

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

A. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This amended proposed action will apply, if finalized as proposed, to certain areas of Indian country throughout Oklahoma as discussed in the preamble, and therefore has tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Oklahoma tribe implements a regulatory program under the CAA, and thus does not have applicable or related tribal laws. Consistent with the EPA Policy on Consultation with Indian Tribes (December 7, 2023), the EPA has offered consultation to tribal governments that may be affected by this action and provided information about this action.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

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

Dated: June 26, 2025.

James McDonald,

Director, Air & Radiation Division, Region 6.

[FR Doc. 2025-12520 Filed 7-3-25; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 121

[EPA-HQ-OW-2025-0272; FRL-12813-01-OW]

Establishment of Public Docket and Listening Sessions on Implementation Challenges Associated With Clean Water Act Section 401

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public listening sessions; request for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) will initiate a series of stakeholder listening sessions and invite written feedback on regulatory uncertainty or implementation challenges associated with the Clean Water Act (CWA) section 401 certification process as defined in the 2023 Water Quality Certification Improvement Rule. The Agency will use this input to determine whether guidance or rulemaking are necessary to address identified areas of regulatory uncertainty or implementation challenges regarding the scope of certification. The Agency also seeks stakeholder input related to CWA section 401(a)(2) implementation.

DATES: Written feedback must be received on or before August 6, 2025.

ADDRESSES: You may send written feedback, identified by Docket ID No. EPA-HQ-OW-2025-0272, by any of the following methods:

• **Federal eRulemaking Portal:** <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting written feedback.

• **Email:** OW-Docket@epa.gov. Include Docket ID No. EPA-HQ-OW-2025-0272 in the subject line of the message.

Instructions: All submissions received must include the Docket ID No. EPA-HQ-OW-2025-0272. Written feedback received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending written recommendations and additional information on the forthcoming listening sessions, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Lauren Kasperek, Oceans, Wetlands and Communities Division, Office of Water (4502-T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202)-564-3351; email address: cwa401@epa.gov.

SUPPLEMENTARY INFORMATION: Section 401 of the Federal Water Pollution Control Act (FWPCA, also commonly known as the Clean Water Act or CWA) authorizes States¹ and authorized

Tribes² to play a specific role in Federal licensing or permitting processes. Under CWA section 401, a Federal Agency may not issue a license or permit to conduct any activity that may result in any discharge into navigable waters, unless the State or Tribe where the discharge would originate either certifies “that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307” of the CWA or waives certification. 33 U.S.C. 1341(a)(1). When granting a CWA section 401 certification, States and Tribes may include conditions, including “effluent limitations and other limitations, and monitoring requirements” that are necessary to assure that the applicant for a Federal license or permit will comply with applicable provisions of CWA sections 301, 302, 306, and 307, and with “any other appropriate requirement of State law.” *Id.* at 1341(d).

Congress originally established the water quality certification requirement in section 21(b) of the Water Quality Improvement Act of 1970. The EPA promulgated regulations implementing this water quality certification requirement in 1971. Congress subsequently enacted CWA section 401 in 1972 amendments to the FWPCA that borrowed from the text of the earlier statutory provision but also differed in material respects.³

In 2020, the EPA amended its regulations regarding water quality certification at 40 CFR part 121 for the first time since enactment of CWA section 401. Clean Water Act Section 401 Certification Rule, 85 FR 42210 (July 13, 2020). The EPA promulgated revisions to the 2020 Rule in September 2023. Clean Water Act Section 401 Water Quality Certification Improvement Rule (2023 Rule), 88 FR 66558 (September 27, 2023). The 2020 Rule and 2023 Rule differed in material respects, including on several of the issues set out below.

One central aspect of water quality certification is the scope of certification. The scope of certification refers to the extent of a certifying State or authorized Tribe’s analysis when it evaluates a request for certification to determine whether it will deny certification, waive certification, or grant certification, including any conditions to include in a grant of certification. The 2023 Rule provides that when a certifying

¹ The CWA defines “state” as “a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.” 33 U.S.C. 1362(3).

² Authorized Tribes refers to Tribes that have been approved for treatment in a manner similar to a State status for CWA section 401. See 33 U.S.C. 1377(e).

³ 36 FR 22487 (November 25, 1971), redesignated at 37 FR 21441 (October 11, 1972), further redesignated at 44 FR 32899 (June 7, 1979).

authority reviews a request for certification, the certifying authority “shall evaluate whether the activity will comply with applicable water quality requirements.” 40 CFR 121.3. The 2023 Rule defined “water quality requirements” broadly as “any limitation, standard or other requirement under sections 301, 302, 303, 306, and 307 of the Clean Water Act,” as well as “any Federal and state or Tribal laws or regulations implementing those sections, and any other water quality-related requirement of state or Tribal law.” 40 CFR 121.1(j). It further provides that the certifying authority’s evaluation is “limited to the water quality-related impacts from the activity subject to the Federal license or permit, including the activity’s construction and operation.” Finally, it provides that a certifying authority “shall include any conditions in a grant of certification necessary to assure that the activity will comply with applicable water quality requirements.” 40 CFR 121.3.

Recently, some stakeholders have raised questions about applications of the 2023 Rule’s scope of certification.⁴ The Agency recently released a memorandum titled *Clarification regarding Application of Clean Water Act Section 401 Certification* to reiterate the EPA’s longstanding position that States and Tribes must utilize CWA section 401 only for its statutory purpose—to protect water quality. Memorandum from Peggy S. Browne, Acting Assistant Administrator for Water, *Clarification regarding Application of Clean Water Act Section 401 Certification*, May 21, 2025. As noted in the Memorandum, the Agency is interested in State, Tribal, project proponent, and public input regarding any regulatory uncertainty and implementation challenges related to the 2023 Rule. The Agency intends to use input received through the listening sessions and the recommendations docket announced in this notice to inform future guidance or rulemaking efforts to address regulatory uncertainty or implementation challenges. The Agency will not be providing specific written responses to input received through the listening sessions or recommendations docket.

⁴ See, e.g., America Builds: Clean Water Permitting and Project Delivery Hearing before Subcommittee on Water Resources and Environment, 119th Cong. (2025) (statement of Robert D. Singletary, Executive Director, Oklahoma Department of Environmental Quality; statement of Noah Hanners, Executive Vice President, Nucor Corporation, on behalf of the National Association of Manufacturers).

Questions for Consideration

To assist the Agency in addressing implementation challenges and regulatory uncertainty related to the 2023 Rule’s scope of certification as well as in considering experiences related to CWA section 401 implementation, the Agency is seeking input on the following issues:

1. *Defining the scope of certification generally and the scope of certification conditions.* The rule defines the scope of certification, which includes both the scope of certification review under CWA section 401(a) and the scope of certification conditions under CWA section 401(d), as requiring a certifying authority to “evaluate whether the activity will comply with applicable water quality requirements.” 40 CFR 121.3. However, CWA section 401(a)(1) refers specifically to “discharge into the navigable waters” and requires that “such discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of this Act.” Public Law 92–500, 401(a)(1), 86 Stat. 816 (Oct. 18, 1972). Therefore, the Agency is seeking stakeholder input on the 2023 Rule’s interpretation of the scope of certification and certification conditions, including but not limited to, the legal rationale for interpreting scope as applicable to the “discharge” versus the “activity” and whether the Agency should clarify or revise its interpretation of scope of certification. The Agency also seeks input on whether justification is necessary to demonstrate that certification conditions included in a certification decision are within the appropriate scope, and whether further clarification is needed on the waters considered in acting on a request for certification, also known as applicable waters. Submission of any examples of specific legal vulnerabilities, implementation challenges, or regulatory uncertainty related to the 2023 Rule are encouraged.

2. *Water quality requirements.* The rule defines “water quality requirements,” as “any limitation, standard, or other requirement under sections 301, 302, 303, 306, and 307 of the Clean Water Act, any Federal and state or Tribal laws or regulations implementing those sections, and any other water quality-related requirement of state or Tribal law.” 40 CFR 121.1(j). The Agency is seeking stakeholder input on the definition of “water quality requirements” including but not limited to, whether the Agency should further clarify or revise its interpretation of the statutory phrase “other appropriate requirements of State law” from CWA section 401(d), whether the Agency

should clarify or revise the definition of “water quality requirements,” and any legal rationale for such clarifications or revisions.

3. *Neighboring Jurisdictions.* The Agency seeks data or information from stakeholders about how the Agency should consider whether a neighboring jurisdiction’s water quality may be affected by discharge for purposes of 401(a)(2) and whether there are parameters to consider in making this determination.

4. *Categorical Determinations under 401(a)(2).* The Agency requests data or information from stakeholders on whether there are specific types of activities, geographic regions, types of waterbodies, or other types of circumstances, etc., which may support the Agency establishing a categorical determination that the quality of no neighboring jurisdiction’s waters may be affected by discharge in such circumstances.

5. *Stakeholder Input on 401 Certification Experiences.* The Agency seeks data and information from stakeholders on their experiences with the 2023 Rule, including certification procedures, the 401(a)(2) process, and the application of treatment in a similar manner as a state (TAS) solely for section 401, in particular related to areas where challenges were identified, areas for improvement, areas for increased transparency, areas for positive engagement, and best practices or lessons learned from the stakeholder perspective which may assist the Agency in identifying any areas for simplifying certification procedures or improving Agency business processes.

6. *Data and Other Information.* The Agency requests data or information from stakeholders about the application of the 2023 Rule’s scope of certification, including but not limited to, examples of certification decisions issued under the 2023 Rule that are believed to exceed the 2023 Rule’s scope of certification.

Outreach

In addition to the solicitation of public comments through the docket, the Agency intends to host two webinar-based listening sessions to solicit feedback on the questions identified above. Stakeholders will have the opportunity to provide input to the Agency on the questions provided above for the Agency’s consideration. Information on the listening session dates, times, and registration instructions will be made available at a later date on the EPA’s website, located at <https://www.epa.gov/cwa-401>. Persons or organizations wishing to

provide verbal input during a listening session will need to pre-register. Due to the expected number of participants, individuals will be asked to limit their oral presentation to three minutes. Supporting materials and written feedback from those who do not have an opportunity to speak may be submitted to the docket as described above.

Peggy S. Browne,

Acting Assistant Administrator, Office of Water, Environmental Protection Agency.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 51, 54, 61, and 69

[WCB: WC Docket No. 20-71; DA 25-508; FR ID 299746]

Wireline Competition Bureau Seeks To Refresh Record on Telephone Access Charges

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Wireline Competition Bureau (Bureau) invites interested parties to update the record on issues in the Telephone Access Charges proceeding regarding various end-user charges associated with interstate access service offered by incumbent local exchange (LEC) carriers. These charges, called Telephone Access Charges for short, include: the Subscriber Line Charge, the Access Recovery Charge, the Presubscribed Interexchange Carrier Charge, the Line Port Charge, and the Special Access Surcharge.

DATES: Comments are due on or before August 6, 2025. Reply comments are due on or before August 21, 2025.

ADDRESSES: Interested parties may file comments and reply comments identified by WC Docket No. 20-71 using the Commission's Electronic Comment Filing System (ECFS) at <https://www.fcc.gov/ecfs/>. Parties choosing to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission. Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis

Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Marv Sacks, Pricing Policy Division of the Wireline Communications Bureau, at (202) 418-1520 or via email at marvin.sacks@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of a document requesting interested parties to refresh the record in the Commission's Notice of Proposed Rulemaking in WC Docket No. 20-71, FCC 20-40, released on April 1, 2020, 85 FR 30899. The full text of the document may be obtained at the following internet address: <https://docs.fcc.gov/public/attachments/DA-25-508A1.pdf>. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov, or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

Paperwork Reduction Act. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.

Synopsis

1. By this document, the Wireline Competition Bureau (Bureau) invites interested parties to update the record on issues raised by the Commission in the 2020 NPRM (85 FR 30899) regarding various end-user charges associated with interstate access service offered by incumbent local exchange (LEC) carriers. These charges, called Telephone Access Charges for short, include: the Subscriber Line Charge, the Access Recovery Charge, the

Presubscribed Interexchange Carrier Charge, the Line Port Charge, and the Special Access Surcharge.

2. In the document, the Commission invited comment on its proposal to eliminate ex ante pricing regulation of Telephone Access Charges and require incumbent and competitive LECs to detariff these charges. 47 CFR 51.915(e), 51.917(e), 69.115, 69.152, 69.153, 69.157. In addition, the Commission sought comment on an alternative approach under which it would eliminate ex ante price regulation and require detariffing of Telephone Access Charges only in areas where certain conditions are met. The Commission also sought comment on permissive detariffing of Telephone Access Charges for some categories of carriers. Given that some Telephone Access Charges are used to calculate contributions to the federal Universal Service Fund (USF) and other federal programs, and to calculate some high-cost universal service support, the Commission proposed ways to address these issues. Under this proposal a carriers would have the option to use traffic studies to determine its contributions base rather than the proposed safe harbor.

3. Over the past five years, local exchange carriers' market share has declined while mobile and interconnected VoIP providers' market share has increased. From December 2018 to June 2024, the share of total voice subscribers served by incumbent local exchange carriers decreased from about 10.0% to 4.8%. We seek comment on whether and how these marketplace trends, as well as any state regulatory changes, bear on the Commission's proposals or might affect any interested party's position on the Commission's proposals in the Notice. Has any market consolidation affected parties' positions on the questions in the Notice?

4. We seek to refresh the record on these issues consistent with the Commission's commitment to eliminate outdated and unnecessary regulations and in light of developments that may have occurred since the Notice was released. For instance, the Commission in a Public Notice, GN Docket No. 25-133, DA 25-219, released March 12, 2025, emphasized the importance of evaluating rules based on the following criteria: cost-benefit considerations, whether the rule places disproportionate burdens on regulated entities, experience gained from the rule's implementation, marketplace and technological changes, and whether changes in the broader regulatory context demonstrate that particular Commission rules are unnecessary or inappropriate. We encourage parties to