

allowable under a contract with an institution, training establishment, or employer for the training and rehabilitation of eligible Veterans under 38 U.S.C. chapter 31, provided the services meet the conditions in the following definitions:

(a) *Courses of instruction by correspondence* means a course of education or training conducted by mail consisting of regular lessons or reading assignments, the preparation of required written work that involves the application of principles studied in each lesson, the correction of assigned work with such suggestions or recommendation as may be necessary to instruct the student, the keeping of student achievement records, and issuance of a diploma, certificate, or other evidence to the student upon satisfactorily completing the requirements of the course.

(b) *Special services or special courses* means those services or courses that VA requests that are supplementary to those the institution customarily provides for similarly circumstanced non-Veteran students and that the contracting officer considers to be necessary for the rehabilitation of the trainee.

871.205 Proration of charges.

A contract must include the exact formula agreed on for the proration of charges in the event that the Veteran's program is interrupted or discontinued before the end of the term, semester, quarter, or other period, or the program is completed in less time than stated in the contract.

871.206 Other fees and charges.

VA may pay fees and other charges that are not prescribed by law but are required by nongovernmental organizations, such as initiation fees required to become a member of a labor union and the dues necessary to maintain membership incidental to training on the job or to obtaining employment during a period in which the Veteran is a participant pursuant to 38 U.S.C. chapter 31, provided there are no facilities feasibly available where the necessary training can be feasibly accomplished or employment obtained without paying such charges. Payment for such fees must be made in accordance with part 813.

871.207 Payment of tuition or fees.

(a) Contracts, agreements, or arrangements requiring the payment of tuition or fees must provide either of the following:

(1) Payment for tuition or fees must be made in arrears and must be prorated in

installments over the school year or the length of the course.

(2) An institution may be paid in accordance with paragraph (b) of this section, if the institution operates on a regular term, quarter, or semester basis and normally accepts students only at the beginning of the term, quarter, or semester and if the institution is one of the following:

(i) An institution of higher learning that uses a standard unit of credit recognized by accrediting associations. Such institutions include those that are members of recognized national or regional educational accrediting associations, and those that, although not members of such accrediting associations, grant standard units of credit acceptable at full value without examination by collegiate institutions that are members of national or regional accrediting associations.

(ii) A public tax-supported institution.

(iii) An institution operated and controlled by a State, county, or local board of education.

(b) An institution that meets the exceptions of paragraph (a)(2) of this section and that has a refund policy providing for a graduated scale of charges for purposes of determining refunds may be paid part or all such tuitions or fees for a term, quarter, or other period of enrollment immediately following the date on which the refund expires.

(c) Proration of charges does not apply to a fee for noncontinuing service, such as a registration fee, etc.

(d) The period for which payment of charges may be made is the period of actual enrollment and is subject to the following:

(1) The effective date is the date of the trainee's entrance into training status, except that payment may be made for an entire semester, quarter, or term in institutions operating on that basis if the trainee enters no later than the final date set by the institution for enrolling for full credit.

(2) In those cases where the institution has not set a final date for enrolling for full credit or does not set a date acceptable to VA, payment may be prorated on the basis of attendance, regardless of the refund policy.

(3) If an institution customarily charges for the amount of credit or number of hours of attendance for which a trainee enrolls, payment may be made on that basis when a trainee enrolls after the final date permitted for carrying full credit for the semester or term.

871.208 Rehabilitation facilities.

Charges by rehabilitation facilities for the rehabilitation services provided under 38 U.S.C. chapter 31 are paid in the same manner as charges for educational and vocational services through contract, agreement, or other arrangement.

871.209 Prohibition on advertising—training of Veterans.

The training of persons under a VA contract or the fact that the United States is using the facilities of the institution for training Veterans must not be used in any way to advertise the institution. References in the advertising media or correspondence of the institution shall be limited to a list of courses under 38 U.S.C. chapter 31 and must not be directed or pointed specifically to Veterans.

871.210 Contract clauses.

(a) Contracting officers must use the following clauses, as appropriate, in solicitations and contracts for vocational rehabilitation and employment services as they pertain to training and rehabilitation services and contracts for counseling services:

(1) 852.271–72, Time Spent by Counselee in Counseling Process.

(2) 852.271–73, Use and Publication of Counseling Results.

(3) 852.271–74, Inspection of Instruction, Counseling or Testing Operations.

(b) See 837.110–70(a) for clause 852.237–74, Non-Discrimination in Service Delivery.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 210505–0101; RTID 0648–XB377]

Fisheries Off West Coast States; Modification of the West Coast Salmon Fisheries; Inseason Action #26 Through #30

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

ACTION: Inseason modification of 2021 management measures.

SUMMARY: NMFS announces five inseason actions in the 2021 ocean salmon fisheries. These inseason actions

modified the recreational and commercial ocean salmon fishery in the area from the U.S./Canada border to Cape Falcon, OR.

DATES: The effective dates for the inseason actions are set out in this document under the heading Inseason Actions and remains in effect until superseded or modified.

FOR FURTHER INFORMATION CONTACT: Shannon Penna at 562-676-2148, email: shannon.penna@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The 2021 annual management measures for ocean salmon fisheries (86 FR 26425, May 14, 2021), announced management measures for the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 16, 2021, until the effective date of the 2022 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Chairman of the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions).

Management of the salmon fisheries is divided into two geographic areas: North of Cape Falcon (NOF) (U.S./Canada border to Cape Falcon, OR) and south of Cape Falcon (Cape Falcon, OR, to the U.S./Mexico border). The actions described in this document affected the NOF recreational salmon fishery, as set out under the heading Inseason Action.

Consultation on these inseason actions occurred on August 20, 2021, August 26, 2021, and September 2, 2021. Representatives from NMFS, Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), and Council staff participated in the consultations.

These inseason actions were announced on NMFS' telephone hotline and U.S. Coast Guard radio broadcast on the date of the consultations (50 CFR 660.411(a)(2)).

Inseason Action

Inseason Action #26

Description of the action: Inseason action #26 modified the bag limit in the NOF recreational salmon fishery Queets River to Leadbetter Point (Westport subarea), from a two salmon per day bag limit, no more than one of which may be a Chinook salmon, to a two salmon per day bag limit, beginning at 12:01 a.m. on Friday, August 21, 2021.

Effective date: Inseason action #26 took effect on August 21, 2021, and remains in effect until superseded.

Reason and authorization for the action: The 2021 management measures opened the recreational ocean salmon fishery in the Westport subarea with a bag limit of two salmon per day, no more than one of which may be a Chinook salmon (86 FR 26425, May 14, 2021). Modifying the bag limit to two salmon is consistent with preseason planning and management objectives and provisions of the Pacific Coast Salmon Fishery management Plan (FMP) because the measure would provide greater fishing opportunity for the public to access the available coho quota and Chinook salmon guideline, provide economic benefit to the fishery dependent communities, and was not expected to result in reducing season length or to exceed the recreational quotas.

The NMFS West Coast Region Regional Administrator (RA) considered the landings of Chinook and coho salmon in the NOF recreational salmon fishery, fishery effort that had occurred as well as effort anticipated under the proposal, and the recreational Chinook salmon guideline and coho quotas remaining. The RA determined that inseason action #26 was necessary to meet preseason planning and management objectives to allow access to available salmon quota and support the economy of fishery dependent communities while remaining consistent with the applicable salmon management and conservation objectives. The modification of recreational fishing bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

Consultation date and participants: Consultation on inseason action #26 occurred on August 20, 2021. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #27

Description of the action: Inseason action #27 closed the NOF recreational salmon fishery from Leadbetter Point, WA to Cape Falcon, OR (Columbia River

subarea) due to anticipated attainment of the quota and guideline.

Effective date: Inseason action #27 took effect at 12:01 a.m., August 30, 2021, and remains in effect until superseded.

Reason and authorization for the action: The purpose of inseason action #27 was to avoid exceeding the subarea quota for coho salmon and the guideline for Chinook salmon in the Columbia River subarea recreational salmon fishery. The NMFS West Coast Region RA considered the landings of coho and Chinook salmon in the NOF recreational salmon fishery to date, fishery catch and effort to date as well as anticipated under the proposal, and the recreational coho salmon quota and Chinook salmon guideline remaining in the Columbia River subarea. The recreational ocean salmon fishery in the Columbia River subarea opened June 19, 2021, with a coho salmon quota of 42,400 and a Chinook salmon guideline of 7,200. Through August 22, 34,800 coho salmon (80 percent of the subarea quota) and 5,547 Chinook salmon (77 percent of the subarea guideline) were caught in the Columbia River subarea. Projected catch in the Columbia River subarea for the week of August 23 to August 29 was 8,027 coho salmon and 973 Chinook salmon, which would result in a cumulative catch of 99 percent of the subarea coho salmon quota and 91 percent of the subarea Chinook salmon guideline. The RA determined that inseason action #27 was necessary to avoid exceeding the subarea quota and guideline set preseason. The modification of recreational fishing season is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #27 occurred on August 26, 2021. Representatives from NMFS, WDFW, and ODFW participated in this consultation.

Inseason Action #28

Description of the action: Inseason action #28 closed the NOF recreational salmon fishery from Cape Alava to Queets River (La Push subarea) due to anticipated attainment of the coho salmon quota.

Effective date: Inseason action #28 took effect at 12:01 a.m., September 4, 2021, and remains in effect until superseded.

Reason and authorization for the action: The purpose of inseason action #28 was to avoid exceeding the subarea quota for coho salmon in the La Push subarea recreational salmon fishery. The NMFS West Coast Region RA considered the landings of coho salmon

in the NOF recreational salmon fishery to date, catch and fishery effort to date as well as anticipated under the proposal, and the recreational coho salmon quota remaining in the La Push subarea. The recreational ocean salmon fishery in the La Push subarea opened June 19, 2021, with a coho salmon quota of 1,430. Through August 29, 2021, 1,152 coho salmon were caught in the La Push subarea (81 percent of the subarea quota). Projected catch through September 3, 2021 in the La Push subarea was 1,334 coho salmon, which would result in a cumulative catch of 93 percent of the subarea coho salmon quota. The RA determined that inseason action #28 was necessary to avoid exceeding the subarea quota set preseason. The modification of recreational fishing season is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #28 occurred on September 2, 2021. Representatives from NMFS, WDFW, ODFW, and Council staff participated in this consultation.

Inseason Action #29

Description of the action: Inseason action #29 closed the NOF recreational salmon fishery from Queets River to Leadbetter Point (Westport subarea) due to anticipated attainment of the coho salmon quota.

Effective date: Inseason action #29 took effect at 12:01 a.m., September 8, 2021, and remains in effect until superseded.

Reason and authorization for the action: The purpose of inseason action #29 was to avoid exceeding the subarea quota for coho salmon in the Westport subarea recreational salmon fishery. The NMFS West Coast Region RA considered the landings of coho salmon in the NOF recreational salmon fishery to date, catch and fishery effort to date as well as anticipated under the proposal, and the recreational coho salmon quota remaining in the Westport subarea. The recreational ocean salmon fishery in the Westport subarea opened June 19, 2021, with a coho salmon quota of 20,440. Through August 29, 2021, 13,942 coho salmon (68 percent of the subarea quota) were caught in the Westport subarea. Projected catch through September 7, 2021 in the Westport subarea was 20,113 coho salmon, which would result in a cumulative catch of 98 percent of the subarea coho salmon quota. The RA determined that inseason action #29 was necessary to avoid exceeding the subarea quota set preseason. The modification of recreational fishing

season is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #29 occurred on September 2, 2021. Representatives from NMFS, WDFW, ODFW, and Council staff participated in this consultation.

Inseason Action #30

Description of the action: Inseason action #30 for the commercial salmon troll fishery from the U.S./Canada border to Cape Falcon, OR, modified the landing and possession limit from 20 marked coho salmon per vessel per landing week (Thursday–Wednesday) to 50 marked coho salmon per vessel per landing week (Thursday–Wednesday).

Effective date: Inseason action #30 took effect at 12:01 a.m. on September 3, 2021, and remains in effect until superseded.

Reason and authorization for the action: The purpose of inseason action #30 was to allow greater access to the coho salmon quota in the commercial salmon troll fishery and result in increased fishing interest and the quota being met prior to the scheduled season ending date of September 30, 2021. The RA considered the landed catch of coho and Chinook salmon to date and the amount of quota and guideline remaining, projected catch under the proposal, and the timing of the action relative to the length of the season, and determined that inseason action #30 was necessary to meet management goals set preseason including fully attaining the coho quota. The modification of recreational fishing season is authorized by 50 CFR 660.409(b)(1)(ii).

Consultation date and participants: Consultation on inseason action #30 occurred on September 2, 2021. Representatives from NMFS, WDFW, ODFW, and Council staff participated in this consultation.

All other restrictions and regulations remain in effect as announced for the 2021 ocean salmon fisheries (86 FR 26425, May 14, 2021), as modified by previous inseason action (86 FR 34161, June 29, 2021; 86 FR 37249, July 15, 2021; 86 FR 40182, July 28, 2021; 86 FR 43967, August 11, 2021; 86 FR 48343, August 30, 2021).

The NMFS West Coast Region RA determined that these inseason actions were warranted based on the best available information on Pacific salmon abundance forecasts, landings to date, and anticipated fishery effort and projected catch. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone (3–200 nautical miles (5.6–370.4

kilometers) off the coasts of the states of Washington, Oregon, and California) consistent with these Federal actions. As provided by the inseason notice procedures at 50 CFR 660.411, actual notice of the described regulatory action was given, prior to the time the action was effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act. This action is authorized by 50 CFR 660.409, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. Prior notice and opportunity for public comment on this action was impracticable because NMFS had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook and coho salmon abundance, catch, and effort information was developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best scientific information available. As previously noted, actual notice of the regulatory action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (86 FR 26425, May 14, 2021), the FMP, and regulations implementing the FMP under 50 CFR 660.409 and 660.411.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date, as a delay in effectiveness of this action would restrict fishing at levels inconsistent with the goals of the FMP and the current management measures.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 28, 2021.

Jennifer M. Wallace,

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

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