Canadian Area Navigation Routes are published in paragraph 2007 of FAA Order 7400.11E dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Canadian Area Navigation Routes listed in this document will be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email fedreg_legal@nara.gov or go to https://www.archives.gov/federal-register/cfr/ibr-locations.html.

FOR FURTHER INFORMATION CONTACT:

Christopher McMullin, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2020–0567 in the Federal Register (85 FR 38799; June 29, 2020), a supplemental NPRM (85 FR 60108; September 24, 2020) and a final rule (86 FR 37235; July 15, 2021), amending Federal airways V–35, V–444, jet routes J–502, and J–511, and establishing an extension of two Canadian Area Navigation Q routes, Q–811, and Q–902. The modifications are necessary due to the decommissioning of the Burwash Non-Directional Beacon (NDB) in Yukon Territory, Canada, which provides navigation guidance for portions of the affected routes. Subsequent to the publication, it was determined that exclusionary language, “excluding the airspace within Canada” was included in The Rule section, but was not included in the legal descriptions for Q–902, and Q–811. This rule corrects that error by including “excluding the airspace within Canada” below the line containing IGSOM, CA in the Q–811 legal description and below the line containing KOTZEBUE, AK (OTZ) in the Q–902 legal description. This is an editorial change only and does not alter the alignment of the route as shown on aeronautical charts, and does not affect the use of the route by aircraft.
Because an adverse comment was received prior to the end of the comment period, a notice to withdraw the direct final rule was published in the Federal Register and became effective on December 9, 2020. Consequently, the EPA is now acting on the proposal by publishing this final rule. Entities potentially affected directly by this final action include the public seeking information on the air quality status of the areas codified by this final rule, and state air agencies with jurisdiction over areas found to have attained by the attainment date. Further, these areas are, therefore, not subject to anti-backsliding consequences for failure to timely attain the standards.

### II. Response to Comments

The EPA received an anonymous comment on the proposal suggesting that the attainment year 2007–2009 design value (DV) for Denver-Boulder-Greeley-Ft. Collins-Loveland, Colorado, (herein referred to as the Denver area) was incorrect. Instead of 0.078 ppm, as given in Table 1 of the direct final rule and in the supporting documentation, the correct value was 0.082 ppm. As a result of its investigation, the EPA investigated the finding that the Denver area timely attained the revoked 1997 ozone NAAQS. The remaining two comments were beyond the scope of this action.

### III. Final Action

On October 9, 2020, the EPA issued a proposal to codify in 40 CFR part 51 the findings that nine areas factually attained the revoked 1997 ozone NAAQS by the applicable attainment dates. As a result of its investigation, the EPA Region 8 office issued a letter dated November 13, 2020, correcting the 2007–2009 DV for the Denver area and notifying Mr. Garry Kaufman, Director, CDPHE, of the correction to the DV with the assurance that the correction will be formalized through a final rule published in the Federal Register. The correction changing the 2007–2009 DV for the Denver area from 0.078 ppm to 0.082 ppm is made in Table 1 in this final rule. The EPA notes that the revoked 1997 ozone NAAQS, effective on September 16, 1997 [62 FR 38855, July 18, 1997], was established at 0.08 ppm, which means that an area’s attainment DV may in effect be as high as 0.084 ppm using the standard rounding convention to three decimal places. Therefore, the correct 2007–2009 DV of 0.082 ppm shows that the Denver area timely attained the revoked 1997 ozone NAAQS. The proposal received three other comments. One was complimentary to the EPA’s proposal suggesting it was a good idea to show the states’ success in attaining the revoked 1997 ozone NAAQS. The remaining two comments were beyond the scope of this action.

### Table 1—Areas That Attained the Revoked 1997 8-Hour Ozone NAAQS by the Attainment Date

<table>
<thead>
<tr>
<th>EPA region</th>
<th>State</th>
<th>Area name</th>
<th>Applicable attainment date</th>
<th>Attainment year design value (DV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td></td>
<td>Jamestown, NY</td>
<td>June 15, 2010</td>
<td>0.079 2007–2009</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Jefferson County, NY</td>
<td>June 15, 2010</td>
<td>0.074 2007–2009</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Poughkeepsie, NY</td>
<td>June 15, 2010</td>
<td>0.078 2007–2009</td>
</tr>
<tr>
<td>5</td>
<td>Wisconsin</td>
<td>Shoreline Sheboygan County, WI</td>
<td>June 15, 2010</td>
<td>0.079 2007–2009</td>
</tr>
<tr>
<td>8</td>
<td>Colorado</td>
<td>Inland Sheboygan County, WI</td>
<td>November 20, 2010</td>
<td>0.082 2007–2009</td>
</tr>
</tbody>
</table>

1 See “Updates to 40 CFR part 52 for Areas that Attained by the Attainment Date,” proposal [85 FR 60489, October 9, 2020] and direct final rule [85 FR 60446, October 9, 2020].
TABLE 1—AREAS THAT ATTAINED THE REVOKED 1997 8-HOUR OZONE NAAQS BY THE ATTAINMENT DATE—Continued

<table>
<thead>
<tr>
<th>EPA region</th>
<th>State</th>
<th>Area name</th>
<th>Applicable attainment date</th>
<th>Attainment year design value (DV)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ventura County, CA</td>
<td>Ventura County, CA</td>
<td>June 15, 2013</td>
<td>0.081 2010–2012</td>
</tr>
</tbody>
</table>

*On April 30, 2004 [69 FR 23858] and May 21, 2012 [77 FR 30098], EPA designated the entirety of Sheboygan County, WI, as nonattainment for the 1997 ozone NAAQS and 2008 ozone NAAQS, respectively. The EPA’s February 8, 2019, letter to the Wisconsin Department of Natural Resources, finding that the area attained the revoked 1997 ozone NAAQS by the attainment date, applied the finding to the original full-county Sheboygan County, WI, area. On July 15, 2019, the EPA revised the original designation by splitting the Sheboygan County, WI, area for the revoked 1997 ozone NAAQS and the 2008 ozone NAAQS area into the separate Inland Sheboygan County, WI, and Shoreline Sheboygan County, WI, areas [84 FR 33699, Jul. 15, 2019]. This change is reflected in 40 CFR 81.350 under “Wisconsin.” On April 26, 2020 [85 FR 23274] and May 12, 2020 [85 FR 28550], EPA proposed to redesignate the Inland Sheboygan, WI, area and Shoreline Sheboygan, WI, areas, respectively, to attainment of the 2008 ozone NAAQS. In those proposed rulemakings, EPA correctly indicated that redesignation for the more stringent 2008 ozone NAAQS would satisfy the obligation to adopt anti-backsliding requirements under the 1997 ozone NAAQS as codified at 40 CFR 51.1105(a)(1) and 40 CFR 51.1100(o). In the preamble to EPA’s July 10, 2020, final redesignation of the Inland Sheboygan, WI, area [85 FR 41400], EPA incorrectly stated that the revoked 1997 ozone NAAQS was not at issue in the redesignation, and upon EPA’s concurrent final redesignation of the Shoreline Sheboygan, WI, area [85 FR 41405], EPA failed to comment on any applicability to the revoked 1997 ozone NAAQS. In fact, as specified in EPA’s March 6, 2015 “SIP Requirements Rule” for the 2008 ozone NAAQS [80 FR 12264], approval of a request for redesignation to attainment for the 2008 ozone NAAQS signifies that the state has satisfied its obligations to adopt anti-backsliding requirements for the revoked 1997 ozone NAAQS. South Coast Air Quality Management District v. EPA, 882 F.3d 1138, 1151–52 (D.C. Cir. 2018).
that notwithstanding that general rule, “a petition for review of any action . . . may be filed only in the United States Court of Appeals for the District of Columbia if such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.” Because this final action makes findings regarding the attainment status of areas across the country, in multiple EPA regions and within the jurisdictions over multiple U.S. Circuit Courts of Appeal, the Administrator finds that this action has nationwide scope and effect. Therefore, in accordance with CAA section 307(b)(1), petitions for review of this final action may be filed only in the United States Court of Appeals for the District of Columbia Circuit. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings for enforcement.

List of Subjects In 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements and Volatile organic compounds.

Michael S. Regan, Administrator.

For the reasons stated in the preamble, part 52, title 40, chapter 1 of the Code of Federal Regulations are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

§ 52.2585 Control strategy: Ozone.

Subpart F—California

§ 52.282 Control strategy: Ozone.

Subpart YY—Wisconsin

§ 52.2585 Control strategy: Ozone.

Subpart G—Colorado

§ 52.282 Control strategy: Ozone.

Subpart HH—New York

§ 52.282 Control strategy: Ozone.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 150623546–6395–02; RTID 0648–XB228]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2021 Closure for Spiny Lobster in the U.S. Caribbean Off Puerto Rico

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

ACTION: Temporary rule; closures.

SUMMARY: NMFS implements an accountability measure (AM) for spiny lobster in the U.S. Caribbean exclusive economic zone (EEZ) around Puerto Rico. NMFS has determined that the annual catch limit (ACL) for spiny lobster in Puerto Rico was exceeded based on average landings during the 2017 through 2019 fishing years. Therefore, NMFS reduces the length of the 2021 fishing season for spiny lobster in the EEZ around Puerto Rico by the amount necessary to ensure that landings do not exceed the ACL. This AM is necessary to protect the spiny lobster resource in the EEZ around Puerto Rico.