NHTSA issued an NPRM that proposed an interpretation of the penalty factors in Section 31203(b) of MAP-21 on September 21, 2015.<sup>1</sup> The NPRM also included administrative procedures for NHTSA to follow when assessing civil penalties against persons who violate the Safety Act. We have decided not to include the administrative procedures for assessing civil penalties in this final rule.

On December 4, 2015, the Fixing America's Surface Transportation Act

<sup>1</sup> 80 FR 56944 (Sept. 21, 2015).