

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

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

- 2. Section 52.282 is amended by adding paragraph (l) to read as follows:

§ 52.282 Control strategy and regulations: Ozone.

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(l) *Determination of attainment by the attainment date.* Effective August 30, 2021. On February 21, 2019, the EPA determined that San Francisco Bay Area, CA, attained the revoked 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) by the applicable attainment date of June 15, 2007. The determination was based upon complete quality-assured and

certified data for the 3 calendar years 2004–2006. Further, the EPA determined that the Ventura County, CA, area attained the standards for the revoked 1997 8-hour NAAQS by the applicable attainment date of June 15, 2013. The determination was based upon complete quality-assured and certified data for the 3 calendar years 2010–2012.

Subpart G—Colorado

- 3. Section 52.350 is amended by adding paragraph (d) to read as follows:

§ 52.350 Control strategy: Ozone.

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(d) Determination of attainment by the attainment date for the revoked 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS). Effective August 30, 2021. On November 13, 2020, the EPA determined that Denver-Boulder-Greeley-Ft. Collins-Loveland, CO, attained the revoked 1997 8-hour ozone NAAQS by the applicable attainment date of November 20, 2010. The determination was based upon complete quality-assured and certified data for the three calendar years 2007–2009.

Subpart HH—New York

- 4. Section 52.1683 is amended by adding paragraph (s) to read as follows:

§ 52.1683 Control strategy: Ozone.

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(s) Determination of attainment by the attainment date. Effective August 30, 2021. On February 4, 2019, the EPA determined that certain areas in New York attained the revoked 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) by the applicable attainment date of June 15, 2010. The determination was based upon complete quality-assured and certified data for the 3 calendar years 2007–2009 for the following areas:

- (1) Buffalo-Niagara Falls, NY (consisting of Erie and Niagara Counties).
- (2) Jamestown, NY (consisting of Chautauqua County).
- (3) Jefferson County, NY (consisting of Jefferson County).
- (4) Poughkeepsie, NY (consisting of Dutchess, Orange and Putnam Counties).

Subpart YY—Wisconsin

- 5. Section 52.2585 is amended by adding paragraph (oo) to read as follows:

§ 52.2585 Control strategy: Ozone.

* * * * *

(oo) Determination of attainment by the attainment date. Effective August 30, 2021. Effective August 30, 2021. On February 8, 2019, the EPA determined the Sheboygan County, WI, area attained the revoked 1997 8-hour ozone NAAQS by the attainment date of June 15, 2010. On July 15, 2019, the EPA revised the designation for the Sheboygan County, WI, area for the revoked 1997 8-hour ozone NAAQS and the 2008 8-hour ozone NAAQS, by splitting the original full-county area into the separate Inland Sheboygan County, WI, and Shoreline Sheboygan County, WI, areas. On July 10, 2020, EPA redesignated both the Inland Sheboygan County, WI, nonattainment area [85 FR 41400] and the Shoreline Sheboygan County, WI, nonattainment area [85 FR 41405] to attainment for the 2008 8-hour ozone NAAQS. Therefore, under 40 CFR 51.1105(b)(1), the areas are no longer subject to the anti-backsliding obligations for the revoked 1997 ozone NAAQS under 40 CFR 51.1105(a)(1).

[FR Doc. 2021–15106 Filed 7–28–21; 8:45 am]

BILLING CODE 6560–50–P

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 in 2021. This AM is necessary to protect the spiny lobster resource in the EEZ around Puerto Rico.

DATES: This temporary rule is effective from 12:01 a.m., local time, on August 22, 2021, through September 30, 2021.

FOR FURTHER INFORMATION CONTACT:

Sarah Stephenson, NMFS Southeast Regional Office, telephone: 727-824-5305, email: sarah.stephenson@noaa.gov.

SUPPLEMENTARY INFORMATION: The spiny lobster fishery of the U.S. Caribbean is managed under the Fishery Management Plan for Spiny Lobster of Puerto Rico and the U.S. Virgin Islands (USVI) (Spiny Lobster FMP). The Spiny Lobster FMP was prepared by the Caribbean Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On June 26, 2020, NMFS published in the **Federal Register** a notice of availability for three island-based FMPs and requested public comment (85 FR 38350). On September 21, 2020, the Secretary of Commerce approved the three island-based FMPs under section 304(a)(3) of the Magnuson-Stevens Act. The three island-based FMPs replace the four U.S. Caribbean-wide FMPs, including the Spiny Lobster FMP. However, NMFS is still developing regulations to implement management measures for the three island-based FMPs. Therefore, this temporary rule implements the AM based on the Spiny Lobster FMP under regulations located at 50 CFR 622.12(a)(3).

The final rule implementing the 2011 Caribbean ACL Amendment, which included Amendment 5 to the Spiny Lobster FMP, among others, established an ACL and AM for spiny lobster in each island management area in the U.S. Caribbean (76 FR 82414, December 30, 2011). For Puerto Rico, the ACL for spiny lobster is 327,920 lb (148,742 kg), round weight. In accordance with regulations at 50 CFR 622.12(a)(3), if NMFS estimates landings have exceeded the spiny lobster ACL, based on an evaluation of a moving multi-year average of landings, NMFS will reduce the length of the fishing season for spiny lobster by the amount necessary to ensure landings do not exceed the ACL. If NMFS determines the ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season.

Based on the most recent available landings data from the 2017-2019 fishing years, NMFS has determined that the spiny lobster ACL for Puerto Rico was exceeded. In addition, NMFS

determined that the ACL was exceeded because of increased catch and not as a result of enhanced data collection and monitoring efforts.

This temporary rule implements an AM for spiny lobster to reduce the length of the 2021 fishing season to ensure that landings do not exceed the spiny lobster ACL in the 2021 fishing year. Therefore, the spiny lobster fishery in the EEZ around Puerto Rico is closed from 12:01 a.m., local time, on August 22, 2021, through September 30, 2021. The EEZ around Puerto Rico consists of those waters seaward of the 9-nmi (16.7-km) boundary around the Commonwealth of Puerto Rico.

During the closure period for spiny lobster announced in this temporary rule, both the commercial and recreational sectors are closed. Spiny lobster in or from the EEZ around Puerto Rico may not be harvested, possessed, purchased, or sold, and the bag and possession limits are zero.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.12(a)(3), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rules implementing the ACL and the associated AM have already been subject to notice and public comment, and all that remains is to notify the public of the closure. Such procedures are also contrary to the public interest because of the need to immediately implement the closure to protect the spiny lobster stock around Puerto Rico. The ACL has been exceeded based on an evaluation of available landings from the 2017-2019 fishing years. Prior notice and opportunity for public comment would require time and could result in additional harvest that could negatively affect NMFS' ability to control harvest this fishing year within the established ACL.

For the aforementioned reasons, there is good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: July 26, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021-16170 Filed 7-28-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210210-0018]

RTID 0648-XB141

Fisheries of the Exclusive Economic Zone Off Alaska; Reapportionment of the 2021 Gulf of Alaska Pacific Halibut Prohibited Species Catch Limits for the Trawl Deep-Water and Shallow-Water Fishery Categories

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

ACTION: Temporary rule; reapportionment.

SUMMARY: NMFS is reapportioning the seasonal apportionments of the 2021 Pacific halibut prohibited species catch (PSC) limits for the trawl deep-water and shallow-water species fishery categories in the Gulf of Alaska. This action is necessary to account for the actual halibut PSC use by the trawl deep-water and shallow-water species fishery categories from May 15, 2021 through June 30, 2021. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), July 27, 2021 through 2400 hours, A.l.t., December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Gulf of Alaska (GOA) exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 final 2021 and 2022 harvest specifications for groundfish in the GOA (86 FR 10184, February 19, 2021) apportions the 2021 Pacific halibut PSC