

notice of the *Seaford MO&O on Reconsideration*. Accordingly, PMCM filed its Petition for Reconsideration approximately three years late.

The Commission can only accept late-filed petitions for reconsideration if the petitioner shows that extraordinary circumstances warrant overriding the statutory filing deadline. As the D.C. Circuit has explained, “[a]lthough section 405 does not absolutely prohibit FCC consideration of untimely petitions for reconsideration, we have discouraged the Commission from accepting such petitions in the absence of extremely unusual circumstances.” Consistent with the D.C. Circuit’s decisions, the Commission in applying that standard has focused on whether the Commission has failed to adhere to its procedural rules for providing notice of its decisions. PMCM has not even attempted to show that it has met this standard, much less demonstrated that the extraordinary circumstances required under this precedent are present here.

The assertion that the Court’s decision in *PMCM TV* constituted “changed circumstances” warranting an extension of the deadline for reconsideration of the *Seaford Report and Order* is also without merit. This contention presumes incorrectly that a showing of “changed circumstances” under section 1.429(b) warrants an extension of the statutory deadline for the filing of petitions for reconsideration. Thus, PMCM claims that “[i]t is hornbook law that ‘changed circumstances’ provide an adequate legal basis for reconsideration” and that the “relevant test is whether the petitioner has raised the changed circumstance at the first opportunity to do so.” Rather than supporting its theory that changed circumstances can support a request for reconsideration filed after the applicable statutory deadline, the single case PMCM cites, a 1979 Commission order, relates not to the filing of petitions for reconsideration after the statutory deadline but instead to the circumstances under which parties may seek reconsideration of a Commission order denying an application for review. Section 1.429(b)(1) sets forth the limited circumstances in which new matter raised in a timely petition for reconsideration will be considered. It does not and cannot supersede the statutorily established deadline for the filing of petitions for reconsideration, which is set forth in Section 405 of the

Act and reflected in Section 1.429(d) of the Commission’s rules.<sup>3</sup>

For the foregoing reasons, PMCM’s argument that the Petition was timely filed because of its submission within 30 days of the release of the *Seaford MO&O on Further Reconsideration* is without merit. We therefore affirm the Bureau’s dismissal of the Petition and deny the AFR. In light of our denial of the AFR, the Motion to Dismiss and associated pleadings are moot. We therefore dismiss these filings.

*Accordingly, it is ordered* That, pursuant to section 5(c)(5) of the Communications Act of 1934, as amended, 47 U.S.C. 155(c)(5), and § 1.115(g) of the Commission’s rules, 47 CFR 1.115(g), the Application for Review IS DENIED.

*It is further ordered* That, pursuant to section 4(i)–(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i)–(j), and § 1.41 of the Commission’s rules, 47 CFR 1.41, the Motion to Dismiss, Request for Leave to File Motion to Dismiss, and Reply to Opposition to Motion to Dismiss of Western Pacific Broadcast, LLC, and the Opposition to Motion to Dismiss, Comments in Response to Reply to Opposition to Motion to Dismiss, and Request for Leave to File Comments in Response to Reply to Opposition to Motion to Dismiss of PMCM TV, LLC, ARE DISMISSED as moot.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 48 Parts 301, 303 and 333

#### Notice of Adoption of the Health and Human Services Acquisition Regulations (HHSAR) and OIG Class Deviations

**AGENCY:** Office of Inspector General (OIG), HHS.

**ACTION:** HHS OIG adoption of the HHSAR, and deviation from three clauses.

**SUMMARY:** This announcement establishes that the OIG contracting activity will follow the requirements of the HHSAR, subject to three deviations establishing that OIG personnel shall seek legal guidance from the Office of

<sup>3</sup> There is no exception in section 1.429(d) for late-filed petitions based on new information nor any other exception.

Counsel to the Inspector General instead of the Office of the General Counsel.

**DATES:** These deviations are effective on August 26, 2016.

**FOR FURTHER INFORMATION CONTACT:** Brian Hildebrandt, Office of Counsel to the Inspector General, Office of Inspector General, (202)205–9493.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Notice is hereby given that the Office of Inspector General (OIG) adopts the Health and Human Services Acquisition Regulations (HHSAR) as issued in the Code of Federal Regulations (CFR) as chapter 3 of title 48; as promulgated by the Assistant Secretary for Financial Resources (ASFR) under the authority of 5 U.S.C. 301 and section 205(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 121(c)(2)), and as delegated by the Secretary.

In addition, by the authority vested in the Senior Procurement Executive (SPE) in accordance with 48 CFR chapter 3, section 301.401 of the HHSAR, and 48 CFR chapter 1, section 1.401 of the Federal Acquisition Regulations (FAR), I execute three class deviations from the HHSAR to ensure compliance with section 3(g) of the Inspector General Act. These deviations establish the OIG shall make use of the Office of Counsel to the Inspector General (OCIG), and not Office of the General Counsel (OGC), for the purposes of HHSAR sections 301.602–3; 303.203; & 333.102(g)(1); and further reaffirm the requirement that OCIG be consulted when the HHSAR and/or FAR require consultation with legal counsel.

Dated: August 2, 2016.

**Joanne M. Chiedi,**

*Principal Deputy Inspector General, Senior Procurement Executive for OIG.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 150306232–6736–02]

**RIN 0648–BE96**

#### Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 9

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.