

C. Federalism and Indian Tribal Governments

We have analyzed this proposed rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this proposed rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This proposed rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this will be in the docket.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2026–1057 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. We will post public comments in our online docket. Additional information is on the <https://www.regulations.gov> Frequently Asked Questions web page.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

- 2. Add § 165.T07–1057 to read as follows:

§ 165.T07–1057 Safety Zone; Bayfront Park, Miami, FL

(a) **Location.** The following area is a safety zone: All waters of Biscayne Bay, from surface to bottom, encompassed by a line connecting the following points beginning at 25°46.56174’ N, 80°11.00034’ W, thence to 25°46.33974’ N, 80°10.9881’ W, thence to 25°46.31904’ N, 80°11.09454’ W, thence to 25°46.52172’ N, 80°11.09376’ W. These coordinates are based on the World Geodetic System (WGS 84).

(b) **Definitions.** As used in this section, *designated representative* means a Coast Guard Patrol

Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Miami (COTP) in the enforcement of the safety zone.

(c) **Regulations.** (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP’s designated representative.

(2) To seek permission to enter, contact the COTP or the COTP’s representative on VHF–FM channel 16 or by telephone at (305) 535–4472. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative.

(d) **Enforcement period.** This section will be enforced from 10 a.m. to 5 p.m. on October 31, 2026.

F.J. Florio,

Captain, U.S. Coast Guard, Captain of the Port Sector Miami.

[FR Doc. 2026–20491 Filed 10–5–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2024–0078; FRL–11650–03–OAR]

RIN 2060–AW33

Initial Air Quality Designations for the 2024 Revised Primary Annual Fine Particle (PM_{2.5}) National Ambient Air Quality Standards (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; opportunity for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is providing notice of the Agency’s intended approach for area designations for the 2024 primary annual fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) (the 2024 annual PM_{2.5} NAAQS) under Clean Air Act (CAA) section 107(d). Details regarding these designations, as well as the EPA’s notifications to States, territories, and Tribes regarding their initial area designations are accessible via the Agency’s website and public electronic docket. With this notice, the EPA is providing an opportunity for public comment on its intended approach for finalizing area designations during the comment period

specified in the **DATES** section. The EPA sent notifications directly to applicable States, territories, and Tribes regarding their initial area designations on or about October 2, 2026, and anticipates promulgating final designations consistent with CAA requirements.

DATES: Comments must be received on or before November 5, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OAR-2024-0078, by any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov> (the EPA's preferred method). Follow the online instructions for submitting comments.

- **Email:** a-and-r-docket@epa.gov. Include Docket ID No. EPA-HQ-OAR-2024-0078 in the subject line of the message.

- **Mail:** U.S. Environmental Protection Agency, EPA Docket Center, Office Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- **Hand Delivery or Courier (by scheduled appointment only):** EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. For information on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: For information on this notice of data availability, contact Gabrielle Deabler, U.S. Environmental Protection Agency, Office of State Air Partnerships, Air

Quality Planning Division, P.O. Box 12055, Mail Code: C541G, Research Triangle Park, NC 27709; telephone number: (919) 541-5766; email address: deabler.gabrielle@epa.gov or Andrew Leith, U.S. Environmental Protection Agency, Office of State Air Partnerships, Air Quality Planning Division, P.O. Box 12055, Mail Code: C541D, Research Triangle Park, NC 27709; telephone number: (919) 541-1069; email address: leith.andrew@epa.gov.

Regional Office Contacts

The following serve as points of contact for inquiries related to specific areas within the respective EPA Regional offices. The information can also be reviewed online at <https://www.epa.gov/particle-pollution-designations> and in the public docket for these 2024 annual PM_{2.5} NAAQS designations at <https://www.regulations.gov> under Docket ID No. EPA-HQ-OAR-2024-0078.

EPA regional office contacts	Affected states
EPA Region 1, Lynne Hamjian, Hamjian.Lynne@epa.gov	CT, ME, MA, NH, RI, VT.
EPA Region 2, Richard Ruvo, Ruvo.Richard@epa.gov	NJ, NY, Puerto Rico, U.S. Virgin Islands.
EPA Region 3, Michael Dunn, Dunn.Michael@epa.gov	DE, DC, MD, PA, VA, WV.
EPA Region 4, Denisse Diaz, Diaz.Denisse@epa.gov	AL, FL, GA, KY, MS, NC, SC, TN.
EPA Region 5, John Mooney, Mooney.John@epa.gov	IL, IN, MI, MN, OH, WI.
EPA Region 6, James McDonald, McDonald.James@epa.gov	AR, LA, NM, OK, TX.
EPA Region 7, Dana Skelley, Skelley.Dana@epa.gov	IA, KS, MO, NE.
EPA Region 8, Adrienne Sandoval, Sandoval.Adrienne@epa.gov	CO, MT, ND, SD, UT, WY.
EPA Region 9, Anita Lee, Lee.Anita@epa.gov	AZ, CA, HI, NV, American Samoa, Commonwealth of the Northern Mariana Islands, Guam.
EPA Region 10, Angeles Herrera, Herrera.Angeles@epa.gov	AK, ID, OR, WA.

SUPPLEMENTARY INFORMATION:

Docket. The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2024-0078. All documents in the docket are listed in <https://www.regulations.gov>. Although listed, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available as PDF versions that can only be accessed on the EPA computers in the docket office reading room. Certain databases and physical items cannot be downloaded from the docket but may be requested by contacting the docket office at (202) 566-1744. With the exception of such material, publicly available docket materials and a plain language summary of the action are available electronically at <https://www.regulations.gov>.

Written Comments. Submit your comments, identified by Docket ID No.

EPA-HQ-OAR-2024-0078, at <https://www.regulations.gov> (the EPA's preferred method) or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA will publish any comment received to the Agency's public docket. Do not submit to the EPA's docket at <https://www.regulations.gov> any information you consider to be CBI, Proprietary Business Information (PBI), or other information the disclosure of which is restricted by statute. This type of information should be submitted as discussed below. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets>

for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

Submitting CBI. Do not submit information containing CBI to the EPA through <https://www.regulations.gov>. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, note the docket ID, mark the outside of the digital storage media as CBI, and identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in **Written Comments** section above. If you submit any digital storage media that does not

contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI and note the docket ID. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

Our preferred method to receive CBI is electronic transmission using email attachments, File Transfer Protocol (FTP), or other online file sharing services (e.g., Dropbox, OneDrive, Google Drive). Electronic submissions must be transmitted directly to the Office of State Air Partnerships (OSAP) CBI Office at the email address osapcbi@epa.gov and, as described above, should include clear CBI markings and note the docket ID. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email osapcbi@epa.gov to request a file transfer link. If sending CBI information through the postal service, please send it to the following address: U.S. Environmental Protection Agency, Attn: OSAP Document Control Officer, Mail Drop: C404-02, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA-HQ-OAR-2024-0078. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

Preamble acronyms and abbreviations. Throughout this preamble, the use of "we," "us," or "our" is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
DV Design Value
EPA Environmental Protection Agency
FR Federal Register
FTP File Transfer Protocol
NAAQS National Ambient Air Quality Standard or Standards
OSAP Office of State Air Partnerships
PBI Proprietary Business Information
PM Particulate Matter
SIP State Implementation Plan
TAS Treatment in a Similar Manner as a State
U.S.C. United States Code

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I. Overview

Under CAA section 107(d), the EPA is to issue area designations upon promulgation of a new or revised NAAQS. On February 7, 2024, the EPA promulgated revisions to the primary annual PM_{2.5} NAAQS to a level of 9.0 micrograms per cubic meter (µg/m³) as described in 40 CFR 50.20.¹ On July 17, 2026, the Northern District Court of California ordered the EPA to publish final designations for all areas of the country no later than February 6, 2027.² Although EPA is appealing the order, EPA is also moving forward in the absence of action from the judiciary, to complete the designations.

As a general matter, the first step in the designations process is for the Governors of States and territories, and Tribes, if they so choose, to submit initial area designations to the EPA. Whenever the EPA intends to modify a Governor's initial designation, the Agency must notify the State, territory, or Tribe no later than 120 days prior to promulgating final designations.³ These notifications are informally referred to as 120-day letters.

This notice of availability provides notice of the EPA's intended approach for designations for the 2024 annual PM_{2.5} NAAQS under CAA section 107(d)(1)(B). The EPA invites public input regarding area designations during the 30-day comment period announced in this notice. To receive full consideration, input from the public must be submitted to the docket by the date provided in the **DATES** section of this document. This notice and opportunity for public comment does not affect any rights or obligations of any State, territory, or Tribe, or of the EPA, which might otherwise exist pursuant to CAA section 107(d).

II. Legal Authority

Following promulgation of a new or revised NAAQS, CAA section 107(d) requires the EPA to designate areas of the country as attainment, nonattainment, or unclassifiable for that NAAQS. CAA section 107(d)(1)(A)(i)–

(iii) defines: (i) nonattainment, as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the NAAQS; (ii) attainment, as any area (other than an area identified in clause (i)) that meets the NAAQS; and (iii) unclassifiable, as any area that cannot be classified on the basis of available information as meeting or not meeting the NAAQS. Generally, the designations process involves identifying areas of the country that either meet or do not meet the NAAQS, along with any nearby areas that are causing or contributing to NAAQS violations. The EPA calculates design values (DVs) at monitors to determine whether a given area has met the 2024 annual PM_{2.5} NAAQS, based on procedures outlined in 40 CFR part 50, Appendix N.⁴ The 2024 annual PM_{2.5} NAAQS is met at an ambient air quality monitoring site when the annual arithmetic mean, averaged over three years (i.e., the DV) is less than or equal to 9.0 µg/m³.

In accordance with the statutory timeline prescribed under CAA section 107(d)(1)(A), Governors of each State or territory were required to submit a list of initial designations for all areas of their State or territory by February 7, 2025. Though not required, Tribal governments were encouraged to submit initial designations for their respective areas of Indian Country.⁵ These submissions generally relied on the 2021–2023 DVs and other information relevant to that time period. When promulgating final designations, the EPA will use the most recently available ambient air monitoring data and other information. The EPA intends to rely on DVs from the 2023–2025 period for promulgating final area designations.

The EPA evaluates the initial area designation submissions from States,

⁴ In accordance with 40 CFR part 50 Appendix N, PM_{2.5} measurements from the primary monitor and suitable collocated PM_{2.5} Federal Reference Method (FRM) or Federal Equivalent Method (FEM) may be used in a "combined site data record" to establish a PM_{2.5} design value to determine whether the NAAQS is met or not met at a particular PM_{2.5} monitoring site. For final area designations, the EPA intends to rely on Air Quality System (AQS) data from 2023–2025.

⁵ After promulgation of a new or revised NAAQS, each Governor or Tribal leader has an opportunity to submit initial area designations to the EPA. Consistent with the approach outlined in the EPA's 2011 Policy for Establishing Separate Air Quality Designations for Areas of Indian Country, in circumstances in which the Agency either does not receive an initial area designation letter from a Tribe, or receives a letter that does not specify designation of a separate area, the Agency intends to designate the relevant Tribe's Indian country as part of the surrounding multi-jurisdictional area. See memorandum from Stephen D. Page to Regional Air Directors, Regions 1–10, <https://www.epa.gov/sites/default/files/2015-09/documents/20120117indiancountry.pdf>.

¹ 89 FR 16202 (Mar. 6, 2024).

² *All. of Nurses for Healthy Env'ts v. Zeldin*, No. 26–cv–03118–HSG (N.D. Cal. July 17, 2026).

³ The EPA notified Tribes that have obtained treatment in a similar manner as a state (TAS) under CAA section 301(d) and 40 CFR part 49 for purposes of CAA section 107(d), and those Tribes that may be affected by a nonattainment designation in the relevant State.

the District of Columbia, territories, and Tribes as part of the Agency's duty to promulgate final designations for a new or revised NAAQS. CAA section 107(d)(1)(B)(ii) provides that, whenever the EPA intends to modify an initial designation for a State, territory, or Tribe, the Agency must notify the State, territory, or Tribe no later than 120 days before the date the Administrator promulgates final designations. CAA section 107(d)(1)(B)(ii) further requires the EPA to provide such State with an opportunity to demonstrate why any potential modification is inappropriate. Although not required by the CAA, the EPA has issued letters notifying all States, the District of Columbia, territories, and certain Tribes of EPA's intended approach for finalizing designations, including instances where the State, territory, or Tribe declined to submit an initial area designation. The EPA's 120-day letters requested that the States provide additional information to the Agency within 30 days of receipt of the letters.

III. The EPA's Intended Approach to Area Designations

A. What is the EPA's intended approach for area designations?

Consistent with CAA section 107(d)(1), the EPA has conducted an evaluation of the most recent and relevant air quality information available. This includes evaluation of the complete and certified PM_{2.5} ambient air quality monitoring data, including the 2021–2023 DVs on which States, the District of Columbia,

territories, and Tribes, based their initial designation submissions. Additionally, the EPA evaluated and utilized the most recent complete and certified PM_{2.5} air quality monitoring data, including the 2023–2025 DVs, and other available technical information pertinent to these designations. Furthermore, the EPA considered the information submitted from States, the District of Columbia, territories, and Tribes in their initial area designations.

On or about October 2, 2026, in accordance with CAA section 107(d)(1)(B)(ii), the EPA completed its obligation to notify States of any intended modification to initial designations no later than 120-days prior to promulgating final designations. The EPA notified all States, the District of Columbia, territories, and certain Tribes as to whether the EPA intends to modify aspects of the State's initial designations for the 2024 annual PM_{2.5} NAAQS. With respect to State initial designations that indicated “attainment,” and where the EPA functionally agrees with the State recommendation, the Agency intends to designate those States as “attainment/unclassifiable.” As a functional matter, there is no change for those States; the statutory and regulatory burdens of “attainment” and “attainment/unclassifiable” are the same.

Information may be submitted to the EPA's public docket regarding these intended designations at EPA–HQ–OAR–2024–0078, available at www.regulations.gov. Pursuant to CAA section 107(d)(1)(B) and following

consideration of any additional information the EPA receives, the Agency anticipates completing final designations consistent with CAA requirements and in a timely manner commensurate with any applicable court order. The EPA is available to assist States, the District of Columbia, territories, and Tribes with any outstanding matters concerning appropriate designations for all remaining areas.

B. Where can I find information related to these designations?

Information is provided in the individual 120-day letters themselves and the dataset(s) included in the docket. The relevant datasets, technical assistance documents, applicable EPA guidance memoranda, and copies of correspondence regarding this process between the Agency and the States, along with other parties, are available for review at the public docket for these 2024 annual PM_{2.5} NAAQS designations at <http://www.regulations.gov> under Docket ID No. EPA–HQ–OAR–2024–0078, at the EPA Docket Center listed in the **FOR FURTHER INFORMATION CONTACT** section of this document, and on the Agency's Particulate Matter Designations website at <https://www.epa.gov/particle-pollution-designations>.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2026–20468 Filed 10–5–26; 8:45 am]

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