

limitation on overhead reimbursement. A proper RFA analysis likely should have considered the effect that moving from a nonbinding policy to binding rule would have on small entities. *Cf. Am. Federation of Labor v. Chertoff*, 552 F. Supp. 2d 999, 1013 (N.D. Cal. 2007) (noting “serious questions [about] whether DHS violated the RFA” when it refused to conduct a final flexibility analysis about a rule that “as good as mandates costly compliance with a new 90-day timeframe”). There was also no showing concerning § 75.300(c) and (d), which may impose compliance costs on recipients by subjecting the recipients to conflicting statutory and non-statutory requirements.

The regulatory provisions promulgated in the final rules will not be enforced pending rulemaking.

As described above, unless waived pursuant to section 605(b), the RFA generally requires an agency to prepare a final regulatory flexibility analysis. See 5 U.S.C. 604(a), 611(a). The preparation of such analysis may be delayed by up to 180 days after the publication of the final rule in cases of emergency. See 5 U.S.C. 608(b). Moreover, flawed RFA analyses have been the basis for judicial review of rulemakings.

Because the Department has serious concerns about whether the RFA analysis performed here complied with the RFA, the Department is announcing that it will not enforce the regulatory provisions, pending repromulgation of the Rule. The majority of the Department’s grantees are small entities,⁶ and the RFA process undertaken with respect to this Rule raises significant concerns about whether their interests were protected in the manner the statute prescribes. Rather than apply a nonenforcement policy only to small entities, however, the Department is exercising its discretion to not enforce the rules with respect to any grantees until the rules have been properly re-promulgated with an impact analysis that hews to the requirements of the RFA. Applying these rules differently to agency grantees depending on size would be unfair, create increased compliance costs for all entities as they seek to determine whether they are or are not still subject to the rules, and impose additional administrative burdens on the Department disproportionate to the benefit of enforcement.

Accordingly, the regulatory actions, promulgated through the December 12, 2016 final rules, 81 FR 89393, namely,

the additions of 45 CFR 75.101(f), 75.300(c) and (d), 75.414(c)(1)(i) through (iii), and 75.477, and the amendments to 45 CFR 75.110(a), 75.305(a), 75.365, and 75.414(f), will not be enforced pending repromulgation.⁷

Dated: November 1, 2019.

Eric D. Hargan,

Deputy Secretary, Department of Health and Human Services.

[FR Doc. 2019–24384 Filed 11–18–19; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 74, 78, and 101

[GN Docket No. 82–334; WT Docket No. 00–19, RM–9418; FCC 02–218; and WT Docket No. 94–148, FCC 96–51]

Establishment of a Spectrum Utilization Policy for the Fixed and Mobile Services’ Use of Certain Bands Between 947 MHz and 40 GHz; Streamline Processing of Microwave Applications in the Wireless Telecommunications Services and Telecommunications Industry Association Petition for Rulemaking; Terrestrial Microwave Fixed Radio Services

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: The Federal Communications Commission (FCC/Commission) is correcting final rules that had typographical errors that were published in three separate reports in the **Federal Register**. In those documents, the Commission used table 8 MHz maximum authorized bandwidth channels that had an error in various rules. This document corrects the errors.

DATES: Effective November 19, 2019.

FOR FURTHER INFORMATION CONTACT:

Stephen Buenzow of the Wireless Telecommunications Bureau, Broadband Division at (717) 338–2647 or Stephen.Buenzow@fcc.gov.

SUPPLEMENTARY INFORMATION: The Commission’s documents GN Docket No. 82–334, published March 9, 1987 (52 FR 7136, pages 7142 and 7144); WT Docket No. 00–19, RM–9418, FCC 02–218, published May 28, 1996 (61 FR 26677, as amended at 62 FR 4924, Feb. 3, 1997, page 4925); and WT Docket No. 94–148, FCC 96–51, published May 28,

1996 (61 FR 26677, pages 26708, 26712, and 26725) contained typographical errors. The correcting amendments in this document fix those errors. The Commission is also correcting an error in a footnote and table—*Table 3—Paired Frequencies (MHz), [12.5 kHz bandwidth]*. The corrected rules are §§ 74.602(i)(2), 78.18(a)(5)(ii), 101.115(b)(2), 101.147(b)(2) and 101.803(e)(2).

List of Subjects

47 CFR Part 74

Communications equipment, Radio, Television.

47 CFR Part 78

Cable television, television, Communications equipment, Radio.

47 CFR Part 101

Communications equipment, Radio.

Accordingly, 47 CFR parts 74, 78, and 101 are corrected by making the following correcting amendments:

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 1. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336, and 554.

■ 2. In § 74.602, amend the table in paragraph (i)(2) by revising the entry for “6446.0” to read as follows:

§ 74.602 Frequency assignment.

* * * * *

(i) * * *

(2) * * *

Transmit (or receive MHz)	Receive (or transmit) (MHz)
* * * * *	
6446.0	6496.0
* * * * *	

* * * * *

PART 78—CABLE TELEVISION RELAY SERVICE

■ 3. The authority citation for part 78 continues to read as follows:

Authority: 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

■ 4. In § 78.18, amend paragraph (a)(5)(ii) by revising entry for “6446.0” read as follows:

⁶ See, e.g., <https://tags.hhs.gov/ReportsGrants/GrantsByRecipClass>.

⁷ Elsewhere in this issue of the **Federal Register**, the Department publishes a notice of proposed rulemaking to begin the process of repromulgating, as appropriate, these rules.

§ 78.18 Frequency assignment.
[CORRECTION]

*	*	*	*	*
(a)	*	*	*	
(5)	*	*	*	
(ii)	*	*	*	
<hr/>				
Transmit (or receive MHz)			Receive (or transmit) (MHz)	
<hr/>				
*	*	*	*	*
6446.0			6496.0	
*	*	*	*	*
<hr/>				
*	*	*	*	*

PART 101—FIXED MICROWAVE SERVICES

■ 5. The authority citation for part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

■ 6. In § 101.115, amend the table in paragraph (b)(2) by revising the text of footnote 7 to read as follows:

§ 101.115 Directional antennas.

*	*	*	*	*
(b)	*	*	*	
(2)	*	*	*	
<hr/>				
7 For stations authorized or pending on April 1, 2003, the minimum radiation suppression for Category B is 35dB in the 10,550–10,680 MHz band and 36 dB in the 21,200–23,600 MHz band for discrimination angles from 100° to 180°.				
*	*	*	*	*

■ 7. In § 101.147, amend table 3 in paragraph (b)(2) by revising entry for 928.36875” and in the table in paragraph (j)(2) by revising the entry for “6446.0” to read as follows:

§ 101.147 Frequency assignments.

*	*	*	*	*
(b)	*	*	*	
(2)	*	*	*	
<hr/>				
TABLE 3—PAIRED FREQUENCIES (MHz)				
[12.5 kHz bandwidth]				
<hr/>				
Remote transmit			Master transmit	
<hr/>				
*	*	*	*	*
928.36875			928.36875	
*	*	*	*	*
<hr/>				
*	*	*	*	*
(j)	*	*	*	
(2)	*	*	*	

Transmit (or receive MHz)					Receive (or transmit) (MHz)				
<hr/>									
*		*		*		*		*	
6446.0					6496.0				
*		*		*		*		*	
<hr/>									
*	*	*	*	*					

■ 8. In § 101.803, amend the table in paragraph (e)(2) by revising entry for “6446.0” to the table to read as follows:

§ 101.803 Frequencies.

*	*	*	*	*	
(e)	*	*	*		
(2)	*	*	*		

Transmit (or receive MHz)			Receive (or transmit) (MHz)	
*	*	*	*	*
6446.0			6496.0	
*	*	*	*	*

Federal Communications Commission.
Marlene Dortch,
Secretary, Office of the Secretary.
[FR Doc. 2019–24669 Filed 11–18–19; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 180117042–8884–02]

RTID 0648–XT027

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS is transferring 53.2 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the Reserve category to the General category, to account for an accrued overharvest of 33.7 mt from previous time period subquotas. This action is intended to provide opportunities for General category fishermen to participate in the December General category fishery, which is scheduled to reopen on December 1, 2019, and is based on consideration of the regulatory determination criteria regarding

inseason adjustments. This action would affect Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

DATES: Effective November 18, 2019 through December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Nicholas Velseboer, 978–281–9260, or Larry Redd, 301–427–8503.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and amendments. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

The current baseline General and Reserve category quotas are 555.7 mt and 29.5 mt, respectively. See § 635.27(a). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a “subquota” or portion of the annual General category quota. The baseline subquotas for each time period are as follows: 29.5 mt for January; 277.9 mt for June through August; 147.3 mt for September; 72.2 mt for October through November; and 28.9 mt for December. Any unused General category quota rolls forward from one time period to the next and is available for use in subsequent time periods. To date for 2019, NMFS has taken seven actions that resulted in adjustments to the Reserve category, leaving 65.3 mt of quota currently available (84 FR 3724, February 13, 2019; 84 FR 6701, February 28, 2019; 84 FR 35340, July 23, 2019; 84 FR 47440, September 10, 2019; and 84 FR 48566, September 16, 2019; 84 FR