

the CY 2022 HH PPS final rule accurately reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, we are simply implementing correctly the methodologies and policies that we previously proposed, requested comment on, and subsequently finalized. This final rule correction is intended solely to ensure that the CY 2022 HH PPS final rule accurately reflects these payment methodologies and policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements. Moreover, even if these corrections were considered to be retroactive rulemaking, they would be authorized under section 1871(e)(1)(A)(ii) of the Act, which permits the Secretary to issue a rule for the Medicare program with retroactive effect if the failure to do so would be contrary to the public interest. As we have explained previously, we believe it would be contrary to the public interest not to implement the corrections in this final rule correction because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the CY 2022 HH PPS final rule accurately reflects our policies.

#### IV. Correction of Errors

In FR Doc. 2021–23993 of November 9, 2021 (86 FR 62240), make the following corrections:

##### A. Correction of Errors in the Preamble

1. On page 62240, second column, fifth full paragraph, lines 3 through 5, the phrase “<https://share.cms.gov/center/CCSQ/CSG/DIQS/LTC/LTCCOVIDReportingfinalrule/> please visit” is corrected to read “please visit”.

2. On page 62250, second column, second full paragraph, line 7, the figure “M1032” is corrected to read “M1033”.

3. On page 62251:

a. In the Table titled “Table 2: OASIS Points Table for those Items Associated with Increased Resource Use Using a Reduced Set of OASIS Items, CY 2020”, last row, first column, the “M1032” is corrected to read “M1033”.

b. Following the table, after the table note that begins “Source: CY 2020” and ends “July 12, 2021”, the table notes are corrected by adding the following:

“**Note:** For the OASIS items in this table, the association between OASIS points and responses is directly associated with the resource use for each item.”.

##### B. Correction of Errors in the Regulations Text

#### § 424.525 [Corrected]

■ 1. On page 62419, second column, in § 424.525, amendatory instruction 7b. is corrected to read as follows:

“b. In—

■ i. Paragraphs (a)(2) and (b) by removing the phrase “prospective provider” and adding the word “provider” in its place; and

■ ii. Paragraph (a)(3) by removing the phrase “prospective institutional provider” and adding the phrase “institutional provider” in its place; and”.

**Karuna Seshasai,**

*Executive Secretary to the Department,  
Department of Health and Human Services.*

[FR Doc. 2021–27568 Filed 12–21–21; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 180117042–8884–02; RTID 0648–XB675]

#### Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

**ACTION:** Temporary rule; fishery reopening.

**SUMMARY:** NMFS reopens the General category fishery for four days within the December 2021 General category subquota period. This action is intended to provide a reasonable opportunity to harvest the annual U.S. bluefin tuna (BFT) quota without exceeding it, while maintaining an equitable distribution of fishing opportunities across time periods. This action affects Atlantic Tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

**DATES:** Effective 12:30 a.m., local time, December 20, 2021, through 11:30 p.m., local time, December 23, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Larry Redd, Jr., [larry.redd@noaa.gov](mailto:larry.redd@noaa.gov), 301–427–8503, Nicholas Velseboer, [nicholas.velsboer@noaa.gov](mailto:nicholas.velsboer@noaa.gov), 978–281–9260, or Thomas Warren,

[thomas.warren@noaa.gov](mailto:thomas.warren@noaa.gov), 978–281–9347.

**SUPPLEMENTARY INFORMATION:** Atlantic HMS fisheries, including BFT fisheries, are managed 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.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides 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 HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

The 2021 baseline quota for the General category is 555.7 mt. The General category baseline subquota for the December time period is 28.9 mt. Effective January 1, 2021, NMFS transferred 19.5 mt of BFT quota from the December 2021 subquota time-period to the January through March 2021 subquota time-period resulting in an adjusted subquota of 9.4 mt for the December 2021 time period (85 FR 83832, December 23, 2020). Effective December 1, 2021, NMFS transferred 9.5 mt of Reserve category quota and 20.2 mt of Harpoon category quota to the General category resulting in an adjusted December subquota of 39.1 mt (86 FR 66975, November 24, 2021). NMFS recently adjusted the December General category subquota by adding 15.5 mt of underharvest from the adjusted September and October through November time periods resulting in an adjusted December subquota of 54.6 mt (86 FR 71393, December 16, 2021). In that same action, NMFS projected that the adjusted December 2021 subquota of 54.6 mt would be reached shortly, and accordingly, closed the General category on December 14, 2021.

#### General Category Reopening

As of December 16, 2021, preliminary landings data indicate that the General category December fishery landed 48.8 mt of the adjusted 54.6 mt subquota before closing, leaving resulting in 5.8

mt (54.6 mt – 48.8 mt = 5.8 mt) of quota unused. Under § 635.28(a)(2), NMFS may reopen the fishery if NMFS determines that reasonable fishing opportunities are available. Based on these landings data, as well as average catch rates and anticipated fishing conditions, NMFS has determined that reopening the General category fishery for four days is appropriate given the amount of unused December subquota. Depending on weather conditions and fish availability, a longer reopening could risk exceeding the unused quota available for the December subquota period. NMFS will need to account for 2021 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and anticipates having sufficient quota to do that. Thus, this action would allow fishermen to take advantage of the availability of fish on the fishing grounds to the extent consistent with the available amount of quota and other management objectives, while avoiding quota exceedance.

Therefore, the General category fishery will reopen at 12:30 a.m., Monday, December 20, 2021, and close at 11:30 p.m., Thursday, December 23, 2021. The General category daily retention limit during this reopening remains the same as prior to closing: One large medium or giant (*i.e.*, measuring 73 inches (185 cm) curved fork length or greater) BFT per vessel per day/trip. This action applies to Atlantic tunas General category (commercial) permitted vessels and HMS Charter/Headboat category permitted vessels with a commercial sale endorsement when fishing commercially for BFT. Retaining, possessing, or landing large medium or giant BFT by persons aboard vessels permitted in the General and HMS Charter/Headboat categories must cease at 11:30 p.m. local time on December 23, 2021. The General category will automatically reopen January 1, 2022, for the January through March 2022 subquota time period.

Fishermen aboard General category permitted vessels and HMS Charter/Headboat permitted vessels may catch-and-release and tag and release BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the “Careful Catch and Release” brochure available at <https://www.fisheries.noaa.gov/resource/>

*outreach-and-education/careful-catch-and-release-brochure/*.

### Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS’ ability to timely implement actions such as quota and retention limit adjustment, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat category vessel owners are required to report the catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing [hmspermits.noaa.gov](https://hmspermits.noaa.gov), using the HMS Catch Reporting app, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

### Classification

This action is taken pursuant to regulations at 50 CFR part 635, which were issued pursuant to section 304(c) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Affording prior notice and opportunity for public comment to reopen the fishery is impracticable and contrary to the public interest. The General category recently closed, but based on the available category subquota, fishery performance in recent weeks, and the availability of BFT on the fishing grounds, is reopened in this action to allow fishermen to take advantage of availability of fish and of quota. NMFS could not have proposed this action earlier, as it needed to consider and respond to updated data and information about fishery conditions and this year’s landings. If NMFS were to offer a public comment period now, after having appropriately considered that data, it would preclude fishermen from harvesting BFT that are legally available. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: December 17, 2021.

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

[FR Doc. 2021–27761 Filed 12–17–21; 4:15 pm]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 201209–0332; RTID 0648–XB659]

### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers From VA to NC and FL to RI

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

**ACTION:** Notification; quota transfers.

**SUMMARY:** NMFS announces that the Commonwealth of Virginia and the State of Florida are transferring a portion of their 2021 commercial bluefish quota to the states of North Carolina and Rhode Island, respectively. These quota adjustments are necessary to comply with the Atlantic Bluefish Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial bluefish quotas for Virginia, North Carolina, Florida, and Rhode Island.

**DATES:** Effective December 17, 2021, through December 31, 2021.

**FOR FURTHER INFORMATION CONTACT:** Laura Hansen, Fishery Management Specialist, (978) 281–9225.

**SUPPLEMENTARY INFORMATION:** Regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.162, and the final 2021 allocations were published on December 16, 2020 (85 FR 81421).

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan (FMP) published in the **Federal Register** on July 26, 2000 (65 FR 45844), and provided a mechanism for transferring bluefish quota from one state to another. Two or more states, under mutual agreement