

31, 2020 **Federal Register** (85 FR 87000) in instruction 10.a.

*B. Summary of Errors in the Regulatory Text*

On page 64825, we inadvertently included amendatory instruction 3.

**III. Waiver of Proposed Rulemaking and Delay in Effective Date**

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (the APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** before the provisions of a rule take effect. In addition, section 553(d) of the APA mandates a 30-day delay in effective date after issuance or publication of a substantive rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the APA notice and comment, and delay in effective date requirements. Section 553(b)(B) of the APA authorizes an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. Similarly, section 553(d)(3) of the APA allows the agency to avoid the 30-day delay in effective date where good cause is found and the agency includes in the rule a statement of the finding and the reasons for it. In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements.

This document merely corrects technical errors in the Medicaid Program; Delay of Effective Date for Provision Relating to Manufacturer Reporting of Multiple Best Prices Connected to a Value Based Purchasing Arrangement; Delay of Inclusion of Territories in Definition of States and United States final rule. The corrections contained in this document are consistent with, and do not make substantive changes to, the policies that were proposed, subject to notice and comment procedures, and adopted in the Medicaid Program; Delay of Effective Date for Provision Relating to Manufacturer Reporting of Multiple Best Prices Connected to a Value Based Purchasing Arrangement; Delay of Inclusion of Territories in Definition of States and United States final rule. As a result, the corrections made through this correcting document are intended to resolve inadvertent errors so that the rule accurately reflects the policies adopted in the final rule. Even if this were a rulemaking to which the notice and comment and delayed effective date

requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the Medicaid Program; Delay of Effective Date for Provision Relating to Manufacturer Reporting of Multiple Best Prices Connected to a Value Based Purchasing Arrangement; Delay of Inclusion of Territories in Definition of States and United States final rule or delaying the effective date of the corrections would be contrary to the public interest because it is in the public interest to ensure that the rule accurately reflects our policies as of the date they take effect. Further, such procedures would be unnecessary because we are not making any substantive revisions to the final rule, but rather, we are simply correcting the **Federal Register** document to reflect the effective date for the policies that we previously proposed, received public comment on, and subsequently finalized in the final rule. For these reasons, we believe there is good cause to waive the requirements for notice and comment and delay in effective date.

**IV. Correction of Errors**

In FR Doc. 2021–25009 (86 FR 64819), make the following corrections:

*A. Correction of Errors in the Preamble*

On page 64819 in the second column, correct the **DATES** section to read:

**DATES:** This rule is effective December 20, 2021. As of December 20, 2021, the effective date of amendatory instruction 10.a. of the final rule published December 31, 2020 at 85 FR 87000 of January 1, 2022 is delayed until July 1, 2022.

*B. Correction of Errors in the Regulatory Text*

**§ 447.505 [Corrected]**

- On page 64825, remove instruction 3.

**Karuna Seshasai,**

*Executive Secretary to the Department,  
Department of Health and Human Services.*  
[FR Doc. 2021–27452 Filed 12–16–21; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 300**

[RTID 0648–XB534]

**Fraser River Pink Salmon Fisheries; Inseason Orders**

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

**ACTION:** Temporary rule; inseason orders.

**SUMMARY:** NMFS publishes Fraser River salmon inseason orders to regulate tribal treaty (treaty Indian) and non-tribal (all citizen) commercial salmon fisheries in U.S. waters. The orders were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and subsequently approved and issued by NMFS during 2021 for pink salmon fisheries within the U.S. Fraser River Panel Area. These orders established fishing dates, times, and areas for the gear types of U.S. treaty Indian and all citizen commercial fisheries during the period the Panel exercised jurisdiction over these fisheries.

**DATES:** The effective dates for the inseason orders are set out in this document under the heading Inseason Orders.

**FOR FURTHER INFORMATION CONTACT:** Anthony Siniscal at 971–322–8407, Email: [Anthony.siniscal@noaa.gov](mailto:Anthony.siniscal@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Treaty between the Government of the United States of America and the Government of Canada concerning Pacific salmon was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631–3644.

Under authority of the Act, Federal regulations at 50 CFR part 300, subpart F, provide a framework for the implementation of certain regulations of the Commission and inseason orders of the Commission's Panel for U.S. sockeye and pink salmon fisheries in the Fraser River Panel Area.

The regulations close the U.S. portion of the Panel Area to U.S. sockeye and pink salmon tribal and non-tribal commercial fishing unless opened by Panel regulations that are given effect by inseason orders issued by NMFS (50 CFR 300.94(a)(1)). During the fishing season, NMFS may issue inseason orders that establish fishing times and

areas consistent with the Commission agreements and regulations of the Panel. Such orders must be consistent with domestic legal obligations and are issued by the Regional Administrator, West Coast Region, NMFS. Official notification of these inseason actions is provided by two telephone hotline numbers described at 50 CFR 300.97(b)(1) and in 84 FR 19729 (May 6, 2019). The inseason orders are published in the **Federal Register** as soon as practicable after they are issued. Due to the frequency with which inseason orders are issued, publication of individual orders is impractical.

#### Inseason Orders

NMFS issued the following inseason orders for U.S. fisheries within Panel Area waters during the 2021 fishing season, consistent with the orders adopted by the Panel. Each of the following inseason actions was effective upon announcement on telephone hotline numbers as specified at 50 CFR 300.97(b)(1) and in 86 FR 26425 (May 16, 2021); those dates and times are listed herein. The times listed are local times, and the areas designated are Puget Sound Management and Catch Reporting Areas as defined in the Washington State Administrative Code at Chapter 220–22.

*Fraser River Panel Order Number 2021–01: Issued 2 p.m., August 20, 2021*

#### Treaty Indian Fishery

*Areas 4B, 5, and 6C:* Open for drift gillnet fishing from 12 p.m. (noon), Saturday, August 21, 2021, through 12 p.m. (noon), Wednesday, August 24, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

#### All Citizen Fishery

*Areas 7 and 7A:* Open to reef net fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m. Monday, August 23, 2021.

*Fraser River Panel Order Number 2021–02: Issued 2 p.m., August 24, 2021*

#### Treaty Indian Fishery

*Areas 4B, 5, and 6C:* Extend for drift gillnet fishing from 12 p.m. (noon), Wednesday, August 25, 2021, through 12 p.m. (noon), Saturday, August 28, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

#### All Citizen Fishery

*Areas 7 and 7A, excluding the Apex:* Open to purse seine fishing, from 5 a.m. to 9 p.m., Friday, August 27, 2021. Sockeye non-retention.

*Areas 7 and 7A, excluding the Apex:* Open to drift gillnet fishing, from 8 a.m.

to 11:59 p.m., Friday, August 27, 2021. Sockeye non-retention.

The Apex is defined as those waters north and west of the Area 7A “Iwersen Dock Line”. The Iwersen Dock Line is the line projected from Iwersen Dock on Point Roberts to the Georgina Point light at the entrance to Active Pass in the Province of British Columbia.

*Fraser River Panel Order Number 2021–03: Issued 3:30 p.m., August 27, 2021*

#### Treaty Indian Fishery

*Areas 4B, 5, and 6C:* Extend for drift gillnet fishing from 12 p.m. (noon), Saturday, August 28, 2021, through 12 p.m. (noon), Wednesday, September 1, 2021. Release sockeye.

*Areas 6, 7, and 7A in the area southerly and easterly of a straight line drawn from Iwersen’s dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia:* Open for net fishing from 5 a.m., Sunday, August 29, 2021, through 9 a.m., Monday, August 30, 2021. Release sockeye.

#### All Citizen Fishery

*Areas 7 and 7A in the area southerly and easterly of a straight line drawn from Iwersen’s dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia:* Open to purse seine fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m. Tuesday, August 31, 2021.

*Areas 7 and 7A in the area southerly and easterly of a straight line drawn from Iwersen’s dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia:* Open to drift gillnet fishing, with non-retention of sockeye, from 8 a.m. to 11:59 p.m., Tuesday, August 31, 2021.

*Area 7:* Open to reef net fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m., Tuesday, August 31, 2021.

*Fraser River Panel Order Number 2021–04: Issued 3:15 p.m., August 30, 2021*

#### Treaty Indian Fisheries

*Areas 4B, 5, and 6C:* Extend for drift gillnet fishing from 12 p.m. (noon), Wednesday, September 1, 2021, through 12 p.m. (noon), Saturday, September 4, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

*Areas 6, 7, and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance*

*to Active Pass in the Province of British Columbia:* Open for net fishing from 5 a.m., Tuesday, August 31, 2021, through 9 a.m., Thursday, September 2, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

#### All Citizen Fishery

*Areas 7 and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia:* Open to purse seine fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m., Wednesday, September 1, 2021.

*Areas 7 and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia:* Open to drift gillnet fishing, with non-retention of sockeye, from 8 a.m. to 11:59 p.m., Wednesday, September 1, 2021.

*Area 7:* Open to reef net fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m., Wednesday, September 1, 2021.

*Fraser River Panel Order Number 2021–05: Issued 2 p.m., September 3, 2021*

#### Treaty Indian Fisheries

*Areas 4B, 5, and 6C:* Extend for drift gillnet fishing from 12 p.m. (noon), Saturday, September 4, 2021, through 12 p.m. (noon), Tuesday, September 7, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

*Areas 6, 7, and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia:* Open for net fishing from 5 a.m., Saturday, September 4, 2021, through 9 a.m., Tuesday, September 7, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

*Fraser River Panel Order Number 2021–06: Issued 2 p.m., September 7, 2021*

#### Treaty Indian Fisheries

*Areas 4B, 5, and 6C:* Open for drift gillnet fishing from 12 p.m. (noon), Wednesday, September 8, 2021, through 12 p.m. (noon), Friday, September 10, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

*Areas 6, 7, and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British*

*Columbia*: Open for net fishing from 5 a.m., Wednesday, September 8, 2021, through 9 a.m., Friday, September 10, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

*Fraser River Panel Order Number 2021-07*: Issued 2 p.m., September 10, 2021

#### Treaty Indian Fisheries

*Areas 4B, 5, and 6C*: Open for drift gillnet fishing from 12 p.m. (noon), Saturday, September 11, 2021, through 12 p.m. (noon), Monday, September 13, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

*Areas 6, 7, and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia*: Open for net fishing from 5 a.m., Saturday, September 11, 2021, through 9 a.m., Monday, September 13, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

#### All Citizen Fishery

*Area 7*: Open to reef net fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m., Saturday, September 11, 2021 and 5 a.m. to 9 p.m., Sunday, September 12, 2021.

*Fraser River Panel Order Number 2021-08*: Issued 4:45 p.m., September 13, 2021

#### All Citizen Fishery

*Area 7*: Open to reef net fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m., Tuesday, September 14, 2021, 5 a.m. to 9 p.m., Wednesday, September 15, 2021, 5 a.m. to 9 p.m., Thursday, September 16, 2021, and 5 a.m. to 9 p.m., Friday, September 17, 2021.

*Fraser River Panel Order Number 2021-09*: Issued 12 p.m., September 17, 2021

#### Treaty Indian and All Citizen Fisheries

*Areas 6, 6A, and 7*: Relinquish regulatory control effective 11:59 p.m., Saturday, September 18, 2021.

#### Classification

The Assistant Administrator for Fisheries NOAA (AA), finds that good cause exists for the inseason orders to be issued without affording the public prior notice and opportunity for

comment under 5 U.S.C. 553(b)(B) as such prior notice and opportunity for comments is impracticable and contrary to the public interest. Prior notice and opportunity for public comment is impracticable because NMFS has insufficient time to allow for prior notice and opportunity for public comment between the time the stock abundance information is available to determine how much fishing can be allowed and the time the fishery must open and close in order to harvest the appropriate amount of fish while they are available.

The AA also finds good cause to waive the 30-day delay in the effective date, required under 5 U.S.C. 553(d)(3), of the inseason orders. A delay in the effective date of the inseason orders would not allow fishers appropriately controlled access to the available fish at that time they are available.

This action is authorized by 50 CFR 300.97, and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 3636(b).

Dated: December 14, 2021.

**Ngagne Jafnar Gueye,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2021-27392 Filed 12-16-21; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 210217-0022; RTID 0648-XB563]

### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific ocean perch in the Bering Sea subarea of the Bering Sea

and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2021 Pacific ocean perch total allowable catch (TAC) in the Bering Sea subarea of the BSAI.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), December 14, 2021, through 2400 hours, A.l.t., December 31, 2021.

**FOR FURTHER INFORMATION CONTACT:** Allyson Olds, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2021 Pacific ocean perch TAC in the Bering Sea subarea of the BSAI is 10,782 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI and groundfish reserve release (86 FR 11449, February 25, 2021, and 86 FR 64827, November 19, 2021).

The Regional Administrator has determined that the 2021 TAC for Pacific ocean perch in the Bering Sea subarea of the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 10,712 mt, and is setting aside the remaining 70 mt as bycatch to support other anticipated groundfish fisheries. Consequently, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for Pacific ocean perch in the Bering Sea subarea of the BSAI. While this closure remains in effect the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.