FEDERAL REGISTER

Vol. 91 Tuesday,

No. 3 January 6, 2026

Pages 331–444

OFFICE OF THE FEDERAL REGISTER

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Contents

Federal Register

Vol. 91, No. 3

Tuesday, January 6, 2026

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

40 CFR
51 331
52 (3 documents) 335, 336, 337
81 339
Proposed Rules:
141 398
142 398

47 CFR
1 343
64 343

Rules and Regulations

Federal Register

Vol. 91, No. 3

Tuesday, January 6, 2026

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[EPA–HQ–OAR–2023–0262; FRL–12160–02–OAR]

RIN 2060–AW41

Extension of the State Implementation Plan Due Date for the Regional Haze Third Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing revisions to the Regional Haze Rule (RHR) under the Clean Air Act (CAA) to change the due date for the next round of State Implementation Plans (SIPs) for the third implementation period from July 31, 2028, to July 31, 2031. Under the RHR, States must submit plans to protect visibility in mandatory Class I Federal areas to make reasonable progress towards the national goal of preventing any future, and remedying any existing, impairment of visibility in Class I areas.

DATES: This final rule is effective on March 9, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2023–0262. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: For information about this final rule, contact Ms. Paige Wantlin, Air Quality Policy Division, Office of Air Quality Planning and Standards (Mail Code C539–01), Environmental Protection Agency, 109 TW Alexander Drive, Research Triangle Park, NC 27711; telephone number: (919) 541–5670; email address: *wantlin.paige@epa.gov*.

SUPPLEMENTARY INFORMATION:

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:

ANPRM Advance notice of proposed rulemaking
CAA Clean Air Act
Class I areas Class I Federal areas
CRA Congressional Review Act
EPA Environmental Protection Agency
FLMs Federal land manager
NO_X Nitrogen oxide
OMB Office of Management and Budget
PM Particulate matter
$PM_{2.5}$ Particulate matter equal to or less than 2.5 microns in diameter (fine particulate matter)
PM_{10} Particulate matter equal to or less than 10 microns in diameter
PRA Paperwork Reduction Act
RHR Regional Haze Rule
RFA Regulatory Flexibility Act
SIP State implementation plan
SO_2 Sulfur dioxide
UMRA Unfunded Mandates Reform Act
VOCs Volatile organic compounds

Table of Contents

I. General Information

Does this action apply to me?

Entities potentially affected directly by this final rule include State, local, and Tribal governments, as well as Federal Land Managers (FLMs) responsible for protection of visibility in mandatory Class I areas. Entities potentially affected indirectly by this final rule include owners and operators of sources that emit particulate matter (PM) equal to or less than 10 microns in diameter (PM_{10}), PM equal to or less than 2.5 microns in diameter ($PM_{2.5}$ or fine PM), sulfur dioxide (SO_2), oxides of nitrogen (NO_X), volatile organic compounds (VOCs), and other pollutants that may cause or contribute to visibility impairment. Others potentially affected indirectly by this final rule include members of the general public who live, work, or recreate nearby or in mandatory Class I areas affected by visibility impairment. Because emissions sources that contribute to visibility impairment in Class I areas also may contribute to air pollution in other areas, members of the general public may also be affected by this final rule.

II. Executive Summary

A. What action is the Agency taking?

This regulatory action finalizes a revision to the due date for the next required regional haze SIP revision from the current due date of July 31, 2028, to a revised due date of July 31, 2031. The revised SIP due date applies to periodic comprehensive SIPs developed for the

third regional haze planning period. The change, as finalized, has no effect on prior due dates for prior planning periods under the existing RHR. Additionally, regardless of the SIP due date extension to 2031, the third planning period continues to run from 2028 to 2038. Other than the finalized change to the next due date for periodic comprehensive SIP revisions (*i.e.,* those that will now be due in 2031), the EPA is not finalizing any other changes for due dates for future periodic comprehensive SIP revisions (*i.e.,* for those that will still be due in 2038) or future progress reports (*i.e.,* those that will still be due in 2033) at this time.

B. What is the Agency's authority for taking this action?

The statutory authority for this action is provided by 42 U.S.C. 7407, 7410 and 7491(A)(b).

III. What is the background for the EPA's final action?

A. Regional Haze

Regional haze is visibility impairment that is produced by a multitude of sources and activities that are located across a broad geographic area and directly emit PM_{10}, $PM_{2.5}$ (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust), and/or their precursors (*e.g.,* SO_2, NO_X, and, in some cases, ammonia and VOCs). Fine particle precursors react in the atmosphere to form $PM_{2.5}$, which impairs visibility by scattering and absorbing light. This light scattering and absorbing reduces the clarity, color, and visible distance that one can see.

B. Requirements for Regional Haze SIPs for the Second Planning Period

Pursuant to a CAA directive to issue regulations, the EPA first promulgated a rule to address regional haze in 1999 (the ''1999 RHR''), which established the regulatory requirements for the first planning period SIPs.[1] In 2017, the EPA revised the RHR (the ''2017 RHR'') to address requirements for the second planning period.[2] The requirements for the 2017 RHR are codified at 40 CFR 51.308(f), (g), (h), and (i). Among other changes, the 2017 RHR adjusted the due date for States to submit their second planning period SIPs.

Currently, 40 CFR 51.308(f) requires submission of periodic comprehensive revisions of SIPs addressing regional haze visibility impairment by no later than July 31, 2021, July 31, 2028, and every 10 years thereafter. All 50 States, the District of Columbia, and the U.S. Virgin Islands are required to submit SIPs satisfying the applicable requirements of the 2017 RHR. For additional background on the EPA's regional haze program (the ''Program'') and the 2017 RHR revisions, please refer to Section III: Overview of Visibility Protection Statutory Authority, Regulation, and Implementation of ''Protection of Visibility: Amendments to Requirements for State Plans'' of the 2017 RHR.[3]

C. 2025 Advance Notice of Proposed Rulemaking

On March 12, 2025, the EPA announced that the Agency was reconsidering implementation of the Program.[4] Consistent with this announcement, on October 2, 2025, the EPA published an advance notice of proposed rulemaking (ANPRM) to request feedback on a restructuring of the Program to inform how the EPA might revise the Agency's current regulations at 40 CFR 51.308(f), (g), (h), and (i).[5] The ANPRM focused on three key topic areas that served to outline how the EPA might restructure the Program: (1) development/use of a reasonable progress metric and consideration of the four statutory reasonable progress factors in CAA section 169A(g)(1), (2) development of SIP obligation criteria (*i.e.,* criteria used to determine when a SIP revision is required), and (3) determining SIP requirements for States that are required to submit a SIP revision.

The ANPRM constitutes the first step in the EPA's process to revise the Agency's current regulations governing the Program. The public comments received on this ANPRM will inform the EPA's regulations governing the third and subsequent planning periods. However, the EPA has not yet proposed specific changes to the Program.

IV. Extension of the SIP Due Date—Final Rule Revisions

A. Summary of Proposal

The EPA proposed to revise 40 CFR 51.308(f) to move the deadline for the submission of the next periodic comprehensive SIP revisions from July 31, 2028, to July 31, 2031.[6] The EPA proposed to leave the end date for the third planning period at 2038, regardless of when SIP revisions are submitted. In the current RHR requirements, the end of the planning period (in this case 2038) represents both the year for which reasonable progress goals are established in the third planning SIP and the year that the next (fourth planning period) SIP revision is due. The proposed change was to be a one-time schedule adjustment such that the due dates of periodic comprehensive SIP revisions for the fourth and subsequent planning periods would continue to be due on July 31, 2038, and every 10 years thereafter. Additionally, the EPA did not propose to revise the due date for the third planning period progress reports, which remain due in 2033.

The EPA proposed the third planning period SIP due date extension for several reasons enumerated in the proposal and summarized here.[7] The EPA indicated the Agency's intent to develop a rulemaking that may substantively revise aspects of the RHR, which would impact the third planning period SIPs and possibly future planning period SIPs. The EPA intends to revise the RHR on a timeline that is not consistent with the previous third planning period SIP due date of July 31, 2028.[8] Considering the recent publication of the ANPRM, the time it will take the EPA to review the feedback received on the ANPRM prior to issuing a proposal, and finalizing any subsequent rule revision, the EPA finds that States will not have adequate time to develop and submit a SIP by 2028. Based on the publication date of the ANPRM and the expected subsequent timing of a proposed and final rule, the EPA has determined that States will need at least three additional years beyond 2028 to submit third planning period SIP revisions. In addition, a due date extension will allow States to coordinate regional haze planning with other regulatory programs, with the expectation that this cross-program coordination will lead to better overall policies and enhanced environmental protection.[9]

B. Comments and Responses Regarding the Extension of Next Regional Haze SIP Deadline From 2028 to 2031

Comment 1: In light of the EPA's intent to revise the RHR for the third and subsequent planning periods, many commenters, especially from State air agencies, expressed support for a SIP

[1] *See* 64 FR 35714 (July 1, 1999).

[2] *See* 82 FR 3078 (Jan. 10, 2017).

[3] *See* 82 FR 3081–3087 (Jan. 10, 2017).

[4] *See https://www.epa.gov/newsreleases/administrator-zeldin-begins-restructuring-regional-haze-program.*

[5] *See* 90 FR 47677 (Oct. 2, 2025).

[6] *See* 89 FR 104471.

[7] *Id.*

[8] *Id.*

[9] The public can track the EPA's progress on rulemakings through the EPA's Regulatory Agenda, which generally includes regulatory timelines. EPA's Regulatory Agenda may be accessed through the following website: *https://www.epa.gov/laws-regulations/regulatory-agendas-and-regulatory-plans.*

due date extension to ensure States have adequate time to prepare their third planning period SIP revisions. These commenters expressed that extending the third planning period SIP deadline will provide States with adequate time to take into account anticipated RHR revisions, develop comprehensive SIP revisions, and integrate regional haze planning with other ongoing air quality regulatory programs. However, some commenters suggested that the EPA extend the third planning period SIP deadline further, citing that the extension should be counted from the date of final promulgation of the forthcoming RHR revisions because it is unreasonable for States to begin SIP work without regulatory certainty and guidance. Other commenters requested a later deadline to allow better coordination between State and local air agency co-regulators, industry, and other stakeholders to develop a RHR that streamlines the regulatory requirements informing third planning period SIP development. Several commenters also raised concerns regarding resource burden and timing constraints associated with the current regulatory format of the RHR and asked the EPA to recognize a need for proportional adjustments to future SIP revision deadlines to ensure States have adequate time for planning and stakeholder engagement. As such, these commenters also requested that the EPA consider extending the fourth planning period SIP deadline from 2038 to 2041 and that the end date of the third planning period be extended from 2038 to 2041. Subsequently, these commenters also requested that the EPA align the SIP revision deadlines for the fourth and subsequent planning periods to be due July 31, 2041, and every 10 years thereafter.

Response 1: The EPA acknowledges commenters' feedback regarding the regulatory changes that may impact third planning period SIP development as a result of the forthcoming RHR revisions. The EPA currently believes a deadline extension from July 31, 2028, to July 31, 2031, is sufficient time for the Agency to promulgate regulatory changes to the current RHR and for stakeholders to take regulatory changes into account when preparing third planning period SIP revisions. Therefore, the EPA is finalizing a third planning period SIP due date of July 31, 2031. However, as the EPA prepares to revise the RHR in the Agency's forthcoming rule revisions, the Agency intends to further evaluate the third and subsequent planning period SIP deadlines (and subsequent end dates for future planning periods) to ensure the timing of future SIP submittals and deadlines are aligned with any regulatory changes.[10] Therefore, future date changes may result due to future regulatory changes.

Comment 2: A coalition of non-governmental organizations (the ''Conservation Groups'') opposed the proposed extension. The Conservation Groups contend that this extension violates the language of CAA section 169B(e)(2), claiming this section requires that States submit regional haze SIP revisions within 12 months of any new regulation promulgated under CAA section 169A.

Response 2: The EPA disagrees with this comment and emphasizes a key component of CAA section 169B(e)(2). CAA section 169B(e)(2) states that ''[a]ny regulations promulgated under section [169A] of this title *pursuant to this subsection* shall require affected States to revise within 12 months their implementation plans under section [110] . . .'' (emphasis added). The phrase ''pursuant to this subsection'' refers to CAA section 169B(e), specifically 169B(e)(1)'s one-time requirements for the EPA's inaugural regional haze rulemaking. CAA section 169B(e)(1) requires the EPA to promulgate regional haze regulations within 18 months of receiving the report required of Visibility Transport Commissions under 169B(d)(2), and to take into account studies required under subsection (a)(1). The studies developed under 169B(a)(1) and the Grand Canyon Visibility Transport Commission report were one-time requirements intended to inform the EPA's yet-to-be-promulgated regulations and were taken into account when finalizing the 1999 RHR. The 1999 RHR constituted the initial regional haze rulemaking under the CAA and, therefore, was appropriately promulgated according to the requirements of subsections 169B(e)(1) and (e)(2).[11] Thus, CAA section 169B(e)(1) explains Congressional intent to establish a timetable for the EPA's initial 1999 RHR to ensure that the regulations would be promulgated in a timely fashion and would be informed by the studies and report required under CAA sections 169B(a)(1) and (d)(2), respectively.[12] The EPA did not promulgate this SIP deadline revision under CAA section 169B(e)(1). Therefore, section 169B(e)(2)'s deadline for SIP submissions is inapplicable. As such, the EPA disagrees with the Conservation Groups' assertions that Congress intended this 12-month deadline to apply in the case of subsequent rule revisions, as subsection (e) describes a one-time process of research, reports, and rulemaking to get the Program started. The EPA does not agree that Congress intended for the specific timeline in CAA section 169(e)(2) to apply to additional, future rulemakings.

Comment 3: The Conservation Groups stated in their comment letter that the EPA's rationales do not justify the proposed extension and that the ''EPA cannot continue to take unlimited bites from the same apple'' in delaying a mandatory program that has a specific national goal.[13] They also contend that States' obligations for other CAA regulatory programs should not delay regional haze SIP development, that the EPA's extension would inject additional regulatory uncertainty in the Program for both States and industry stakeholders, and that a 2028 deadline would better facilitate coordinated planning for regional haze and other air quality rules. The Conservation Groups also contend that the EPA's proposal would have States halt work on regional haze SIPs, that States would not need extra time to develop their SIPs because States will be able to carry knowledge from previous planning periods forward into third planning period SIP development, that forthcoming revisions to the RHR would not alter such knowledge, and that the EPA's examples of CAA regulatory coordination are not useful or relevant for regional haze purposes.

Response 3: At the outset, the EPA observes that State agency comments to this regulatory docket directly contradict points made in the Conservation Groups' comment letter about State resources and timing for regional haze analyses. The EPA does not agree with the contention that a SIP due date extension would essentially bypass the EPA's statutory obligations to address manmade visibility impairment at the 156 Class I areas covered under the Program. Rather, the EPA is extending the third planning period SIP deadline to allow adequate time for the Agency to revise regulations and States to develop third planning period SIPs that take into account future rule revisions and consider visibility improvements to date.[14] In doing so, the

[10] *See* 90 FR 47677 (Oct. 2, 2025).

[11] *See* 64 FR 35714, 35724 (July 1, 1999).

[12] Congress later modified the deadline for first planning period SIP submittals in the Transportation Equity Act for the 21st Century by enacting revisions in CAA section 107(d)(7).

[13] *See* comments submitted via *regulations.gov* under Document ID No. EPA–HQ–OAR–2023–0262–0059 for additional information.

[14] *See* Figure 7.9.5, IMPROVE Spatial and Seasonal Patterns and Temporal Variability of Haze

Continued

EPA intends to ensure continuing reasonable progress towards the national goal through compliance with current and future RHR requirements. Furthermore, the CAA statutory text requires that Class I areas make ''reasonable progress'' towards the national visibility goal articulated under CAA section 169A(a)(1), and there are no specific interim milestones identified.[15] This is consistent with Congress' original intent in enacting the legislation creating the Program.[16] Additionally, the CAA does not mandate a statutory end date of the Program to reach the national goal. As such, there is no statutory deadline that dictates when the national visibility goal must be achieved at the 156 Class I areas.

The EPA finds that it is impracticable to ask States, industry, and other stakeholders to begin work on regional haze SIPs given the uncertainty regarding the future regulatory requirements governing the Program in the third planning period. The EPA finds that States need an extension to the SIP due date to coordinate SIP planning with forthcoming regulatory changes. This extension also provides the EPA with adequate time to review and promulgate regulatory changes needed for implementation of the third planning period. As such, this extension is not delaying the implementation of a statutory program. Rather, this extension allows the EPA to promulgate regulations consistent with the goals of the Program as established by Congress, while considering the visibility improvement over the course of the first and second planning periods.

Comment 4: The Conservation Groups also commented that this extension runs afoul of the CAA's purpose of protecting public health and that the Program provides co-health benefits to the public.

Response 4: The EPA disagrees that this extension runs afoul of CAA sections 169A and 169B's intended purpose to achieve Congress' national goal of ''the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.'' Congress did not establish a specific role for health considerations under the Program.

Comment 5: The Conservation Groups conclude their comments by stating that extending the third planning period SIP deadline from 2028 to 2031 thwarts Congress' mandate towards remedying anthropogenic visibility impairment and that Congress was previously disappointed in the implementation of the first iterations of the Program. The Conservation Groups also recognize States' failures to submit SIPs by their regulatory deadlines across the first and second planning periods and assume there will be a subsequent delay in submitting third planning period SIPs if the EPA finalizes an extension from 2028 to 2031. The Conservation Groups also assert that this extension would effectively stay States' and the EPA's obligation to ensure reasonable progress towards the national goal under CAA section 169A(a)(1).

Response 5: The EPA disagrees with these comments. The EPA disagrees that providing States three additional years to coordinate regional haze SIP planning, recognizing that the Agency has initiated efforts to review and revise current regional haze regulations, is inconsistent with continuing to make reasonable progress towards the national visibility goal articulated by Congress in CAA section 169A(a)(1). All 156 Class I areas have made significant visibility improvements over the course of the first and second planning periods. Furthermore, the Conservation Groups did not provide any supporting documentation indicating that Class I areas were not on track to meet the national visibility goal. The EPA also disagrees that this extension effectively ''stays'' States' and the EPA's regional haze obligations. The SIP due date extension from 2028 to 2031 does not relieve States or the EPA from regional haze obligations under CAA sections 169A and 169B. Under the CAA, the EPA has an obligation to promulgate regulations addressing manmade visibility impairment at Class I areas to achieve the national goal stated under CAA section 169A(a)(1). Additionally, all States that contribute to manmade visibility impairment at those Class I areas have an obligation to develop SIPs addressing contributions to visibility impairment under CAA section 169A(b)(2).

The EPA recognizes this fact and is seeking to revise the regulations under 40 CFR 51.308 that will implement the requirements of the third planning period.[17]

C. Comments and Responses Regarding the Third Planning Period Progress Report Deadline

Comment 6: Some commenters, particularly State air agencies, requested that the EPA also extend the deadline for the third planning period progress reports from the current regulatory deadline under 40 CFR 51.308(g) of July 31, 2033, to July 31, 2036.[18] Commenters expressed that extending the third planning period progress report deadline by at least five years from the revised third planning period SIP revision deadline ensures the progress report would continue to serve as a mid-course review of a State's third planning period SIP revision, and that not extending the deadline defeats the progress report's utility under the current RHR. Commenters also cited that maintaining a 2033 deadline does not allow States to meaningfully evaluate visibility conditions and other emissions data available by 2033 to evaluate the adequacy of the third planning period SIP revision. Other commenters suggested eliminating the progress report requirement for the third and subsequent planning periods entirely.

Response 6: The EPA acknowledges the comments submitted on this topic. These comments are outside the scope of the proposal since no changes were proposed to the progress report timeline or elements. However, this will be considered as part of the development of the upcoming new rulemaking.

D. Final Rule

The EPA is finalizing this one-time deadline extension with no changes from proposal.

V. Supporting Information

This action is not subject to the EPA's Children's Health Policy (*https://www.epa.gov/children/childrens-health-policy-and-plan*) because the EPA does not believe the action has considerations for human health.

VI. Statutory and Executive Orders Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review

This action is not a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094, and was

and Its Constituents in the United States, Report VI, 2023.

[15] *See* CAA sections 169A(a)(4) and 169A(b)(2).

[16] The reconciliation report for the 1977 CAA amendments indicates that the term ''maximum feasible progress'' in 169A was changed to ''reasonable progress'' in the final version of the legislation passed by both chambers. *See* Legislative History of the Clean Air Act Amendments of 1977 Public Law 95–95 (1977), H.R. Rep. No. 95–564, at 535.

[17] *See* 90 FR 47677 (Oct. 2, 2025).

[18] *See* 40 CFR 51.308(g).

therefore not subject to a requirement for Executive Order 12866 review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is considered an Executive Order 14192 deregulatory action. This final rule provides burden reduction by extending the timeline for meeting requirements.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0704. This action simply extends the SIP due date. The burden associated with developing and submitting SIPs is covered in the existing information collection request. This action does not impose an information collection burden because it does not create an obligation for Regional offices, States, or sources to submit new information to the EPA.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. Small entities are not subject to the requirements of this rule.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

F. Executive Order 12132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175. It does not have a substantial direct effect on one or more Indian Tribes. Furthermore, these regulation revisions do not affect the relationship or distribution of power and responsibilities between the Federal government and Indian Tribes. The CAA and the Tribal Authority Rule establish the relationship of the Federal government and Tribes in characterizing air quality and developing plans to protect visibility in Class I areas. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the Agency has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, the EPA's Policy on Children's Health also does not apply.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Nitrogen dioxide, Particulate matter, Sulfur oxides, Transportation, Volatile organic compounds.

Lee Zeldin,

Administrator.

For the reasons set forth in the preamble, the EPA amends title 40, chapter I of the Code of Federal Regulations as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

Subpart P—Protection of Visibility

■ 2. Amend § 51.308 by revising paragraph (f) introductory text to read as follows:

§ 51.308 Regional haze program requirements.

* * * * *

(f) *Requirements for periodic comprehensive revisions of implementation plans for regional haze.* Each State identified in § 51.300(b) must revise and submit its regional haze implementation plan revision to EPA by July 31, 2021, July 31, 2031, July 31, 2038, and every 10 years thereafter. The plan revision due on or before July 31, 2021, must include a commitment by the State to meet the requirements of paragraph (g) of this section. In each plan revision, the State must address regional haze in each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State. To meet the core requirements for regional haze for these areas, the State must submit an implementation plan containing the following plan elements and supporting documentation for all required analyses:

* * * * *

[FR Doc. 2026–00003 Filed 1–5–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2019–0215; FRL–13010–03–R5]

Air Plan Approval; Michigan; Infrastructure SIP Requirements for the 2015 Ozone NAAQS; Michigan State Board Requirements; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the November 20, 2025, direct final rule approving an element of a State

Implementation Plan (SIP) submission from Michigan regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2015 ozone National Ambient Air Quality Standards (NAAQS).

DATES: The direct final rule published at 90 FR 52238 on November 20, 2025, is withdrawn as of January 6, 2026.

FOR FURTHER INFORMATION CONTACT: Kelsey Foss, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6008, *foss.kelsey@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: In the direct final rule, EPA stated that if adverse comments were submitted by December 22, 2025, the rule would be withdrawn and not take effect. On December 4, 2025, EPA received a comment. EPA believes this comment is adverse and, therefore, EPA is withdrawing the direct final rule. EPA will address the comment in a subsequent final action based upon the proposed action also published on November 20, 2025 (90 FR 52311). EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

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

Dated: December 16, 2025.

Anne Vogel,

Regional Administrator, Region 5.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Accordingly, the amendment to 40 CFR 52.1170 published in the **Federal Register** on November 20, 2025, (90 FR 52238) on pages 52240–52241 is withdrawn as of January 6, 2026.

[FR Doc. 2026–00004 Filed 1–5–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–0300; FRL–12832–02–R9]

Air Plan Approval; California; San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD or ''District'') portion of the California State Implementation Plan (SIP) concerning a rule submitted to address section 185 of the Clean Air Act (CAA or the ''Act'') with respect to the revoked 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS or ''standard''). We are approving this local rule that was submitted as an equivalent alternative to a statutory section 185 program.

DATES: This rule is effective February 5, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2025–0300. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Donnique Sherman, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4129 or by email at *sherman.donnique@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action

On September 12, 2025 (90 FR 44155), the EPA proposed to approve the following rule into the California SIP.

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
SJVUAPCD	3171	Federally Mandated Ozone Nonattainment Fee—1997 8-Hour Standard	10/19/23	01/10/24

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is approving this rule into the California SIP.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of SJVUAPCD, 3171, Federally Mandated Ozone Nonattainment Fee—1997 8-Hour Standard, adopted on October 19, 2023, to address CAA section 185 requirements with respect to the revoked 1997 8-hour ozone NAAQS. The EPA has made, and will continue to make, these documents available through *https://www.regulations.gov* and at the EPA Region IX Office (please

contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- 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.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 9, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: December 11, 2025.

Michael Martucci,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations 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 52.220 is amended by adding paragraph (c)(626)(i)(C) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(626) * * *

(i) * * *

(C) San Joaquin Valley Unified Air Pollution Control District

(*1*) Rule 3171, ''Federally Mandated Ozone Nonattainment Fee—1997 8-Hour Standard,'' adopted on October 19, 2023.

(*2*) [Reserved]

* * * * *

[FR Doc. 2026–00005 Filed 1–5–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2024–0620; FRL–12530–03–R9]

Air Plan Revision; California; Placer County Air Pollution Control District; New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a permitting rule submitted as a revision to the Placer County Air Pollution Control District (PCAPCD or ''District'') portion of the California state implementation plan (SIP). This revision concerns the District's Nonattainment New Source Review permitting program for new and modified major stationary sources of air pollution in nonattainment areas under part D of title I of the Clean Air Act (CAA or ''Act''). We are approving a local rule that has been revised to address deficiencies previously identified by the EPA in a prior action that included a limited approval and limited disapproval of a prior version of the rule. This final action stops all sanction and Federal implementation plan clocks started by our September 26, 2023 limited approval and limited disapproval and deferred by our April 2, 2025 interim final determination.

DATES: This rule is effective February 5, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2024–0620. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other

than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Po-Chieh Ting, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; telephone number: (415) 972–3191; email address: *Ting.pochieh@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action

On April 2, 2025, the EPA proposed to approve PCAPCD Rule 502, ''New Source Review,'' into the California SIP.[1] This rule constitutes part of the District's program for preconstruction review and permitting of new or modified stationary sources under its jurisdiction. The rule revisions that are the subject of this action represent an update to the District's preconstruction review and permitting program and are intended to satisfy the requirements under part D of title I of the Act (''Nonattainment NSR'' or ''NNSR'').

Local agency	Rule No.	Rule title	Amended	Submitted
PCAPCD	502	New Source Review	6/13/24	11/15/24

We proposed to approve Rule 502 because we determined that it complies with the relevant CAA requirements. As described in our April 2, 2025 proposed action, the EPA's final approval of Rule 502 corrects deficiencies identified in our September 26, 2023 limited disapproval action.[2] Our proposed action contains more information on Rule 502 and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received one comment that addresses air quality generally but is not germane to the action.

III. EPA Action

No comments were submitted that change our assessment of Rule 502 as described in our proposed action. Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, the EPA is finalizing approval of Rule 502. This action incorporates the submitted Rule 502 into the California SIP and will replace the previously approved version of Rule 502 in the SIP.[3] The approval of Rule 502 resolves all deficiencies forming the basis for our previous limited disapproval in 2023 of the prior version of Rule 502. This action also permanently terminates all sanction and Federal implementation plan clocks started by our September 26, 2023 limited approval and limited disapproval action and deferred by our April 2, 2025 interim final determination.[4]

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of PCAPCD Rule 502, ''New Source Review,'' amended on June 13, 2024, which contains the District's Nonattainment New Source Review stationary source permitting program. The EPA has made, and will continue to make, these documents available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- 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 Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action

[1] 90 FR 14426 (April 2, 2025).

[2] 88 FR 65816 (September 26, 2023).

[3] As described in the EPA's April 2, 2025 proposed action, the EPA previously issued a limited approval of Rule 502 on September 26, 2023 (88 FR 65816). See 90 FR 14426 and 14427 (April 2, 2025), Table 2.

[4] 88 FR 65816 (September 26, 2023); 90 FR 14414 (April 2, 2025).

is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 9, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ammonia, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 11, 2025.

Michael Martucci,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 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 52.220 is amended by adding paragraphs (c)(595)(i)(A)(*3*) and (c)(630) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(595) * * *

(i) * * *

(A) * * *

(*3*) Previously approved on September 26, 2023, in paragraph (c)(595)(i)(A)(*2*) of this section and now deleted with replacement in (c)(630)(i)(A)(*1*) of this section: Rule 502, ''New Source Review,'' amended on August 12, 2021.

* * * * *

(630) The following regulations were submitted electronically on November 15, 2024, by the Governor's designee as an attachment to a letter dated November 13, 2024.

(i) *Incorporation by reference.* (A) Placer County Air Pollution Control District.

(*1*) Rule 502, ''New Source Review,'' amended on June 13, 2024.

(B) [Reserved]

(ii) [Reserved]

[FR Doc. 2026–00006 Filed 1–5–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R08–OAR–2025–0001; FRL–12971–02–R8]

Utah; Northern Wasatch Front; 2015 8-Hour Ozone Nonattainment Area Boundary Expansion and Applicability of Certain Clean Air Act Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: U.S. Environmental Protection Agency (EPA or Agency) is approving a request to expand the boundary for the Northern Wasatch Front (NWF) 2015 8-hour ozone national ambient air quality standard (NAAQS) (2015 ozone NAAQS) nonattainment area (NAA). The request was submitted by the State of Utah on February 27, 2023. The newly expanded portion of the NWF NAA will have the same classification as the original NWF NAA under the 2015 ozone NAAQS and all applicable Clean Air Act (CAA) requirements will become applicable to the newly designated portion upon the effective date of the final action. The EPA is taking this action pursuant to the CAA.

DATES: This rule is effective on February 5, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2025–0001. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Amanda Brimmer, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–AQ–R, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–6323, email address: *brimmer.amanda@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our September 25, 2025 proposal (90 FR 46128). In that document we proposed to approve Utah's boundary expansion request for the NWF 2015 ozone NAAQS NAA under section 107(d)(3)(D) of the CAA, submitted by the State on February 27, 2023, as well as establish a 12-month deadline for State Implementation Plan (SIP) revisions for certain required elements. We received four submittals from five commenters on our proposal and our responses to comments are below.

II. Response to Comments

Comment 1: One anonymous commenter opposed the action, stating that granting the boundary expansion will result in less protection from air pollution for citizens in Utah.

Response 1: The EPA disagrees with the commenter. The purpose of the action is to incorporate additional area into the NAA which includes additional sources that will be held to higher air pollution standards and requirements that all other sources in the same region are required to adhere to. The net benefit is expected to be a reduction in ozone precursors from the US Magnesium, Limited Liability Company (LLC) facility which is located within the NAA due to the finalization of this action.

Comment 2: Multiple commenters, including the State of Utah, the Utah Petroleum Association, and the Utah Mining Association, expressed support of the action, including support of the limited revisions of SIP elements and the proposed timeline for submittal.

Response 2: The EPA appreciates the State's and industry's support of this action.

Comment 3: One commenter claimed that the EPA applied ''Administrative Procedure Act (APA) 553(b) good cause provisions'' and did not accept public comment before finalizing the rule, resulting in the commenter petitioning the EPA in their comments to stay the effective date of the rule.

Response 3: The EPA disagrees with the commenter. This claim relies on

commenter's mistaken belief that the EPA issued a final rule with the September 25, 2025 action. The EPA published a notice of proposed rulemaking on September 25, 2025, not a final rule, which included a 30-day public comment period on the proposed rulemaking which closed on October 27, 2025. In this action we are finalizing the September 25, 2025 proposed action. Based on these facts, the proposed rule was not a final action for the commenter to petition the EPA for a stay or delay of a yet-to-be-established effective date. Finally, the EPA is not relying on APA 553(b) in this action.

Comment 4: One commenter erroneously claimed that the area was being reclassified from a Serious to a Severe nonattainment area, they stated that 30–50 facilities emitting between 25 and 49 tons per year (tpy) of ozone precursor emissions would become major sources as a result of this action, and argued that the EPA did not provide sufficient analysis on the impact to these small businesses within the NAA.

Response 4: The NWF ozone NAA is currently classified as Moderate, and the expanded portion of the NAA will have the same classification. The EPA is not proposing to reclassify the area to a higher classification in this rulemaking, thus the commenter's concern about Severe area SIP requirements becoming newly applicable is erroneous. This commenter also expressed concern about magnitude and types of small businesses that would newly become major sources. This is also incorrect as the major source threshold for Moderate NAAs, which the existing and new portion of the NAA will continue to be classified as, is 100 tpy. The EPA expects only one facility in the new portion of the NAA to be categorized as a major source, US Magnesium, LLC, which is discussed in the proposed rulemaking.[1] The EPA acknowledges that some confusion may be due to a prior action for the NWF that reclassified the area to Serious, but that rule was stayed by the 10th Circuit Court of Appeals on April 30, 2025, and that rule is currently in abeyance while the EPA reconsiders the action, resulting in the NWF retaining its Moderate classification.[2]

Comment 5: One commenter accused the EPA of not adhering to the following statutory requirements: the Unfunded Mandates Reform Act (UMRA), the Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act (RFA/SBREFA), the Paperwork Reduction Act (PRA), and Executive Order (E.O.) 12866.

Response 5: With regard to the UMRA, the EPA has complied by making its own determination that this rule will not result in expenditures of $100M+, and therefore the Agency does not need to complete a statement under 2 U.S.C. 1532. The RFA and SBREFA are inapplicable to this rulemaking because the EPA has certified that this rule will not have a significant economic impact on a substantial number of small entities. The regulatory analysis provisions of the RFA are only triggered by a threshold determination by the Agency that this rule will have a significant economic impact on a substantial number of small entities. Because the Agency has certified this rule will not have a significant economic impact, section 603 and 604 of the RFA do not apply to this rulemaking. 5 U.S.C. 605(b). As discussed in Response 4, this rulemaking is only expected to incorporate one large source into the NAA, US Magnesium, LLC. The EPA has complied with the PRA by certifying in the rule that the PRA does not apply because the action does not involve an information collection burden as defined by the Act.[3] Lastly, the Agency has complied with E.O. 12866 by determining that this rulemaking is not a significant regulatory action as defined in E.O. 12866.

III. Final Action

We are approving Utah's boundary expansion request for the NWF 2015 ozone NAAQS NAA under section 107(d)(3)(D) of the CAA. This action will expand the boundary of the existing NWF ozone NAA, adding 12 additional western townships in Tooele County.[4] The NAA's current classification of Moderate and August 3, 2024 attainment date will apply to the entirety of the newly expanded NWF ozone NAA per 40 CFR 51.1303.

As a result of being in nonattainment for ozone, a criteria pollutant, the CAA requires specific elements be developed and submitted to the EPA for approval. Deadlines for ozone SIP elements are set forth in 40 CFR 51.1402. To satisfy CAA requirements for the requested new portion of the NAA, this action is setting a deadline of 12 months from the effective date of this rule (February 5, 2027) for revisions of certain Marginal and Moderate SIP elements as outlined in table 1. A detailed discussion and rationale for the proposed Marginal and Moderate area SIP revisions is discussed in detail in our September 25, 2025 proposal and accompanying Technical Support Document (90 FR 46128).

TABLE 1—REQUIRED MARGINAL AND MODERATE SIP ELEMENTS

SIP elements [CAA requirement]	Required to be updated for new portion of NAA?
Marginal Nonattainment Areas:	
Base year emissions inventory [section 172(c)(3); section 182(a)(1); 40 CFR 51.1315(b)]	Yes [1]
Certified Nonattainment New Source Review (NNSR) [section 172(c)(5); section 182(a)(4); 40 CFR 51.1314]	No [2]
Emissions Statement [section 182(a)(3)(B)]	No [2]
Moderate Nonattainment Areas:	
Baseline emissions inventory [section 182(b)(1)(B); 40 CFR 51.1310(b)]	Yes
15% Rate of Progress (ROP)/Reasonable Further Progress (RFP) [section 172(c)(2); section 182(b)(1)(A); 40 CFR 51.1310(a)]	Yes
Major Source Reasonably Available Control Technology (RACT) for newly designated major sources [section 182(b)(2)(C); 40 CFR 51.1312(b)]	Yes
Non-major source Control Techniques Guidelines (CTG) RACT [section 182(b)(2)(A)–(B); 40 CFR 51.1312(a)]	Yes
Modeled attainment demonstration [section 182(b)(1); 40 CFR 51.1308(a)–(c)]	No

[1] *See* 90 FR 46128 (Sept. 25, 2025).

[2] *See* 89 FR 97545 (Dec. 9, 2024), and *see* 10th Circuit Court of Appeals Decision granting stay motions and staying the Final Rule pending the outcome of these appeals, Appellate Case: 25–9519, dated Apr. 30, 2025.

[3] *See* 44 U.S.C. 3502(2).

[4] Specifically, this will include Townships 1 North Range 6–8 West, Townships 2 North Range 6–8 West, Townships 3 North Range 7–8 West, and Townships 1–4 South Range 8 West. Further, EPA is correcting an error related to Township 4 South Range 7 West. This should read, ''All sections within Township 4 South Range 7 West except for section 31'', as first divisions 29, 30, and 32 do not exist in this Township and first division 31 continues to be omitted from the NWF ozone NAA due to being Indian Country.

TABLE 1—REQUIRED MARGINAL AND MODERATE SIP ELEMENTS—Continued

SIP elements [CAA requirement]	Required to be updated for new portion of NAA?
Reasonably Available Control Measures [section 172(c)(1); 40 CFR 51.1308(d); 40 CFR 51.1312(c)]	No
Contingency measures [section 172(c)(9)]	No
Motor vehicle inspection and maintenance (I/M) program [section 182(b)(4); 40 CFR 51.372(b)(2)]	No
Moderate New Source Review (NSR) Offsets [section 182(b)(5)]	No [2]

[1] *See* 86 FR 35405 (Jul. 6, 2021).
[2] *See* 87 FR 24275 (Apr. 25, 2022).

IV. Statutory Authority and Procedural Requirements

The statutory authority for the requested NAA boundary expansion is provided by the CAA, as amended (42 U.S.C. 7401, *et seq.*). For areas seeking to change the boundary of an already designated NAA, CAA section 107(d)(3)(D) states, ''The Governor of any state may, on the Governor's own motion, submit to the Administrator a revised designation of any area or portion thereof within the State. Within 18 months of receipt of a complete state redesignation submittal, the Administrator shall approve or deny such redesignation. The submission of a redesignation by a Governor shall not affect the effectiveness or enforceability of the applicable implementation plan for the State.'' The State was not required to take public comment on the requested boundary expansion.

State of Utah, section 19–2–104 of the Utah Code gives the Utah Air Quality Board the authority to promulgate rules ''regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source.'' The Utah Division of Air Quality (UDAQ) develops, prepares, and submits SIPs to the Utah Air Quality Board for consideration and promulgation. UDAQ is the primary State agency responsible for the development and implementation of SIPs once they are approved by the Utah Air Quality Board, and associated administrative rules, as required by the CAA.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a significant regulatory action as defined in Executive Order 12866 and was therefore not subject to a requirement for Executive Order 12866 review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because NAA boundary revision actions under the CAA are exempt from review under Executive Order 12866;

C. Paperwork Reduction Act

This final rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

D. Regulatory Flexibility Act

This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or Tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

Executive Order 13175 (65 FR 67249, November 9, 2000), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.'' This rule does not have Tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments. Thus, Executive Order 13175 does not apply to this rule.

H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045 because it is not 3(f)(1) significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children because it approves a state program.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act

This rulemaking does not involve technical standards.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction.

In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act (CRA), 5 U.S.C. 801, *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will

submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 9, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 81

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

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

Dated: December 16, 2025.

Cyrus M. Western,

Regional Administrator, Region 8.

For the reasons set forth in the preamble, the Environmental Protection Agency is amending 40 CFR part 81 as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 2. In § 81.345, in the table ''Utah—2015 8-Hour Ozone NAAQS [Primary and Secondary]'', revise the entry ''Northern Wasatch Front, UT'' to read as follows:

§ 81.345 Utah.

* * * * *

UTAH—2015 8-HOUR OZONE NAAQS

[Primary and Secondary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Northern Wasatch Front, UT		Nonattainment	February 5, 2026	Moderate.
Davis County.				
Salt Lake County.				
Tooele County (part):				
In Tooele County, the following Townships or portions thereof as noted (including Tooele City):				
Township 1 North Range 6 West.				
Township 1 North Range 7 West.				
Township 1 North Range 8 West.				
Township 2 North Range 6 West.				
Township 2 North Range 7 West.				
Township 2 North Range 8 West.				
Township 3 North Range 7 West.				
Township 3 North Range 8 West.				
Township 1 South Range 3 West.				
Township 1 South Range 4 West.				
Township 1 South Range 5 West.				
Township 1 South Range 6 West.				
Township 1 South Range 7 West.				
Township 1 South Range 8 West.				
Township 2 South Range 3 West.				
Township 2 South Range 4 West.				
Township 2 South Range 5 West.				
Township 2 South Range 6 West.				
Township 2 South Range 7 West.				
Township 2 South Range 8 West.				
Township 3 South Range 3 West.				
Township 3 South Range 4 West.				
Township 3 South Range 5 West.				
Township 3 South Range 6 West.				
Township 3 South Range 7 West.				
Township 3 South Range 8 West.				
Township 4 South Range 3 West.				
Township 4 South Range 4 West.				
Township 4 South Range 5 West.				
Township 4 South Range 6 West.				
All sections within Township 4 South Range 7 West except for section 31.				
Township 4 South Range 8 West.				
Weber County (part):				

UTAH—2015 8-HOUR OZONE NAAQS—Continued

[Primary and Secondary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
All portions of Weber County west of and including Townships 5, 6, and that portion of 7 North Range 1 West that are west of the ridgeline that traces the Wasatch Mountains from the southeast corner of the township to the easternmost extension of the county boundary within the township.				
* * * * * * *				

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is August 3, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2026–00007 Filed 1–5–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 64

[WC Docket No. 24–213, MD Docket No. 10–234; FCC 24–135; FR ID 295288]

Improving the Effectiveness of the Robocall Mitigation Database; CORES Registration System

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) adopts rules requiring Robocall Mitigation Database (RMD or Database) filers to take additional steps to ensure the accuracy, completeness, and currentness of submitted information. The rules also establish a base forfeiture of $10,000 for each violation for filers that submit false or inaccurate information to the Database, as well as a base forfeiture of $1,000 for failure to update information that has changed in the Database within 10 days. Further, the Wireline Competition Bureau is directed to establish a dedicated reporting mechanism for deficient filings in the Database, as well as to issue additional guidance and ''best practices'' for filers. Additionally, the Wireline Competition Bureau and Office of the Managing Director are directed to develop a two-factor (or more) authentication solution for accessing the Database.

DATES: *Effective date:* This rule is effective February 5, 2026, except for the amendments to §§ 1.8002(b)(2) and 64.6305(h), which may contain modifications to existing information collection requirements that require review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act; and § 1.1105, which requires notice to Congress pursuant to section 9A(b)(2) of the Communications Act, 47 U.S.C. 159A(b)(2), and also requires certain updates to the FCC's information technology systems and internal procedures to ensure efficient and effective implementation. The Commission will publish a document in the **Federal Register** announcing the effective dates for these rules.

FOR FURTHER INFORMATION CONTACT: Erik Beith, Attorney Advisor, Competition Policy Division, Wireline Competition Bureau, at *Erik.Beith@fcc.gov.* For additional information concerning the Paperwork Reduction Act proposed information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in WC Docket No. 24–213, MD Docket No. 10–234, FCC 24–135, adopted on December 30, 2024, and released on January 8, 2025. The complete text of this document is available for download at *https://docs.fcc.gov/public/attachments/FCC-24-135A1.pdf.*

Synopsis

I. Discussion

The Robocall Mitigation Database is a key tool for ensuring compliance with our STIR/SHAKEN and robocall mitigation rules and provides critical support for efforts by the Commission and outside stakeholders to combat illegal robocalling campaigns. This includes its use by other federal and state enforcement bodies for their own investigations of suspected illegal activity as well by downstream providers, which rely on the Database to determine the permissibility of traffic carried on their networks. Voice service providers, including terminating providers, and intermediate providers must refuse traffic sent directly from any provider that does not appear in the Robocall Mitigation Database. Its continued effectiveness relies on information submitted by providers being complete, accurate, and up to date. Yet a review of filings in the Database indicates a lack of thoroughness and diligence by some providers and, in some cases, malfeasance by bad actors. Given the Database's importance, we act today to promote accuracy, completeness, and currentness of submissions; to increase accountability by accurately identifying providers; to increase enforcement consequences for providers that submit false information; and to establish a reporting mechanism for shared oversight among all stakeholders. We also establish an application processing fee for initial filings, and, importantly, require providers to re-certify annually to the accuracy of their submissions. Additionally, we direct that a two-factor authentication solution for accessing the Database be developed. On balance, these steps impose minimal burden on providers while strengthening the Database's effectiveness as a compliance and consumer protection tool.

A. Requiring Filers To Update Information in CORES

To ensure that the Robocall Mitigation Database reflects up-to-date information, we adopt our proposal in the *Notice of Proposed Rulemaking* (*NPRM*), 89 FR 74184 (Sept. 12, 2024), that all entities and individuals that register in CORES in order to submit filings to the Database or that register for any other purpose be required to update any information

submitted to CORES within 10 business days of any change to that information. The *NPRM* also asked, given that Database filers must obtain a business-type FRN, whether we should apply this requirement only to business-type FRNs. No commenters urged the Commission to adopt this approach. We therefore apply this requirement to all filers, including those with individual FRNs. As explained above, the Database automatically populates a filer's contact information, *i.e.,* the entity's name and business address, using CORES. Although § 1.8002 of the Commission's rules requires that information submitted by CORES registrants ''be kept current,'' it provides no deadline for submitting updates after a change in information occurs. This risks the possibility of out-of-date information being imported into the Database at the time the provider submits a certification and robocall mitigation plan. We agree with the State AGs that ''[h]armonizing the information in CORES and the RMD will reduce confusion by improving the accuracy of information in both databases, which will benefit both providers and law enforcement agencies'' that rely on the Database. In so doing, we align § 1.8002 with § 64.6305 of the Commission's rules, which requires providers to update submissions to the Database within 10 business days of any changes to required content. Consistent with our view stated in the *NPRM* that such a rule would impose no significant costs on CORES users or present any significant countervailing burdens, no commenters opposed our proposal. Additionally, keeping information in CORES up to date may have benefits outside the robocall proceeding as well. As we stated in the *NPRM,* this procedural improvement will also benefit other Commission databases beyond the Database that make use of contact information imported from CORES. We therefore implement a 10-business day deadline for all CORES registrants to submit updates after a change in information occurs. EPIC observes that the *NPRM* placed particular emphasis on the importance of updating contact information, urging the Commission to clarify ''that the enforceable requirement to update an RMD entry within 10 days is not limited to contact information updates.'' Our changes today do not affect 47 CFR 64.6305(d)(5)'s existing mandate that changes to a provider's certification information, including the implementation status of STIR/SHAKEN, must be updated within 10 business days.

B. Establishing Forfeiture for Submitting Inaccurate or False Certification Data

Consistent with our proposal in the *NPRM,* we adopt a base forfeiture for submitting false or inaccurate information to the Robocall Mitigation Database. Specifically, we establish a base forfeiture of $10,000 for each violation for filers that submit false or inaccurate information to the Database. Robocall Mitigation Database filings are Commission authorizations. The Commission may impose a forfeiture against any person found to have willfully or repeatedly failed to comply substantially with the terms and conditions of any authorization issued by the Commission. In addition, and as proposed in the *NPRM,* we establish a base forfeiture of $1,000 for failure to update information that has changed in the Robocall Mitigation Database within 10 business days. Finally, consistent with the Commission's approach in other contexts involving failure to file required forms or information to the FCC, we find that these violations continue until cured; accordingly, forfeitures shall be assessed on a daily basis up to the statutory maximum for continuing violations.

$10,000 Base Forfeiture for Filing False or Inaccurate Information. In the *NPRM,* we tentatively concluded that submitting false or inaccurate information to the Robocall Mitigation Database warrants a significantly higher penalty than the existing $3,000 base forfeiture for failure to file required forms or information. In order to determine the appropriate punishment for such actions, we look to prior Commission precedent in similar circumstances. The act of filing false or inaccurate information in the Database has broad similarities to the types of violations found in two contexts: (1) failure to file required forms/information; and (2) misrepresentation/lack of candor.

Accordingly, we sought comment on two alternative forfeiture proposals for filers that submit false or inaccurate information to the Robocall Mitigation Database. For the first option, we sought comment on a proposal to set the base forfeiture for filing false or inaccurate information to the Database at $10,000. This option would make the penalty for filing false/inaccurate information to the Database somewhat less than, but similar to, forfeitures the Commission has proposed/imposed in cases involving a licensee or authorization holder's failure to file required forms or information to the Commission. For the second option, we sought comment on a proposal to impose the statutory maximum forfeiture amount allowable under section 503 of the Communications Act as the base forfeiture—the same approach that the Commission takes for violations of § 1.17 of our rules related to misrepresentation and lack of candor in investigatory or adjudicatory matters.

The comments in the record are mixed. The State AGs and ZipDX each express strong support for treating the filing of false or inaccurate information in the Robocall Mitigation Database akin to misrepresentation/lack of candor, arguing that such actions should elicit the statutory maximum penalty. NTCA, VAFR, and Ravnitzky support a set base forfeiture below the statutory maximum, akin to forfeitures assessed in failure-to-file cases. USTelecom does not argue in favor of either proposal specifically, but generally supports fines to deter bad faith submissions to the RMD. Finally, NCTA as well as INCOMPAS and CCA reject both options, each arguing against imposing any fines for filing false or inaccurate information unless (1) the Commission first grants the filer an opportunity to correct, or (2) the Commission makes a finding that the submission of false/inaccurate data was willful.

We find that the first option—setting a base forfeiture below the statutory maximum—is sufficient to accomplish the Commission's goals of deterrence and punishment for filing false or inaccurate information in the Robocall Mitigation Database. That said, and consistent with the Commission's prior statements on the critical nature of accurate information in the Database, we find that submitting false or inaccurate information to the Database warrants a significantly higher base forfeiture amount than the Commission's $3,000 base forfeiture for failure to file required forms or information. Accordingly, we adopt a base forfeiture of $10,000 for each violation for filers that submit false or inaccurate information to the Robocall Mitigation Database. The record contains comments advocating for both ends of the minimum/maximum spectrum; some commenters recommend imposing the statutory maximum in order to dissuade bad actors from profiting from deliberate wrongdoing, while others express concern that fines may lead to unintended harmful effects on small companies and thus reduce competition. We find that the amount of $10,000 serves as an appropriate middle ground between these competing views, while providing an added deterrent against false or inaccurate filings. Moreover, we note that section 503 of

the Act allows calibration of the penalty depending on the specific facts and circumstances of each individual case. Application of section 503's adjustment factors permit the Commission to assess penalties upward to the statutory maximum (in cases of egregious or deliberate malfeasance, for example) or reduce the penalty below the base when application of the factors justifies a lighter touch (such as minor/limited violations or the violator's inability to pay). Adjusting forfeiture penalties this way allows the Commission to ensure that it meets it obligation to enforce the statutes and regulations that protect consumers from abuses as well as its duty to promote and protect competition in the telecommunications industry.

$1,000 Base Forfeiture for Failure to Update. All filers in the Robocall Mitigation Database are required to update their filings within 10 business days if any information they are required to submit has changed. In the *NPRM,* we sought comment on a proposal to adopt a base forfeiture of $1,000, similar to the base forfeiture set forth in in § 1.80 of the Commission's rules for failure to maintain required records. We find that a $1,000 base forfeiture for failure to update Database filings within 10 business days is appropriate and adopt it here.

None of the commenters specifically addressed the Commission's proposal to implement a $1,000 base forfeiture for failure to update filings in the Robocall Mitigation Database. That said, four commenters expressed concern about the possibility that they could find themselves subject to hefty fines for inadvertent lapses or minor errors. NTCA specifically raises a failure to update after a change in company board membership as an example of an oversized penalty that should be differentiated from cases involving false claims of robocall mitigation efforts. Conversely, the State AGs, iconectiv, EPIC, and ZipDX argue that the accuracy of the data in the Database is critically important, and that failure to ensure that the information is accurate and up-to-date significantly undermines the Commission's efforts to curb illegal robocalls.

We find merit in both perspectives. We agree with commenters that inadvertent errors or minor lapses in compliance should not result in the same penalties as willful misconduct. We therefore find that the base forfeiture should be significantly lower than the $10,000 base forfeiture we set for submitting false or inaccurate information. That said, we agree with commenters who point out that inaccurate information in the Robocall Mitigation Database is still harmful—regardless of whether the inaccuracy results from malfeasance or neglect. Finally, we look to the penalties assessed in similar circumstances and note that the Commission has already established a $1,000 base forfeiture for failure to maintain required records. A base forfeiture in the amount of $1,000 in this instance creates a meaningful distinction between willful/malicious misconduct and inadvertent error. We find that a separate penalty for failure to update information in the RMD after a change has occurred is a necessary addition in order to ensure that filers make accuracy a priority. Finally, we hold that the integrity of the data in the RMD is no less critical than other records that licensees/authorization holders must maintain; accordingly, we apply a penalty, consistent with the fines applied in analogous circumstances. We therefore adopt a $1,000 base forfeiture for failure to update Database information within 10 business days.

Forfeitures Assessed on a Continuing Violation Basis. In the *NPRM,* we sought comment whether to assess the base forfeitures for filing false/inaccurate information and failure to update Robocall Mitigation Database information within 10 business days on a single violation basis or a continuing violation basis.

Only one commenter directly addressed this issue. The State AGs support assessing forfeitures on a continuing basis so that penalties do not merely become the so-called ''cost of doing business'' for bad actors. Further, the record in this proceeding shows broad agreement that accurate information in the Robocall Mitigation Database is critically important to government and industry's shared efforts to combat illegal robocalls. Information in the Database may be consulted at any time; accordingly, each day that false or inaccurate information remains in the Database without detection or correction necessarily harms the integrity of the Database and degrades its usefulness. We hold that entities that file in the Database have a continuing obligation to file truthful and accurate information in the Database, and that the filing of false or inaccurate information in the Robocall Mitigation Database is a violation that continues until the false or inaccurate information is corrected. But this is not the end of the filer's responsibility. The integrity of the data in the Database must be maintained over time because it is relied upon by other service providers, industry traceback and mitigation groups, and government investigators. Its value as a resource is not limited to the date of filing, but rather continues each day that the information is available to persons and entities who rely upon it. As such, we hold that filing entities have an explicit continuing obligation to update information within 10 business days of any change. Violations of these obligations are necessarily continuing in nature until the errors or omissions are cured. Accordingly, we find that forfeitures assessed for such violations should be assessed on a continuing violation basis.

C. Establishing a Dedicated Reporting Mechanism for Deficient Filings

In order to enhance the integrity of the Robocall Mitigation Database and better combat bad actors, we direct the Wireline Competition Bureau to establish a dedicated reporting mechanism for deficient filings. We invited general comment in the *NPRM* on any procedures that we could adopt to facilitate the goal of accurate compliance with Database requirements, and based on the record in response, find that a reporting mechanism is a procedural resource that can help achieve this goal. Although the Commission did not seek comment on establishing a dedicated reporting portal for deficient filings in the *NPRM,* several commenters urged the Commission to adopt such a mechanism. Despite the severe penalties associated with making noncompliant submissions, the Database evinces among some providers a lack of diligence and, in certain cases, malfeasance. Deficiencies identified range from failures to provide accurate contact information to submission of robocall mitigation plans that do not in any way describe reasonable robocall mitigation practices. Offering a reporting resource that allows stakeholders to notify the Commission if they identify deficiencies in the RMD will improve its usefulness.

Although the Commission continues to review and address such filings through enforcement actions, we agree with USTelecom that the Commission need not ''carry this burden alone.'' We envision that creating a public reporting resource available to state and local regulators and attorneys general, consumers, public interest groups, providers, and others could allow them to easily notify the Commission that it may need to re-check certain filings and take action to require prompt corrections from providers. Enabling outside parties to flag suspicious filings via a streamlined process would ''encourag[e] reporting on a more

consistent basis'' and ''facilitate expedient Commission action.'' Comments submitted jointly by CTIA, USTelecom, EPIC, the National Consumers League, and Public Knowledge also observe that in so doing, ''industry and public stakeholders'' can ''bolster strained Commission resources.'' Other benefits may inure from additional scrutiny, such as the potential ability to identify ''recurring themes'' in deficient filings. One commenter suggests that the Commission should collaborate more closely with providers and harness technologies, such as real-time data sharing, to enhance robocall mitigation. By establishing a dedicated reporting line, we provide one such mechanism for enhanced cooperation and data sharing. Offering outside parties a dedicated channel for reporting deficient filings would therefore facilitate improvements to the Robocall Mitigation Database. In addition, we expect that a more effective Database will reduce robocall volumes, the benefits of which we explain in the Call Authentication Trust Anchor Eighth Report and Order. Moreover, we believe that the costs of establishing and maintaining such a portal would be minimal and easily outweighed by the benefits to the Commission and stakeholders in ensuring accurate submissions to the Database.

As with previous delegations of authority concerning the Robocall Mitigation Database, we direct the Wireline Competition Bureau, in consultation with the Office of the Managing Director (OMD) and the Enforcement Bureau, to determine the appropriate mechanism for the Commission to receive reports of deficient filings. We delegate to the Wireline Competition Bureau the authority, in consultation with OCIO and the Senior Agency Official for Privacy (SAOP), to specify the form and format of any such submissions and to make any necessary changes to the Robocall Mitigation Database portal and interface in connection with the reporting portal. For example, the Joint Commenters suggest developing a ''separate RMD referral portal that would allow providers and the public to assist the FCC in identifying bad actors abusing the RMD.'' In making this delegation, we also direct the Wireline Competition Bureau, in consultation with the SAOP, to consider any Privacy Act implications associated with any user data or Personally Identifiable Information that may be collected through the reporting interface. We further direct the Wireline Competition Bureau, prior to implementing the reporting mechanism, to complete any review by the Office of Management and Budget that may be required under the Paperwork Reduction Act, to the extent the reporting mechanism involves identical questions posed to reporting entities. In carrying out its delegated authority, the Wireline Competition Bureau shall consult with the Commission's Chief Data and Analytics Officer regarding any applicable OPEN Government Data Act requirements. We further direct the Wireline Competition Bureau to develop materials to educate outside parties on how to file reports and to announce the availability of the reporting portal by Public Notice. As part of its delegated authority to implement the dedicated reporting mechanism, we direct the Bureau, in consultation with OCIO and the SAOP, to make changes to the portal and accompanying procedures as necessary to ensure the efficient and effective operation of this important new tool. In addition, we direct the Enforcement Bureau to work with the Wireline Competition Bureau to ensure that reports submitted through this portal are referred to the Enforcement Bureau as quickly and effectively as possible. We direct the Enforcement Bureau to investigate potential violations expeditiously and enforce our rules using the Commission's full suite of enforcement mechanisms.

D. Issuing Substantive Guidance and Filer Education

To assist filers with their robocall mitigation compliance obligations, we direct the Wireline Competition Bureau to issue additional guidance, educational materials, and ''best practices'' for filing in the Robocall Mitigation Database. Among other things, we sought general comment in the *NPRM* on measures we could take to improve and ensure the accuracy of information contained in the Database. The State AGs suggest that providing interpretive guidance regarding the meaning of undefined terms, and in applying the Commission's definitions, ''could improve the accuracy of the RMD and other robocall mitigation efforts.'' We agree that ''embedding clarifying information into the process of creating RMD entries'' may assist those, particularly less sophisticated, providers experiencing difficulty interpreting the Commission's forms and rules. For instance, a provider unsure of how to interpret either Commission-defined terms (such as what constitutes a ''foreign voice service provider'') or general language (for example, which address serves as an entity's ''business address'') when certifying may benefit from such guidance. Doing so may also obviate the need to later cure discovered deficiencies, saving both time and resources for the Commission and providers.

We delegate to the Wireline Competition Bureau the authority to determine what form such guidance should take and how it should be promulgated, consistent with this *Report and Order.* We note that, in other contexts, such guidance has been provided through ''Frequently Asked Questions,'' user guides and other similar documents posted to the Commission's website. We expect that providers filing in the Database will benefit from similar types of guidance, leading to overall improvements in Database submissions.

In connection with this delegation, we direct the Wireline Competition Bureau to respond to a specific request in the record from the State AGs regarding how we can guide providers toward consistently identifying themselves as ''foreign voice service providers'' in their RMD certifications. In this regard, we note that providers completing their RMD certification form must indicate whether they are a foreign voice service provider. The State AGs indicate that they have seen providers who may be foreign voice service providers failing to identify themselves as required. They ask the Commission to provide interpretative guidance to assist providers in completing this portion of the RMD certification form. We agree that this guidance would be informative and lead to more transparent information and accurate filings.

CTIA also asks that the Commission clarify that when a provider certifies whether it has been the subject of a previous robocall investigation or enforcement action, that it certifies not only for the registrant specifically but also for its affiliates and principals. CTIA suggests that on the Database certification form, the language should reference ''affiliates or principals'' in addition to the ''filing entity'' itself. In this regard, we note here that our rules obligate providers to certify whether ''at any time in the prior two years, the filing entity (and/or any entity for which the filing entity shares common ownership, management, directors, or control)'' has been the subject of an agency or law enforcement action or investigation. Nevertheless, we direct the Wireline Competition Bureau to issue guidance clarifying this or any other rule related to Robocall Mitigation Database filings it deems appropriate.

In addition, we direct the Wireline Competition Bureau to consider whether any changes to the Robocall Mitigation Database are necessary to provide greater guidance to filers, including, for instance, through the use of webtools, pop-up windows, or similar user-interface enhancements. To this end, we also delegate to the Wireline Competition Bureau the authority to make any necessary changes to the Robocall Mitigation Database submission interface. By providing flexibility to best address stakeholder confusion and concerns—both through improved communications and Database enhancements—we expect that the Wireline Competition Bureau will be able to provide timely and targeted guidance that will, in turn, help to improve the accuracy and effectiveness of the Database.

E. Requiring Providers To Remit a Filing Fee

We adopt our tentative conclusion that Robocall Mitigation Database filings are ''applications'' within the meaning of section 8 of the Communications Act, and we therefore adopt an application fee for initial submissions, and annually thereafter, and initially set the fee for both filings at $100. Under the Commission's red-light rules, applications and other requests for benefits by parties that owe non-tax debt to the Commission will not be processed. Section 8(a) of the Communications Act mandates that the Commission assess and collect application fees based on the Commission's costs to process applications. Fees assessed pursuant to our section 8 authority are deposited in the general fund of the U.S. Treasury. Thus, while the determination of the fee amount will be based on the cost of processing, the collected fees are not used to fund Commission activities. Section 8(c) also requires the Commission to amend the application fee schedule if the Commission determines that the schedule requires amendment to ensure that: (1) such fees reflect increases or decreases in the costs of processing applications at the Commission or (2) such schedule reflects the consolidation or addition of new categories of applications.

The Commission processes a wide range of applications, as well as many filings that are not applications for spectrum licenses or authorizations. The *NPRM* stated that the Commission has applied our section 8 fee authority to a range of filings. NCTA disputes the status of Robocall Mitigation Database filings as ''applications,'' contending that ''an RMD filing is not 'applying' for anything'' by highlighting the mandatory nature of the filings and claiming that no benefits otherwise inure to the provider. We disagree. Like tariff filings, to which we analogized the fee here in the *NPRM,* the filing is required; and providers benefit from their filing as doing so enables downstream providers to carry their traffic. Tariff filings were included in the original statutory fee schedule. The statutory fee schedule, as amended by Congress and incorporated into our rules, is the baseline from which the Commission worked in 2020. Thus, filings included in the statutory schedule, that were still extant in 2020, are helpful examples of the types of filings encompassed by the Congressional directive to assess and collect application fees pursuant to Section 8 of the Communications Act.

Commission review of Robocall Mitigation Database submissions represents a considerable investment of labor hours that continues to rise. Over 2,600 submissions required review after implementing the original requirement for voice service providers to file certifications and robocall mitigation plans. After expanding the scope of providers required to file in the Database, this number jumped to approximately 9,000 filings. These filings necessitate a significant expenditure of Commission resources to process, including review of the specific steps providers undertake to mitigate illegal robocall traffic. We find a $100 filing fee an appropriate amount to cover this cost, based on calculations made by the Wireline Competition Bureau regarding direct labor costs, as detailed in the *NPRM.* In the *NPRM,* the Wireline Competition Bureau estimated that each filing will require 40 minutes of analyst review at the GS–12 level; 20 minutes of attorney review at the GS–14 level; and 15 minutes of attorney supervisory review at the GS–15 level. The estimated total labor costs (including 20% overhead) for the analyst review (GS–12, step 5) of each filing was $43 (0.66 hours * $64.64 = $43). The estimated labor costs (including 20% overhead) for the attorney review (GS–14, step 5) for each filing was $32.95 (0.33 hours * $98.84 = $32.95). The estimated total labor costs (including 20% overhead) for the attorney supervisory review (GS–15, step 5) for each filing was $26.71 (0.25 hours * $106.85 = $26.71). The total labor costs per filing review was $102.66 ($43 + $32.95 + $26.71). Salary data was sourced from the Office of Personnel Management and include overhead costs based on 2,087 annual hours. Based on these hourly rates and the estimated time for processing each filing, the Bureau proposed a filing fee of $100 per filing.

The record supports our determination that a $100 fee for Robocall Mitigation Database filings is appropriate. Several commenters support remittance of a filing fee. Although we do not rely on the rationales suggested by some commenters that a fee would provide financial incentive for providers to be more circumspect in their filings or act as a deterrent to bad actors, we nevertheless acknowledge their support for remittance of a fee. Our approach to the filing fee, meanwhile, should allay the concerns of those commenters opposed. For instance, INCOMPAS and CCA argue that ''[r]equiring providers to submit a new filing fee every time a provider makes a minor adjustment to its RMD filing or corrects inaccurate (or readily curable) information'' would be excessive. On the contrary, under the approach we adopt today, assessment of the fee will occur only at the time of initial submission and annually thereafter, limiting concerns that filers would find it cost prohibitive to update filings. Indeed, we agree with ZipDX that, against the backdrop of expenses a legitimate filer faces, a ''$100 fee is negligible.'' Thus, we conclude that these fees are fair, administrable, and sustainable. The Commission's adopted goals that our section 8 fees be ''fair, administrable, and sustainable,'' which ''is the same overarching set of goals we employ in the context of our regulatory fee collections.'' Application of our overarching program goals, however, must comport with the language of the statute. Moreover, we recognize other general limits of fee authority. Though the IOAA no longer applies to the Commission, we remain cognizant of broader legal issues raised by user-fee and regulatory-fee precedent. We therefore adopt the $100 application processing fee for initial RMD submissions and annual certifications described below and revise the schedule of charges for wireline competition services in 47 CFR 1.1105. We direct the Wireline Competition Bureau, working in conjunction with OMD, to implement the RMD application processing fee and to include instructions for how to pay the fee in the Wireline Competition Bureau Fee Filing Guide. In its implementation of the filing fee, we direct the Wireline Competition Bureau to consider whether and how to account for filings submitted on behalf of multiple affiliated entities.

We also apply the Commission's red-light rule to Robocall Mitigation

Database filings. Under the red-light rule, the Commission will not process applications and other requests for benefits by parties that owe non-tax debt to the Commission. In the *NPRM,* we sought comment on whether to conduct a red-light check for RMD filings. We agree with the State AGs that application of our red-light rules to RMD submissions may ''prevent unscrupulous providers from filing RMD entries and transmitting robocalls.'' Even if filings with the Commission go into effect immediately ''thus precluding a check to determine if the filer is a delinquent debtor before the request goes into effect,'' we find that conducting a red-light check at any point after filing allows the Commission to spot delinquent debtors. A delinquent debt could arise for failure to pay the $100 application processing fee or for other debts owed to the Commission. In the context of the RMD, this could lead to removal of certification, which the Commission has found to be an appropriate consequence in the context of the Intermediate Provider Registry, which similarly maintains ongoing certification filings. Under the red-light rule, we will consider acceptance of filings into the Robocall Mitigation Database conditional and subject to rescission in the event a filer fails the red-light check. The Intermediate Provider Registry is a registry compiled for purposes ensuring calls are completed in rural and remote areas. It is made publicly available on the Commission's website at *https://fccprod.servicenowservices.com/ipr_ext,* and contains information that intermediate providers are required to submit, including their contact information, the states in which they provide service, and a point of contact.

Requiring Annual Recertification with Associated Filing Fee. In connection with the foregoing change, we require that providers recertify annually in the Robocall Mitigation Database, at the time they submit their annual filing fee. As the State AGs observe ''the RMD contains entries which have not been updated in years,'' in spite of new filing requirements for all providers. We find that imposing an annual recertification requirement would facilitate the Commission's goals of keeping the Database up to date and improve the overall quality of submissions over time. We also agree with commenters that such a requirement is analogous to other annual filing requirements, demonstrating the feasibility of such an approach. For example, EPIC notes that carriers are required to submit annual certifications to the Commission regarding their Customer Proprietary Network Information (CPNI) obligations, while the State AGs compare an annual recertification requirement to the ''annual renewal of access to the Federal Do Not Call Registry,'' arguing that this precedent ''demonstrate[s] the feasibility of requiring a periodic application or renewal fee in this context.'' We agree. We find that requiring annual recertification by providers will ensure that information in the Database remains current and will promote greater diligence by filers while imposing minimal burdens on providers. Failure to fulfill the annual recertification requirement will result in referral to the Enforcement Bureau, which may subject the filer to forfeiture or removal from the Database.

This annual recertification obligation will necessarily require staff to review Robocall Mitigation Database filings to determine whether providers have complied with the Commission's rules. As is true of initial filing submissions, this process will require staff to conduct outreach to providers that fail to recertify, evaluate whether any changes to filings satisfy the Commission's Robocall Mitigation Database filing requirements, and refer deficient filers to the Enforcement Bureau. We therefore set the same filing fee of $100 per filing in connection with the annual recertification requirement. In order to facilitate administration of the fee and provide certainty to Database filers, we set an annual deadline of March 1 for recertification of existing Robocall Mitigation Database filings.

F. Measures To Improve the Security of the Robocall Mitigation Database

To better secure the Robocall Mitigation Database, we direct the Wireline Competition Bureau and OMD to develop a two-factor (or more) authentication solution for accessing the Database. Multi-factor authentication requires the use of multiple authentication protocols, as opposed to simply a username and password, in order to grant access to an account. For example, a two-factor authentication solution may require both use of a password and a one-time verification code. We sought comment in the *NPRM* on the benefits of additional security afforded by multi-factor authentication. Both ZipDX and the State AGs support the use of multi-factor authentication. In addition to preventing access by unauthorized users, ZipDX also observes that an added authentication layer ''is useful not just as an added security measure but also to validate provided email addresses.'' The State AGs further note that use of multi-factor authentication tools ''helps to provide a connection between corporate policies and individuals, which will contribute to effective enforcement.'' We agree with these commenters that the added security afforded by a two-factor authentication solution merits its use. Given its critical role in defending America's voice networks, protecting the integrity of information hosted by the Robocall Mitigation Database necessitates—at minimum—use of protocols deployed elsewhere by the Commission, such as CORES. Although some commenters characterize multi-factor authentication as unnecessary and cumbersome, we do not agree that deploying a two-factor authentication solution would be costly or unduly burdensome, especially given the possible benefits that would redound from such a requirement. We nevertheless acknowledge that such a requirement could present logistical problems that would need to be resolved upon implementation. For example, although USTelecom does not dispute the successful use of an added authentication layer in CORES, they argue that if a similar approach were taken for its use in the Robocall Mitigation Database, it would necessitate changes to how the Database functions. We therefore direct the Wireline Competition Bureau and OMD to develop a two-factor authentication solution with these potential issues and solutions in mind. In doing so, we direct that ''[t]his solution must offer users the *option* of using phishing-resistant authentication—*i.e.,* it must provide support for Web-Authentication-based approaches, such as security keys.''

G. Other Issues

In the *NPRM,* we proposed and sought comment on several additional procedural and other steps the Commission could take to improve the effectiveness of the Robocall Mitigation Database. Specifically, we sought comment on requiring filers to obtain a PIN in order to submit a filing and whether and how leveraging software and other technical solutions could help to flag potential discrepancies in Database filings. We also proposed to authorize providers to engage in permissive blocking of ''voice traffic by Robocall Mitigation Database filers that have been given notice that their robocall mitigation plans are facially deficient and that fail to correct those deficiencies within 48 hours.'' Upon review of the record in response to the *NPRM,* we decline to take these steps in this *Report and Order*. Nevertheless, we believe many of these initiatives may have merit, and may revisit these

solutions in the future if warranted, including those suggested by commenters. We therefore direct the Wireline Competition Bureau to explore many of these issues further, as discussed below.

Requiring Filers to Obtain a PIN to File in the Robocall Mitigation Database. We similarly decline to require that filers obtain a PIN to make filings in the Robocall Mitigation Database. In the *NPRM,* we sought comment on whether, in addition to or as an alternative to multi-factor authentication, an officer, owner, or other principal of a provider should be required to obtain and enter a PIN before a submission is accepted by the filing system. While some commenters support such a measure, they generally do so on the grounds that the PIN could serve as an accountability measure that would create a point of contact directly familiar with and responsible for the provider's filings. However, we note that our certification provisions already require that an officer declare as ''true and correct'' the information contained in the provider's submission, doing so ''under penalty of perjury.'' Although we signaled concern that such officers need not ''provide their own direct contact information or . . . make more specific certifications with respect to their role in ensuring that the provider submits and maintains accurate information,'' we agree with ZipDX that—at this time—the benefits of requiring filers to obtain a PIN do not outweigh the burdens involved. While we disagree with NCTA's claim that references in the *NPRM* to ''consultants and provider employees . . . completing RMD submissions without diligence'' are ''without evidence,'' we acknowledge the logistical burdens cited by NCTA and agree with ZipDX that the goals cited by the *NPRM* may be better served through other approaches, particularly the procedural protections we adopt above.

ZipDX proposes that the Commission require, as part of a provider's Robocall Mitigation Database filing, affirmation that the entity has filed a Beneficial Ownership Information (BOI) with the Federal Crimes Enforcement Network (FinCEN). Failing that, ZipDX suggests that a registrant be required to provide an explanation and require the uploading of a government-issued ID, to be kept confidential by the Commission. While we acknowledge the potential merits of ZipDX's proposals, we find the record insufficient to adequately assess their viability. While we decline to adopt the specific proposals advanced by ZipDX at this time, we nevertheless direct the Wireline Competition Bureau, in coordination with the Enforcement Bureau, to investigate these and other measures and procedures to achieve such ends, consistent with privacy and other requirements.

Data Validation Tools. We decline at this time to adopt any specific software or other technical solutions that would validate the data entered into an RMD filing against an external source and flag discrepancies for Commission staff to review. In the *NPRM,* we sought broad comment on the use of such tools to improve the quality of the information being input into the Database, including the availability, cost, and feasibility of various solutions. While commenters generally support the use of data validation tools to enhance the accuracy and completeness of data submitted in the Database, there was a lack of consensus and specificity about what solutions could prove most effective, and no data regarding the cost of implementation. We therefore find the record is insufficient to support adoption of a specific method at this time. Given unanimous interest in leveraging technical solutions to improve the Database, however, we direct the Bureau to further investigate the feasibility and costs associated with those solutions offered in the record, as well as any others that could achieve substantially the same goal. We delegate to the Wireline Competition Bureau the authority to implement any technical data validation solution that it determines, through its investigation, is likely to produce benefits that outweigh the solution's costs.

Authorizing Permissive Blocking for Facially Deficient Filings. We decline to adopt our proposal to authorize downstream providers to permissively block traffic by providers that have submitted facially deficient filings and failed to correct them. The *NPRM* sought comment on various aspects of this proposal, including the process for identifying facially deficient filings, providing deficient filers a reasonable opportunity to cure, and implementing a permissive blocking scheme. The *NPRM* also sought comment on the risks and costs of authorizing permissive blocking, and whether the standard associated with the issuance of cease-and-desist letters provides any guidance regarding the appropriate approach to take here. Commenters' views varied, but most opposed permissive blocking, or supported it only if significant modifications were implemented. For example, the VAFR argues that any such rule would exceed the Commission's statutory authority and prove ''unreasonable and potentially devastating for small [voice service providers],'' claiming that the period proposed by the *NPRM* for responding to alleged deficiencies would need to be lengthened to at least 30 days. While we agree with the State AGs and USTelecom that it is important to address facially deficient filings and block traffic that is ''likely to be illegitimate,'' given the severe consequences of being blocked, we are persuaded that the Commission should first focus on our ''existing authority to clean up the RMD and remove bad actors who file deliberately false or misleading information under its existing two-step ''facially deficient' removal process.''

Instead of pursuing a permissive blocking scheme, CTIA suggests that the Commission take further action to remove providers subject to mandatory blocking from the Robocall Mitigation Database. Specifically, CTIA urges the Commission to, within 30 days of the issuance of a blocking order made pursuant to § 64.1200(n)(3) of our rules, remove a provider from the Robocall Mitigation Database. CTIA contends that doing so represents ''a logical step'' consistent with our existing rules and additionally argues that the Commission ''should prioritize its implementation of blocking orders on . . . flagrant offenders who have refused to address issues with their RMD filings despite Commission outreach.'' As noted by CTIA, Commission rules already speak to the subject. We therefore find that additional action is unnecessary. Moreover, we note that the Commission balances a variety of factors in establishing enforcement priorities and decline to elaborate further on our internal review and enforcement processes, to the extent that CTIA and EPIC requests that the Commission prioritize certain enforcement actions over others.

Limiting the Scope of Confidentiality Requests. Because our existing rules discourage broad requests for confidentiality, we decline at this time to further limit the scope of confidentiality requests. In response to our request for general comment regarding improvements to the Database, CTIA and USTelecom urge the Commission to reject overly broad confidentiality requests pertaining to robocall mitigation plans. They contend that failure to do so would undermine the usefulness of the Robocall Mitigation Database, including its ability to promote transparency and accountability. ZipDX claims that some providers ''redact the entire substance of their [robocall mitigation plan] from public inspection, depriving other stakeholders from evaluating the plan

and making appropriate decisions.'' USTelecom further asserts that such sweeping redactions enable bad actors to abuse confidentiality protections to avoid public scrutiny. However, as USTelecom itself observes, the Commission has already adopted a protective order delineating the strict terms of any confidentiality request. Indeed, the Commission addressed these very concerns at the time of its issuance and noted that it would ''not hesitate to act should we identify improper confidentiality requests.'' The other measures we adopt today, including establishing a dedicated reporting mechanism for deficient filings, will better enable the Commission to identify and address overly redacted robocall mitigation plans. As such, while we heed commenters' calls to be strict in our review of confidentiality requests, we do not formalize any such action today. However, as part of the filer education initiative discussed above, we direct the Wireline Competition Bureau to consider whether it would be helpful to provide additional guidance to filers that wish to submit requests for confidential treatment of their Robocall Mitigation Database filings, consistent with the terms of the *RMD Protective Order*.

Heightened Scrutiny of Certain Filings. We do not at this time adopt rules that would formally modify the level of scrutiny a given provider receives in certain cases. Responding to our broad request for comment on potential improvements to the Database, USTelecom proposes that when individuals ''associated with a certain number of apparently unaffiliated entities submits a new filing, the Commission should elevate [that] filing for additional review.'' The Joint Commenters agree, stating that such scrutiny would deter ''bad actors from creating new entities to refile after being kicked out of the Database.'' They further argue that the Commission can ''best promote the quality and accuracy of information . . . by using its existing authority to closely analyze the substance of [robocall mitigation plan] filings and to remove facially deficient filings submitted by providers.'' We decline to discuss here our internal investigatory processes, including the extent to which the Commission already applies additional scrutiny to certain types of applications. Moreover, the Commission has already developed an expedited two-step procedure for removing facially deficient filings. CTIA urges the Commission to set a 30-day deadline for removal of deficient filings after completion of this process, so as to ''provide much-needed certainty.'' However, as outlined in the *Sixth Caller ID Authentication Report and Order,* removal already occurs immediately following the second step. To the extent that CTIA expresses concerns about the timing of enforcement actions, we again decline to discuss internal processes and find that such concerns are outside the scope of this proceeding. We therefore see no need to make additional adjustments to address certain types of filings identified by commenters.

EPIC additionally argues that the Commission should expand its expedited removal process for facially deficient filings to providers who are non-responsive to tracebacks or who continually connect illegal calls. We note that such a suggestion falls outside the scope of this proceeding. Nevertheless, failure to respond to traceback requests and transmission of illegal calls represent serious violations of our rules that warrant a swift response. We will continue to monitor the deterrent effect of our enforcement actions on such behaviors and consider further changes to improve the effectiveness thereof.

Additional Enhancements to the Database and Submission Form. Although we do not adopt additional changes to the Robocall Mitigation Database portal and its submission form, we direct the Wireline Competition Bureau to investigate whether recommendations made in the record warrant further improvements. USTelecom, for instance, suggests enabling filers to include more than one attachment in their submissions so as to avoid ''having to rewrite and refile everything'' when providing updates. USTelecom also proposes to allow a parent company to submit filings on behalf of an affiliated entity, arguing that doing so would streamline the process for providing updates to the Database and cites to other licensing regimes that allow affiliates to share authorizations. CTIA requests that the Commission overhaul the Database's architecture to allow for more granular searches and a download option for those results, asserting that doing so would make fake or falsified information more easily identifiable by legitimate providers. CTIA further states that the Commission should amend the Database filing form to require selection of a state or territory from a dropdown list to improve searchability, and USTelecom similarly requests that the search page include an entity's OCN to streamline a provider's evaluation of potential partners. We recognize the value of these and other potential changes to the Database. EPIC also suggests that we reject entries from being created when a filer does not enter all required basic information. However, the Database presently requires completion of all fields before submission. Moreover, the Commission has already implemented an expedited procedure for removing facially deficient filing. As such, we direct the Wireline Competition Bureau to explore the potential for these and any other modifications to the Database that would improve the user experience of filers.

IP Transition. We do not at this time adopt recommendations made in the record seeking to facilitate the IP transition. NTCA requests that the Commission examine how the persistent use of TDM facilities and routing have on robocall mitigation efforts and consider whether standards that enable call authentication over non-IP facilities should be used by voice providers to ensure that STIR/SHAKEN is, at minimum, more effective than otherwise. ZipDX, acknowledging that such suggestions are only ''marginally within the scope of the *NPRM,* nevertheless recommends that we collect data on STIR/SHAKEN implementation by revising the filing process to require providers to indicate the number of calls in the month prior to the filing date affected by delays in IP implementation and to annually update such filings with recent data if deficiencies in implementation exist. These recommendations, irrespective of their merits, fall outside the scope of this proceeding. The Commission is also separately examining this issue in its *Notice of Inquiry* on this matter, and we otherwise decline to adopt additional filing requirements at this time.

II. Legal Authority

Consistent with our proposal, we adopt the foregoing revisions to the Robocall Mitigation Database requirements pursuant to the legal authorities that the Commission relied on in its caller ID authentication and call blocking orders, namely sections 201(b), 202(a), and 251(e) of the Communications Act, the Truth in Caller ID Act, and our ancillary authority. We conclude that the Commission has authority under 31 U.S.C. 3512(b) and Part 1, Subpart O of the Commission's rules to make administrative enhancements pertaining to CORES. We further conclude that sections 501, 502, and 503 of the Communications Act provide authority to establish forfeiture amounts for submitting inaccurate or false certification data to the Robocall

Mitigation Database. We note that no commenter questioned our proposed legal authority. One commenter argues that the Commission's proposed forfeiture amounts exceed its statutory authority under the TRACED Act. However, we conclude that sections 501, 502, and 503 of the Act provide independent legal authority to establish forfeiture amounts, and therefore, we need not rely on the TRACED Act.

As explained above, we rely on our authority under section 8 of the Communications Act to add Robocall Mitigation Database filings to the Commission's Schedule of Application Fees. We adopt our tentative conclusion from the *NPRM* that submissions to the Robocall Mitigation Database constitute ''applications'' within the meaning of the RAY BAUM's Act, consistent with our prior implementation of our section 8 authority. The statute requires that our section 8 fees be deposited in the general fund of the Treasury. That Congressional requirement does not change the fact that Congress also directs that the fees be keyed to our processing costs. Thus, INCOMPAS's and CCA's arguments do not alter the statutory requirements or our analysis of our section 8 obligations. With the additional exception of NCTA, whose arguments we address above, commenters otherwise do not dispute our legal authority to impose a filing fee. We therefore adopt our tentative conclusions from the *NPRM* and find that section 8 of the Act authorizes the imposition of a filing fee.

III. Final Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, we have prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this *Report and Order* on small entities. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, the Report and Order

The *Report and Order* takes important steps in the fight against illegal robocalls by adopting rules to improve the overall quality of Robocall Mitigation Database (RMD) submissions and strengthen the procedures providers must follow to submit, update, and maintain accurate filings. Specifically, the *Report and Order:* (1) requires providers to update any information submitted to the Commission Registration System (CORES) within 10 business days of any change to that information; (2) adopts base forfeiture amounts for submitting false or inaccurate information to the RMD; (3) directs the Wireline Competition Bureau (Bureau) to establish a dedicated reporting mechanism for deficient filings; (4) directs the Bureau to issue additional guidance, educational materials, and ''best practices'' for filing in the RMD; (5) and concludes that RMD submissions are ''applications'' within the meaning of the RAY BAUM's Act and requires that providers remit a $100 application processing fee for initial submissions and annually thereafter. Through these actions, the *Report and Order* strengthens the RMD as a compliance and consumer protection tool.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

Though there were no comments raised that specifically addressed the proposed rules and policies presented in the IRFA, the Commission did receive comments addressing the burdens on small providers in response to the *NPRM.* Specifically, one commenter opposed the Commission's proposals to: (1) authorize downstream providers to permissively block traffic by RMD filers that have been given notice that their robocall mitigation plans are facially deficient and that fail to correct those deficiencies within 48 hours; (2) establish a separate base forfeiture amount for submitting false or inaccurate information to the RMD; and (3) require providers to remit a filing fee for RMD submissions, arguing that such proposals would be unduly burdensome and potentially devastating to small voice service providers. The Commission was persuaded by commenter's arguments regarding the severe consequences of being blocked, and declined to adopt its proposal to authorize permissive blocking. Regarding the proposal to establish a separate base forfeiture, the Commission found that the amount of $10,000—below the statutory maximum—serves as an appropriate middle ground between competing commenters' views regarding the appropriateness and amount of a forfeiture. Finally, the Commission concluded that a $100 filing fee is appropriate and manageable, and further determined that assessment of the fee will occur only at the time of initial submission and annually thereafter, thereby limiting concerns that filers would find it cost prohibitive to update filings.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''mall governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A ''small-business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Small Businesses, Small Organizations, Small Governmental Jurisdictions. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' The Internal Revenue Service (IRS) uses a revenue benchmark of $50,000 or less to delineate its annual electronic filing

requirements for small exempt organizations. Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of $50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2022 Census of Governments indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,845 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts) with enrollment populations of less than 50,000. Accordingly, based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 entities fall into the category of ''small governmental jurisdictions.''

Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.

The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Local Exchange Carriers (*LECs*). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include both incumbent and competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were fixed local exchange service providers. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Incumbent Local Exchange Carriers (Incumbent LECs). Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 1,212 providers that reported they were incumbent local exchange service providers. Of these providers, the Commission estimates that 916 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

Competitive Local Exchange Carriers (LECs). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 3,378 providers that reported they were competitive local service providers. Of these providers, the Commission estimates that 3,230 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Interexchange Carriers (IXCs). Neither the Commission nor the SBA have developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

Cable System Operators (Telecom Act Standard). The Communications Act of 1934, as amended, contains a size standard for a ''small cable operator,'' which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' For purposes of the Telecom Act Standard, the Commission determined that a cable system operator that serves fewer than 498,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator. Based on industry data, only six cable system operators have more than 498,000 subscribers. Accordingly, the Commission estimates that the majority of cable system operators are small under this size standard. We note however, that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Therefore, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

Other Toll Carriers. Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 90 providers that reported they were engaged in the provision of other toll services. Of these providers, the Commission estimates that 87 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Satellite Telecommunications. This industry comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with $44 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than $25 million. Consequently, using the SBA's small business size standard most satellite telecommunications service providers can be considered small entities. The Commission notes however, that the SBA's revenue small business size standard is applicable to a broad scope of satellite telecommunications providers included in the U.S. Census Bureau's Satellite Telecommunications industry definition. Additionally, the Commission neither requests nor collects annual revenue information from satellite telecommunications providers, and is therefore unable to more accurately estimate the number of satellite telecommunications providers that would be classified as a small business under the SBA size standard.

Local Resellers. Neither the Commission nor the SBA have developed a small business size standard specifically for Local Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2021, there were 207 providers that reported they were engaged in the provision of local resale services. Of these providers, the Commission estimates that 202 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Toll Resellers. Neither the Commission nor the SBA have developed a small business size standard specifically for Toll Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided

resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 457 providers that reported they were engaged in the provision of toll services. Of these providers, the Commission estimates that 438 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Prepaid Calling Card Providers. Neither the Commission nor the SBA has developed a small business size standard specifically for prepaid calling card providers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 62 providers that reported they were engaged in the provision of prepaid card services. Of these providers, the Commission estimates that 61 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

All Other Telecommunications. This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (*e.g.* dial-up ISPs) or Voice over internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of $40 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than $25 million. Based on this data, the Commission estimates that the majority of ''All Other Telecommunications'' firms can be considered small.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The *Report and Order* creates new compliance obligations for small and other entities by requiring providers to follow additional procedures to submit, update, and maintain accurate filings in the RMD. These changes affect small and other companies, and apply to all the classes of regulated entities identified above. Specifically, the *Report and Order* requires providers to update any information submitted to CORES within 10 business days of any change to that information; establishes a base forfeiture of $10,000 for each violation for filers that submit false or inaccurate information to the Database, and a base forfeiture of $1,000 for failure to update information that has changed in the RMD within 10 business days; and requires providers to recertify their RMD filings annually. Attendant with this final change, the *Report and Order* also requires providers to remit a $100 filing fee for initial and subsequent annual submissions, and applies the Commission's red-light rule to RMD filings, whereby the Commission will not process applications and other requests for benefits by parties that owe non-tax debt to the Commission.

While there is not detailed information currently on the record to determine whether small entities will be required to hire professionals to comply with its decisions in the *Report and Order,* we find that the forfeiture fees and additional obligations are not overly burdensome, and take necessary steps to strengthen the RMD's effectiveness as a compliance and consumer protection tool. Further, section 503 of the Act allows for penalties to be adjusted depending on the specific circumstances of each case. New obligations to update information in CORES within 10 days are aligned with existing obligations to update the RMD in a similar timeframe, and therefore should not be overly burdensome to small providers.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to provide, ''a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.''

The *Report and Order* considered alternatives that may minimize the economic impact on small providers. In adopting its proposal to require providers to update any information submitted to CORES within 10 business days of any change to that information, the Commission assumed the rule would impose no significant costs on CORES users or present any significant countervailing burdens, including for small providers because it aligns with existing obligations to update the RMD, and no commenters disagreed or otherwise opposed the proposal. Recognizing arguments in the record that fines may lead to unintended harmful effects on small companies, the Commission established a base forfeiture amount below the statutory maximum for submitting false or inaccurate information to the RMD. The Commission also agreed with commenters that inadvertent errors or minor lapses in compliance should not result in the same penalties as willful misconduct, and adopted a base forfeiture amount of $1000 for failure to update RMD filings within 10 business days—significantly lower than the $10,000 base forfeiture amount for submitting false or inaccurate data in the first instance. The Commission considered comments disputing the RMD filing fee as an application fee, but found it to be analogous to other filing requirements. The Commission found that a $100 filing fee is an appropriate amount to cover the cost of processing RMD filings, and, along with an annual recertification requirement, is minimally burdensome for small providers, as evidenced by the record. Nevertheless, the Commission adopted an approach whereby the assessment of the fee will occur only at the time of initial submission and annually thereafter, as opposed to each time a provider makes minor corrections to

RMD filings, reducing the cost of updating filings for small and other providers. In adopting a two-factor authentication solution for accessing the Database, the Commission disagreed with commenters that characterized multi-factor authentication as costly and burdensome, concluding that the added security afforded by a two-factor authentication solution merits its use. The Commission nevertheless acknowledged that such a solution could present logistical problems, and directed the Wireline Competition Bureau and OMD to develop a two-factor authentication solution with these potential issues in mind.

Finally, the Commission considered and declined to adopt a number of proposals described in the *NPRM,* including requiring filers to obtain a PIN in order to submit a filing and implementing any technical data validation solutions, citing the potential burden on providers, including small providers, and a lack of clear, countervailing benefits. The Commission also declined to adopt its proposal to authorize providers to engage in permissive blocking of voice traffic by RMD filers that have been given notice that their robocall mitigation plans are facially deficient and that fail to correct those deficiencies within 48 hours, thereby reducing the risk and potential burden of being blocked for small and other providers. The Commission found other proposals, such as increasing the Commission's scrutiny of certain filings and recommendations to facilitate the IP transition, to be outside the scope of this proceeding.

G. Report to Congress

The Commission will send a copy of the *Report and Order,* including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Report and Order,* including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the *Report and Order* (or summaries thereof) will also be published in the **Federal Register**.

IV. Procedural Matters

Paperwork Reduction Act. The *Report and Order* does not contain new or substantively modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified 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). This document may contain non-substantive modifications to an approved information collection. Any such modifications will be submitted to the Office of Management and Budget (OMB) for review pursuant to OMB's non-substantive modification process.

Congressional Review Act. The Commission believes, and the Administrator of the Office of Information and Regulatory Affairs, OMB, concurs that these rules are non-major. As such, the rules are non-major under the Congressional Review Act, section 251 of the Contract with America Advancement Act of 1996, Public Law 104–121. The Commission will send a copy of this *Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

V. Ordering Clauses

Accordingly, pursuant to sections 4(i), 8, 201, 202, 227, 227b, 227(e), 251(e), 501, 502, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 158, 201, 202, 227(e), 251(e), 501, 502, and 503, and 31 U.S.C. 3512(b), *it is ordered* that this *Report and Order is adopted.*

It is further ordered that parts 1 and 64 of the Commission's rules *are amended* as set forth in the *Report and Order,* Final Rules.

It is further ordered that, pursuant to §§ 1.4(b)(1) and 1.103(a) of the Commission's rules, 47 CFR 1.4(b)(1), 1.103(a), this *Report and Order,* including the rule revisions and redesignations described in the Final Rules, *shall be effective* 30 days after publication in the **Federal Register**, except for: (a) 47 CFR 1.8002(b)(2) and 47 CFR 64.6305(h), which may contain modifications to existing information collection requirements that require review by the OMB under the Paperwork Reduction Act; and (b) 47 CFR 1.1105, which requires notice to Congress pursuant to section 9A(b)(2) of the Communications Act, 47 U.S.C. 159A(b)(2), and also requires certain updates to the FCC's information technology systems and internal procedures to ensure efficient and effective implementation. Sections 1.8002(b)(2) and 64.6305(h) will not become effective until any necessary OMB review is complete. Section 1.1105 will not take effect until the requisite notice has been provided to Congress, the FCC's information technology systems and internal procedures have been updated, and the Commission publishes notice(s) in the **Federal Register** announcing the effective date of such rules.

It is further ordered that the Office of the Managing Director, Performance Evaluation and Records Management, *shall send* a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

It is further ordered that the Commission's Office of the Secretary, *shall send* a copy of this *Report and Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 1

Claims, Communications, Communications common carriers, Communications equipment, Environmental impact statements, Equal access to justice, Equal employment opportunity, Federal buildings and facilities, Government employees, Individuals with disabilities, Internet, Investigations, Penalties, Radio, Reporting and recordkeeping requirements, Satellites, Security measures, Telecommunications, and Television.

47 CFR Part 64

Carrier equipment, Communications common carriers, Reporting and recordkeeping requirements, and Telecommunications.

Federal Communications Commission.

Aleta Bowers,

Federal Register Liaison Officer, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1 and 64 as follows:

PART 1—PRACTICE AND PROCEDURE

Subpart A—General Rules of Practice and Procedure

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

■ 2. Amend § 1.80 by revising ''Table 1 to Paragraph (b)(11)'' in paragraph (b)(11) to read as follows:

§ 1.80 Forfeiture proceedings.

* * * * *

(b) * * *

(11) * * *

TABLE 1 TO PARAGRAPH (b)(11)—BASE AMOUNTS FOR SECTION 503 FORFEITURES

Forfeitures	Violation amount
Misrepresentation/lack of candor	(1)
Failure to file required DODC required forms, and/or filing materially inaccurate or incomplete DODC information	$15,000
Construction and/or operation without an instrument of authorization for the service	10,000
Failure to comply with prescribed lighting and/or marking	10,000
Violation of public file rules	10,000
Submitting inaccurate or false information to the Robocall Mitigation Database (Continuing violation until cured)	10,000
Violation of political rules: Reasonable access, lowest unit charge, equal opportunity, and discrimination	9,000
Unauthorized substantial transfer of control	8,000
Violation of children's television commercialization or programming requirements	8,000
Violations of rules relating to distress and safety frequencies	8,000
False distress communications	8,000
EAS equipment not installed or operational	8,000
Alien ownership violation	8,000
Failure to permit inspection	7,000
Transmission of indecent/obscene materials	7,000
Interference	7,000
Importation or marketing of unauthorized equipment	7,000
Exceeding of authorized antenna height	5,000
Fraud by wire, radio or television	5,000
Unauthorized discontinuance of service	5,000
Use of unauthorized equipment	5,000
Exceeding power limits	4,000
Failure to Respond to Commission communications	4,000
Violation of sponsorship ID requirements	4,000
Unauthorized emissions	4,000
Using unauthorized frequency	4,000
Failure to engage in required frequency coordination	4,000
Construction or operation at unauthorized location	4,000
Violation of requirements pertaining to broadcasting of lotteries or contests	4,000
Violation of transmitter control and metering requirements	3,000
Failure to file required forms or information	3,000
Per call violations of the robocall blocking rules	2,500
Failure to make required measurements or conduct required monitoring	2,000
Failure to provide station ID	1,000
Unauthorized pro forma transfer of control	1,000
Failure to maintain required records	1,000
Failure to update Robocall Mitigation Database within 10 business days (Continuing violation until cured)	1,000

* * * * *

Subpart G—Schedule of Statutory Charges and Procedures for Payment

§ 1.1105 Schedule of charges for applications and other filings for the wireline competition services.

■ 3. Delayed indefinitely, amend § 1.1105 by revising the ''Table to § 1.1105'' to read as follows:

TABLE TO § 1.1105—WIRELINE COMPETITION SERVICES

Type of application	Payment type code	Fee amount
Domestic 214 Applications—Part 63, Transfers of Control	CDU	$1,445
Domestic 214 Applications—Special Temporary Authority	CDV	755
Domestic 214 Applications—Part 63 Discontinuances (Non-Standard Review) (Technology Transition Filings Subject to § 63.71(f)(2)(i) or Not Subject to Streamlined Automatic Grant, and Filings From Dominant Carriers Subject to 60-Day Automatic Grant.	CDW	1,445
Domestic 214 Applications—Part 63 Discontinuances (Standard Streamlined Review) (All Other Domestic 214 Discontinuance Fillings).	CDX	375
VoIP Numbering	CDY	1,560
Standard Tariff Filing	CQK	1,040
Complex Tariff Filing (annual access charge tariffs, new or restructured rate plans) (Large—all price cap LECs and entities involving more than 100 LECs).	CQL	7,680
Complex Tariff Filing (annual access charge tariffs, new or restructured rate plans) (Small—other entities)	CQM	3,840
Application for Special Permission for Waiver of Tariff Rules	CQN	420
Waiver of Accounting Rules	CQP	5,185
Universal Service Fund Auction (combined long-form and short-form fee, paid only by winning bidder)	CQQ	3,480
Initial Robocall Mitigation Database Filing	CEA	100
Annual Robocall Mitigation Database Recertification	CEB	100

Subpart W—FCC Registration Number (FRN)

■ 4. Delayed indefinitely, amend § 1.8002 by revising paragraph (b)(2) to read as follows:

§ 1.8002 Obtaining an FRN.

* * * * *

(b) * * *

(2) Registrants shall update the information listed in paragraph (b)(1) of this section within 10 business days of any change to that information either by updating the information on-line at the CORES link at *www.fcc.gov* or by filing FCC Form 161 (CORES Update/Change Form).

* * * * *

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Subpart HH—Caller ID Authentication

■ 5. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091; Pub. L. 117–338, 136 Stat. 6156.

■ 6. Delayed indefinitely, amend § 64.6305 by adding paragraph (h) to read as follows:

§ 64.6305 Robocall mitigation and certification.

* * * * *

(h) *Annual Recertification Requirement.* In accordance with this section and 47 CFR 1.16, all providers shall certify annually, on or before March 1, that any information submitted to the Robocall Mitigation Database is true and correct.

[FR Doc. 2026–00010 Filed 1–5–26; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 91, No. 3
Tuesday, January 6, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF416]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Recreational Advisory Panel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, January 20, 2026 at 9 a.m. Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/OIHOm5KPTlGqtWJRbl1OXQ.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Groundfish Recreational Advisory Panel will meet to discuss and develop recommendations to the Groundfish Committee on fishing year 2026 recreational measures for Western Gulf of Maine cod and Gulf of Maine haddock. The Panel will also receive an overview of the Council's groundfish priorities for 2026. Other business will be discussed, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: January 2, 2026.

Becky J. Curtis,

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

[FR Doc. 2026–00022 Filed 1–5–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF417]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Committee via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, January 20, 2026 at 1 p.m. Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/kr27E-pkS_Ggz4jOADc4Og.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Groundfish Committee will meet to receive recommendations from the Recreational Advisory Panel and discuss and develop recommendations to the Council on fishing year 2026 recreational measures for Western Gulf of Maine cod and Gulf of Maine haddock The Committee will also receive an overview of the Council's groundfish priorities for 2026 and discuss a workplan. Other business will be discussed, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: January 2, 2026.

Becky J. Curtis,

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

[FR Doc. 2026–00024 Filed 1–5–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF392]

Gulf Fishery Management Council; Public Meeting

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

ACTION: Notice of hybrid meeting open to the public offering both in-person and virtual options for participation.

SUMMARY: The Gulf Fishery Management Council (Council) will hold a 3-day meeting to consider actions affecting the Gulf of America fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will convene Monday, January 26 through Wednesday, January 28, 2026, 8:30 a.m.–5:30 p.m., CST daily.

ADDRESSES: The meeting will take place at the Hyatt Centric French Quarter, located at 800 Iberville Street, New Orleans, LA 70112. If you prefer to ''listen in,'' you may access the log-on information by visiting our website at *www.gulfcouncil.org.*

Council address: Gulf Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Carrie Simmons, Executive Director, Gulf Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Monday, January 26, 2026; 8:30 a.m.–5:30 p.m., CST

The meeting will begin with the Administrative/Budget Committee reviewing Proposed 2026 Activities and Budget, update on Final 2020–2024 Administrative Award and Inflation Reduction Act Funding and review of Advisory Panel Appointments for *Red Drum, Coastal Migratory Pelagics,* and Ad Hoc Advisory Panels.

The Law Enforcement Committee will review summary report from the October 2025 Law Enforcement Technical Committee. Sustainable Fisheries Committee will review Draft Workplan for Regulatory Streamlining Recommendations and next steps.

Following lunch, the Data Collection Committee will convene to discuss and review the Southeast For-Hire Integrated Electronic Reporting Document, provide an update on Commercial Electronic Logbook Program Implementation Plan, receive a presentation on updates to SERO Permit Database System and hold a discussion on *Deep-water Grouper* Complex Recreational Mandatory Reporting.

The Outreach and Education committee will review 2025 Communications Analytics and O&E Technical Committee Recommendations, discuss Management Area Mapping Tool, and Recreational Initiative Communications and Recommendations. The Committee will receive an update on the Anonymous Voice Mail Box communication, Council Learning Opportunities during meetings, 2026 Communications Improvement Plan, and Other Items from the O&E Technical Committee Summary.

Tuesday, January 27, 2026; 8:30 a.m.–5:30 p.m., CST

The meeting will begin with a Litigation update followed by the *Reef Fish* Committee review and discussion of the 2025 *Reef Fish* and Individual Fishing Quota (IFQ) Landings update, Final Action Items: *Reef Fish* Amendment 62: Modifications to Gulf *Red Grouper* Management Measures and *Reef Fish* Amendment 58A: Modifications to Other *Shallow-water Grouper* Management Measures.

The Committee will review Draft Options*: Reef Fish* Amendment 63: Modifications to Gulf *Red Grouper* IFQ Program, Draft—*Reef Fish* Amendment 59A: Permit Requirements in IFQ Programs and Ad Hoc IFQ Advisory Panel Meeting Summary report. Lastly, the Committee will receive presentations for Regional Management of *Greater Amberjack* for the Recreational Sector, Recreational Initiative Working Group Prioritization and Management Recommendations and the January 2026 SSC Webinar Summary.

Immediately following the Reef Fish Committee, National Marine Fisheries Service (NMFS) and Council will Host a General Question and Answer Session.

Wednesday, January 28, 2026; 8:30 a.m.–5:30 p.m., CST

The Council will convene at 8:30 a.m., CST with a Call to Order, Announcements and Introductions, Adoption of Agenda and Approval of Minutes and will receive the latest on Gulf Commission Programmatic Activities.

The Council will hold public testimony beginning at 9:15 a.m. to 12:30 p.m., CST for FINAL ACTION items: *Reef Fish* Amendment 62: Modifications to Gulf *Red Grouper* Management Measures and *Reef Fish* Amendment 58A: Modifications to Other *Shallow-water Grouper* Management Measures; and open testimony on other fishery issues or concerns. Public comment may begin earlier than 9:15 a.m. CST but will not conclude before that time. Persons wishing to give public testimony in-person must register at the registration kiosk in the meeting room. Persons wishing to give public testimony virtually must sign up on the Council website on the day of public testimony. Registration for virtual testimony closes one hour (8:15 a.m. CST) before public testimony begins.

Following lunch, the Council will receive updates from supporting agencies: South Atlantic Fishery Management Council Liaison; Louisiana Law Enforcement Efforts; NOAA Office of Law Enforcement (OLE); Gulf States Marine Fisheries Commission; U.S. Coast Guard; U.S. Fish and Wildlife Service; and Department of State.

The Council will receive Committee reports from Administrative/Budget, Law Enforcement, Sustainable Fisheries, Data Collection, Outreach and Education, and *Reef Fish* Committees.

Lastly, the Council will receive an update on documents transmitted for Rule Making, hold a discussion on Council Planning and Primary Activities and any Other Business items.

—Meeting Adjourns

The meeting will be a hybrid meeting; both in-person and virtual participation available. You may register for the webinar to listen-in only by visiting *www.gulfcouncil.org* and click on the Council meeting on the calendar.

The timing and order in which agenda items are addressed may change as required to effectively address the issue, and the latest version along with other meeting materials will be posted on the website as they become available.

Although other non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically. listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided that the public has been

notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid or accommodations should be directed to Kathy Pereira, (813) 348–1630, at least 15 days prior to the meeting date.

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

Dated: January 2, 2026.

Becky J. Curtis,

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

[FR Doc. 2026–00027 Filed 1–5–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF412]

Gulf Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf Fishery Management Council (Gulf Council) will hold a virtual meeting of its standing Scientific and Statistical Committee (SSC).

DATES: The meeting will be held Thursday, January 22, 2026, from 1 p.m.–4 p.m., EST.

ADDRESSES: The meeting will be held virtually via webinar. Registration information will be available on the Council's website by visiting *www.gulfcouncil.org* and clicking on the ''meeting'' tab.

Council address: Gulf Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Rindone, Lead Fishery Biologist, Gulf Fishery Management Council; *ryan.rindone@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Thursday, January 22, 2026; 1 p.m.–4 p.m., EST

The meeting will begin with introductions and adoption of agenda, review and approval of Meeting Minutes from the October 2025 SSC webinar meeting, and Scope of Work.

The SSC will then review the Gulf Lane Snapper Interim Analysis, Gulf Gag Grouper Interim Analysis and Gulf Red Grouper Interim Analysis Health Check, including presentations, background material, and SSC discussions.

Public comments and Other Business items will be heard at the end of the day, if any.

—Meeting Adjourns

The meeting will be broadcast via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the SSC meeting on the calendar.

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take-action to address the emergency.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for auxiliary aid should be directed to Kathy Pereira, (813) 348–1630, at least 5 days prior to the meeting date.

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

Dated: January 2, 2026.

Becky J. Curtis,

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

[FR Doc. 2026–00025 Filed 1–5–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2025–0038; OMB Control Number 0704–0441]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Quality Assurance

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by February 5, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: *https://www.regulations.gov*. Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald T. Lucas, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil*.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 246, Quality Assurance, and related clauses at 252.246; OMB Control Number 0704–0441.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 62,761.

Responses per Respondent: 4.

Annual Responses: 253,008.

Average Burden per Response: approximately 64 hours.

Annual Burden Hours: 16,253,658 (includes 220,158 reporting hours and 16,033,500 recordkeeping hours).

Needs and Uses: The information collections under OMB Control Number

0704–0441 pertain to all information that offerors or contractors must submit related to DFARS contract quality assurance programs.

a. 252.246–7003, Notification of Potential Safety Issues. Contracting officers require timely notification of potential safety defects so that (1) systems and equipment likely affected by the situation can be readily identified, and (2) appropriate engineering investigation and follow-on actions can be taken to establish and mitigate risk.

b. 252.246–7005, Notice of Warranty Tracking of Serialized Items. The information provided by offerors under this solicitation provision alerts contracting officers in those cases where the offeror is proposing to provide a warranty for an individual contract line item for which DoD has not specified a warranty in the solicitation. The warranty notice will permit the Government to recognize and utilize any warranty after contract award.

c. 252.246–7006, Warranty Tracking of Serialized Items. The information provided by contractors allows DoD to track warranties for item unique identification (IUID) required items in the IUID registry to obtain maximum utility of warranties provided on contracted items. The identification and enforcement of warranties is essential to the effectiveness and efficiency of DoD's material readiness. Providing visibility and accountability of warranty data associated with acquired goods, from the identification of the requirement to the expiration date of the warranted item, significantly enhances DoD's ability to take full advantage of warranties, resulting in—

(1) Reduced costs;

(2) Ability to recognize benefits included at no additional cost;

(3) Ability to compare performance against Government-specified warranties; and

(4) Identification of sufficient durations for warranties for specific goods.

d. 252.246–7008, Sources of Electronic Parts. The contracting officer uses the information to ensure that the contractor performs the traceability of parts, additional inspection, testing, and authentication required when an electronic part is not obtained from a trusted supplier. The Government may also use this information to more actively perform acceptance.

DoD Clearance Officer: Mr. Reginald T. Lucas. Requests for copies of the information collection proposal should be sent to Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2025–24283 Filed 1–5–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates; Correction

AGENCY: Defense Human Resources Activity, Department of Defense (DoD).

ACTION: Notice of revised per diem rates in non-foreign areas outside the continental U.S.; correction.

SUMMARY: On December 31, 2025, the DoD published a notice titled Revised Non-Foreign Overseas Per Diem Rates. Subsequent to publication of the notice, the DoD realized that some of the numbers in the table published incorrectly. This correction reprints the table in its entirety to include the updated numbers. All other information in the original notice remains the same.

DATES: The updated rates take effect January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Holly Korcel, 571–372–1300, *holly.n.korcel.civ@mail.mil.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 31, 2025 (90 FR 61385–61388), in FR Doc. 2025–24066, starting on page 61385 immediately following the signature block in the third column, the table is reprinted in its entirety to include the updated numbers.

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	[OTHER]	01/01	12/31	239	143	382	01/01/2026
ALASKA	ADAK	01/01	12/31	239	143	382	01/01/2026
ALASKA	ANCHORAGE	04/01	09/30	329	148	477	01/01/2026
ALASKA	ANCHORAGE	10/01	03/31	239	148	387	01/01/2026
ALASKA	BARROW	05/01	08/31	301	143	444	01/01/2026
ALASKA	BARROW	09/01	04/30	266	143	409	01/01/2026
ALASKA	BARTER ISLAND LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	BETHEL	01/01	12/31	239	143	382	01/02/2026
ALASKA	BETTLES	01/01	12/31	239	143	*382	01/01/2026
ALASKA	CAPE LISBURNE LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	CAPE NEWENHAM LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	CAPE ROMANZOF LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	CLEAR AB	01/01	12/31	239	143	382	01/01/2026
ALASKA	COLD BAY	01/01	12/31	239	143	382	01/01/2026
ALASKA	COLD BAY LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	COLDFOOT	01/01	12/31	249	143	392	01/01/2026
ALASKA	COPPER CENTER	01/01	12/31	239	143	382	01/01/2026
ALASKA	CORDOVA	01/01	12/31	239	143	382	01/01/2026
ALASKA	CRAIG	05/01	09/30	275	143	418	01/01/2026
ALASKA	CRAIG	10/01	04/30	199	143	342	01/01/2026
ALASKA	DEADHORSE	01/01	12/31	239	143	*382	01/01/2026
ALASKA	DELTA JUNCTION	01/01	12/31	239	143	382	01/01/2026
ALASKA	DENALI NATIONAL PARK	05/01	09/30	275	143	418	01/01/2026
ALASKA	DENALI NATIONAL PARK	10/01	04/30	199	143	342	01/01/2026
ALASKA	DILLINGHAM	01/01	12/31	320	143	463	01/01/2026
ALASKA	DUTCH HARBOR–UNALASKA	01/01	12/31	239	143	382	01/01/2026
ALASKA	EARECKSON AIR STATION	01/01	12/31	146	74	220	01/01/2026
ALASKA	EIELSON AFB	04/16	11/30	279	133	412	01/01/2026
ALASKA	EIELSON AFB	12/01	04/15	199	133	332	01/01/2026
ALASKA	ELFIN COVE	01/01	12/31	239	143	382	01/01/2026

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	ELMENDORF AFB	04/01	09/30	329	148	477	01/01/2026
ALASKA	ELMENDORF AFB	10/01	03/31	239	148	387	01/01/2026
ALASKA	FAIRBANKS	04/16	11/30	279	133	412	01/01/2026
ALASKA	FAIRBANKS	12/01	04/15	199	133	332	01/01/2026
ALASKA	FORT YUKON LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	FT. GREELY	01/01	12/31	239	143	382	01/01/2026
ALASKA	FT. RICHARDSON	04/01	09/30	329	148	477	01/01/2026
ALASKA	FT. RICHARDSON	10/01	03/31	239	148	387	01/01/2026
ALASKA	FT. WAINWRIGHT	04/16	11/30	279	133	412	01/01/2026
ALASKA	FT. WAINWRIGHT	12/01	04/15	199	133	332	01/01/2026
ALASKA	GAMBELL	01/01	12/31	239	143	382	01/01/2026
ALASKA	GLENNALLEN	01/01	12/31	239	143	382	01/01/2026
ALASKA	HAINES	01/01	12/31	239	143	382	01/01/2026
ALASKA	HEALY	05/01	09/30	275	143	418	01/01/2026
ALASKA	HEALY	10/01	04/30	199	143	342	01/01/2026
ALASKA	HOMER	05/01	09/30	275	143	418	01/01/2026
ALASKA	HOMER	10/01	04/30	199	143	342	01/01/2026
ALASKA	JB ELMENDORF–RICHARDSON	04/01	09/30	329	148	477	01/01/2026
ALASKA	JB ELMENDORF–RICHARDSON	10/01	03/31	239	148	387	01/01/2026
ALASKA	JUNEAU	02/01	10/31	274	143	417	01/01/2026
ALASKA	JUNEAU	11/01	01/31	239	143	382	01/01/2026
ALASKA	KAKTOVIK	01/01	12/31	239	143	*382	01/01/2026
ALASKA	KAVIK CAMP	01/01	12/31	239	143	*382	01/01/2026
ALASKA	KENAI–SOLDOTNA	05/01	10/31	275	143	418	01/01/2026
ALASKA	KENAI–SOLDOTNA	11/01	04/30	199	143	342	01/01/2026
ALASKA	KENNICOTT	01/01	12/31	239	143	382	01/01/2026
ALASKA	KETCHIKAN	05/01	09/30	275	143	418	01/01/2026
ALASKA	KETCHIKAN	10/01	04/30	188	143	331	01/01/2026
ALASKA	KING SALMON	01/01	12/31	239	143	382	01/01/2026
ALASKA	KING SALMON LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	KLAWOCK	01/01	12/31	239	143	382	01/01/2026
ALASKA	KODIAK	05/01	11/30	231	139	370	01/01/2026
ALASKA	KODIAK	12/01	04/30	145	139	284	01/01/2026
ALASKA	KOTZEBUE	01/01	12/31	239	143	382	01/01/2026
ALASKA	KULIS AGS	04/01	09/30	329	148	477	01/01/2026
ALASKA	KULIS AGS	10/01	03/31	239	148	387	01/01/2026
ALASKA	MCCARTHY	01/01	12/31	239	143	382	01/01/2026
ALASKA	MCGRATH	01/01	12/31	239	143	*382	01/01/2026
ALASKA	MURPHY DOME	04/16	11/30	279	133	412	01/01/2026
ALASKA	MURPHY DOME	12/01	04/15	199	133	332	01/01/2026
ALASKA	NOME	05/01	08/31	275	143	418	01/01/2026
ALASKA	NOME	09/01	04/30	242	143	385	01/01/2026
ALASKA	NOSC ANCHORAGE	04/01	09/30	329	148	477	01/01/2026
ALASKA	NOSC ANCHORAGE	10/01	03/31	239	148	387	01/01/2026
ALASKA	NUIQSUT	01/01	12/31	239	143	*382	01/01/2026
ALASKA	OLIKTOK LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	PALMER	05/01	09/30	275	143	418	01/01/2026
ALASKA	PALMER	10/01	04/30	199	143	342	01/01/2026
ALASKA	PETERSBURG	01/01	12/31	239	143	382	01/01/2026
ALASKA	POINT BARROW LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	POINT HOPE	01/01	12/31	239	143	*382	01/01/2026
ALASKA	POINT LONELY LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	PORT ALEXANDER	01/01	12/31	239	143	*382	01/01/2026
ALASKA	PORT ALSWORTH	01/01	12/31	239	143	382	01/01/2026
ALASKA	PRUDHOE BAY	01/01	12/31	239	143	*382	01/01/2026
ALASKA	SELDOVIA	05/01	09/30	275	143	418	01/01/2026
ALASKA	SELDOVIA	10/01	04/30	199	143	342	01/01/2026
ALASKA	SEWARD	04/01	09/30	284	189	473	01/01/2026
ALASKA	SEWARD	10/01	03/31	199	189	388	01/01/2026
ALASKA	SITKA–MT. EDGECUMBE	05/01	09/30	275	143	418	01/01/2026
ALASKA	SITKA–MT. EDGECUMBE	10/01	04/30	199	143	342	01/01/2026
ALASKA	SKAGWAY	05/01	09/30	275	143	418	01/01/2026
ALASKA	SKAGWAY	10/01	04/30	199	143	342	01/01/2026
ALASKA	SLANA	01/01	12/31	239	143	382	01/01/2026
ALASKA	SPARREVOHN LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	SPRUCE CAPE	03/01	09/30	275	143	418	01/01/2026
ALASKA	SPRUCE CAPE	10/01	02/28	199	143	342	01/01/2026
ALASKA	ST. GEORGE	01/01	12/31	239	143	382	01/01/2026
ALASKA	TALKEETNA	01/01	12/31	239	148	387	01/01/2026
ALASKA	TANANA	05/01	08/31	275	143	418	01/01/2026
ALASKA	TANANA	09/01	04/30	242	143	385	01/01/2026
ALASKA	TATALINA LRRS	01/01	12/31	239	143	382	01/01/2026
ALASKA	TIN CITY LRRS	01/01	12/31	239	143	382	01/01/2026

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	TOK	01/01	12/31	239	143	382	01/01/2026
ALASKA	VALDEZ	05/16	09/15	275	143	418	01/01/2026
ALASKA	VALDEZ	09/16	05/15	199	143	342	01/01/2026
ALASKA	WAINWRIGHT	01/01	12/31	295	143	438	01/01/2026
ALASKA	WASILLA	06/01	09/30	275	129	404	01/01/2026
ALASKA	WASILLA	10/01	05/31	199	129	328	01/01/2026
ALASKA	WRANGELL	05/01	09/30	275	143	418	01/01/2026
ALASKA	WRANGELL	10/01	04/30	188	143	331	01/01/2026
ALASKA	YAKUTAT	06/01	09/30	350	143	493	01/01/2026
ALASKA	YAKUTAT	10/01	05/31	199	143	342	01/01/2026
AMERICAN SAMOA	AMERICAN SAMOA	01/01	12/31	149	103	252	05/01/2023
AMERICAN SAMOA	PAGO PAGO	01/01	12/31	149	103	252	05/01/2023
GUAM	GUAM (INCL ALL MIL INSTAL)	01/01	12/31	179	124	303	03/01/2025
GUAM	JOINT REGION MARIANAS (ANDERSEN).	01/01	12/31	179	124	303	03/01/2025
GUAM	JOINT REGION MARIANAS (NAVAL BASE).	01/01	12/31	179	124	303	03/01/2025
GUAM	TAMUNING	01/01	12/31	179	124	303	03/01/2025
HAWAII	[OTHER]	01/01	12/31	242	163	405	10/01/2025
HAWAII	CAMP H M SMITH	01/01	12/31	202	163	365	10/01/2025
HAWAII	CNI NAVMAG PEARL HARBOR-HICKAM.	01/01	12/31	202	163	365	10/01/2025
HAWAII	FT. DERUSSEY	01/01	12/31	202	163	365	10/01/2025
HAWAII	FT. SHAFTER	01/01	12/31	202	163	365	10/01/2025
HAWAII	HICKAM AFB	01/01	12/31	202	163	365	10/01/2025
HAWAII	HONOLULU	01/01	12/31	202	163	365	10/01/2025
HAWAII	ISLE OF HAWAII: HILO	01/01	12/31	199	146	345	10/01/2025
HAWAII	ISLE OF HAWAII: LOCATIONS OTHER THAN HILO.	01/01	12/31	242	180	422	10/01/2025
HAWAII	ISLE OF KAUAI	01/01	12/31	350	165	515	10/01/2025
HAWAII	ISLE OF LANAI	01/01	12/31	242	163	405	10/01/2025
HAWAII	ISLE OF MAUI	01/01	12/31	354	153	507	10/01/2025
HAWAII	ISLE OF MOLOKAI	01/01	12/31	242	163	405	10/01/2025
HAWAII	ISLE OF OAHU	01/01	12/31	202	163	365	10/01/2025
HAWAII	JB PEARL HARBOR–HICKAM	01/01	12/31	202	163	365	10/01/2025
HAWAII	KAPOLEI	01/01	12/31	202	163	365	10/01/2025
HAWAII	KEKAHA PACIFIC MISSILE RANGE FAC	01/01	12/31	350	165	515	10/01/2025
HAWAII	KILAUEA MILITARY CAMP	01/01	12/31	199	146	345	10/01/2025
HAWAII	LIHUE	01/01	12/31	350	165	515	10/01/2025
HAWAII	MCB HAWAII	01/01	12/31	202	163	365	10/01/2025
HAWAII	NCTAMS PAC WAHIAWA	01/01	12/31	202	163	365	10/01/2025
HAWAII	NOSC PEARL HARBOR	01/01	12/31	202	163	365	10/01/2025
HAWAII	PEARL HARBOR	01/01	12/31	202	163	365	10/01/2025
HAWAII	PMRF BARKING SANDS	01/01	12/31	350	165	515	10/01/2025
HAWAII	SCHOFIELD BARRACKS	01/01	12/31	202	163	365	10/01/2025
HAWAII	TRIPLER ARMY MEDICAL CENTER	01/01	12/31	202	163	365	10/01/2025
HAWAII	WHEELER ARMY AIRFIELD	01/01	12/31	202	163	365	10/01/2025
MIDWAY ISLANDS	MIDWAY ISLANDS	01/01	12/31	125	81	206	05/01/2023
NORTHERN MARIANA ISLANDS	ROTA	01/01	12/31	161	125	286	03/01/2025
NORTHERN MARIANA ISLANDS	SAIPAN	01/01	12/31	161	113	274	05/01/2023
NORTHERN MARIANA ISLANDS	TINIAN	01/01	12/31	161	95	256	03/01/2025
PUERTO RICO	[OTHER]	01/01	12/31	183	116	299	06/01/2024
PUERTO RICO	AGUADILLA	01/01	12/31	149	97	246	06/01/2024
PUERTO RICO	BAYAMON	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	BAYAMON	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	CAROLINA	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	CAROLINA	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	CEIBA	01/01	12/31	183	110	293	06/01/2024
PUERTO RICO	CULEBRA	01/01	12/31	183	116	299	06/01/2024
PUERTO RICO	FAJARDO [INCL ROOSEVELT RDS NAVSTAT].	01/01	12/31	183	110	293	06/01/2024
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	HUMACAO	01/01	12/31	183	110	293	06/01/2024
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	LUQUILLO	01/01	12/31	183	110	293	06/01/2024
PUERTO RICO	MAYAGUEZ	01/01	12/31	129	116	245	06/01/2024
PUERTO RICO	PONCE	01/01	12/31	149	146	295	06/01/2024
PUERTO RICO	RIO GRANDE	01/01	12/31	219	97	316	06/01/2024
PUERTO RICO	SABANA SECA [INCL ALL MILITARY]	12/01	06/30	245	148	393	06/01/2024

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
PUERTO RICO	SABANA SECA [INCL ALL MILITARY]	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	SAN JUAN & NAV RES STA	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	SAN JUAN & NAV RES STA	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	VIEQUES	01/01	12/31	183	125	308	06/01/2024
VIRGIN ISLANDS (U.S.)	ST. CROIX	07/01	10/31	247	115	362	10/01/2024
VIRGIN ISLANDS (U.S.)	ST. CROIX	11/01	06/30	299	115	414	10/01/2024
VIRGIN ISLANDS (U.S.)	ST. JOHN	04/15	12/15	324	150	474	10/01/2024
VIRGIN ISLANDS (U.S.)	ST. JOHN	12/16	04/14	414	150	564	10/01/2024
VIRGIN ISLANDS (U.S.)	ST. THOMAS	04/15	12/15	324	150	474	10/01/2024
VIRGIN ISLANDS (U.S.)	ST. THOMAS	12/16	04/14	414	150	564	10/01/2024
WAKE ISLAND	WAKE ISLAND	01/01	12/31	136	78	214	03/01/2025

* Where meals are included in the lodging rate, a traveler is only allowed a meal rate on the first and last day of travel.

Dated: January 2, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–00028 Filed 1–5–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR26–23–000.

Applicants: Montana-Dakota Utilities Co.

Description: 284.123(g) Rate Filing: Statement of Operating Conditions—Update to be effective 12/1/2025.

Filed Date: 12/30/25.

Accession Number: 20251230–5444.

Comment Date: 5 p.m. ET 1/20/26.

284.123(g) Protest: 5 p.m. ET 3/2/26.

Docket Numbers: RP26–332–000.

Applicants: Gulf Run Transmission, LLC.

Description: 4(d) Rate Filing: Amendment No. 2—NRA with Golden Pass to be effective 1/1/2026.

Filed Date: 12/30/25.

Accession Number: 20251230–5322.

Comment Date: 5 p.m. ET 1/12/26.

Docket Numbers: RP26–333–000.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: Compliance filing: Totem Enhanced Deliverability Implementation Filing in Docket No. CP24–124–000 to be effective 2/1/2026.

Filed Date: 12/30/25.

Accession Number: 20251230–5351.

Comment Date: 5 p.m. ET 1/12/26.

Docket Numbers: RP26–334–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Non-Conforming Agreements Update (SWG 2026) to be effective 1/1/2026.

Filed Date: 12/30/25.

Accession Number: 20251230–5389.

Comment Date: 5 p.m. ET 1/12/26.

Docket Numbers: RP26–335–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Negotiated Rate Agreements Update (Pioneer Feb 2026) to be effective 2/1/2026.

Filed Date: 12/30/25.

Accession Number: 20251230–5396.

Comment Date: 5 p.m. ET 1/12/26.

Docket Numbers: RP26–336–000.

Applicants: Columbia Gas Transmission, LLC.

Description: 4(d) Rate Filing: Negotiated Rate Amendment—Celanese 151487 Eff 1.1.26 to be effective 1/1/2026.

Filed Date: 12/31/25.

Accession Number: 20251231–5116.

Comment Date: 5 p.m. ET 1/12/26.

Docket Numbers: RP26–337–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: 4(d) Rate Filing: Negotiated Rates—Northern to Emera 3370 eff 1–1–26 to be effective 1/1/2026.

Filed Date: 12/31/25.

Accession Number: 20251231–5123.

Comment Date: 5 p.m. ET 1/12/26.

Docket Numbers: RP26–338–000.

Applicants: ANR Pipeline Company.

Description: 4(d) Rate Filing: ANR—NR Castleton 336049, Eff 1.1.26 to be effective 1/1/2026.

Filed Date: 12/31/25.

Accession Number: 20251231–5143.

Comment Date: 5 p.m. ET 1/12/26.

Docket Numbers: RP26–339–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: 4(d) Rate Filing: TPC 2025–12–31 NGA Section 4 Rate Case to be effective 2/1/2026.

Filed Date: 12/31/25.

Accession Number: 20251231–5171.

Comment Date: 5 p.m. ET 1/12/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP25–989–004.

Applicants: Northern Natural Gas Company.

Description: Compliance filing: 20251230 Motion Adjusted Base Case Rates to be effective 1/1/2026.

Filed Date: 12/30/25.

Accession Number: 20251230–5388.

Comment Date: 5 p.m. ET 1/12/26.

Docket Numbers: RP25–989–005.

Applicants: Northern Natural Gas Company.

Description: Compliance filing: 20251230 Interim Rates to be effective 1/1/2026.

Filed Date: 12/30/25.

Accession Number: 20251230–5409.

Comment Date: 5 p.m. ET 1/12/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as

interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

Dated: December 31, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00013 Filed 1–5–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–514–000; Docket No. CP25–517–000]

Tennessee Gas Pipeline Company, LLC; Southern Natural Gas Company, LLC; Elba Express Company, LLC: Notice of Schedule for the Final Order for the Mississippi Crossing Project and South System Expansion 4 Project

On June 30, 2025, Tennessee Gas Pipeline Company, LLC filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the Federal Energy Regulatory Commission's (Commission) regulations requesting authorization for the proposed Mississippi Crossing Project. On the same day, Southern Natural Gas Company, LLC and Elba Express Company, LLC filed an application pursuant to sections 7(b) and 7(c) of the NGA and part 157 of the Commission's regulations requesting authorization for the proposed South System Expansion 4 Project. On September 5, 2025, the Commission issued a Notice of Intent to Prepare an Environmental Impact Statement (EIS) establishing a schedule for the environmental review of the projects, including an anticipated issuance date for the final EIS of June 26, 2026.[1]

The projects are covered under Title 41 of the Fixing America's Surface Transportation Act (FAST–41). Under FAST–41, agencies are to publish completion dates for all federal environmental reviews and authorizations. This notice identifies the Commission's anticipated schedule for issuance of the final orders for the projects, which is based on the anticipated issuance date for the final EIS. We currently anticipate issuing the final orders no later than:

Issuance of Final Order—July 31, 2026

If a schedule change becomes necessary, additional notice will be provided so that interested parties and the relevant agencies are kept informed of the projects' progress.

(Authority: 18 CFR 2.1.)

Dated: December 31, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–00020 Filed 1–5–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2916–085]

East Bay Municipal Utility District; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 2916–085.

c. *Date Filed:* October 21, 2025.

d. *Submitted by:* East Bay Municipal Utility District.

e. *Name of Project:* Lower Mokelumne River Hydroelectric Project.

f. *Location:* Lower Mokelumne River spanning Amador, Calaveras, and San Joaquin counties in California.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Priyanka (Priya) Jain, Senior Civil Engineer/Relicensing Manager, East Bay Municipal Utility District, 375 11th Street, MS 901 Oakland, CA 94607; Telephone (510) 287–1153 or email *Priyanka.Jain@ebmud.com*.

i. *FERC Contact:* Ousmane Sidibe, Project Coordinator, West Branch, Division of Hydropower Licensing; telephone (202) 502–6245 or email *ousmane.sidibe@ferc.gov*.

j. *Cooperating Agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating East Bay Municipal Utility District as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. East Bay Municipal Utility District filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EISX–019–20–000–1751972052.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy via U.S. Postal Service to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2916–085.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by February 17, 2026.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian Tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Wednesday, January 28, 2026.

Time: 1:00 p.m. to 3:00 p.m. Pacific Standard Time (PST).

Location: Appellation Lodi—Wine & Roses Hotel, 2505 W Turner Road, Lodi, California 95242.

Evening Scoping Meeting

Date: Wednesday, January 28, 2026.

Time: 5:00 p.m. to 7:00 p.m. Pacific Standard Time (PST).

Location: Appellation Lodi—Wine & Roses Hotel, 2505 W Turner Road, Lodi, California 95242.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an *Environmental Site Review* of the project on Thursday, January 29, 2026, starting at 8:30 a.m. All participants should meet at Pardee Center—McLean Hall, located at 3535 Sandretto Road, Valley Springs, CA 95252. All participants are responsible for their own transportation. Anyone with questions about the site visit should contact Ms. Sabrina Cheng at *mokrelicense@ebmud.com* (preferably) or by phone at (510) 287–1109 on or before Monday January 19, 2026.

Meeting Objectives

At the scoping meetings, staff will: (1) initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

(Authority: 18 CFR 2.1)

Dated: December 31, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–00016 Filed 1–5–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–54–000]

Texas Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on December 22, 2025, Texas Gas Transmission, LLC (Texas Gas), 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, filed in the above referenced docket, a prior notice request pursuant to sections 157.205(b) and 157.214(a) of the Commission's regulations under the Natural Gas Act (NGA), and Northern's blanket certificate issued in Docket No. CP82–407–000, for authorization to increase: (1) the maximum certificated pressure from 927 pound per square inch (psi) to 977 psi, (2) the maximum certificated storage capacity from 136,323,530 thousand cubic feet (Mcf) to 144,999,530 Mcf, and (3) the working gas inventory from 65,182,677 Mcf to 73,858,677 Mcf at its Midland Gas Storage Field located in Muhlenberg, Kentucky (Midland Delta Pressure Project). The project will allow Texas Gas to enhance operational flexibility, safety, and system reliability. No construction activities or new facilities are required to support the project, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's

Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions concerning this request should be directed to Juan Eligio, Jr., Director of Regulatory Affairs, Texas Gas Transmission, LLC, 9 Greenway Plaza, Houston, Texas 77046, by phone at (713) 479–8158 or by email at *juan.eligio@bwpipelines.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on March 2, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on March 2, 2026. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on March 2, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on March 2, 2026. *The filing of a comment alone will not serve to make the filer a party to the proceeding.* To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–54–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–54–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Juan Eligio, Jr., Director of Regulatory Affairs, Texas Gas Transmission, LLC, 9 Greenway Plaza, Houston, Texas, 77046, or by email (with a link to the document) at *juan.eligio@bwpipelines.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

(Authority: 18 CFR 2.1)

Dated: December 31, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–00018 Filed 1–5–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 96–048]

Pacific Gas and Electric Company; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new license to continue to operate and maintain the Kerckhoff Hydroelectric Project. The project is located about 25 miles northeast of the city of Fresno, on the San Joaquin River (SJR), in Fresno and Madera Counties, California. Commission staff has prepared an Environmental Assessment (EA) for the project. The project would occupy 113.3 acres of federal land administered by the U.S. Forest Service, 57.8 acres of federal lands administered by the Bureau of Land Management (BLM), and 56.5 acres of federal lands of the Bureau of Reclamation that is managed by BLM.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov/*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or at (866) 208–3676 (toll-free), or (202) 502–8659 (TTY).

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed with the Commission by 5:00 p.m. Eastern Standard Time on Friday, January 30, 2026.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/Quick.aspx*. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–96–048.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

For further information, contact Evan Williams at (202) 502–8462 or by email at *evan.williams@ferc.gov*.

(Authority: 18 CFR 2.1)

Dated: December 31, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–00017 Filed 1–5–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the commission received the following accounting Request filings:

Docket Numbers: AC26–18–000.

Applicants: Entergy Louisiana, LLC.

Description: Entergy Louisiana, LLC requests approval to use Account 182.2, to record the early retirement costs and related removal costs of certain distribution and limited transmission plant, covered under the Resilience Plan.

Filed Date: 12/30/25.

Accession Number: 20251230–5483.

Comment Date: 5 p.m. ET 1/20/26.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26–43–000.

Applicants: Cottonwood Energy Company LP, Entergy Louisiana, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Cottonwood Energy Company LP, et al.

Filed Date: 12/22/25.

Accession Number: 20251222–5379.

Comment Date: 5 p.m. ET 2/20/26.

Docket Numbers: EC26–44–000.

Applicants: NorthWestern Energy Group Inc., Black Hills Corporation.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Black Hills Corporation, et al.

Filed Date: 12/22/25.

Accession Number: 20251222–5401.

Comment Date: 5 p.m. ET 2/20/26.

Docket Numbers: EC26–45–000.

Applicants: Entergy Louisiana, LLC, Mondu Solar, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Entergy Louisiana, LLC, et al.

Filed Date: 12/29/25.

Accession Number: 20251229–5555.

Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: EC26–46–000.

Applicants: Beulah Solar, LLC, PGR 2021 Lessee 2, LLC, Centerfield Cooper Solar, LLC, PGR Lessee O, LLC, Highest Power Solar, LLC, PGR 2021 Lessee 7, LLC, Lick Creek Solar, LLC, PGR 2021

Lessee 5, LLC, Peony Solar LLC, Stanly Solar, LLC, PGR 2021 Lessee 1, LLC, Sugar Solar, LLC, PGR 2020 Lessee 8, LLC, Trent River Solar, LLC, Trent River Solar Mile Lessee, LLC, TWE Bowman Solar Project, LLC, PGR Lessee L, LLC, GoodFinch Back Bay Manager, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Beulah Solar, LLC, et al.

Filed Date: 12/29/25.

Accession Number: 20251229–5558.

Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: EC26–47–000.

Applicants: Allora Solar, LLC, PGR 2021 Lessee 19, LLC, Cabin Creek Solar, LLC, PGR 2021 Lessee 12, LLC, Gunsight Solar, LLC, PGR 2021 Lessee 15, LLC, Phobos Solar, LLC, PGR 2021 Lessee 11, LLC, Foley Solar, LLC, East Atmore Solar, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Allora Solar, LLC, et al. under.

Filed Date: 12/30/25.

Accession Number: 20251230–5479.

Comment Date: 5 p.m. ET 1/20/26.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–36–000.

Applicants: Northern Indiana Public Service Company LLC v. Midcontinent Independent System Operator, Inc.

Description: Complaint of Northern Indiana Public Service Company LLC v. Midcontinent Independent System Operator, Inc.

Filed Date: 12/29/25.

Accession Number: 20251229–5444.

Comment Date: 5 p.m. ET 1/20/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2128–028.

Applicants: Wolverine Creek Energy LLC.

Description: Triennial Market Power Analysis for Northwest Region of Wolverine Creek Energy LLC.

Filed Date: 12/30/25.

Accession Number: 20251230–5481.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER11–1933–009.

Applicants: Green Mountain Power Corporation.

Description: Triennial Market Power Analysis for Northeast Region of Green Mountain Power Corporation.

Filed Date: 12/30/25.

Accession Number: 20251230–5474.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER14–1480–002.

Applicants: KMC Thermo, LLC.

Description: Refund Report: Refund Report to be effective N/A.

Filed Date: 12/31/25.

Accession Number: 20251231–5233.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER15–2589–009.

Applicants: CPV Shore, LLC.

Description: Compliance filing: Compliance Filing of Tariff Records to Implement Settlement Rate to be effective 12/16/2024.

Filed Date: 12/30/25.

Accession Number: 20251230–5221.

Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: ER15–2589–010.

Applicants: CPV Shore, LLC.

Description: Compliance filing: Compliance Filing of Tariff Records to Implement Settlement Rate to be effective 9/1/2025.

Filed Date: 12/30/25.

Accession Number: 20251230–5245.

Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: ER17–259–008.

Applicants: Darby Power, LLC.

Description: Compliance filing: Reactive Tariff 2025—Compliance to 129 to be effective 10/1/2025.

Filed Date: 12/31/25.

Accession Number: 20251231–5318.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER17–260–008.

Applicants: Gavin Power, LLC.

Description: Compliance filing: Reactive Tariff 2025—Compliance to 130 to be effective 10/1/2025.

Filed Date: 12/31/25.

Accession Number: 20251231–5319.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER17–262–008.

Applicants: Waterford Power, LLC.

Description: Compliance filing: Reactive Tariff 2025—Compliance to 132 to be effective 10/1/2025.

Filed Date: 12/31/25.

Accession Number: 20251231–5323.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER18–2497–014.

Applicants: Lawrenceburg Power, LLC.

Description: Compliance filing: Reactive Tariff 2025—Compliance to 148 to be effective 10/1/2025.

Filed Date: 12/31/25.

Accession Number: 20251231–5322.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER25–2514–001.

Applicants: Green Country Energy, LLC.

Description: Tariff Amendment: Market-Based Rate Tariff Cancellation to be effective 6/30/2025.

Filed Date: 12/31/25.

Accession Number: 20251231–5166.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER26–85–002.

Applicants: Armadillo Flats Wind Energy, LLC.

Description: Tariff Amendment: Amendment to Armadillo Flats Wind Energy MBR Application to be effective 12/10/2025.

Filed Date: 12/31/25.

Accession Number: 20251231–5384.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER26–86–002.

Applicants: Blackwell Wind I, LLC.

Description: Tariff Amendment: Amendment to Blackwell Wind I MBR Application to be effective 12/10/2025.

Filed Date: 12/31/25.

Accession Number: 20251231–5399.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER26–88–001.

Applicants: High Majestic Wind Energy II, LLC.

Description: Tariff Amendment: Amendment to High Majestic Wind Energy II MBR Application to be effective 12/10/2025.

Filed Date: 12/31/25.

Accession Number: 20251231–5397.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER26–924–000.

Applicants: GridLiance West LLC.

Description: 205(d) Rate Filing: GWL Annual TRBAA Filing 2026 to be effective 1/1/2026.

Filed Date: 12/30/25.

Accession Number: 20251230–5405.

Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: ER26–925–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: ISO–NE; Rev. to Implement a Prompt Capacity Market and Deactivation Framework to be effective 3/31/2026.

Filed Date: 12/30/25.

Accession Number: 20251230–5436.

Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: ER26–926–000.

Applicants: Mammoth One LLC.

Description: 205(d) Rate Filing: Revisions to Market-Based Rate Tariff to be effective 3/2/2026.

Filed Date: 12/31/25.

Accession Number: 20251231–5009.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER26–927–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Original NSA, SA No. 7793; Queue No. W1–108 to be effective 3/2/2026.

Filed Date: 12/31/25.

Accession Number: 20251231–5145.

Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER26–928–000.

Applicants: Chester SVC Partnership.

Description: 205(d) Rate Filing: 12–31–2025 Amended and Restated Chester SVC Facilities Support Agreement to be effective 1/1/2026.

Filed Date: 12/31/25.
Accession Number: 20251231–5158.
Comment Date: 5 p.m. ET 1/21/26.
Docket Numbers: ER26–929–000.
Applicants: Valley Electric Association, Inc.
Description: 205(d) Rate Filing: Annual TRBAA Filing for 2026 to be effective 1/1/2026.
Filed Date: 12/31/25.
Accession Number: 20251231–5212.
Comment Date: 5 p.m. ET 1/21/26.
Docket Numbers: ER26–930–000.
Applicants: Maine Electric Power Company, Inc.
Description: 205(d) Rate Filing: 12–31–2025 Amended and Restated Ground Lease Agreement to be effective 1/1/2026.
Filed Date: 12/31/25.
Accession Number: 20251231–5211.
Comment Date: 5 p.m. ET 1/21/26.
Docket Numbers: ER26–931–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Amendment to NSA, SA No. 7543; AE1–103 to be effective 3/2/2026.
Filed Date: 12/31/25.
Accession Number: 20251231–5236.
Comment Date: 5 p.m. ET 1/21/26.
Docket Numbers: ER26–932–000.
Applicants: Avista Corporation.
Description: Tariff Amendment: Avista Corp—Cancellation of RS AV–TR17–0360 WOH Capacity Allocation Agmt to be effective 10/10/2025.
Filed Date: 12/31/25.
Accession Number: 20251231–5285.
Comment Date: 5 p.m. ET 1/21/26.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH26–4–000.
Applicants: Pattern Energy Group LLC.
Description: Pattern Energy Group LLC submits FERC–65 Notification of Holding Company Status and FERC 65–B Notice of Change in Fact to Waiver Notification.
Filed Date: 12/22/25.
Accession Number: 20251222–5384.
Comment Date: 5 p.m. ET 1/12/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

Dated: December 31, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00012 Filed 1–5–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–52–000]

Cheniere Creole Trail Pipeline, L.P.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on December 19, 2025, Cheniere Creole Trail Pipeline, L.P. (Creole Trail), 845 Texas Avenue, Suite 1250, Houston, Texas 77002, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208, and 157.210 of the Commission's regulations under the Natural Gas Act (NGA), and Creole Trail's blanket certificate issued in Docket No. CP05–358–000, for authorization to construct, own, operate and maintain facilities related to its proposed extension of the existing discharge and suction headers and other associated facilities located at Creole Trail's existing Gillis Compressor Station in Beauregard Parish, Louisiana (Gillis Header Project). The project will be designed and constructed in accordance with the applicable federal and state regulations. The estimated cost for the project is $31,800,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions concerning this request should be directed to Karri Mahmoud, Cheniere Energy, Inc., 845 Texas Avenue, Suite 1250, Houston, Texas 77002, by phone at (713) 375–5000, or by email at *Karri.Mahmoud@cheniere.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on March 2, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on March 2, 2026. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on March 2, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on March 2, 2026. *The filing of a comment alone will not serve to make the filer a party to the proceeding.* To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–52–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–52–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Karri Mahmoud, Cheniere Energy, Inc., 845 Texas Avenue, Suite 1250, Houston, Texas 77002, or by email (with a link to the document) at *Karri.Mahmoud@cheniere.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

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(Authority: 18 CFR 2.1)

Dated: December 31, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–00019 Filed 1–5–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2025–3753; FRL–13134–01–OCSPP]

Expiration and Extension of Confidential Business Information (CBI) Claims Under the Toxic Substances Control Act (TSCA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On June 22, 2016, the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which amended the Toxic Substances Control Act (TSCA), was signed into law. Under TSCA, non-exempt confidential business information (CBI) claims expire no later than 10 years after their submission. The first of these expire in June 2026. EPA is providing notice of its intended process for implementing the statutory requirements associated with expiring CBI claims, including confirming how the Agency will notify companies of expiring claims and how companies may request and substantiate the need for an extension of their CBI claims.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2025–3753, is available at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket in-person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information: Jessica Barkas, Chemical Information, Prioritization, and TRI Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 250–8880; email address: *barkas.jessica@epa.gov.*

For general information on TSCA: The TSCA Assistance Information Service Hotline, Goodwill Vision Enterprises, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (800) 471–7127 or (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This announcement is directed to the public in general. It may be of particular interest to entities that have submitted CBI to EPA under TSCA beginning in June 2016. Because this action is directed to the general public and other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding the applicability of this action to a particular entity, please consult the contact listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is the Agency's authority for taking this action?

TSCA section 14(e)(1)(B) provides that information determined by EPA to be CBI shall be protected from disclosure ''[. . .] for a period of 10 years from the date on which the person asserts the claim [. . .].'' This period may be extended in accordance with TSCA section 14(e)(2)(B)(i) if ''Not later than the date that is 30 days before the expiration of the period described in paragraph (1)(B)(i), a person reasserting the relevant claim [submits] to the Administrator a request for extension substantiating, in accordance with subsection (c)(3), the need to extend the period.''

C. What action is the Agency taking?

EPA is explaining how it intends to implement the requirements of TSCA section 14(e)(2), concerning the expiration and potential extension of the protection period for TSCA CBI claims. EPA previously published rules at 40 CFR 703 describing the Agency's procedures for notices concerning CBI claims as well as procedures and standards for Agency review of new and renewed requests for CBI protection.

This document provides further information on the form and manner in which EPA expects to provide notice of claim expiration and reporting instructions for entities seeking to request an extension of the initial 10-year period of CBI protection under TSCA section 14(e)(2)(B)(ii). EPA expects to refine these instructions and procedures as the Agency gains experience implementing TSCA section 14(e).

In accordance with TSCA section 14(e)(2)(A), EPA shall ''[. . .] provide to the person that asserted the claim a notice of the impending expiration of the period'' not later than 60 days prior to the date the claim is to expire. Per 40 CFR 703.5(h)(2) and (3), this notice will be made on EPA's website (or other appropriate platform) in the form of a public list of TSCA submissions with expiring CBI claims. Alternatively, or in addition, the Agency may transmit a direct notice to the submitter via the Central Data Exchange (CDX) available at *https://cdx.epa.gov/,* EPA's centralized electronic document system.

Expiration dates for CBI claims for information other than specific chemical identities are set 10 years from the date the information was submitted to EPA. CBI claims exempt from substantiation requirements and CBI review under TSCA section 14(c)(2) are also exempt from expiration under TSCA section 14(e)(1)(B).

Expiration dates for claims for the specific chemical identity of a substance are set 10 years from the first approved confidentiality claim for the specific chemical identity of that substance. Any subsequent TSCA submissions on that substance claiming the specific chemical identity as confidential do not reset that expiration date, meaning that in some instances submitters may be notified of an expiring CBI claim for specific chemical identity less than 10 years from the date of their later submissions. Expiration dates for chemical identities are available on the TSCA Chemical Substance Inventory available at *https://www.epa.gov/tsca-inventory.*

To extend an expiring CBI claim, an entity must submit a request for extension substantiating the need to extend the CBI protection. The extension period may last up to an additional 10 years. Substantiation requirements are provided in 40 CFR 703.5(a) and (b). Rules identifying information not subject either routine substantiation requirements or to 10-year expiration under TSCA section 14(e) can be found in 40 CFR 703.5(b)(5). Per TSCA section 14(e)(2)(B)(ii), EPA will review each request for extension and either grant or deny the request.

Submitters must electronically submit their substantiated request for extension, using the appropriate reporting tool in CDX. EPA is currently developing this tool. More specific instructions for submitting requests for extension will be made available prior to publication of the initial notices of CBI claim expiration. EPA expects to have the CDX tool in place prior to the time claims begin to expire. If there is a delay, EPA will provide notice of this delay and provide an estimated date of completion on the EPA's TSCA CBI website available at *https://www.epa.gov/tsca-cbi.* Should a delay occur, submitters should postpone sending extension requests until EPA has provided notice that the CDX tool is available. Under 15 U.S.C. 2613(g)(1)(D), EPA will not release any information subject to expiring claims until the notice and review requirements of section 14(e) are met.

If EPA does not receive a timely request for extension via the CDX reporting tool, the Agency would no longer be required to safeguard the previously protected information from disclosure, and the information may be made public without further notice to the submitter. See 15 U.S.C. 2613(g)(2)(C)(iii)(II) (notice of disclosure not required where a CBI claim has expired and no person submitted a timely extension request following timely notice of expiration).

D. Considerations for Entities Prior to the Claim Expiration Date

EPA anticipates providing individual notices via CDX communications consistent with 40 CFR 703.5(h)(2) and publishing lists of TSCA submissions and information for which claims will be expiring, consistent with 40 CFR 703.5(h)(3). To receive notice via CDX, submitters must maintain or update their contact information, as described in 40 CFR 703.5(h)(1).

EPA recommends that entities that submitted TSCA information in June 2016 or later should consider several issues well in advance of the end of the 10-year period of CBI claim protection. For example, CBI claim submitters should assess whether confidentiality remains necessary for expiring claims and identify the person(s) designated as

the technical contact(s) for any TSCA submissions asserting an expiring CBI claim.

In addition to updating company contact information as discussed in this Unit (see 40 CFR 703.5(h)(1)), companies or company contacts with lapsed or inaccessible CDX accounts should reestablish that access by contacting and working with the CDX helpdesk available at *helpdesk@epacdx.net* as early as possible. In general, submitters should take care to preserve their CDX passphrases to expedite access to their TSCA submissions.

Companies should also consider whether they submitted information claimed as CBI outside of CDX (*e.g.,* paper TSCA filings pre-dating electronic filing requirements for that submission type, or physical material provided to EPA pursuant to a TSCA subpoena or inspection). Such entities should regularly consult EPA's online notice of CBI filings with expiring claims and submissions with expiring claims to determine if they have submissions eligible for CBI protection extension.

EPA plans to communicate with stakeholders prior to and after the CBI claim extension process begins. EPA anticipates the CBI claim extension process will begin in spring 2026. EPA expects to provide further guidance, to solicit and answer questions, and potentially to host a webinar with information on notices of expiration and instructions for requesting extensions. Entities should monitor the **Federal Register** and EPA websites, listservs, and other communications for further information about expiring TSCA CBI claims and when and how to request CBI protection extensions.

(Authority: 15 U.S.C. 2613.)

Dated: December 30, 2025.

Mary Elissa Reaves,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2026–00002 Filed 1–5–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0501, EPA–HQ–OPPT–2018–0503, EPA–HQ–OPPT–2018–0504, EPA–HQ–OPPT–2018–0433, EPA–HQ–OPPT–2018–0434, EPA–HQ–OPPT–2024–0551; FRL–13111–01–OCSPP]

Butyl Benzyl Phthalate (BBP), Dibutyl Phthalate (DBP), Dicyclohexyl Phthalate (DCHP), Diethylhexyl Phthalate (DEHP), and Diisobutyl Phthalate (DIBP); Risk Evaluation under the Toxic Substances Control Act (TSCA); Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is announcing the availability of the final risk evaluations under the Toxic Substances Control Act (TSCA) for Butyl Benzyl Phthalate (BBP) (CARSN 85–68–7), Dibutyl Phthalate (DBP) (CASRN 84–74–2), Dicyclohexyl Phthalate (DCHP) (CASRN 84–61–7), Diethylhexyl Phthalate (DEHP) (CASRN 117–81–7), and Diisobutyl Phthalate (DIBP) (CASRN 84–69–5). The purpose of conducting risk evaluations under TSCA is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or non-risk factors, including unreasonable risk to potentially exposed or susceptible subpopulations identified as relevant to the risk evaluation by EPA, under the conditions of use. EPA used the best available science to prepare these final risk evaluations, and determined, based on the weight of scientific evidence, that BBP, DBP, DCHP, DEHP, and DIBP pose unreasonable risk to human health and/or the environment driven by specific conditions of use. Under TSCA, EPA must initiate risk management actions to address the unreasonable risk.

ADDRESSES: The dockets for this action, identified by docket identification (ID) numbers EPA–HQ–OPPT–2018–0501, EPA–HQ–OPPT–2018–0503, EPA–HQ–OPPT–2018–0504, EPA–HQ–OPPT–2018–0433, and EPA–HQ–OPPT–2018–0434 are available online at *https://www.regulations.gov*. Additional information about dockets generally, along with instructions for visiting the docket in-person, is available at *https://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT:

For technical information on BBP: Brianne Raccor, Existing Chemical Risk Management Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–0303; email address: *raccor.brianne@epa.gov*.

For technical information on DBP: Carolyn Mottley, Existing Chemical Risk Management Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1955; email address: *mottley.carolyn@epa.gov*.

For technical information on DCHP: Claire Brisse, Existing Chemical Risk Management Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9004; email address: *brisse.claire@epa.gov*.

For technical information on DEHP: Dyllan Taylor, Existing Chemical Risk Management Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–2913; email address: *taylor.dyllan@epa.gov*.

For technical information on DIBP: Stephen Watkins, Existing Chemical Risk Management Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–3744; email address: *watkins.stephen@epa.gov*.

For general information: The TSCA-Hotline, Goodwill Vision Enterprises, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action is directed to the public in general and may be of particular interest to those involved in the manufacture (defined under TSCA section 3(9) to include import), processing, distribution, use, and disposal of BBP, DBP, DCHP, DEHP, and DIBP, related industry trade organizations, non-governmental organizations with an interest in human and environmental health, State and local governments, Tribal Nations, and/or those interested in the assessment of risks involving chemical substances and mixtures regulated under TSCA. As such, the Agency has not attempted to describe all the specific entities that this

action might apply to. If you need help determining applicability, consult the BBP, DBP, DCHP, DEHP, or DIBP technical contact listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is the Agency's authority for taking this action?

The Agency conducted these risk evaluations under TSCA section 6, 15 U.S.C. 2605, which requires that EPA conduct risk evaluations on chemical substances and identifies the minimum components EPA must include in the risk evaluations. Each risk evaluation must be conducted consistent with the best available science, be based on the weight of the scientific evidence, consider reasonably available information, and not consider costs or non-risk factors. 15 U.S.C. 2625(h), (i), and (k). See also the implementing procedural regulations at 40 CFR part 702 and for more information about the TSCA risk evaluation process for existing chemicals, go to *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca*.

C. What action is the Agency taking?

EPA is announcing the availability of the final risk evaluations under TSCA for BBP, DBP, DCHP, DEHP, and DIBP. The purpose of risk evaluations under TSCA is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use, including unreasonable risk to potentially exposed or susceptible subpopulations identified as relevant to the risk evaluation by EPA, and without consideration of costs or non-risk factors. EPA has used the best available science and ensured that this action is consistent with Executive Order 14303 ''Restoring Gold Standard Science,'' (May 23, 2025). Based on the weight of scientific evidence, the Agency determined that BBP, DBP, DCHP, DEHP, and DIBP pose unreasonable risk to human health and/or the environment driven by specific conditions of use. EPA will now initiate risk management action as required pursuant to TSCA section 6(a) (15 U.S.C 2605(a)), to address the unreasonable risk.

II. Background

A. What are BBP, DBP, DCHP, DEHP, and DIBP?

BBP is a common chemical name for the chemical substance 1,2-Benzenedicarboxylic acid, 1-butyl 2-(phenylmethyl) ester (CASRN 85–68–7). DBP is a common chemical name for the chemical substance 1,2-Benzenedicarboxylic acid, 1,2-dibutylester (CASRN 84–74–2). DCHP is a common chemical name for the chemical substance 1,2-benzenedicarboxylic acid, 1,2-dicyclohexyl ester (CASRN 84–61–7). DEHP is a common chemical name for the chemical substance 1,2-Benzenedicarboxylic acid, 1,2-bis(2-ethylhexyl) ester (CASRN 117–81–7). DIBP is a common chemical name for the chemical substance 1,2-Benzenedicarboxylic acid, 1,2-bis(2-methylpropyl) ester (CASRN 84–69–5). BBP, DBP, DCHP, DEHP, and DIBP are manufactured (including imported), processed, distributed, and disposed of as part of industrial, commercial, and consumer conditions of use. These phthalates are used as plasticizers in polyvinyl chloride (PVC) and non-PVC plastics, as well as in adhesives, sealants, paints, coatings, rubbers, and other applications. Between 2016 and 2019, annual production volumes of these phthalates were reported to be between 1 and 20 million pounds (BBP), between 1 and 10 million pounds (DBP), between 500 thousand and 1 million pounds (DCHP), between 10 and 50 million pounds (DEHP), and between 380,000 and 441,000 pounds (DIBP) based on the 2020 TSCA Chemical Data Reporting (CDR) data.

B. Summary of Activities for the Risk Evaluations of BBP, DBP, DCHP, DEHP, and DIBP

On December 30, 2019, EPA announced its designation of BBP, DBP, DCHP, DEHP, and DIBP as high-priority substances for risk evaluation under TSCA (84 FR 71924) (FRL–10003–1). On April 23, 2020, EPA sought public comment on the draft scopes of the BBP, DBP, DCHP, DEHP, and DIBP risk evaluations (85 FR 22733) (FRL–10008–05), and, after considering public comments, issued the final scopes on September 4, 2020, (85 FR 55281) (FRL–10013–90). The Science Advisory Committee on Chemicals (SACC) conducted an external peer review of the proposed approach for cumulative risk assessment of these phthalates on May 8, 2023, through May 11, 2023 (88 FR 3974) (FRL–10490–02). On January 7, 2025, EPA sought public comment on the draft risk evaluation of DCHP (90 FR 1125) (FRL–12481–01). On June 5, 2025, EPA sought public comment on the draft risk evaluation of DBP and DEHP (90 FR 23931) (FRL–12808–01–OCSPP). On August 6, 2025, EPA sought public comment on the draft risk evaluation of BBP and DIBP (90 FR 14882) (FRL–12897–01–OCSPP). On August 4, 2025, through August 8, 2025, the SACC conducted an external peer review of the draft risk evaluations for DBP, DCHP, and DEHP, as well as the hazard assessments for BBP and DIBP (90 FR 24400) (FRL–12418–02–OCSPP). For more information about these SACC meetings, go to the SACC website at *https://www.epa.gov/tsca-peer-review/science-advisory-committee-chemicals-meetings*.

These documents, other supporting documents, and public comments are in the dockets EPA–HQ–OPPT–2018–0501 (BBP), EPA–HQ–OPPT–2018–0503 (DBP), EPA–HQ–OPPT–2018–0504 (DCHP), EPA–HQ–OPPT–2018–0433 (DEHP), EPA–HQ–OPPT–2018–0434 (DIBP), EPA–HQ–OPPT–2022–0918 (SACC 2023), and EPA–HQ–OPPT–2024–0551 (SACC 2025). The following documents are also being released with this notice:

1. A response to public comments document titled, ''Response to Public Comments on the Draft Risk Evaluations for Butyl Benzyl Phthalate (BBP); Dibutyl Phthalate (DBP); Dicyclohexyl Phthalate (DCHP); Diethylhexyl Phthalate (DEHP); and Diisobutyl Phthalate (DIBP): EPA–HQ–OPPT–2018–0501; EPA–HQ–OPPT–2018–0503; EPA–HQ–OPPT–2018–0504; EPA–HQ–OPPT–2018–0433; EPA–HQ–OPPT–2018–0434; EPA–HQ–OPPT–2022–0918; and EPA–HQ–OPPT–2024–0551;''
2. A response to peer review comments document titled, ''Summary of and Response to External Peer Review on the Risk Evaluations and Technical Support Documents for Di(2-ethylhexyl) Phthalate (DEHP), Dibutyl Phthalate (DBP), Butyl Benzyl Phthalate (BBP), Diisobutyl Phthalate (DIBP), Dicyclohexyl Phthalate (DCHP), and Diisononyl Phthalate (DINP)''
3. A non-technical summary of the final risk evaluation for BBP titled, ''Nontechnical Summary of the TSCA Risk Evaluation for Butyl Benzyl Phthalate;''
4. A non-technical summary of the final risk evaluation for DBP titled, ''Nontechnical Summary of the TSCA Risk Evaluation for Dibutyl Phthalate;''
5. A non-technical summary of the final risk evaluation for DCHP entitled, ''Nontechnical Summary of the TSCA Risk Evaluation for Dicyclohexyl Phthalate;''
6. A non-technical summary of the final risk evaluation for DEHP entitled, ''Nontechnical Summary of the TSCA Risk Evaluation for Diethylhexyl Phthalate;''
7. A non-technical summary of the final risk evaluation for DIBP entitled, ''Nontechnical Summary of the TSCA Risk Evaluation for Diisobutyl Phthalate;''
8. The final risk evaluation for BBP entitled, ''Risk Evaluation for Butyl Benzyl Phthalate;''
9. The final risk evaluation for DBP entitled, ''Risk Evaluation for Dibutyl Phthalate;''
10. The final risk evaluation for DCHP entitled, ''Risk Evaluation for Dicyclohexyl Phthalate;''
11. The final risk evaluation for DEHP entitled, ''Risk Evaluation for Diethylhexyl Phthalate;'' and

12. The final risk evaluation for DIBP entitled, ''Risk Evaluation for Diisobutyl Phthalate.''

III. Unreasonable Risk Determination

EPA determined that BBP presents an unreasonable risk of injury to human health and the environment driven by 7 of the 38 conditions of use (COUs). EPA has determined that the unreasonable risk to human health presented by BBP is driven by 2 COUs based on non-cancer risks associated with inhalation exposure to workers. The unreasonable risk to the environment is driven by 7 COUs due to chronic exposure of aquatic organisms through surface water. EPA did not identify unreasonable risk of injury to consumers or the general population under any COUs for BBP, nor do cumulative exposures contribute to unreasonable risks.

EPA determined that DBP presents an unreasonable risk of injury to human health and the environment driven by 6 of the 44 COUs. EPA has determined that the unreasonable risk to human health presented by DBP is driven by 5 COUs based on non-cancer risks driven by inhalation and aggregate exposure to workers. The unreasonable risk to the environment is driven by 1 COU due to chronic exposure of aquatic vertebrates, and exposure of aquatic plants and algae, through surface water. EPA did not identify unreasonable risk of injury to consumers or the general population under any COUs for DBP, nor do cumulative exposures contribute to unreasonable risks.

EPA determined that DCHP presents an unreasonable risk of injury to human health driven by 2 of the 24 COUs. EPA has determined that the unreasonable risk to human health presented by DCHP is driven by 2 COUs based on non-cancer risks associated with acute inhalation exposures to workers. EPA did not identify unreasonable risk to the environment under any COUs. EPA did not identify unreasonable risk of injury to consumers or the general population under any COUs for DCHP, nor do cumulative exposures contribute to unreasonable risks.

EPA determined that DEHP presents an unreasonable risk of injury to human health and the environment driven by 20 of the 44 COUs. EPA has determined that the unreasonable risk to human health presented by DEHP is driven by 10 COUs based on non-cancer risks associated with exposure to workers. The unreasonable risk to the environment is driven by 20 COUs due to chronic exposure of aquatic organisms through surface water with a subset of 18 of these COUs also driven by risk due to chronic exposure of sediment-dwelling organisms through sediment pore water. EPA did not identify unreasonable risk of injury to consumers or the general population under any COUs for DEHP, nor do cumulative exposures contribute to unreasonable risks.

EPA determined that DIBP presents an unreasonable risk of injury to human health and the environment driven by 9 of the 28 COUs. EPA has determined that the unreasonable risk to human health presented by DIBP is driven by 4 COUs based on non-cancer risks associated with inhalation exposure to workers. The unreasonable risk to the environment is driven by 7 COUs due to exposure of algae and chronic exposure of aquatic vertebrates through surface water. EPA did not identify unreasonable risk of injury to consumers or the general population under any COUs for DIBP, nor do cumulative exposures contribute to unreasonable risks.

IV. Next Step Is Risk Management

Consistent with TSCA section 6(a), EPA will propose risk management regulatory actions to the extent necessary so that BBP, DBP, DCHP, DEHP, and DIBP no longer present an unreasonable risk. EPA expects to focus its risk management actions on the conditions of use that significantly contribute to the unreasonable risks. In proposing rules and selecting among requirements, consistent with TSCA section 6(c)(2), EPA will consider and factor in, to the extent practicable: (i) the effects of BBP, DBP, DCHP, DEHP, and DIBP on health and the environment; (ii) the magnitude of exposure to BBP, DBP, DCHP, DEHP, and DIBP of human beings and the environment; (iii) the benefits of BBP, DBP, DCHP, DEHP, and DIBP for various uses; and (iv) the reasonably ascertainable economic consequences of the rule.

Additional information received may inform the risk management of the phthalates and, like the prioritization and risk evaluation processes, there will be an opportunity for public comment on any proposed risk management actions.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: December 31, 2025.

Nancy B. Beck,

Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2025–24290 Filed 1–5–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2024–E–1294; FDA–2024–E–1295; FDA–2024–E–1296; and FDA–2024–E–1297]

Determination of Regulatory Review Period for Purposes of Patent Extension; ZURZUVAE

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for ZURZUVAE is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by March 9, 2026. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by July 6, 2026. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 9, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a

third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2024–E–1294; FDA–2024–E–1295; FDA–2024–E–1296; and FDA–2024–E–1297 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ZURZUVAE.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jack Dan, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6200, Silver Spring, MD 20993, 240–402–6940.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biological product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product.

Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, ZURZUVAE (zuranolone), indicated for the treatment of postpartum depression (PPD) in adults. Subsequent to this approval, the USPTO received patent term restoration applications for ZURZUVAE (U.S. Patent Nos. 9,512,165; 10,172,871; 10,342,810; and 11,236,121) from Sage Therapeutics, Inc. and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated June 27, 2025, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of ZURZUVAE represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for ZURZUVAE is 2,959 days. Of this time, 2,628 days occurred during the testing phase of the regulatory review period, while 331 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* September 26, 2015. The applicant claims November 23, 2016, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was September 26, 2015, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* December 5, 2022. FDA has verified the applicant's claim that the new drug application (NDA) for ZURZUVAE (NDA 217369) was initially submitted on December 5, 2022.

3. The date of issuance of the interim final rule controlling the drug under section 201(j) of the Controlled Substances Act: October 31, 2023. FDA has verified the applicant's claim that NDA 217369 was approved on August 4, 2023, and that the Drug Enforcement

Agency issued an interim final rule controlling the product under section 201(j) of the Controlled Substances Act on October 31, 2023.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application(s) for patent extension, this applicant seeks 69, 954, 1,045, or 1,294 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Brian Fahey,

Associate Commissioner for Legislation.

[FR Doc. 2026–00026 Filed 1–5–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine and Oral Fluid Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) provides notice of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and the laboratories currently certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

FOR FURTHER INFORMATION CONTACT: Anastasia Flanagan, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N06B, Rockville, Maryland 20857; 240–276–2600 (voice); *Anastasia.Flanagan@samhsa.hhs.gov* (email).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) publishes a notice listing all HHS-certified laboratories and Instrumented Initial Testing Facilities (IITFs) in the **Federal Register** monthly, in accordance with Section 9.19 of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and Section 9.17 of the Mandatory Guidelines using Oral Fluid. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at *https://www.samhsa.gov/workplace/drug-testing-resources/certified-lab-list.*

The Mandatory Guidelines using Urine were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); January 23, 2017 (82 FR 7920); and on October 12, 2023 (88 FR 70768).

The Mandatory Guidelines using Oral Fluid were first published in the **Federal Register** on October 25, 2019 (84 FR 57554) with an effective date of January 1, 2020, and subsequently revised in the **Federal Register** on October 12, 2023 (88 FR 70814).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71 and allowed urine drug testing only. The Mandatory Guidelines using Urine have since been revised, and new Mandatory Guidelines allowing for oral fluid drug testing have been published. The Mandatory Guidelines require strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on specimens for Federal agencies. HHS does not allow IITFs to conduct oral fluid testing.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines using Urine and/or Oral Fluid. An HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that the test facility has met minimum standards.

HHS-Certified Laboratories Approved To Conduct Oral Fluid Drug Testing

In accordance with the Mandatory Guidelines using Oral Fluid effective October 10, 2023 (88 FR 70814), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on oral fluid specimens:

At this time, there are no laboratories certified to conduct drug and specimen validity tests on oral fluid specimens.

HHS-Certified Instrumented Initial Testing Facilities Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190 (Formerly: Gamma-Dynacare Medical Laboratories)

Note: DOT does not allow IITFs to test DOT-regulated specimens.

HHS-Certified Laboratories Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the

following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823 (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130 (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

Desert Tox, LLC, 5425 E Bell Rd., Suite 125, Scottsdale, AZ 85254 602–457–5411/623–748–5045

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

Dynacare, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630 (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845 (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings, 7207 N Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986 (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984 (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.;, CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339 (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

MedTox Laboratories, Inc., 402 W County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088, Testing for Veterans Affairs (VA) Employees Only

Omega Laboratories, Inc., 2150 Dunwin Drive, Unit 1 & 2, Mississauga, ON, Canada L5L 5M8, 289–919–3188

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840, U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only

Anastasia D. Flanagan,

Public Health Advisor, Division of Workplace Programs.

[FR Doc. 2026–00015 Filed 1–5–26; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–CACO–39905; PPNECACOS0, PPMPSD1Z.YM0000]

Request for Nominations for the Cape Cod National Seashore Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Request for nominations.

SUMMARY: The National Park Service (NPS), U.S. Department of the Interior, is requesting nominations for qualified persons to serve as members of the Cape Cod National Seashore Advisory Commission (Commission).

DATES: Written nominations must be postmarked by February 5, 2026.

ADDRESSES: Nominations should be sent to Jennifer Flynn, Superintendent and Designated Federal Officer, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, Massachusetts 02667, or at (508) 771–2144 or via email to *CACO_Superintendent@nps.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Flynn, via telephone (508) 771–2144. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Commission was established by section 8 of Public Law 87–126, as amended, and expired on September 26, 2018. The Commission was reestablished by Div. DD, title VI, subtitle B, section 613 of Public Law 117–328, the Consolidated Appropriations Act, 2023. The Commission's new termination date is September 26, 2029. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of the Act establishing the Seashore.

The Commission is composed of 10 members appointed by the Secretary of the Interior for 2-year terms, as follows: (a) six members from recommendations made by the boards of selectmen of the towns of Chatham, Eastham, Orleans, Provincetown, Truro and Wellfleet, in the Commonwealth of Massachusetts, one member from the recommendations made by each such board; (b) one member from recommendations of the county commissioners of Barnstable County, Commonwealth of Massachusetts; (c) two members from recommendations of the Governor of the Commonwealth of Massachusetts; and (d) one member appointed at the discretion of the Secretary.

The NPS is seeking nominees to represent the Town of Truro, Barnstable County and a member appointed at the discretion of the Secretary.

The individual selected to serve at the discretion of the Secretary will be appointed as a Special Government Employee (SGE). Individuals selected from the other categories will be appointed as representative members. Please be aware that members selected to serve as SGEs will be required, prior to appointment, to file a Confidential Financial Disclosure Report in order to avoid involvement in real or apparent conflicts of interest. You may find a copy of the Confidential Financial Disclosure Report and more information about ethics requirements for SGEs at the following website: *https://www.doi.gov/ethics/special-government-employees.* Additionally, after appointment, members appointed as SGEs will be required to meet applicable financial disclosure and ethics training requirements annually. Please contact 202–208–7960 or *DOI_Ethics@sol.doi.gov* with any questions about the ethics requirements for members appointed as SGEs.

Nominations received by the park will be sent directly to local municipalities

for their consideration. Nominations should be typed and should include a resume providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Commission and permit the Department to contact a potential member. All documentation, including letters of recommendation, must be compiled and submitted in one complete package. All those interested in membership must follow the nomination process. Members may not appoint alternates.

Members of the Commission serve without compensation. However, while away from their homes or regular places of business in the performance of services for the Commission as approved by the NPS, members may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed such expenses under section 5703 of Title 5 of the United States Code.

(Authority: 5 U.S.C. Ch. 10.)

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2025–24288 Filed 1–5–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0002; DS63636400 DRT000000.CH7000 267D1113RT]

States' Decisions on Participating in Accounting and Auditing Relief for Federal Oil and Gas Marginal Properties

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice.

SUMMARY: The Office of Natural Resources Revenue's (ONRR) regulations provide two types of accounting and auditing relief for Federal oil and gas production from marginal properties: the cumulative royalty reports and payments relief option, which allows a lessee or designee to submit one royalty report and payment for the calendar year's production; and other requested relief, which allows a lessee or designee to request any type of accounting and auditing relief that is appropriate for production from the marginal property and meets certain requirements. By October 1 of each calendar year, ONRR provides a list of qualifying marginal Federal oil and gas properties to the States receiving a portion of Federal royalties from those properties. Each State then decides whether to participate in neither, one, or both relief options. This notice provides the public each State's decision on whether to participate in marginal property relief.

DATES: January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sudar, Market & Spatial Analytics, ONRR, at (303) 231–3511; or by email to *Robert.Sudar@onrr.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Oil and Gas Royalty Management Act, at 30 U.S.C. 1726, and 30 CFR part 1204, subpart C, ONRR and States can relieve the lessee of a marginal Federal oil and gas property from certain reporting, accounting, and auditing requirements. ONRR's rules under 30 CFR 1204.202 and 1204.203 authorize two relief options: (1) cumulative royalty reports and payments relief option, which allows a lessee or designee to submit one royalty report and payment during a calendar year; and (2) other requested relief, which allows a lessee or designee to request any type of appropriate marginal property accounting and auditing relief that meets the requirements under § 1204.5 and is not prohibited under § 1204.204.

To qualify for the first relief option, the cumulative royalty reports and payments relief option, properties must produce less than 1,000 barrels-of-oil-equivalent (BOE) per year for the base period (July 1, 2024, through June 30, 2025). Annual reporting relief will begin January 1, 2026, with the annual report and payment due February 28, 2027. If a lessee has an estimated payment on file, the payment due date is March 31, 2027. To qualify for the second relief option, the other requested relief option, the combined equivalent production of the marginal properties during the base period must equal an average daily well production of less than 15 BOE per well per day, as calculated under 30 CFR 1204.4(c).

Each State makes an annual determination as to whether it will participate in neither, one, or both relief options. This notice fulfills the requirement in 30 CFR 1204.208(f) to publish a notice of the State's ''intent to allow or not allow certain relief options . . . in the **Federal Register** no later than 30 days before the beginning of the applicable calendar year.''

The following table shows the States with qualifying marginal properties and those States' decisions on whether to participate in neither, one, or both relief options for calendar year 2026. An ''N/A'' means that no properties within the State met that condition for that type of relief:

State	Cumulative royalty report and payment relief (less than 1,000 BOE per year)	Other accounting and auditing relief (less than 15 BOE per well per day)
Alabama	No	No
Arkansas	N/A	No
California	No	No
Colorado	No	No
Kansas	No	No
Louisiana	Yes	Yes
Michigan	Yes	Yes
Montana	No	No
Nebraska	Yes	No
Nevada	Yes	Yes
New Mexico	No	Yes
North Dakota	Yes	Yes
Oklahoma	Yes	Yes
South Dakota	Yes	Yes
Utah	No	No

State	Cumulative royalty report and payment relief (less than 1,000 BOE per year)	Other accounting and auditing relief (less than 15 BOE per well per day)
Wyoming	Yes	No

Pursuant to 30 U.S.C. 1726(c), a Federal oil and gas property located in a State where ONRR does not share a portion of Federal royalties with that State (that is, for 2026, a State not listed in the table above) is eligible for relief if it qualifies as a marginal property. For more information on how to obtain relief, please refer to 30 CFR 1204.205.

Unless the information that ONRR receives is proprietary data, all correspondence, records, or information received in response to this notice may be subject to disclosure under the Freedom of Information Act (FOIA). See 5 U.S.C. 552 *et seq.* If applicable, please highlight the proprietary portions, including any supporting documentation, or mark the page(s) containing proprietary data. ONRR protects proprietary information under the Trade Secrets Act (18 U.S.C. 1905), FOIA exemption 4 (5 U.S.C. 552(b)(4)), and the Department of the Interior's FOIA regulations (43 CFR part 2).

Authority: Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1701 *et seq.,* as amended by Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA, Pub. L. 104–185—Aug. 13, 1996, as corrected by Pub. L. 104–200—Sept. 22, 1996).

April Lockler,

Acting Director, Office of Natural Resources Revenue.

[FR Doc. 2026–00023 Filed 1–5–26; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1718 (Final)]

Paper File Folders From Cambodia; Termination of Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: On December 29, 2025, the Department of Commerce published notice in the **Federal Register** of a negative final antidumping duty determination in connection with the subject investigation concerning paper file folders from Cambodia (90 FR 60612, December 29, 2025). Accordingly, the antidumping duty investigation concerning paper file folders from Cambodia (Investigation No. 731–TA–1718 (Final)) is terminated.

DATES: December 29, 2025.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

Authority: This investigation is being terminated under authority of title VII of the Tariff Act of 1930 and pursuant to section 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)). This notice is published pursuant to section 201.10 of the Commission's rules (19 CFR 201.10).

By order of the Commission.

Issued: December 31, 2025.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2025–24285 Filed 1–5–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1770 (Preliminary)]

Fresh Winter Strawberries From Mexico; Institution of Antidumping Duty Investigation and Scheduling of Preliminary Phase Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping duty investigation No. 731–TA–1770 (Preliminary) pursuant to the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of fresh winter strawberries from Mexico, provided for in subheading 0810.10.40 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping duty investigations in 45 days, or in this case by February 17, 2026. The Commission's views must be transmitted to Commerce within five business days thereafter, or by February 24, 2026.

DATES: December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Charles Cummings ((202) 708–1666), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), in response to a petition filed on December 31, 2025, by Strawberry Growers for Fair Trade (''SGFT''), an ad hoc trade association consisting of Astin Strawberry Exchange (Plant City, Florida); BBI Produce, Inc. dba Berry Boss (Dover, Florida); Florida Department of Agriculture and Consumer Services (Tallahassee, Florida); Grimes Produce Company (Plant City, Florida); Mathis Farms (Plant City, Florida); Simmons Farms, Inc. (Plant City, Florida); Sizemore Farms, Inc. (Plant City, Florida); Sweet

Life Farms (Plant City, Florida); Ultra Farms (Wimauma, Florida); and the Florida Strawberry Growers Association (Dover, Florida).

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the preliminary phase of this investigation beginning at 9:30 a.m. on January 21, 2026. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before noon on January 16, 2026. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission's Public Calendar (Calendar (USITC) | United States International Trade Commission). A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before 5:15 p.m. on January 26, 2026, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on January 20, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this investigation must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: December 31, 2025.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2026–00011 Filed 1–5–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–741 (Final)]

Paper File Folders From Cambodia; Supplemental Schedule for the Final Phase of a Countervailing Duty Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: December 29, 2025.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION: Effective May 29, 2025, the Commission established a general schedule for the conduct of the final phase of its countervailing duty investigation on paper file folders from Cambodia and its antidumping duty investigations on paper file folders from Cambodia and Sri Lanka (90 FR 23708, June 4, 2025), following preliminary determinations by the U.S. Department of Commerce (''Commerce'') that imports of paper file folders from Cambodia are subsidized by the government of Cambodia (90 FR 14110, March 28, 2025), that imports of

paper file folders from Cambodia are not being and are not likely to be sold in the United States at less than fair value (''LTFV'') (90 FR 22694, May 29, 2025), and that imports of paper file folders from Sri Lanka are being sold in the United States at LTFV (90 FR 22696, May 29, 2025). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on June 4, 2025 (90 FR 23708). Following a request by counsel for the Coalition of Domestic Folder Manufacturers to cancel the scheduled hearing and absent other requests to appear at the hearing, the public hearing scheduled in connection with these investigations was cancelled (90 FR 37886, August 6, 2025).

On August 8, 2025, Commerce published in the **Federal Register** its final affirmative antidumping duty determinations with respect to paper file folders from Sri Lanka (90 FR 38460). The Commission subsequently issued its final determination that an industry in the United States was materially injured by reason of imports of paper file folders from Sri Lanka provided for in subheading 4820.30.00 of the Harmonized Tariff Schedule of the United States that have been found by Commerce to be sold in the United States at LTFV (90 FR 45961, September 24, 2025).

On December 29, 2025, Commerce published its final affirmative countervailing duty determination with respect to paper file folders from Cambodia (90 FR 60631, December 29, 2025) and its final negative antidumping duty determination with respect to paper file folders from Cambodia (90 FR 60612, December 29, 2025). Accordingly, the Commission currently is issuing a supplemental schedule for its countervailing duty investigation on imports of paper file folders from Cambodia.

This supplemental schedule is as follows: the deadline for filing supplemental party comments on Commerce's final countervailing duty determination on Cambodia is 5:15 p.m. on January 12, 2026. Supplemental party comments may address only Commerce's final countervailing duty determination regarding imports of paper file folders from Cambodia. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length. The supplemental staff report in the final phase of the current investigation will be placed in the nonpublic record on January 20, 2026, and a public version will be issued thereafter.

For further information concerning this proceeding see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: December 31, 2025.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2025–24284 Filed 1–5–26; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Bankruptcy Rules; Hearing of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Bankruptcy Rules; notice of cancellation of open hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Bankruptcy Procedure has been canceled: Bankruptcy Rules Hearing on January 23, 2026.

DATES: January 23, 2026.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Dubay, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

SUPPLEMENTARY INFORMATION: The announcement for this hearing was previously published in the **Federal Register** on July 14, 2025 at 90 FR 31242.

(Authority: 28 U.S.C. 2073.)

Dated: December 31, 2025.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2025–24287 Filed 1–5–26; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0052]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection: Title—Claims Under the Radiation Exposure Compensation Act

AGENCY: Civil Division, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Civil Division, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until February 5, 2026.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Jason C. Bougere, U.S. Department of Justice, P.O. Box 146, Ben Franklin Station, Washington DC 20044–0146.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on August 20, 2025, 90 FR 40660, allowing a 60-day comment period. Written comments and

suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and/or
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1103–0119. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.
2. *Title of the Form/Collection:* Radiation Exposure Compensation Act.
3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* OMB #1105–0052 DOJ Component: Civil Division.
4. *Affected public who will be asked or required to respond, as well as a brief abstract: Affected Public: Primary:* Individuals or households.
5. *Abstract:* Under 42 U.S.C. 2210, the Department of Justice would require personal information from individuals applying to receive funds under the Radiation Exposure Compensation Act in order to determine their eligibility.
6. *Obligation to Respond:* Voluntary but required to obtain a benefit.
7. *Total Estimated Number of Respondents:* Approximately 70,000.
8. *Estimated Time per Respondent:* 2.5 hours.
9. *Frequency:* Once.
10. *Total Estimated Annual Time Burden:* 175,000 Burden Hours.
11. *Total Estimated Annual Other Costs Burden:* $0.
12. *If additional information is required, contact:* Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: January 2, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–00008 Filed 1–5–26; 8:45 am]

BILLING CODE 4410–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage Negotiated Service Agreements

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* January 6, 2026.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), it filed with the Postal Regulatory Commission the following requests:

Date filed with Postal Regulatory Commission	Negotiated service agreement product category and No.	MC docket No.	K docket No.
12/22/25	PME–PM–GA 1472	MC2026–144	K2026–144.
12/23/25	PME–PM–GA 1473	MC2026–145	K2026–145.
12/23/25	PME–PM–GA 1474	MC2026–146	K2026–146.

Documents are available at *www.prc.gov.*

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–24289 Filed 1–5–26; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104530; File No. SR–TXSE–2025–003]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Second Amended and Restated Limited Liability Company Agreement of Texas Stock Exchange Related to the Timing of Its First Annual Meeting

December 31, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 29, 2025, Texas Stock Exchange LLC (the ''Exchange'' or ''TXSE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the Second Amended and Restated Limited Liability Company Agreement of Texas Stock Exchange (the ''LLC Agreement'') related to the timing of its first annual meeting.[5] The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*) at the Exchange's website (*https://txse.com/rule-filings*), and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The proposed change herein to the LLC Agreement is in addition to the changes to the LLC Agreement made in SR–TXSE–2025–001. *See* Securities Exchange Act Release No. 104360 (December 11, 2025), 90 FR 58322 (December 16, 2025) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Certain Changes to the Governing Documents of the Exchange and Its Parent Company).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its LLC Agreement in order to extend the deadline for its first annual meeting from 90 days after the Approval Date[6] to 240 days after the Approval Date (*i.e.,* May 28, 2026). The Exchange is proposing to make this change in order to better align with its planned launch in July 2026.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the objectives of Section 6(b)(1)[8] of the Act in particular, in that such amendments enable the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed amendments are consistent with Section 6(b)(5) of the Act,[9] which requires the rules of an exchange to be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange specifically believes that the proposed change to require that the first annual meeting occur within 240 days of the Approval Date (*i.e.,* May 28, 2026) is consistent with the Act because it better aligns with the Exchange's planned launch in July of 2026. Because the Exchange is not yet operational and is in the process of onboarding members, this proposed change is merely administrative in nature and will allow the Exchange more time to strategically assemble its board in advance of the first annual meeting. Further to this point, this change will not materially alter the Exchange's existing governance framework; amend any of the provisions within the LLC Agreement related to the Exchange's obligations as a self-regulatory organization that would impact the Exchange's ability to carry out its obligations as a self-regulatory organization; or to alter any provisions dealing with the availability or protection of information, books and records, undue influence, conflicts of interest, unfair control by an affiliate, or regulatory independence of the Exchange.[10] The board will be in place prior to the Exchange becoming operational. Further, consistent with the Exchange's application for registration as a national securities exchange, TXSE Group Inc., the parent company of the Exchange, will hold a special meeting to appoint interim Directors of the Exchange Board (''Interim Board''), which will include interim Member Representative Directors. Upon appointment of the interim directors, the Interim Board will meet the Exchange Board composition requirements set forth in the LLC Agreement.[11] The Interim Board will serve only until the first annual meeting. The Exchange continues to represent that it will complete the full nomination, petition, and voting process set forth in the LLC Agreement, which will provide persons that are approved

[6] The ''Approval Date'' is September 30, 2025. *See* Securities Exchange Act Release No. 104146 (September 30, 2025), 90 FR 47880 (October 2, 2025) (In the Matter of the Application of Texas Stock Exchange LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(1).

[9] 15 U.S.C. 78f(b)(5).

[10] *See, e.g.,* Securities Exchange Act Release No. 104146 (September 30, 2025), 90 FR 47880 (October 2, 2025) (In the Matter of the Application of Texas Stock Exchange LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission) at Section III, A (''Ownership and Governance of TXSE'') and Section III, B (''TXSE Group and Regulation of the Exchange'').

[11] *See* Exhibit J of the Exchange's application for registration as a national securities exchange (''Form 1''). Securities Exchange Act Release No. 103604 (July 31, 2025), 90 FR 37607 (August 5, 2025) (Texas Stock Exchange LLC; Notice of Filing of Amendment No. 2 to an Application for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934). *See also* LLC Agreement, Article III, Section 2.

as Exchange Members after the date that the Commission granted the Exchange's registration as a national securities exchange with the opportunity to participate in the selection of Member Representative Directors as promptly as possible.[12]

For these reasons, the Exchange believes such amendments would enable the Exchange to be so organized as to have the capacity to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal is not intended to address competitive issues but rather is concerned with an administrative detail within the LLC Agreement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[13] and Rule 19b–4(f)(6)[14] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing. Rule 19b–4(f)(6)(iii), however, permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay contained in Rule 19b–4(f)(6)(iii) so that the Exchange may amend its LLC Agreement to extend the deadline for its first annual meeting from 90 days after the Approval Date to 240 days after the Approval Date, consistent with its updated timeline, as soon as possible. The Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest because the proposal provides a limited extension of time for the Exchange, which is not yet operational, to continue to onboard members in advance of a planned July 2026 launch. The Exchange has represented that it will provide persons that are approved as Exchange Members after the date that the Commission granted the Exchange's registration as a national securities exchange with the opportunity to participate in the selection of Member Representative Directors as promptly as possible and that it will complete the full nomination, petition, and voting process set forth in the LLC Agreement.[15] The timing of the extension will allow the process for selecting a board of directors to be complete prior to the Exchange becoming operational. Further, this change will not materially alter the Exchange's existing governance framework. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–TXSE–2025–003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–TXSE–2025–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–TXSE–2025–003 and should be submitted on or before January 27, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2025–24286 Filed 1–5–26; 8:45 am]

BILLING CODE 8011–01–P

[12] *See* Form 1, Exhibit J.

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] *See supra* note 12 and accompanying text.

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12), (59).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2025–2514]

RIN 2105–ZA20

Notice Regarding Investigatory and Enforcement Policies and Procedures of the Office of Aviation Consumer Protection

AGENCY: Office of the Secretary (OST), Department of Transportation (Department or DOT).

ACTION: Notice of proposed guidance.

SUMMARY: The U.S. Department of Transportation is proposing to revise

and update the investigatory and enforcement policies and practices of its Office of Aviation Consumer Protection (OACP), including the sanctions brought by OACP for non-compliance with aviation consumer protection requirements.

DATES: Comments should be filed by February 5, 2026. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may file comments identified by the docket number DOT–OST–2025–2514 by any of the following methods:

- *Federal eRulemaking Portal:* go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. Commenters using this method of delivery should contact Docket Services at 202–366–9826 or 202–366–9317 before delivery to ensure staff is available to receive the delivery.

Instructions: You must include the agency name and docket number DOT–OST–2025–2514 or the Regulatory Identification Number (RIN 2105–ZA20) for the rulemaking at the beginning of your comment. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: Anyone can search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents and comments received, go to *http://www.regulations.gov* or to the street address listed above. Follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Ryan Patanaphan or Blane A. Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–9342, 202–366–7152 (fax), *ryan.patanaphan@dot.gov* or *blane.workie@dot.gov* (email).

SUPPLEMENTARY INFORMATION: OACP, a unit within the Office of the General Counsel, is responsible for enforcing aviation consumer protection statutes and regulations. On January 3, 2023, OACP published on its website guidance describing its investigatory and enforcement practices, including an attachment listing the criteria the office uses to determine an appropriate sanction for violations.[1] In February 2025, President Trump issued Executive Order 14219, titled ''Ensuring Lawful Governance and Implementing the President's Department of Government Efficiency Deregulatory Initiative,'' which directs Federal agencies to prioritize enforcement of regulations that are explicitly authorized by the Constitution and Federal statutes.[2] In March 2025, the Department's Acting General Counsel issued a memorandum clarifying the procedural requirements governing enforcement actions initiated by the Department in order to ensure that DOT enforcement actions satisfy principles of due process and remain lawful, reasonable, and consistent with Administration policy.[3] In May 2025, the Department issued a notice of proposed rulemaking that proposes, among other things, to codify the provisions of that memorandum.[4] OACP is proposing to revise its existing investigatory and enforcement policies and procedures to be consistent with current Departmental and Administration policy and to ensure that OACP is carrying out its enforcement responsibilities in a fair and just manner. The substantive text of the proposed updated notice, including its attachment, is produced for public comment following this section.

Signed in Washington, DC, on December 31, 2025.

Blane A. Workie,

Assistant General Counsel, Office of Aviation Consumer Protection, U.S. Department of Transportation.

Notice Regarding Investigatory and Enforcement Policies and Procedures

The U.S. Department of Transportation's Office of Aviation Consumer Protection (OACP), a unit within the Office of the General Counsel, is responsible for monitoring airline and ticket agent compliance with the Department's aviation consumer protection, civil rights, and economic licensing requirements. The office has broad authority to investigate violations of these requirements and the discretion to determine whether and how to conduct such investigations and initiate enforcement actions. OACP also has authority, under 49 U.S.C. 46301, to assess civil penalties. This notice is being issued to ensure alignment between OACP's investigatory and enforcement policies and practices and the Administration's directives and priorities.

Executive Order 14219, issued on February 25, 2025, directs Federal agencies to de-prioritize actions to enforce regulations that are based on anything other than the best reading of a statute or go beyond the powers vested in the Federal Government by the Constitution. Consistent with this Executive Order and the Department's enforcement objectives, OACP intends to modify its enforcement program to ensure that all enforcement actions taken against affected parties are founded on a positive grant of statutory authority and that monetary penalties, if sought, are based upon statutory text that clearly grants the Department the authority to impose such penalties for the asserted violations. In the proper exercise of enforcement discretion, OACP will apply the best reading of the statutory text and not adopt or rely upon overly broad interpretations of the governing statutes or regulations.

In addition, consistent with the Administration's enforcement philosophy, OACP's enforcement focus will be on ensuring compliance with civil rights and consumer protection regulations rather than finding and penalizing entities for violations. Proactive measures to promote compliance benefit the public by creating a culture of compliance where regulated entities work to prevent violations from happening in the first place. OACP intends to work with the regulated entities to ensure that they understand and meet their obligations. If OACP finds violations, it will attempt to address the problem by issuing a warning letter to help the regulated entity achieve compliance and resolve the issues before pursuing enforcement actions, which may result in negotiated settlement orders assessing civil penalties. When OACP has evidence of widespread, systemic, egregious, or intentional violations, it may determine that enforcement action is appropriate. In all enforcement actions, OACP will carry out its responsibilities in a fair and just manner, which includes ensuring that the affected parties are provided

[1] *https://www.transportation.gov/airconsumer/Notice_Investigatory_Enforcement_Policies_Procedures.*

[2] 90 FR 10583 (Feb. 25, 2025).

[3] *https://www.transportation.gov/administrations/office-general-counsel/general-counsel%E2%80%99s-enforcement-memorandum.*

[4] 90 FR 20956 (May 16, 2025).

due process and ensuring actions are based on established law and grounded in factual evidence.

Once OACP has determined that enforcement action is appropriate, it will attempt to negotiate an order assessing a reasonable civil penalty and requiring reasonable corrective actions such as ensuring consumers are made whole. If the regulated entity and OACP are not able to reach agreement on the terms of a consent order, OACP may seek resolution of the matter by filing a formal complaint before the Department's Office of Hearings for a decision by an Administrative Law Judge (ALJ). A civil action in a district court of the United States may also be initiated to enforce violations of aviation consumer protection and civil rights statutes or regulations. OACP's approach of prioritizing compliance efforts before resorting to enforcement action is a more effective and efficient way to improve the air travel environment for consumers.

How OACP Learns About Potential Problems

Most of OACP's investigations and enforcement actions are based on consumer complaints. OACP receives complaints directly from consumers about services they received or requested from an airline or ticket agent that do not relate to airline safety or security. A team of Transportation Industry Analysts reviews consumer complaints and tracks trends to identify problematic practices. OACP also learns about potential problems through its own investigation by monitoring websites, advertisements, and other materials produced by airlines and ticket agents. OACP may also learn about potential problems through inspections of airline headquarters or airports, referrals from other government agencies, required submissions from airlines, reports from airline competitors, and media stories. OACP's Aviation Complaint, Enforcement, and Reporting System (ACERS) manages consumer complaints and reports submitted by regulated entities.

Investigation Process

Consistent with due process, once sufficient facts are established for OACP to open an investigation, OACP generally sends an investigation letter to the alleged violator. This letter advises the regulated entity of the potential problematic conduct, requests additional information, and allows the respondent to inform OACP of defenses, mitigating circumstances, or additional facts while encouraging voluntary cooperation. When an investigation letter is sent to a regulated entity, OACP considers the entity to be on sufficient notice of OACP's jurisdiction over the particular conduct and the legal standards applicable to that conduct. OACP may also contact third parties to conduct interviews or obtain documents for review. Once OACP has received enough information to determine whether a violation occurred and the extent of the violation(s), OACP evaluates and decides how to resolve the matter.

Results of Investigations

OACP investigations can result in a finding of a violation, no violation, or insufficient information if there is not adequate evidence of whether a violation occurred. If a violation is found, OACP will work with the airline or ticket agent to ensure that corrective action is taken. OACP may also initiate enforcement action if appropriate. If OACP finds that no violation occurred following an investigation, OACP will close the investigation without prejudice to further investigation and will inform the entity being investigated of the decision (if the entity was previously made aware of the investigation or other pre-enforcement activity). If there is insufficient information to identify whether a violation occurred, OACP may close the case or decide to monitor the practices of the entity being investigated.

Types of Enforcement Action

- *Consent Orders:* OACP generally takes enforcement action when it sees a pattern or practice of violations. If enforcement action is warranted, OACP primarily resolves these cases by negotiating with the alleged violator and reaching a settlement agreement in the form of a consent order. The consent order is an order directing the alleged violator to cease and desist from the problematic practice. In many cases, the consent order will assess an administrative civil penalty. All settlements are made public through OACP's website and the *regulations.gov* public docket.
- *Enforcement Proceeding in Front of the Office of Hearings:* If OACP and a regulated entity cannot reach a satisfactory resolution of an enforcement matter using the negotiated consent order process, then OACP may choose to pursue such violations through the initiation of a formal enforcement proceeding before an ALJ as expressly authorized by 49 U.S.C. 46301. In accordance with 49 U.S.C. 46301, these enforcement actions likely would seek civil penalties, cease and desist provisions, and other remedial relief deemed appropriate by OACP. The formal complaint that OACP files with the ALJ becomes public on OACP's website. Following the ALJ's decision, parties may file for further review from the Department decisionmaker.
- *Civil Action in District Court:* OACP is not limited to initiating a proceeding before an ALJ and also has the option to bring a civil action in a United States District Court as authorized by 49 U.S.C. 46106 and 46107.
- *Warning Letters:* If OACP determines that enforcement action through an order, an administrative proceeding before an ALJ, or a civil action in district court is not warranted (for example, if the violating entity took sufficient corrective action prior to OACP's learning about the violation), OACP plans to exercise its discretion and send a warning letter to the violating entity. The letter places the violator on notice that OACP is aware of the violation and may pursue enforcement action if similar violations occur in the future.

Voluntary Self-Disclosure

A regulated entity's voluntarily self-disclosing violations of the Department's requirements in a timely manner will strongly weigh in favor of no enforcement action or reduced penalties for that entity. OACP will consider the entity's disclosure and corrective actions in determining whether to take enforcement action and the remedies if action is taken. Depending on the level of consumer harm, OACP may determine enforcement action is not warranted if the entity has corrected the issue and made whole any consumers negatively impacted by the violations. In the alternative, OACP may take the self-disclosure into account as a factor in determining the civil penalty assessed against the entity. A self-disclosure is not considered voluntary if the disclosure is required by law.

Case Closure

OACP may close a case if it determines that no violation occurred, if there is insufficient information to decide, if OACP's resources are better utilized elsewhere, or if the violation has been remedied and no further action is required.

Sanctions

OACP's enforcement program focuses on ensuring compliance with Departmental requirements rather than penalizing entities for violations. The office's enforcement program seeks to encourage voluntary compliance,

including voluntary self-disclosure of violations, before pursuing enforcement actions that could include assessment of civil penalties. When warranted, civil penalties are meant to change the violator's behavior and bring about compliance. Civil penalties should be reasonable and proportional to the violation and its impacts, and the bases for penalty assessments should be consistent and transparent to the public. OACP continually reevaluates its penalty structure to ensure that its administrative civil penalties are set fairly and consistent with statutory authority.

Within the boundaries of statutory authority, multiple factors may impact the level of a civil penalty assessment. These include the scope and scale of the violation, the degree of harm caused, the violator's history of non-compliance, the violator's ability to pay, the Department's past actions for similar violations, the possibility of incentivizing or deterring future actions, and the size of the business in question. Penalties are assessed on a per-violation basis. If civil penalties are insufficient due to the criminal nature of the violating conduct, OACP may refer the case to the Department's Office of the Inspector General for review, investigation, and potential prosecution. OACP may also refer matters to the Department of Justice (DOJ) for civil enforcement, where appropriate. For a full list of criteria used by OACP in calculating a sanction, please see the Attachment ''Criteria Considered in Setting Civil Penalties.''

This notice supersedes the previous notice dated January 3, 2023.

Attachment

U.S. Department of Transportation

Office of Aviation Consumer Protection

Criteria Considered in Setting Civil Penalties

The Office of Aviation Consumer Protection (OACP) considers the factors listed below in determining the civil penalty it would seek or settle for in an enforcement proceeding and considers other relevant factors as appropriate. The civil penalty amounts referenced in this document are annually adjusted based on inflation pursuant to statute.[5] OACP will update the penalty amounts in this attachment when that occurs and include the date of this change.

(1) The maximum assessable amount of the civil penalty under 49 U.S.C. 46301 and 14 CFR part 383, as adjusted for inflation. As of 2025, the maximum civil penalty assessable per violation is as follows:

- The General Penalty Provision for violations of Title 49 and Department orders and regulations is $75,000 per violation for all entities, other than small business or individuals, to which a general penalty amount of $1,875 per violation applies. For OACP purposes, the $1,875 per violation penalty is usually applicable only in cases involving reporting violations by small carriers.
- For small businesses, as defined in 13 CFR part 121, 15 U.S.C. 632, and individuals, three specialized penalty amounts apply to specific kinds of violations:
- $17,062 for violations of certain provisions of chapter 401 (see statute for specifics), including the anti-discrimination provisions of section 40127 and those applying to passengers with disabilities (49 U.S.C. 41705) and related rules and orders;
- $8,531 for violations of 49 U.S.C. 41719 (related to essential air service) and related rules and orders;
- $4,267 for violations of 49 U.S.C. 41712 (unfair and deceptive practices) and related rules and orders.
- For continuing violations, each day a violation continues is a separate violation for penalty purposes.

(2) The number of violations.

(3) How long the violations continued, especially after the alleged violator's management became aware of them.

(4) The harm caused by the violations, as well as steps taken to reimburse passengers or otherwise correct the harm.

(5) Whether the violations were inadvertent or deliberate.

(6) The alleged violator's enforcement history.

(7) The alleged violator's compliance disposition:

a. did the entity expend resources to prevent such violations?

b. did the entity have procedures in place to prevent such violations?

c. did the entity provide training to employees in the area?

d. how quickly was the problem corrected after OACP notification?

e. what resources did the entity expend to correct the situation (*e.g.,* for training, new equipment, new procedures, additional personnel)?

(8) The alleged violator's ability to pay (*e.g.,* carrier in financial distress).

(9) The Department's history and past practices in assessing penalties for similar violations, adjusting for statutory penalty increases and inflation.

(10) The alleged violator's experience/sophistication level (*e.g.,* new airline or established carrier; foreign carrier with limited service to U.S.).

(11) The need to eliminate/disgorge any profits attributable to the violations.

(12) Any valid excuses for the violations (*e.g.,* were they beyond the alleged violator's control?).

(13) Whether the violations were voluntarily self-reported by the alleged violator In addition, to encourage future compliance, OACP may permit the inclusion of a suspended civil penalty amount, as appropriate for each case. This amount becomes immediately due if the regulated entity violates the cease-and-desist or payment provisions of the order within a set period, usually one year from the issuance date of the order. The office also may include ''offsets'' in settlements for expenditures the violator makes that go above and beyond the Department's aviation consumer requirements, *e.g.,* providing compensation to consumers when not required under the Department's regulations, or purchasing equipment or implementing systems that will provide tangible consumer benefits in the future beyond what is required to comply with the law.

Finally, it should be noted that virtually every settlement the office enters into involves the issuance of a cease-and-desist order with findings of violations. Consent orders become final orders of the Department 10 days after issuance, unless a petition for review is filed or the Department takes review on its own initiative. Consent orders have become a valuable source of Department enforcement case precedent, but they do not create new regulatory obligations for entities that are not named in the order.

[FR Doc. 2025–24282 Filed 1–5–26; 8:45 am]

BILLING CODE 4910–9X–P

[5] The Department's civil penalties are adjusted annually pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law 101–410, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114–74, 129 Stat. 599, codified at 28 U.S.C. 2461 note. The FCPIAA and the 2015 Act require Federal agencies to adjust minimum and maximum civil penalty amounts to preserve their deterrent impact. The 2015 Act specifically required an initial catch-up adjustment, followed by annual adjustments of civil penalty amounts using a statutorily mandated formula.

For example, violations by entities not qualifying as a small business concern occurring from May 3, 2021 to March 20, 2022 are subject to a maximum civil penalty amount per violation up to $35,188. Revisions to Civil Penalty Amounts, 86 FR 23241 (May 3, 2021) (codified at 14 CFR 383.2). For violations occurring from March 21, 2022, to January 5, 2023, the applicable maximum civil penalty amount per violation is up to $37,377. Revisions to Civil Penalty Amounts, 87 FR 15839 (March 21, 2022). For violations occurring from January 6, 2023, to December 27, 2023, the applicable maximum civil penalty amount per violation is up to $40,272. Revisions to Civil Penalty Amounts, 88 FR 1114 (January 6, 2023). For violations occurring from December 28, 2023, to May 15, 2024, the applicable maximum civil penalty amount per violation is up to $41,477. Revisions to Civil Penalty Amounts, 88 FR 89551 (December 28, 2023). The FAA Reauthorization Act of 2024, Public Law 118–63, increased the maximum civil penalty amount to $75,000 for each violation occurring on or after May 16, 2024.

Furthermore, under 49 U.S.C. 46301(a)(7), a violation of section 41705 that involves damage to a passenger's wheelchair or other mobility aid or injury to a passenger with a disability may be increased above the otherwise applicable maximum amount to an amount not to exceed 3 times the maximum penalty otherwise allowed.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and vessels that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on December 31, 2025. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Action

On December 31, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Entities

1. KRAPE MYRTLE CO LTD, 149 Donggang Jiedao, Putuo Qu, Zhoushan, Zhejiang 316100, China; Rm D5 5/F King Yip Fty Bldg, 59 King Yip St, Kwun Tong, Kowloon, Hong Kong, China; Identification Number IMO 6342210; Registration Number 74094750 (Hong Kong) issued 31 May 2022 [VENEZUELA–EO13850].

Designated pursuant to section l(a)(i) of Executive Order 13850 of November 1, 2018, ''Blocking Property of Additional Persons Contributing to the Situation in Venezuela,'' 83 FR 55243, 3 CFR, 2018 Comp., p. 881, as amended by Executive Order 13857 of January 25, 2019, ''Taking Additional Steps To Address the National Emergency With Respect to Venezuela,'' 84 FR 509, 3 CFR 2019 Comp., p. 251 (E.O. 13850) for operating in the oil sector of the Venezuelan economy.

2. CORNIOLA LIMITED (a.k.a. CORNIOLA LTD), 149, Donggang Jiedao, Putuo Qu, Zhoushan, Zhejiang 316100, China; Rm 909 G 9/F Hunghom Coml Ctr Twr A, 39 Ma Tau Wai Rd, Hunghom, Kowloon, Hong Kong, China; Identification Number IMO 6434228; Registration Number 75612503 (Hong Kong) issued 14 Aug 2023 [VENEZUELA–EO13850].

Designated pursuant to section l(a)(i) of E.O. 13850 for operating in the oil sector of the Venezuelan economy.

3. WINKY INTERNATIONAL LIMITED, 14th Floor, Guangdong Investment Tower, 148 Connaught Road Central, Hong Kong, China; Majuro, Ajeltake Island 96960, Marshall Islands; Organization Established Date 01 Nov 2024; Registration Number 128617 (Marshall Islands) [VENEZUELA–EO13850].

Designated pursuant to section l(a)(i) of E.O. 13850 for operating in the oil sector of the Venezuelan economy.

4. ARIES GLOBAL INVESTMENT LTD (a.k.a. ARIES GLOBAL INVESTMENT LIMITED), Room 2611, 26th Floor, Southeast Technology R&D Center, 438, Jincheng Lu, Xiaoshan Qu, Hangzhou, Zhejiang, China; Rm A 20/F ZJ 300, 300 LOCKHART RD, Wan Chai, Hong Kong, China; Identification Number IMO 0052971; Registration Number 76957722 (Hong Kong) issued 19 Aug 2024 [VENEZUELA–EO13850].

Designated pursuant to section l(a)(i) of E.O. 13850 for operating in the oil sector of the Venezuelan economy.

On December 31, 2025, OFAC also identified the following vessels as property in which a blocked person has an interest under the relevant sanctions authority listed below.

Vessels

1. NORD STAR (3E7463) Crude Oil Tanker Panama flag; Vessel Year of Build 2006; Vessel Registration Identification IMO 9323596; MMSI 352003296 (vessel) [VENEZUELA–EO13850] (Linked To: KRAPE MYRTLE CO LTD; Linked To: CORNIOLA LIMITED).

Identified as property in which CORNIOLA LTD, and KRAPE MYRTLE CO LTD persons whose property and interests in property are blocked pursuant to E.O. 13850, have an interest.

2. DELLA (VRUB7) Crude Oil Tanker Hong Kong flag; Vessel Year of Build 2001; Vessel Registration Identification IMO 9227479; MMSI 477714500 (vessel) [VENEZUELA–EO13850] (Linked To: ARIES GLOBAL INVESTMENT LTD).

Identified as property in which ARIES GLOBAL INVESTMENT LTD, a person whose property and interests in property are blocked pursuant to E.O. 13850, has an interest.

3. VALIANT (VRXH3) Crude Oil Tanker Hong Kong flag; Vessel Year of Build 2009; Vessel Registration Identification IMO 9409247; MMSI 477206500 (vessel) [VENEZUELA–EO13850] (Linked To: ARIES GLOBAL INVESTMENT LTD).

Identified as property in which ARIES GLOBAL INVESTMENT LTD, a person whose property and interests in property are blocked pursuant to E.O. 13850, has an interest.

4. ROSALIND (a.k.a. LUNAR TIDE) Oil Products Tanker Guinea flag; Vessel Year of Build 2004; Vessel Registration Identification IMO 9277735 (vessel) [VENEZUELA–EO13850] (Linked To: WINKY INTERNATIONAL LIMITED).

Identified as property in which WINKY INTERNATIONAL LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13850, has an interest.

Lisa M. Palluconi,

Deputy Director, Office of Foreign Assets Control.

[FR Doc. 2026–00014 Filed 1–5–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0923]

Agency Information Collection Activity: Request for Restoration of Entitlement Due to Facility Closure, Program of Training or Course Disapproval (Chapter 31 Veteran Readiness and Employment)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before March 9, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202–461–9760, *Kendra.McCleave@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VA Form 28–10281, Request for Restoration of Entitlement Due to Facility Closure, Program of Training or Course Disapproval (Chapter 31 Veteran Readiness and Employment).

OMB Control Number: 2900–0923. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 28–10281 is used by a Service member or Veteran to request restoration of entitlement due to effects of a facility closure or program of training or course disapproval. The VR&E program subsequently uses the information on this form to determine if a Service member or Veteran qualifies for restoration of entitlement under 38 U.S.C. 3699(b)(1)(A). Without the information, restoration of entitlement under Chapter 31 could not be determined. Veterans and Service members are able to access and complete the VA Form 28–10281 by using the VA Forms external website ''Find a Form'' and submit the completed and signed form one of the following ways: by mail, email to their assigned Vocational Rehabilitation Counselor (VRC), in-person to a VA Regional Office, or VR&E out-based location. The Veteran or Service member receives a notification letter if their request for restoration of entitlement is granted or denied by their assigned VRC. The number of annal burden hours have increased since the number of Veterans in new plans of service enrollments have increased since the last approval.

Affected Public: Individuals and households.

Estimated Annual Burden: 24,105 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 144,630.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–00001 Filed 1–5–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Funding Opportunity Under Supportive Services for Veteran Families

AGENCY: Department of Veterans Affairs.

ACTION: Notice of funding availability.

SUMMARY: The Department of Veterans Affairs (VA) is announcing the availability of funds for grants under the SSVF Program. This NOFO contains information concerning the SSVF Program, the renewal and new applicant grant application processes, and the amount of funding available. Awards made for grants will fund operations beginning October 1, 2026.

DATES: Applications for grants must be received by the SSVF Program Office no later than 4:00 p.m. Eastern Time on Thursday, February 19, 2026. In the interest of fairness to all applicants, the date and time of this deadline are firm. VA will treat as ineligible any application received after the deadline. Applicants should submit materials early to avoid the risk of ineligibility, unanticipated delays, computer service outages, or other submission-related problems. On-time submission requires an Entity Identification Number (EIN) from the Internal Revenue Service (IRS), a Unique Entity Identifier (UEI) from SAM, and an active registration in SAM. For details, see the Before You Begin section.

FOR FURTHER INFORMATION CONTACT: Adrienne Nash Meléndez, Director, SSVF Program Office, *ssvf@va.gov,* (202) 461–0056. Information about the application can be downloaded from the SSVF website at *https://www.va.gov/homeless/ssvf/index.html.* Questions may be referred to the SSVF Program Office via email at *ssvf@va.gov.* For detailed SSVF Program information and requirements, see part 62 of title 38, Code of Federal Regulations (38 CFR part 62).

SUPPLEMENTARY INFORMATION:

I. Basic Information

Funding Opportunity Title: Supportive Services for Veteran Families (SSVF).

Announcement Type: New and renewal.

Funding Opportunity Number: VA–SSVF–2027.

Assistance Instrument: Grant.

Assistance Listing: 64.033, VA SSVF Program, the System for Award Management (SAM) at *https://sam.gov/fal/296989a11e6f417a8225f634249b316d/view.*

Funding Details: SSVF expects to award approximately $855 million via this NOFO with over 200 awards, with a range of $262,981 to $23,153,846 in awards.

Executive Summary: Section 604 of the Veterans' Mental Health and Other Care Improvements Act of 2008, Public Law 110–387 (codified at 38 U.S.C. 2044), authorized VA to develop the SSVF Program. Supportive services grants are awarded to selected private non-profit organizations and consumer cooperatives that will assist very low-income veteran families residing in or transitioning to permanent housing. Grantees will provide a range of supportive services to eligible veteran families that are designed to promote housing stability. SSVF provides case management and supportive services to prevent the imminent loss of a veteran's home or identify a new, more suitable housing situation for the individual and his or her family; or to rapidly re-house veterans and their families who are homeless and might remain homeless without this assistance.

Before You Begin: The following steps may take several weeks.

1. *Entity Identifiers:* If you believe your organization is a good candidate for this funding opportunity, retrieve your EIN, UEI, and *SAM.gov* (*https://sam.gov/*) registration now.

EIN: Your organization must have an EIN issued by the IRS.

UEI: Your organization must have a UEI issued by *SAM.gov.*

SAM.gov Registration: Your organization must have an active account with *SAM.gov.*

Be sure to answer Yes to the Financial Assistance Representation and Certification item. For a sample, see the SSVF website at *https://www.va.gov/homeless/ssvf/index.html.*

Prepare to provide these requirements immediately. The processes may take weeks to complete. Do not wait until

you are ready to submit your application to start these processes. Incomplete required elements may prevent you from submitting your application on time. Applications submitted without an active UEI may be rejected at the threshold, meaning the application would be considered ineligible. For information about SAM, see also the Dates section, the Eligibility section, and the Submission Requirements and Deadlines section.

2. *Registering in the Online Application System:* For guidance on registering your organization in the online application system, see the How-To: Register a New Organization reference guide at *https://www.va.gov/HOMELESS/docs/GPD/providers/UDPaaS_How-ToRegisterNewOrg_in_eGMS.pdf.* Please note that while the guide indicates Grant and Per Diem Program, it is being used for all VA Homeless Program Office grant programs.

3. *Reminders:* Applications are due by 4:00 p.m. Eastern Time on the date stated in the **DATES** section. Keep this NOFO with you when completing the application. It includes supplementary guidance for completing the application.

II. Eligibility

A. Eligible Applicants: Under 38 U.S.C. 2044(f) eligible entity means a private nonprofit organization or a consumer cooperative. The term ''consumer cooperative'' has the meaning given such term under 12 U.S.C. 1701q. Only eligible entities, as defined in 38 U.S.C. 2044(f), can apply in response to this NOFO.

B. Additional Restrictions on Eligibility: There are no additional restrictions on eligibility.

C. Automatic Ineligibility: Any incomplete applications or applications received after the deadline would be automatically ineligible.

D. References or Links to Any Other Eligibility Restrictions or Disqualification Factors: There are no additional eligibility restrictions or disqualification factors.

E. Application Limits: There is no limit on the number of applications that can be submitted.

F. Cost Sharing or Matching: None.

III. Funding Opportunity Description

A. Program Description: Ending and preventing homelessness among veterans is a priority for VA. VA's Homeless Program Office constitutes the Nation's largest integrated network of homeless, housing, prevention, and rehabilitation services for veterans. These programs help veterans live self-sufficiently and independently. The principal goal of this NOFO is to seek entities that have the greatest capacity to end homelessness among veterans or sustain gains made in ending homelessness among veterans. VA established SSVF in 2011 to create public-private partnerships to rapidly re-house homeless veteran families and prevent homelessness for very low-income veterans at imminent risk due to a housing crisis.

B. Program Authority: The SSVF program is authorized under 38 U.S.C. 2044. VA implements the SSVF Program through regulations in 38 CFR part 62. 38 CFR part 62 contains definitions of terms used in the SSVF Program and this NOFO. Funds made available under this NOFO are subject to the requirements of 38 U.S.C. 2044 and 38 CFR part 62.

C. Funding Priorities: Priority will be given to grantees who can demonstrate the adoption of evidence-based practices in their application. Please note that the priorities for SSVF for fiscal year (FY) 2027 are different than in previous years. Based on the results of audit findings or performance concerns, VA may change grantees' previously awarded funds from Priority 2 to Priority 3 at renewal. The reprioritized grantees would then be required to submit a renewal application for the FY 2027 grant year. Funding priorities are as follows:

Priority 1. Under Priority 1, VA may award a renewal SSVF grant to existing grantees who received a grant award under Priority 1 during FY 2026 to expand services to rural communities. Existing grantees are SSVF grantees that have a Memorandum of Agreement (MOA) for operations through September 30, 2026. A Letter of Intent (LOI) will be required.

Priority 2. Under Priority 2, VA may award a renewal SSVF grant to existing grantees who have at least one of the following accreditations: 3-year accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) in Employment and Community Services: Rapid Rehousing and Homeless Prevention standards, a 4-year accreditation in Housing Stabilization and Community Living Services from the Council on Accreditation (COA) or a 3-year accreditation in The Joint Commission's Behavioral Health Care: Housing Support Services Standards. Existing grantees are SSVF grantees that have a MOA for operations through September 30, 2026. Priority 2 applicants must demonstrate that accreditation is active at the date of submission, and accreditation must be maintained throughout the project period and/or funding cycle. A LOI will be required except in cases where a Priority 2 grantee is being reprioritized as a Priority 3 application where a renewal application is required.

Priority 3. Under Priority 3, existing SSVF grantees not included in Priorities 1 and 2 but who have annual awards and are seeking to renew their SSVF grants, may apply. Existing grantees are SSVF grantees that have a MOA for operations through September 30, 2026. A renewal application will be required. To be eligible for renewal of a supportive services grant, Priority 1, 2, and 3 applicants' program must be substantially the same as the program of the grantees' current grant award. Renewal applications can request funding that is equal to or less than their current annualized award. If sufficient funding is available, VA may provide an increase of the previous year's award. Any funding increase, if provided, will be based on previous grant funding utilization and enrollment. VA may also elect to decrease the grant award to an amount that is less than the previous fiscal year award. This will be done based on available funds as well as previous grant utilization and enrollment.

Priority 4. Under Priority 4, new applicants may apply for an SSVF grant. Priority 4 applicants will submit a new grant application.

D. Criteria:

1. VA will screen all applications to identify those that meet the threshold requirements described in 38 CFR 62.21.

2. VA will use the criteria described in 38 CFR 62.24 to score grantees applying for renewal of a supportive services grant.

3. VA will use the criteria described in 38 CFR 62.22 and 62.23 to score new applications for supportive services grants.

IV. Application Contents and Format

A. Intergovernmental Review: Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, was issued to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. Generally, SSVF grants are not subject to E.O. 12372. Funded grantees are also required to comply with all applicable EOs.

B. Application Submission: Applicants must submit a complete electronic application in the electronic grants management system, following the instructions at *https://www.va.gov/HOMELESS/ssvf/docs/FY26_NOFA_Training.pdf.* The training provides funding opportunity, scoring criteria, award information, and requirements for submitting the application based on 2 CFR 200. In reference to section (b)(4)(ii) of Appendix I to 2 CFR part 200, the NOFO has no limitations on page numbers, file size, or the sequence of the application section, and therefore, this information is not addressed in the NOFO. Applications may not be hand-carried, emailed, mailed, or sent by facsimile (fax). Applications must be received by the SSVF Program Office no later than 4:00 p.m. Eastern Standard Time on the application deadline date of Thursday, February 19, 2026. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected or not funded. See Program Description and Submissions Requirements and Deadlines for the maximum allowable grant amounts. Applicants are advised to refer to this NOFO when completing the online application.

This NOFO addresses resources that may be provided by grantees under 38 CFR 62.34 to assist veterans in obtaining permanent housing, in addition to implementing general requirements in, and resources otherwise provided under, 38 CFR part 62. Grantees will be allowed to provide up to the equivalent of two months' rent in addition to the security deposit to landlords under 38 CFR 62.34(c) as a resource for any lease of not less than one year when necessary to assist a veteran in remaining in or obtaining permanent housing. The additional funds may be used to facilitate the leasing of rental units to tenants with significant housing barriers. Landlords are less likely to lease to certain groups due to the risk of non-payment of rent or concerns about damage or disruption to their buildings. Tenants with significant housing barriers might include veterans with poor credit histories and criminal justice involvement that might otherwise disqualify them from obtaining a lease.

Veterans are sometimes reluctant to move into apartments that do not offer any of the comforts typically associated with living independently. The General Housing Stability Assistance, provided under 38 CFR 62.34(e), while offering some funds for bedding and kitchen supplies, leaves significant needs unaddressed. Therefore, grantees will also be allowed to provide up to $1,000 for veteran families to utilize miscellaneous move-in expenses under 38 CFR 62.34(g), to encourage them to obtain permanent housing with a lease of not less than one year. These funds are to be provided to assist veterans through accounts established at local merchants, such as grocery stores and retailers, in the enrolled veteran's name. These items could include, but are not limited to, food, furniture, household items, electronics (including televisions), or other items typically associated with independent living in permanent housing.

Respondents to this NOFO should base their proposals and applications on the current requirements of 2 CFR part 200 and 38 CFR part 62. As an electronic application submitted in the electronic grants management system, there are no formatting or size requirements. There is no limit on page numbers, formatting, or file name requirements. Paper copies are not accepted. The sequence of the application is structured in the grants management system. Letters of Support are addressed below. Instructions are included in the NOFO application instructions and technical assistance section. Proprietary information is not applicable.

Submission of an incorrect, incomplete, inconsistent, or unclear application package may result in a rejected application. Applicants are strongly encouraged to provide complete responses while also being clear and concise.

The SSVF Program Office must receive applications no later than 4:00 p.m. Eastern Time on the application deadline date stated in the **DATES** section.

Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in a rejected application.

No case-by-case exceptions to the deadline are allowed even in the case of illness, death, computer difficulties, staff turnover, or other reasons. In the extremely rare event that a group exception is provided, a public notice would be posted on the SSVF website at *https://www.va.gov/homeless/ssvf/index.html* or a modified funding opportunity would be posted on *Grants.gov* at *https://www.grants.gov/* indicating the extended application submission deadline, if applicable.

Grantees will be expected to leverage supportive services grant funds to enhance the housing stability of very low-income veteran families who are occupying permanent housing. In doing so, grantees are required to establish relationships with local community resources. Therefore, agencies must work through coordinated partnerships built either through formal agreements or the informal working relationships commonly found among successful social service providers.

Through this NOFO, grantees can pay fees related to securing a lease of at least one year. In addition, as noted previously herein, veterans are sometimes reluctant to move into apartments that do not offer any of the comforts typically associated with living independently. Pursuant to this NOFO, grantees would be able to use funds for miscellaneous expenses associated with moving into a new unit. Moreover, nationally, the median average rental unit has increased in price by 28% since September 2023. Furthermore, service-connected veterans with high levels of disability may have incomes that exceed the current SSVF income threshold of 50% of the Area Median Income (AMI).

These veterans, some of the most vulnerable served by the VA, can be left ineligible for critically needed SSVF services. As a result, VA is invoking the provision in 38 U.S.C. 2044(f)(6)(C), and as provided in the definition of very low-income veteran family in 38 CFR 62.2, allowing VA to establish an income ceiling higher or lower than 50% of the AMI if VA determines that such variations are necessary because the area has unusually high or low construction costs, fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or family incomes. The AMI is one factor SSVF uses to establish eligibility. A higher income ceiling, as reflected by the AMI, will allow grantees to serve veterans who have endured significant increases in their housing cost burden, placing them at greater risk for homelessness. For the purposes of this NOFO, grantees will be able to serve veterans in their communities who have up to 80% of AMI. Aligning SSVF and the Department of Housing and Urban Development—VA Supportive Housing (HUD–VASH) eligibility will allow SSVF grantees' housing navigators to assist veterans eligible for HUD–VASH as necessary with identifying and obtaining permanent housing. Aligning SSVF and HUD–VASH eligibility will also improve the coordination of care and simplify and standardize eligibility determinations.

C. Coordination With Continuums of Care (CoC): Applicants are strongly encouraged to provide letters of support

from the CoC in the location where they plan to deliver services, reflecting the applicant's engagement in the CoC's efforts to coordinate services. A CoC is a community planning entity that organizes and delivers housing and services to meet the needs of people who are experiencing homelessness as they move to stable housing and maximize housing stability. The CoC develops and implements plans to end homelessness and prevent a return to homelessness. CoC locations and contact information can be found at *https://www.hudexchange.info/grantees/contacts/.*

The CoC's letter of support should note if the applicant is providing assistance to the CoC in building local capacity to build Coordinated Entry Systems (CES) and end veteran and veteran family homelessness. The letter of support should also note the value and form of the applicant's assistance to the CoC and whether the support is direct funding or staffing. CES requires that providers operating within the CoC's geographic area must also work together to ensure the CoC's coordinated entry process allows for coordinated screening, assessment and referrals (HUD Notice: CPD–17–01). The CoC's letter of support also must describe the applicant's participation in the CoC's community planning efforts. In addition, any applicant proposing to serve a Native American Tribal area is strongly encouraged to provide a letter of support from the relevant Tribal Government.

The aim of the provision of supportive services is to assist very low-income veteran families residing in permanent housing to remain stably housed and to rapidly transition those not currently in permanent housing to stable housing. Assistance in obtaining or retaining permanent housing is a fundamental goal of the SSVF Program. SSVF emphasizes the placement of homeless veterans and veteran families who are described in 38 CFR 62.11(b) and (c).

D. Technical Assistance: Application instructions and information on obtaining technical assistance for preparing a grant application is available at *https://www.va.gov/HOMELESS/ssvf/docs/FY26_NOFA_Training.pdf.*

V. Submission Requirements and Deadlines

The applicant's request for funding must be consistent with the limitations and uses of supportive services grant funds set forth in 38 CFR part 62 and this NOFO. In accordance with 38 CFR part 62 and this NOFO, the following requirements apply to supportive services grants awarded under this NOFO:

1. Grantees may use a maximum of 10% of supportive services grant funds for administrative costs identified in 38 CFR 62.70(e).

2. Grantees must enroll a minimum of 60% of veteran households who are homeless and qualify under 38 CFR 62.11(b). (*Note:* Grantees may request a waiver to decrease this minimum number of homeless households).

3. Grantees are required to have available temporary financial assistance resources that can be paid directly to a third party on behalf of a participant and may be used for childcare, emergency housing assistance, transportation, rental assistance, utility-fee payment assistance, security deposits, utility deposits, moving costs, and general housing stability assistance (which includes emergency supplies) and as otherwise stated in 38 CFR 62.33 and 38 CFR 62.34.

4. Grantees are able to provide up to $1,000 supplemental assistance to every veteran household who obtains a lease of not less than 1 year to cover miscellaneous move-in expenses.

5. Grantees are able to pay landlords up to an amount equal to 2 months' rent for fees related to securing a lease at the time that the veteran or veteran families enters into a lease of at least one year. This incentive may be provided at lease-up or split up into multiple payments to be paid within the first 90 days of the veteran being housed.

VI. Application Review Information

Grantees are expected to demonstrate the adoption of evidence-based practices most likely to prevent and lead to reductions in homelessness. As part of their application, the applying organization's Executive Director must certify on behalf of the agency that they will actively participate in community planning efforts and operate the program in a manner consistent with core concepts found at *https://www.va.gov/homeless/ssvf/ssvf-coreconcepts/.* Housing is not contingent on compliance with mandated therapies or services; however, housing and supportive services are a core component of SSVF. Participants must comply with a standard lease agreement and be provided with the services and supports that are necessary to help them do so successfully. Case management supporting permanent housing should include tenant counseling, mediation with landlords, and outreach to landlords.

Grantees must develop plans that will ensure that veteran participants have the level of income and economic stability needed to remain in permanent housing after the conclusion of the SSVF intervention. Both employment and benefits assistance from VA and non-VA sources represent a significantly underutilized source of income stability for homeless veterans. Income is not a pre-condition for housing. Case management should include income maximization strategies to ensure households have access to benefits, employment and financial education and counseling. The complexity of program rules and the stigma some associate with getting help contributes to lack of use. For this reason, grantees are encouraged to consider strategies that can lead to prompt and successful access to employment and benefits that are essential to retaining housing. Grantees are expected to offer supportive services consistent with 38 CFR 62.30–62.34. SSVF grant funds are subject to the limitations described in this NOFO, 2 CFR part 200, and 38 CFR part 62.

1. As SSVF services are typically short to medium-term crisis intervention, grantees must develop plans with veterans and veteran families that will maximize income and supports to help veterans sustain permanent housing at the conclusion of the SSVF intervention. Grantees must ensure the availability of employment and vocational services either through providing the services directly or through formal or informal service agreements with other agencies. Agreements with the Homeless Veteran Reintegration Programs funded by the U.S. Department of Labor are strongly encouraged.

2. Per 38 CFR 62.33, grantees must assist participants in obtaining public benefits. Grantees must screen all participants for eligibility for a broad range of benefits such as the U.S. Department of Health and Human Services' (HHS) Temporary Assistance for Needy Families, Social Security, the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program, the HHS Low-Income Home Energy Assistance Program, the Earned Income Tax Credit and local General Assistance programs. Grantees are expected to use the Supplemental Security Income/Social Security Disability Insurance Outreach, Access, and Recovery (SOAR) approach directly by training staff and providing the service or subcontracting services to an organization to provide SOAR services. In addition, where available, grantees should access information technology

tools to support case managers in their efforts to link participants to benefits.

3. In accordance with 38 CFR 62.33(g), grantees must assist participants in obtaining and coordinating the provision of legal services relevant to issues that interfere with the participants' ability to obtain or retain permanent housing or supportive services. Grantees may provide legal services directly, through a formal referral agreement as contract services, or through referrals to another entity. (*Note:* Information regarding legal services provided may be protected from being released to the grantee or VA under attorney-client privilege, although the grantee must provide sufficient information to demonstrate the frequency and type of service delivered.) Support for legal services can include paying for court filing fees to assist a participant with issues that interfere with the participant's ability to obtain or retain permanent housing or supportive services, including issues that affect the participant's employability and financial security. Grantees (in addition to employees and members of grantees) may represent participants before VA with respect to a claim for VA benefits, but only if they are recognized for that purpose pursuant to 38 U.S.C. chapter 59. Further, the individual providing such representation must be accredited pursuant to 38 U.S.C. chapter 59.

4. Access to mental health and addiction services is a required case management service by SSVF; however, grantees cannot fund these services directly through the SSVF grant. Applicants must demonstrate their ability to promote rapid access to and engagement with mental health and addiction services for veterans and veteran families. In the past, grantees were able to add health care navigator responsibilities to existing positions as an alternative to hiring a Health Care Navigator. Beginning in FY 2026, the Health Care Navigator position is required. Grantees are required to hire at least one Health Care Navigator that will assist participants with accessing health and mental health services.

5. When serving participants who are residing in permanent housing, the defining question to ask is ''Would this individual or family be homeless but for this assistance?'' The grantee must use a VA-approved screening tool with criteria that target those most at risk of homelessness (*https://www.va.gov/HOMELESS/ssvf/docs/SSVF_Homelessness_Prevention_Screener.pdf*).

6. SSVF grantees are required to participate in local planning efforts designed to end veteran homelessness. Grantees may use grant funds to support SSVF involvement in activities such as community planning by sub-contracting with CoCs, when such funding is essential, to create, implement, or sustain the development of these data driven plans.

7. When other funds from community resources are not readily available to assist program participants, grantees may choose to use supportive services grants, to the extent described in this NOFO and in accordance with 38 CFR 62.33 and 62.34, to provide temporary financial assistance. Such assistance may, subject to the limitations in this NOFO and 38 CFR part 62, be paid directly to a third party on behalf of a participant for childcare; transportation; family emergency housing assistance; rental assistance; utility-fee payment assistance; security or utility deposits; moving costs; and general housing stability assistance as necessary.

8. SSVF requires grantees to offer Rapid Resolution (also known as diversion or problem-solving) services. These services engage veterans immediately before or after they become homeless and assist them to avoid continued homelessness. These efforts can reduce the trauma and expense associated with extended periods of homelessness, and the strain on the crisis response and affordable housing resources in the community. Through Rapid Resolution, the grantee and the veteran explore safe, alternative housing options immediately before or quickly after they become homeless. Rapid Resolution can identify an immediate safe place to stay within the veteran's network of family, friends or other social networks. All veterans requesting SSVF services should have a Rapid Resolution screening, and if the veteran or veteran family is not appropriate for Rapid Resolution, grantees should then assess the veteran or veteran family for other SSVF services. More information about Rapid Resolution can be found at *https://www.va.gov/homeless/ssvf/specialized-services/*.

Review and Selection Process: VA will review all supportive services grant applications in response to this NOFO. This section pertains to renewal applications only. A review will be conducted according to the following steps:

1. LOI applications that meet threshold requirements described in 38 CFR 62.21 will be offered funding.

2. Score all renewal applications that meet the threshold requirements described in 38 CFR 62.21.

3. Rank those renewal applications that score at least 75 cumulative points and receive at least one point under each of the categories identified for renewal applicants in 38 CFR 62.24. The applications will be ranked in order from highest to lowest scores in accordance with 38 CFR 62.25 for renewal applicants.

4. VA will use the ranked scores of renewal applications as the primary basis for selection. However, VA also will use the following considerations in 38 CFR 62.23(d) to select applicants for funding:

(a) Give preference to applications that provide or coordinate the provision of supportive services for very low-income veteran families transitioning from homelessness to permanent housing. Consistent with this preference, applicants are required to enroll no less than 60% of participants who are homeless as defined in 38 CFR 62.11(b) and (c). Rural communities are defined using the U.S. Department of Agriculture (USDA) definition of a rural area. Rural means: (1) open countryside; (2) rural towns (places with fewer than 5,000 people and 2,000 housing units); and (3) urban areas with populations ranging up to 50,000 people that are not part of larger labor market areas (metropolitan areas) (*https://www.ers.usda.gov/topics/rural-economy-population/rural-classifications/*). Other areas may seek waivers to this 60% requirement when grantees can demonstrate significant local progress toward eliminating homelessness in the target service area. Waiver requests must include data from authoritative sources such as point-in-time counts and by-name-lists indicating that a community has made enough progress on reducing homelessness that it can shift additional resources to prevention. Waiver requests must include an endorsement by the impacted CoC explicitly stating that a shift in resources from rapid rehousing to prevention will not result in an increase in homelessness. Grantees who are exempt or receive waivers to this 60% requirement must still enroll no less than 40% of all participants who are homeless as defined in 38 CFR 62.11(b) and (c).

(b) To the extent practicable, ensure that supportive services grants are equitably distributed across geographic regions, including rural communities, U.S. territories, and Tribal lands. This equitable distribution criteria will be used to ensure that SSVF resources are provided to those communities with the highest need as identified by VA's assessment of expected demand and available resources to meet that demand.

5. Subject to the considerations noted previously herein at paragraph B.4. VA will fund the highest-ranked applicants for which funding is available.

Risk Review: Prior to making a Federal grant award, the SSVF Program Office will review eligibility information for applicants and financial integrity information for applicants available in the Office of Management and Budget-designated databases per the Payment Integrity Information Act of 2019 (Pub. L. 116–117), the ''Do Not Pay Initiative'' (31 U.S.C. 3354), and 41 U.S.C. 2313.

The SSVF Program Office will review the responsibility and qualification records available in the non-public segment of *SAM.gov* (*https://sam.gov/*) prior to making a Federal award. The SSVF Program Office will conduct a risk assessment to evaluate the risks posed by applicants before issuing a Federal award. Items that will be considered include: financial stability, management systems and standards, history of performance (if applicable), audit reports and findings (if applicable), and the ability to effectively implement the grant requirements.

VII. Award Notices

Although subject to change, the SSVF Program Office expects to announce grant recipients for all applicants in the fourth quarter of FY 2027 with grants beginning October 1, 2026. Prior to executing a funding agreement, VA will contact the applicants, make known the amount of proposed funding, and verify that the applicant is still seeking funding. Once VA verifies that the applicant is still seeking funding, VA will execute an agreement and make payments to the grant recipient in accordance with 2 CFR part 200, 38 CFR part 62, and this NOFO. Pre-award costs are not eligible expenses. VA expects to notify unsuccessful applicants by email to the registered organizational contacts prior to October 1, 2026.

Administrative and National Policy Requirements: As cited in 38 CFR 62.38, SSVF grants cannot be used to fund ineligible activities.

Reporting: VA places great emphasis on the responsibility and accountability of grantees. As described in 38 CFR 62.63 and 62.71, VA has procedures in place to monitor supportive services provided to participants and outcomes associated with the supportive services provided under the SSVF Program. Applicants should be aware of the following:

1. Upon execution of a supportive services grant agreement with VA, grantees will have a VA Regional Coordinator assigned by the SSVF Program Office who will provide oversight and monitor supportive services provided to participants.

2. Grantees will be required to enter data into a Homeless Management Information System (HMIS) web-based software application. This data will consist of information on the participants served and types of supportive services provided by grantees. Grantees must treat the data for activities funded by the SSVF Program separate from that of activities funded by other programs. Grantees will be required to work with their HMIS Administrators to export client-level data for activities funded by the SSVF Program to VA on at least a monthly basis. The completeness, timeliness and quality of grantee uploads into HMIS will be factored into the evaluation of their grant performance.

Performance may include:

Goal 1: Over 80,000 veterans will be served by SSVF grantees nationally.

Goal 2: Over 20,000 children will be served by SSVF grantees nationally.

Goal 3: The percentage of exits to permanent housing (rapid re-housing) in SSVF will be 70% or higher.

Goal 4: The average time to house veterans experiencing literal homelessness (rapid re-housing) will be 90 days or less.

Goal 5: The rate of returns to homelessness for veterans experiencing literal homelessness (rapid re-housing) will be less than 5%.

Goal 6: At least 90% of veterans at imminent risk of homelessness served by SSVF will be prevented from homelessness.

3. VA will complete annual monitoring of each grantee. Monitoring will include the submittal of quarterly and annual financial and performance reports by the grantee. The grantee will be expected to demonstrate adherence to the grantee's proposed program as described in the grantee's application. All grantees are subject to audits conducted by VA or its representative. Pursuant to 38 CFR 62.80, when a grantee fails to comply with the terms, conditions, or standards of the supportive services grant, VA may, on 7-days' notice to the grantee, withhold further payment, suspend the supportive services grant, or prohibit the grantee from incurring additional obligations of supportive services grant funds, pending corrective action by the grantee or a decision to terminate. Additionally, grantees who are identified as not meeting performance standards pursuant to 38 CFR 62.80 are subject to withholding, suspension, de-obligation, termination, and recovery of funds by VA.

Grantees will be assessed based on their ability to meet critical performance measures. In addition to meeting program requirements defined by the regulations and applicable NOFO(s), grantees will be assessed on their ability to place participants into housing and the housing retention rates of participants served. Higher placement for homeless participants and higher housing retention rates for participants at risk of homelessness are expected for low-income veteran families when compared to extremely low-income veteran families with incomes below 30% of the area median income.

5. Grantees' performance will be assessed based on their consumer satisfaction scores. These scores include the participation rates and satisfaction results of the standardized survey offered to all participant households.

6. Organizations receiving Priority 1 or renewal awards that have had ongoing SSVF program operation for at least one year (as measured from the start of initial SSVF services until March 3, 2026) may be eligible for a three-year project period. Grantees meeting outcome goals defined by VA and in substantial compliance with their grant agreements (defined by meeting targets and having no outstanding corrective action plans) and who, in addition, are providing supportive services to veterans in tribal or rural communities or the U.S. territories or who have a three-year accreditation from either CARF in Employment and Community Services: Rapid Rehousing and Homeless Prevention standards, a four-year accreditation from COA in Supported Community Living Services, or a three-year accreditation in The Joint Commission's Behavioral Health Care: Housing Support Services Standards are eligible for a three-year project period. (*Note:* Multi-year project periods are contingent on funding availability.) If awarded a multiple year renewal, grantees may be eligible for funding increases as defined in NOFOs that correspond to years two and three of their renewal funding. At its discretion, VA may reduce three-year project periods to a one-year project period based on previous fiscal year performance concerns or most recent audit results.

VIII. Post-Award Requirements and Administration

The terms and conditions for this award will be outlined in the MOA. Applicants may review the general terms and conditions of award at *https://www.va.gov/homeless/ssvf/grants-management/*. In accepting a VA award, the grantee assumes legal,

financial, administrative, and programmatic responsibility for administering the award. Grantees must comply with all applicable appropriations, laws, statutes, rules, regulations (*e.g.,* 38 CFR part 50, 38 CFR part 62, 2 CFR part 200), NOFO requirements, Executive Orders governing assistance awards, statutory and national policy requirements (*e.g.,* 2 CFR 200.300 and 41 U.S.C. 4712), and these terms and conditions which will be incorporated into this award. While VA may provide grantees with reminder notices regarding award requirements, the absence of receiving such notice will not relieve grantees of their responsibility to meet all applicable award requirements. Under the MOA, grantees must agree to provide what is outlined in the grant award and application along with any modifications that occur as a result of official changes approved by the VA SSVF Program Office. As noted in 38 CFR 62.51, grantees are to be paid in accordance with the timeframes and manner set forth in the NOFO. Pre-award costs are not eligible expenses.

IX. Other Information

VA is required to ensure compliance with all applicable statutes, regulations, and Executive Orders when evaluating and awarding grants. In accordance with Executive Order 14332, Improving Oversight of Federal Grantmaking, aside from the evaluation criteria published in this announcement, VA has discretion to remove from consideration any applicant VA deems does not demonstrably advance the President's or VA's priorities. VA will not fund activities that use racial preference for eligibility criteria or promote gender ideology. VA will not fund activities that promote or facilitate violations of immigration laws or are sources of waste, fraud, or abuse. VA will not tolerate activity or conduct by grant recipients that constitute acts of moral turpitude, are scandalous, or bring the recipient, the project funded by this grant, or VA into public disrepute, contempt, or ridicule.

Signing Authority

Richard F. Topping, Assistant Secretary for Management and Chief Financial Officer, approved this document on December 12, 2025, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Taylor N. Mattson,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

[FR Doc. 2026–00009 Filed 1–5–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Tuesday,
No. 3 January 6, 2026

Part II

Environmental Protection Agency

40 CFR Parts 141 and 142
National Primary Drinking Water Regulation for Perchlorate; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[EPA–HQ–OW–2024–0592; FRL 11689–01–OW]

RIN 2040–AG36

National Primary Drinking Water Regulation for Perchlorate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; request for public comment; notification of public hearing.

SUMMARY: The U.S. Environmental Protection Agency (''EPA'' or the ''Agency'') is proposing a National Primary Drinking Water Regulation (NPDWR) for perchlorate and a health-based Maximum Contaminant Level Goal (MCLG) under the Safe Drinking Water Act (SDWA). In this action, the EPA is proposing to set the perchlorate MCLG at 0.02 mg/L (20 µg/L). The EPA is also proposing and taking comment on setting an enforceable Maximum Contaminant Level (MCL) for perchlorate at 0.02 mg/L (20 µg/L), 0.04 mg/L (40 µg/L), or 0.08 mg/L (80 µg/L). The EPA is also proposing requirements for water systems to conduct monitoring for perchlorate in drinking water, take mitigation actions if the level exceeds the MCL, provide information about perchlorate to their consumers through public notification and consumer confidence reports, and report to their respective primacy agency. The Administrator has determined that the benefits of this regulation would not justify the costs; however, the EPA is required to issue an NPDWR and MCLG for perchlorate in response to the D.C. Circuit's decision in *NRDC* v. *Regan.*

DATES: Comments must be received on or before March 9, 2026. Comments on the information collection provisions of the proposed rule under the Paperwork Reduction Act (PRA) must be received by the Office of Management and Budget's Office of Information and Regulatory Affairs (OMB–OIRA) on or before February 5, 2026. Please refer to the PRA section under ''Statutory and Executive Order Reviews'' in this preamble for specific instructions. *Public hearing:* The EPA will hold a virtual public hearing on February 19, 2026, at *https://www.epa.gov/sdwa/perchlorate-drinking-water.* Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OW–2024–0592, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Water Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier:* 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. to 4:30 p.m., Monday through 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 personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Anne Lausier, Standards and Risk Management Division, Office of Ground Water and Drinking Water (4607M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW; telephone number: (202) 564–0518; email address: *NPDWRperchlorate@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

The EPA is proposing a NPDWR for perchlorate and a health-based MCLG under SDWA section 1412, 42 U.S.C. 300g–1, in response to the D.C. Circuit's decision in *NRDC* v. *Regan,* 67 F.4th 397 (D.C. Cir. 2023). In that decision, the D.C. Circuit held that the EPA must proceed to regulate a contaminant after finalizing a determination to regulate even where the Agency later determines that the contaminant does not satisfy the statutory standard for regulation. To comply with that decision and a separate consent decree obligation

specifying the date by which the EPA must take final action, the EPA is proposing to set the perchlorate MCLG at 0.02 mg/L (20 µg/L). The EPA is also proposing and taking comment on setting an enforceable MCL for perchlorate at 0.02 mg/L (20 µg/L), 0.04 mg/L (40 µg/L), or 0.08 mg/L (80 µg/L). The EPA is also proposing requirements for water systems to conduct monitoring for perchlorate in drinking water, mitigate perchlorate where it is found in drinking water, provide information about perchlorate to customers through public notification and consumer confidence reports, and report to their respective primacy agency. The EPA's assessment of this proposed regulation (including less stringent alternatives) is that regulating perchlorate in this manner fails to satisfy the SDWA prerequisite that a nationwide regulation must present a meaningful opportunity for health risk reduction for persons served by public water systems. Further, the Administrator has determined that the benefits of this regulation would not justify the costs. However, the D.C. Circuit decision in *NRDC* v. *Regan* requires the Agency to promulgate a NPDWR based on a regulatory determination the EPA finalized in 2011, which was based on information and analyses regarding the health effects of perchlorate exposure and prevalence of perchlorate in drinking water that has since been updated and now suggest the statutory criteria for a determination to regulate are no longer met.

Perchlorate is an inorganic chemical compound that occurs naturally and can also be manufactured. It is commonly used in solid rocket propellants, munitions, fireworks, airbag initiators for vehicles, matches, signal flares, and may also be found in fertilizers and as a byproduct of improper handling of hypochlorite solutions used for drinking water treatment. Perchlorate exposure to humans occurs primarily through the ingestion of contaminated food and drinking water. Other routes of exposure may include tobacco products, household products such as bleach, dietary supplements, use of signal flares and fireworks, and occupational exposure to contaminated dust at perchlorate production facilities. Exposure to perchlorate can interfere with the function of a person's thyroid gland by inhibiting iodide uptake, thereby affecting thyroid hormone production. Thyroid hormones help regulate metabolism and are critical for development, including brain development. Changes in thyroid hormone levels in pregnant women are associated with adverse neurodevelopmental effects in their offspring. Additionally, changes in thyroid hormone levels at other life stages can lead to hypothyroidism, adverse reproductive and developmental outcomes, and impacts to the cardiovascular system.

Over the last two decades, the EPA has consistently found that perchlorate is present in a small percentage of U.S. public drinking water systems. As envisioned by the SDWA statutory framework, the EPA's understanding of the adverse human health effects from perchlorate exposure, and ability to accurately estimate the level at which those health effects would occur in the population at greater risk, has evolved over time. Consideration of these two factors—occurrence of perchlorate in drinking water and the health effects information from exposure to perchlorate—are critical in informing the Agency's determination regarding whether to regulate perchlorate under SDWA. Specifically, SDWA section 1412(b)(1)(A), 42 U.S.C. 300g–1(b)(1)(A), provides that the EPA shall proceed to regulate a contaminant if the Administrator finalizes a determination that a contaminant may have adverse effects on the health of persons, is known or substantially likely to occur in public water systems (PWSs) with a frequency and at levels of public health concern, and, in the sole judgement of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reduction for persons served by PWSs.[1] SDWA section 1412(b)(4), 42 U.S.C. 300g–1(b)(4), requires that each MCLG shall be set at the level that avoids adverse effects to human health, with an adequate margin of safety. Additionally, SDWA section 1412(b)(3)(C)(i)(V), 42 U.S.C. 300g–1(b)(3)(C)(i)(V), requires the EPA to consider effects on grounds ''at greater risk of adverse health effects'' from exposure than the general population. Accordingly, the EPA reviewed the available information to identify the population at greater risk to adverse health effects following perchlorate exposure, *i.e.,* the most sensitive population(s), to derive the MCLG. Deriving the MCLG based on the most sensitive population(s) ensures that the statutory definition for the MCLG is met and that the level of perchlorate in drinking water protects both the population at greatest risk of adverse health effects due to perchlorate exposure and the general population as well.

In 2008, the EPA issued a preliminary determination not to regulate perchlorate based on its finding that perchlorate was present in very few PWSs at levels that the available science indicated would adversely affect human health (73 FR 60262, USEPA, 2008a). At the time, the EPA estimated health effects from perchlorate exposure using a National Research Council (NRC) recommended reference dose for perchlorate exposure for pregnant women and their fetuses, which the NRC identified as the most sensitive population. In 2009, the EPA issued a supplemental request for public comment on the EPA's preliminary determination, noting the complexity of the scientific issues with determining the level of perchlorate exposure that caused adverse effects, and the lack of human data for relevant life stages (74 FR 41883, USEPA, 2009a). Given this lack of data and uncertainty, the EPA proposed using several alternative health reference levels for perchlorate exposure at sensitive life stages (*i.e.,* developing infants and children, in addition to pregnant women) which resulted in a much lower estimate of the level of perchlorate exposure that would correspond to health impacts. In February 2011, the EPA used these lower health reference levels, which were not based on a peer-reviewed model, to finalize a determination to regulate perchlorate (76 FR 7762, USEPA, 2011).[2]

Following this determination, as required by SDWA section 1412(e), 42 U.S.C. 300g–1(e), the EPA sought recommendations from the Agency's Science Advisory Board (SAB) in 2012. Specifically, the EPA sought guidance from the SAB on the modeling approach and health effects information that was available (and relied upon in the 2011 final regulatory determination) to derive a MCLG for perchlorate. In response, the SAB recommended fundamental changes to the approach that the EPA had used to identify the levels of public health concern in its 2011 determination. The EPA had followed

[1] SDWA section 1401(4), 42 U.S.C. 300f(4), defines ''public water system'' as ''a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals.''

[2] When evaluating adverse health effects in support of the regulatory determination process, the EPA has historically derived health reference levels (HRLs) against which the EPA evaluates occurrence data to determine if contaminants occur at levels of potential health concern in drinking water. HRLs are not final values for establishing a protective level of a contaminant in drinking water; they are derived as part of the regulatory determination process prior to the development of more-detailed health analyses that are required under SDWA to support a proposed NPDWR.

the NRC recommendation to use a precursor non-adverse effect, iodide uptake inhibition, as a ''health protective and conservative point of departure'' for developing a reference dose for perchlorate. When the EPA brought this approach to the SAB, the SAB recommended that the Agency appreciably expand the modeling approach beyond the precursor effect to also account for potential adverse effects in offspring of women exposed to perchlorate during pregnancy. The SAB noted this approach ''offers the opportunity for much greater scientific rigor in establishing quantitative relationships between perchlorate exposure and adverse effects at sensitive life stages.'' The SAB noted the previous approach, based on iodide uptake inhibition, ''describes a precursor event and does not explicitly predict subsequent events or adverse outcomes'' (USEPA, 2013). Responding to that recommendation, the EPA undertook a time-intensive effort to develop a biologically based dose-response model that estimates changes in thyroid hormone levels as a result of iodine intake and perchlorate exposure in women prior to pregnancy and early gestation. The new modeling approach allowed the EPA to estimate adverse neurodevelopmental outcomes from different levels of perchlorate exposure. To evaluate the scientific and technical merit of the modeling approach, the EPA submitted this new model to two independent and sequential peer reviews and revised it in response to the peer review panels' feedback.

In 2016, while the EPA was finalizing its model, the NRDC sued the Agency in Federal district court for failing to meet the statutory deadlines to propose and promulgate an NPDWR for perchlorate. The parties resolved the deadline suit by entering into a consent decree with deadlines to issue an NPDWR and MCLG for perchlorate. The consent decree initially required the Agency to propose an NPDWR and MCLG for perchlorate in 2018 and finalize an NPDWR and MCLG for perchlorate no later than December 19, 2019. Those deadlines were later extended to 2019 for proposal, with a final NPDWR and MCLG due by June 19, 2020.

In 2019, the EPA proposed an NPDWR and MCLG for perchlorate (84 FR at 30524, USEPA, 2019a). In the preamble to the proposed rule, the EPA sought comment on withdrawing the 2011 determination to regulate based on the updated health effects information developed as a result of the SAB recommendations and the EPA's updated analysis of the occurrence of perchlorate in PWSs. Despite proposing an MCLG and MCL, the EPA's analysis conducted in support of the 2019 proposal suggested that perchlorate did not occur in PWSs with a frequency and at levels of public health concern and that an NPDWR for perchlorate did not present a meaningful opportunity for health risk reduction in persons served by PWSs as required to regulate under SDWA section 1412(b)(1)(A), 42 U.S.C. 300g–1(b)(1)(A) (84 FR at 30557, USEPA, 2019a). This request for comment to withdraw the determination to regulate relied upon the best available science-based assessments of perchlorate in drinking water at that time as required by SDWA section 1412(b)(3), 42 U.S.C. 300g–1(b)(3), including the updated, peer-reviewed health effects assessment developed with the new SAB-recommended modeling approach and additional information showing that perchlorate was detected in relatively few PWSs and at relatively low concentrations.

The EPA reviewed all public comments on its 2019 proposal, including comments related to the health effects of perchlorate exposure and the occurrence of perchlorate in drinking water. In 2020, based on the best available, peer-reviewed science, as required by SDWA section 1412(b)(3), 42 U.S.C. 300g–1(b)(3), the EPA determined that finalizing an NPDWR for perchlorate would not present a meaningful opportunity for health risk reduction for persons served by PWSs, and therefore revised its determination that a national regulation of perchlorate was justified under the SDWA. The EPA took final action to withdraw the 2011 determination to regulate perchlorate and did not promulgate a final NPDWR (85 FR at 43990, USEPA, 2020a).

In the final action notice, the EPA recognized that a small number of systems may need to address perchlorate in drinking water. The EPA included a discussion on the ways in which the Agency would support States and PWSs in managing perchlorate risk, where applicable. Specifically, the EPA expressed its commitment to working with States and communities in addressing perchlorate contamination in drinking water, including through direct outreach, information, and technical assistance. After issuing the proposed rule in 2019, the EPA contacted the PWSs that the Agency had identified as having perchlorate levels above 18 µg/L and found that many systems had already taken actions to reduce perchlorate levels in their drinking water. The EPA released a report, *Reductions of Perchlorate in Drinking Water,* detailing how perchlorate levels in drinking water supplies have decreased since the EPA made a determination to regulate perchlorate in 2011 (USEPA, 2020b).

Additionally, the EPA released a fact sheet, *Steps Water Systems Can Take to Address Perchlorate in Drinking Water* (USEPA, 2020c), with recommendations and best practices for PWSs that may be concerned about levels of perchlorate in drinking water. This includes recommendations for voluntary sampling, treatment options, storage and handling of hypochlorite solutions which can contribute to perchlorate contamination, non-treatment options, and recommendations for communicating with customers about any voluntary sampling and actions taken.

Finally, the EPA stated in its 2020 final action notice that the Agency may consider updating the 2008 interim perchlorate health advisory in the future in the absence of an NPDWR. SDWA section 1412(b)(1)(F), 42 U.S.C. 300g–1(b)(1)(F), provides that the EPA may publish health advisories or take other appropriate actions for contaminants not subject to NPDWRs. The 2008 interim health advisory for perchlorate (15 µg/L) is non-regulatory and non-enforceable but provides technical information to State agencies on health effects, analytical methodologies, and treatment technologies associated with drinking water contamination.

In *NRDC* v. *Regan,* the D.C. Circuit subsequently vacated the EPA's withdrawal of its 2011 determination to regulate perchlorate. The panel majority held that the EPA lacked authority under the SDWA to withdraw a determination to regulate a contaminant and must proceed to regulate, despite new and additional data and analyses that changed the scientific underpinnings of the original regulatory determination. Specifically, the panel majority held that when the EPA issues a final determination to regulate a contaminant under the SDWA, the EPA must propose and finalize a NPDWR and MCLG regardless of new scientific information indicating that national regulation is not justified. 67 F.4th at 402. The D.C. Circuit's vacatur ultimately had the effect of reviving the EPA's separate consent decree obligation to propose and finalize an NPDWR and MCLG for perchlorate, and the district court entered revised deadlines for the EPA to do so. Currently, the EPA is required to sign a proposed NPDWR and MCLG for publication by January 2, 2026, and to sign a final rule and MCLG by May 21, 2027.

Since 2023, the EPA has conducted further review of the best available

science on perchlorate health effects and occurrence data to include new information that was not factored into its 2019 proposal or 2020 decision to withdraw the determination to regulate perchlorate. The additional information evaluated by the EPA reaffirms the science-based conclusions that perchlorate does not occur in public drinking water systems at levels of public health concern as required under SDWA section 1412(b)(1)(A), 42 U.S.C. 300g–1(b)(1)(A). Furthermore, the EPA has evaluated the best available information on benefits and costs of this proposed rule as required by SDWA section 1412(b)(3)(C), 42 U.S.C. 300g–1(b)(3)(C), including the benefits and costs of alternative regulatory options developed and considered. The EPA again finds, as in 2020, that the benefits do not justify the costs for this proposed rule or for the alternative regulatory options considered (see section XIV.C of this preamble for discussion of this finding and request for comment).

Despite the Agency's science-based conclusion that perchlorate does not occur in public drinking water systems across the nation ''with a frequency and at levels of public health concern'' and that issuing an NPDWR for perchlorate would not present a meaningful opportunity for health risk reduction for persons served by PWSs, see SDWA section 1412(b)(1)(A), 42 U.S.C. 300g–1(b)(1)(A), the EPA is compelled by the D.C. Circuit's decision in *NRDC* v. *Regan* to issue an NPDWR for perchlorate.[3] Absent the D.C. Circuit's decision, the Agency would reject an NPDWR as an appropriate tool to address potential health risks from perchlorate. The Agency would instead update the 2008 Interim Health Advisory and take other appropriate actions similar to those conducted by the Agency in 2020. In this proposed rule, the Agency has attempted to reduce burdens to the many systems that do not have levels of perchlorate above the MCL but would nonetheless be required to monitor for perchlorate by a final NPDWR for perchlorate.

The EPA is proposing an MCLG for perchlorate in drinking water based on the best available science (USEPA, 2025b) following the Agency's current peer-reviewed systematic review methods (USEPA, 2022b), consistent with SDWA requirements, Executive Order 14303 Restoring Gold Standard Science (90 FR 22601) (see section V of this preamble), and the EPA's human health risk assessment guidance and best practices (*e.g.,* USEPA, 2012b; USEPA, 2002b; USEPA, 2022b). The EPA updated its 2019 health assessment to incorporate more recent health effects literature and the EPA's peer-reviewed systematic review methods (USEPA, 2022b), which were not available during the development of the 2019 health assessment. An MCLG is the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, allowing an adequate margin of safety (SDWA section 1412(b)(4)(A), 42 U.S.C. 300g–1(b)(4)(A)).

The EPA is proposing an MCLG of 20 µg/L derived from a draft reference dose of 1 µg/kg/day. The proposed MCLG is the level of perchlorate in drinking water expected to protect the population at greater risk for adverse health effects following perchlorate exposure. The population at greater risk is the offspring of iodine deficient, hypothyroxinemic women exposed to perchlorate during their first trimester of pregnancy. Hypothyroxinemia is characterized by normal thyroid stimulating hormone (TSH) levels and thyroid hormone (free thyroxine [fT4]) levels below the normal range. This MCLG protects against a one point decrease in the mean IQ in the population at greatest risk (the smallest IQ decrement that can be measured in an individual; as measured in children at approximately 6–8 years in the critical study). As this level is set for the population at greatest risk, it in turn protects against adverse health effects following perchlorate exposure in the general population, consistent with the statutory definition of an MCLG. The EPA is also proposing an enforceable MCL for perchlorate. An MCL is the maximum level allowed of a contaminant in water which is delivered to any user of a PWS (SDWA section 1401(3), 42 U.S.C. 300f(3)). The SDWA generally requires that the EPA set the MCL ''as close to the maximum contaminant level goal as is feasible'' (SDWA section 1412(b)(4)(B), 42 U.S.C. 300g–1(b)(4)(B)), or, if the Administrator determines the health benefits of the MCL do not justify the cost, at the level where the cost is justified by the benefits (SDWA section 1412(b)(6)(A), 42 U.S.C. 300g–1(b)(6)). The EPA is proposing to set an MCL of 20, 40, or 80 µg/L, and seeking comment on whether the Agency should consider any additional MCLs. As explained below, although the EPA proposes that any of the proposed MCLs would be feasible, the Administrator has determined that there is no MCL at which the benefits of treatment at a limited number of systems justify the costs of monitoring across systems where perchlorate is not expected to occur at levels of concern.

The EPA is also proposing monitoring, reporting, and other requirements for PWSs to meet the perchlorate MCL. Monitoring is a key component of the NPDWR and assures that water systems affected by perchlorate are identified and take action to be in compliance with the MCL (see section X of this preamble for discussion of the proposed monitoring and compliance requirements). The EPA is proposing requirements for community water systems (CWSs) and non-transient non-community water systems (NTNCWSs) to monitor for perchlorate in drinking water where the monitoring frequency of a PWS depends on the previous monitoring results. Because the EPA has determined that the vast majority of water systems are not likely to have perchlorate levels at the level of public health concern, the proposal includes provisions that would attempt to reduce burden on both systems and States compared to the standard monitoring requirements for other regulated inorganic compounds (IOCs). This includes provisions that would automatically reduce monitoring frequency for systems based on initial sampling results, thereby reducing burden on States to make individual system determinations. The EPA is also proposing the use of previously collected data to satisfy initial monitoring requirements to reduce burden on systems (see section X.A of this preamble for additional discussion on the requirements for initial and reduced monitoring).

Water systems with perchlorate levels that exceed the proposed MCL would need to take action to comply with the MCL. Under the EPA's proposal, these systems could install water treatment or

[3] As the EPA recently explained in the Agency's announcement of preliminary regulatory determinations for contaminants on the fifth drinking water contaminant candidate list, the *NRDC* v. *Regan* D.C. Circuit ruling has led to changes in the Agency's approach to regulating contaminants. The EPA noted that the ''ruling present[ed] a change to the EPA's understanding of the flexibilities afforded to the agency under the SDWA,'' explaining that prior to the decision ''the EPA had understood that the agency could withdraw a positive determination if, during the more-detailed analyses conducted during the development of the proposed rule . . . the EPA determined that the potential for health-risk reduction was less beneficial than initially predicted'' (90 FR at 3820, USEPA, 2025a). In deciding whether to regulate a contaminant under SDWA, the Agency will ''need to be more certain of the potential for health-risk reduction through regulation before making a determination to regulate a contaminant'' and, to obtain that certainty, the Agency will need to develop and ''consider preliminary health benefits analysis information to support the finding that a positive determination would provide a meaningful opportunity for health risk reduction if the agency decides to regulate a contaminant under the SDWA'' (90 FR at 3837, USEPA, 2025a).

consider options such as using a new uncontaminated water source (*e.g.,* drilling a new well) or connecting to an uncontaminated water source. Ion exchange, reverse osmosis, and biological treatment technologies have been demonstrated to remove perchlorate from drinking water to levels that would comply with the proposed MCL. These treatment technologies can be installed at a water system's treatment plant. Certified reverse osmosis point-of-use (POU) devices are also available for small systems to reduce perchlorate levels below the MCL (see section XII of this preamble for discussion on available treatment technologies). See the *Economic Analysis of the Proposed Perchlorate National Primary Drinking Water Regulation* (section 4.3, USEPA, 2025i) for details on estimating water system costs. Water systems which exceed the proposed MCL would also be required to conduct public notification. The EPA is proposing that water systems issue Tier 1 public notification following an MCL exceedance based on the effect of short-term exposure on the most sensitive population (the fetuses of pregnant, hypothyroxinemic women with iodine deficiency in their first trimester of pregnancy) identified from review of the available data (see section XI.B of this preamble for more information on public notification requirements).

In proposing a rule under the SDWA, the EPA must evaluate quantifiable and nonquantifiable health risk reduction benefits and costs in accordance with the statute's health risk reduction and cost analysis (HRRCA) requirements (SDWA section 1412(b)(3)(C), 42 U.S.C. 300g–1(b)(3)(C)). This includes benefits and costs associated with monitoring, reporting, and mitigation actions. The SDWA also requires that the EPA determine whether the benefits of the proposed rule justify the costs (SDWA section 1412(b)(4)(C), 42 U.S.C. 300g–1(b)(4)(C)). In accordance with these requirements and considering the best available science-based assessments, the Administrator is making a determination in this preamble that the quantified and unquantifiable benefits of the proposed perchlorate NPDWR do not justify the costs (see section XIV of this preamble for additional discussion on the HRRCA). This finding is the same conclusion reached by the Administrator in the 2019 proposed drinking water rule for perchlorate (84 FR 30555, USEPA, 2019a). The EPA is proposing requirements that will attempt to reduce monitoring costs while identifying systems with levels of perchlorate at or above the MCL; however, due to infrequent perchlorate occurrence at levels of health concern, the vast majority of the approximately 66,000 water systems that would be subject to the rule will incur substantial administrative and monitoring costs with limited or no corresponding public health benefit as a whole. The EPA evaluated which entities would be affected by the rule, quantified costs using available data and statistical models, and described unquantifiable costs. The EPA also developed a qualitative summary of benefits expected to result from the monitoring for perchlorate, and the removal of perchlorate and potential co-occurring contaminants.

Public participation and consultations with key stakeholders are critical in developing an implementable drinking water rule. The EPA has engaged with stakeholders and consulted with entities such as the National Drinking Water Advisory Council (NDWAC), water systems, and State, Tribal, and local governments (see section XVI of this preamble on EPA's Statutory and Executive Order reviews). The EPA is requesting comment on this action, including the proposed NPDWR and MCLG and the Administrator's determination that the benefits do not justify the costs, and has identified specific areas where public input will be helpful for the EPA in developing the final rule (see section XV of this preamble for a discussion of topics highlighted by the EPA for public comment).

II. Public Participation

A. Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OW–2024–0592, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. 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/commenting-epa-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.

B. Participation in Virtual Public Hearing

The EPA is hosting a virtual public hearing on February 19, 2026, to receive public comment on the proposed requirements of the proposed perchlorate NPDWR. The hearing will be held virtually from approximately 1 p.m. to 4 p.m. eastern time. The EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To attend and/or register to speak at the virtual hearing, please use the online registration form available at *https://www.epa.gov/sdwa/perchlorate-drinking-water.* The last day to pre-register to speak at the hearing will be February 12, 2026. On February 16, 2026, the EPA will post a general agenda for the hearing that will list pre-registered speakers in approximate, sequential order at *https://www.epa.gov/sdwa/perchlorate-drinking-water.* The number of online connections available for the hearing is limited and will be offered on a first-come, first-served basis. To submit visual aids to support your oral comment, please contact *NPDWRperchlorate@epa.gov* for guidelines and instructions by February 12, 2026.

Early registration is strongly encouraged to ensure proper accommodations and adequate timing. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule. Please note that the public hearing may close early if all business is finished.

The EPA encourages commenters to provide a written copy of their oral testimony electronically by submitting it to the public docket at *https://www.regulations.gov,* Docket ID: EPA–HQ–OW–2024–0592. Oral comments will be time limited to maximize participation, which may result in the full statement not being given during the virtual hearing itself. Therefore, the EPA also recommends submitting the text of oral comments as written comments to the rulemaking docket. The EPA will also accept written comments submitted to the public docket, as provided above, from persons

not making an oral comment. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing.

Please note that any updates made to any aspect of the hearing are posted online at *https://www.epa.gov/sdwa/perchlorate-drinking-water.* While the EPA expects the hearing to go forward as set forth above, please monitor the Agency's website or contact *NPDWRperchlorate@epa.gov* to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates about the public virtual hearing.

If you require any accommodations for the day of the hearing, such as language translation, captioning, or special accommodations, please indicate this and describe your needs when you register. All requests for accommodations should be submitted by February 12, 2026. Without this one-week minimum advance notice, the EPA may not be able to arrange accommodations. Please contact *NPDWRperchlorate@epa.gov* with any questions related to the virtual public hearing.

III. General Information

A. What is the EPA proposing?

Pursuant to its consent decree obligations and the D.C. Circuit's decision in *NRDC* v. *Regan,* the EPA is proposing for public comment an MCLG and an NPDWR for perchlorate in public drinking water supplies. Specifically, the EPA is proposing a MCLG of 0.02 mg/L (20 µg/L) and is proposing and seeking comment on an enforceable MCL at 20, 40, or 80 µg/L, despite the Agency's science-based conclusion that perchlorate does not occur in public drinking water systems at levels of public health concern and that issuing an NPDWR for perchlorate would not present a meaningful opportunity for health risk reduction for persons served by PWSs, as required by the SDWA, and that there is no MCL at which the benefits of treatment in a limited number of systems justify the costs of monitoring nationwide. The EPA is also proposing monitoring requirements for perchlorate under 40 CFR 141 subpart C, public notification requirements under 40 CFR 141 subpart Q, and Consumer Confidence Report (CCR) requirements under 40 CFR 141 subpart O.

B. Does this action apply to me?

Entities that could potentially be affected by this proposed rule include the following:

Category	Examples of potentially affected entities
Public water systems	Community water systems (CWSs); Non-transient, non-community water systems (NTNCWSs).
State and Tribal government agencies	Agencies responsible for developing, ensuring compliance with, and enforcing NPDWRs.

This table is not intended to be exhaustive but rather provides a guide for readers regarding entities likely to be regulated by this action. Other types of entities not included could also be regulated. To determine whether your entity is regulated by this action, please read the full preamble and proposed rule.

As part of this notice for the proposed rule, ''State'' refers to the agency of the State, Tribal, or territorial government that has jurisdiction over PWSs consistent with the definition of ''State'' in 40 CFR 141.2. During any period when a State or Tribal government does not have primacy enforcement responsibility pursuant to section 1413 of SDWA, 42 U.S.C. 300g–2, the term ''State'' means the relevant Regional Administrator of EPA. For questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

C. What is the Agency's authority for taking this action?

Section 1412(b)(1)(A) of SDWA requires the EPA to establish an NPDWR for a contaminant when the Administrator has determined that the contaminant: (1) may have an adverse effect on the health of persons; (2) is known to occur or there is a substantial likelihood that the contaminant will occur in PWSs with a frequency and at levels of public health concern; and (3) where in the sole judgment of the Administrator, regulation of such a contaminant presents a meaningful opportunity for health risk reduction for persons served by PWSs. 42 U.S.C. 300g–1(b)(1)(A).

In 2020, based on the best available science regarding perchlorate health effects and occurrence data, the EPA withdrew its 2011 final determination to regulate perchlorate under SDWA section 1412(b)(1)(A), 42 U.S.C. 300g–1(b)(1)(A). In May 2023, the D.C. Circuit vacated the EPA's withdrawal of the 2011 determination to regulate perchlorate after holding that the EPA lacks authority under the SDWA to withdraw a determination to regulate a contaminant. *NRDC* v. *Regan,* 67 F.4th 397. As explained in this preamble, the EPA's scientific analyses and data continue to indicate that perchlorate is not likely to occur with a frequency and at levels of public health concern and therefore does not meet the SDWA criteria for regulation. The EPA is nonetheless obligated to propose this NPDWR pursuant to its consent decree obligations and the D.C. Circuit's decision, which bars the Agency from finalizing an action other than a NPDWR and MCLG even when the Agency determines that the available

evidence, including the best available scientific data, does not support the statutory findings that are the prerequisite for regulation of a contaminant.

D. What are the incremental costs and benefits of this action?

The incremental cost of this proposed rule is the difference between the quantified costs that would be incurred if the proposed rule were finalized and baseline conditions. The incremental benefits of this proposed rule reflect the avoided future adverse health outcomes attributable to perchlorate reduction due to actions undertaken to comply with the proposed rule. For the proposed MCL of 20 µg/L, the annualized incremental cost of the proposed rule in 2023 dollars is $16.1 million at a 3 percent discount rate and $18.9 million at a 7 percent discount rate. The monetized annualized incremental benefit of the proposed rule in 2023 dollars is $8.3 million at a 3 percent discount rate and $1.6 million at a 7 percent discount rate. Therefore, the monetized net annualized incremental benefit is −$7.8 million at a 3 percent discount rate and −$17.3 million at a 7 percent discount rate.

For the proposed MCL of 40 µg/L, the annualized incremental cost of the proposed rule in 2023 dollars is $11.2 million at a 3 percent discount rate and $13.7 million at a 7 percent discount rate. The monetized annualized incremental benefit of the proposed rule in 2023 dollars is $6.8 million at a 3 percent discount rate to $1.3 million at a 7 percent discount rate. Therefore, the monetized net annualized incremental benefit is −$4.4 million at a 3 percent discount rate to −$12.4 million at a 7 percent discount rate.

For the proposed MCL of 80 µg/L, the annualized incremental cost of the proposed rule in 2023 dollars is $8.6 million at a 3 percent discount rate and $10.9 million at a 7 percent discount rate. The monetized annualized incremental benefit of the proposed rule in 2023 dollars is $5.3 million at a 3 percent discount rate to $1.0 million at a 7 percent discount rate. Therefore, the monetized net annualized incremental benefit is −$3.3 million at a 3 percent discount rate to −$9.9 million at a 7 percent discount rate. In addition, the EPA expects there will be additional non-monetized benefits and costs that result from the proposed action. Please see section XIV of this preamble for details.

IV. Background

A. What is perchlorate?

Perchlorate is a negatively charged inorganic ion that is comprised of one chlorine atom bound to four oxygen atoms (ClO_4^-) and is both a naturally occurring and manufactured chemical. It is formed naturally by photochemical reactions with atmospheric ozone, after which it can be deposited in soils and found within mineral deposits in certain geographical areas (Bao and Gu, 2004; Michalski et al., 2004). In the United States, perchlorate can accumulate in arid and semi-arid areas (Rao et al., 2007). In the United States, perchlorate in the environment is also associated with commercial fertilizers from Chilean saltpeter (mined and imported from Chile's Atacama Desert), which are known to have naturally high levels of perchlorate (USEPA, 2001).

Perchlorate is also produced synthetically and used in military and industrial applications. It is primarily used as an oxidizer, in the form of ammonium perchlorate, in solid fuels used to power rockets, missiles, and fireworks (ATSDR, 2008). In 1994, U.S. production of ammonium perchlorate was estimated at 22 million pounds; more recent production data are not available (ATSDR, 2008). Historically, the majority of perchlorate production took place at facilities in Nevada and Utah (NDEP, 2013). Perchlorate salts are highly soluble in water, and because perchlorate adheres poorly to mineral surfaces and organic material, perchlorate is mobile in soil and aqueous environments (ATSDR, 2008; USEPA, 2002a). The perchlorate ion is very stable and inert to reduction (Urbansky, 2000). Under normal environmental conditions in ground water and surface water, the ion may persist for decades (Gullick et al., 2001). Additionally, trace amounts of perchlorate can enter drinking water through improper handling and degradation of hypochlorite solutions used for drinking water treatment (AWWA/WaterRF, 2009).

For the general population, perchlorate exposure occurs mainly through the ingestion of contaminated food and drinking water (USEPA, 2025b; ATSDR, 2008). Of the foods evaluated by the FDA total diet study, 74 percent had at least one sample with detectable levels of perchlorate (FDA, 2007; Murray et al., 2008). Perchlorate has also been detected in drinking water supplies and tap water which indicates that for those exposed in the general population, ingestion of water containing perchlorate may be a significant exposure pathway. Other potential perchlorate exposure sources include tobacco products (Ellington et al., 2001), common household products such as bleach (Gibbs et al., 1998), dietary supplements (Snyder et al., 2006), ingestion of contaminated soil by children, and the use of signal flares and fireworks. Occupational exposure at perchlorate production facilities may occur via perchlorate dusts via inhalation or oral routes (Gibbs et al., 1998).

B. Human Health Effects

The well-established mode of action (MOA) for perchlorate is inhibition of iodide[4] uptake in the thyroid gland by competitively binding to the sodium-iodide symporter (NIS) (NRC, 2005; USEPA, 2013; USEPA, 2019b). This decrease in iodide uptake results in a decrease in the synthesis of two key thyroid hormones, triiodothyronine (T3) and thyroxine (T4) since iodide is necessary for the synthesis of thyroid hormones (NRC, 2005; USEPA, 2013; USEPA, 2019b; Blount et al., 2006; Steinmaus et al., 2007; Steinmaus et al., 2013; Steinmaus et al., 2016; McMullen et al., 2017; Knight et al., 2018). Decreased T3 and T4 levels result in an increase in TSH levels, the hormone that acts on the thyroid gland to stimulate iodide uptake to increase thyroid hormone production (Blount et al., 2006; NRC, 2005; Steinmaus et al., 2013; Steinmaus et al., 2016; USEPA, 2019). See the draft Health Effects TSD for more information about perchlorate's mode of action (USEPA, 2025b). Because thyroid hormones are essential for the development and differentiation of the brain, changes in thyroid hormone levels in pregnant women can cause permanent adverse neurodevelopmental effects in their offspring (USEPA, 2025b). (USEPA, 2013; USEPA, 2019b; Korevaar et al., 2016; Fan and Wu, 2016; Wang et al., 2016; Alexander et al., 2017; Thompson et al., 2018). For example, decreased maternal T4 levels during pregnancy, including in the hypothyroxinemic range, are associated with intelligence quotient (IQ) decrements in offspring (Alexander et al., 2017; Thompson et al., 2018; Wang et al., 2016; USEPA, 2013; USEPA, 2019b). See the draft Health Effects TSD (USEPA, 2025b) and the Economic Analysis (USEPA, 2025i) for more information about other potential health effects.

[4] For the purposes of this document, ''iodine'' will be used to refer to dietary intake before entering the body. Once in the body, ''iodide'' will be used to refer to the ionic form.

C. Statutory Framework and Regulatory History

1. Statutory Framework

The SDWA, the primary Federal law protecting tap water provided to consumers by water systems across the country, was enacted in 1974 in response to ''accumulating evidence that our drinking water contains unsafe levels of a large variety of contaminants.'' *Envtl. Def. Fund, Inc.* v. *Costle,* 578 F.2d 337, 339 (D.C. Cir. 1978). In passing the SDWA, Congress intended to ensure ''that water supply systems serving the public meet minimum national standards for protection of public health'' (H.R. Rep. No. 93–1185, at 1 (1974)).

Congress amended the SDWA in 1996 to establish a stepwise process for the EPA to identify unregulated contaminants and assess whether they are appropriate for regulation under the Act (H.R. Rep. 104–632(l), at 8 (1996); S. Rep. 104–169, at 2 (1995)). In contrast to prior versions of the statute, which required the EPA to establish regulations for an enumerated list of contaminants, Congress established a ''flexible'' process to ensure that the EPA's regulations, and the burdens imposed by those rules on water systems nationwide, addressed contaminants that posed the most significant health risks. *See* H.R. Rep. 104–632(l) at 8 (1996); S. Rep. 104–169 at 2 (1995). In the 1996 amendments, Congress required that once every five years, the EPA must issue a list of no more than 30 unregulated contaminants to be monitored by PWSs (SDWA section 1445(a)(2), 42 U.S.C. 300j–4(a)(2)). The EPA implements such monitoring through the Unregulated Contaminant Monitoring Rule (UCMR), which collects data from CWSs and NTNCWSs. In addition to prescribing a 5-year cycle of monitoring to gather occurrence data on unregulated contaminants, Congress also required the EPA to, every five years, publish a list of contaminants that are known or anticipated to occur in PWSs and are not currently subject to proposed or promulgated NPDWRs, known as the Contaminant Candidate List (CCL) (SDWA section 1412(b)(1)(B)(i), 42 U.S.C. 300g–1(b)(1)(B)(i)). In accordance with Congress' revised statutory framework, the EPA uses the CCL to identify priority contaminants for regulatory decision-making and information collection. The EPA included perchlorate on the first three CCLs, published in 1998, 2005, and 2009, respectively. The most recent, CCL 5, released in November 2022 includes 81 contaminants and contaminant groups (87 FR 68060, USEPA, 2022a).

The EPA collects available data on a contaminant included on the CCL to better understand its potential health effects and to determine the levels at which it occurs in drinking water. SDWA section 1412(b)(1)(B)(ii), 42 U.S.C. 300g–1(b)(1)(B)(ii), requires that, every five years, after considering public comment on a ''preliminary'' regulatory determination, the EPA must issue a determination to regulate or not to regulate at least five contaminants on the CCL. 42 U.S.C. 300g–1(b)(1)(B)(ii). When making a determination to regulate a contaminant in drinking water, SDWA section 1412(b)(1)(A), 42 U.S.C. 300g–1(b)(1)(A), requires that the EPA determine whether: (1) the contaminant may have an adverse effect on the health of persons; (2) the contaminant is known to occur or there is substantial likelihood the contaminant will occur in public water systems with a frequency and at levels of public health concern; and (3) in the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reductions for persons served by public water systems. 42 U.S.C. 300g–1(b)(1)(A). Pursuant to SDWA section 1412(b)(1)(B)(ii)(IV), a determination not to regulate is a reviewable agency action. 42 U.S.C. 300g–1(b)(1)(B)(ii)(IV).

When the EPA determines not to regulate a contaminant because all three statutory criteria at 1412(b)(1)(A) are not met, other non-regulatory options are available for both the EPA and States to address potential risks from unregulated contaminants. Such contaminants could be included in subsequent CCLs for possible reevaluation based on new data or included in future UCMRs. Further, SDWA section 1412(b)(1)(F), 42 U.S.C. 300g–1(b)(1)(F), expressly provides the EPA with authority to ''publish health advisories (which are not regulations) or take other appropriate actions'' for contaminants not subject to any NPDWR. In SDWA section 1414(e), 42 U.S.C. 300g–3(e), Congress also preserved States' authority to promulgate State drinking water laws, providing that nothing in the Act ''shall diminish any authority of a State . . . to adopt or enforce any law . . . respecting drinking water regulations or public water systems, but no such law shall relieve any person of any requirement otherwise applicable under this [Act].''

A determination to regulate triggers a schedule for proposing and finalizing a regulation setting a drinking water standard for the contaminant. If the EPA finds that the contaminant meets the three statutory criteria and finalizes a determination to regulate, the EPA must issue a proposed NPDWR and MCLG within 24 months and publish and promulgate a final NPDWR and MCLG within 18 months of the proposal (SDWA section 1412(b)(1)(E), 42 U.S.C. 300g–1(b)(1)(E)) with the possibility of a 9-month extension. Once the EPA decides to regulate a contaminant, the statute lays out several steps that must be taken before proposing an NPDWR, including developing a Health Risk Reduction and Cost Analysis (HRRCA), which is an extensive cost, risk, and benefit analysis that is subject to public comment (SDWA section 1412(b)(3)(C), 42 U.S.C. 300g–1(b)(3)(C)) and consulting with the SAB (SDWA section 1412(e), 42 U.S.C. 300g–1(e)). Specifically, SDWA section 1412(e) requires that, ''prior to proposal of a maximum contaminant level goal and national primary drinking water regulation,'' the EPA must ''request comments from the Science Advisory Board.''

Prior to the D.C. Circuit's 2023 decision in *NRDC* v. *Regan,* the EPA had long understood that the Agency could withdraw a section 1412(b)(1)(A), 42 U.S.C. 300g–1(b)(1)(A), final regulatory determination if, during the more-detailed analyses required by the statute during the subsequent development of a proposed NPDWR, the EPA determined that the potential for health-risk reduction was less beneficial than initially estimated. Based on the D.C. Circuit's decision holding that the EPA cannot reevaluate the basis for a final regulatory determination based on additional data obtained and analyzed following that determination, the Agency has been forced to change its approach to the regulatory determination process. As explained in the EPA's January 2025 preliminary regulatory determinations for nine contaminants on the CCL 5, the EPA will now ''need to consider preliminary health benefits analysis information to support the finding that a positive determination would provide a meaningful opportunity for health risk reduction if the agency decides to regulate a contaminant under the SDWA'' (90 FR at 3841, USEPA, 2025a). In other words, the EPA will need to ensure it can satisfy the statutory standards and prerequisite findings for a rulemaking before finalizing a regulatory determination.

The SDWA requires that a proposed and final NPDWR must be accompanied by the setting of an MCLG, which is a non-enforceable health objective set at a level at which ''no known or anticipated adverse effects on the health of persons occur and which allows an adequate

margin of safety'' (SDWA section 1412(b)(4)(A), 42 U.S.C. 300g–1(b)(4)(A)). If the EPA is establishing an enforceable MCL in its NPDWR, the SDWA generally requires that the EPA set the MCL ''as close to the maximum contaminant level goal as is feasible'' (SDWA section 1412(b)(4)(B), 42 U.S.C. 300g–1(b)(4)(B)) or, if the Administrator determines the benefits do not justify the cost, at the level where the cost is justified by the benefits (SDWA section 1412(b)(6)(A), 42 U.S.C. 300g–1(b)(6)(A)) or when ''the Administrator finds that it is not economically or technologically feasible to ascertain the level of the contaminant'' (SDWA section 1412(b)(7), 42 U.S.C. 300g–1(b)(7)). In those circumstances, the EPA may issue alternative standards (see sections VII and XIV.A of this preamble for the EPA's evaluation of alternative MCLs).

''Feasible'' is defined in SDWA section 1412(b)(4)(D), 42 U.S.C. 300g–1(b)(4)(D) as ''feasible with the use of the best technology, treatment techniques and other means which the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration).'' The technology, treatment techniques, or other means, must have been tested beyond the laboratory under full-scale conditions, but need not necessarily be in widespread, full-scale use. Further, in selecting the best available technology, treatment techniques, and other means, the EPA evaluates the ability of the technology to reduce the level of the contaminant, and the technological and economic feasibility of the technologies being considered. The EPA has historically taken the position that ''feasibility'' is to be defined relative to what may reasonably be afforded by large metropolitan or regional public water systems. (H.R. Rep. No. 93–1185, at 6454, 6471(1974); *see also* S. Rep. No. 104–169, at 3 (1995) (feasibility is based on best available technology affordable to ''large'' systems); *City of Portland* v. *EPA,* 507 F.3d 706 (D.C. Cir. 2007) (upholding the EPA's interpretation that ''feasible'' means technically possible and affordable). As a result, the EPA historically has not set different standards based solely on what is reasonably afforded by small and medium systems. However, if the EPA cannot identify any affordable technologies for a particular category of small systems, the EPA must identify variance technologies that ''achieve the maximum reduction or inactivation efficiency that is affordable'' and protect public health (SDWA section 1412(b)(15)(A) and (b)(15)(B), 42 U.S.C. 300g–1(b)(15)(A), (B)).

Once a final NPDWR is in effect and an MCL has been established for a contaminant, SDWA section 1414(c)(1)(A), 42 U.S.C. 300g–3(c)(1)(A), requires PWSs to provide notice to the public if the water system fails to comply with an applicable MCL. SDWA section 1414(c)(2), 42 U.S.C. 300g–3(c)(2), states that the Administrator ''shall by regulation . . . prescribe the manner, frequency, form, and content for giving notice.'' SDWA section 1414(c)(2)(C), 42 U.S.C. 300g–3(c)(2), specifies additional requirements related to public notice if the violation has the potential to have serious adverse effects on human health as a result of short-term exposure, including that it must ''be distributed as soon as practicable, but not later than 24 hours'' after the PWS learns of the violation or exceedance, and that the system must report the violation to both the State and the Administrator within that same time period.

SDWA section 1445(a), 42 U.S.C. 300j–4(a), provides that every person subject to a requirement of SDWA or grantee [5] shall establish and maintain records, make reports, conduct monitoring, and provide information to the Administrator as reasonably required by regulation to assist the Administrator in establishing regulations under SDWA, determining compliance with SDWA, administering any program of financial assistance under SDWA, evaluating the health risks of unregulated contaminants, and advising the public of such risks.

2. National Research Council Evaluation of Perchlorate (2005)

In 2005, the EPA and other Federal agencies asked the National Research Council (NRC) to evaluate the human health effects of perchlorate ingestion and to derive an oral reference dose (RfD), an estimate of a daily exposure to humans that is likely to be without an appreciable risk of adverse health effects. The NRC concluded that perchlorate exposure inhibits the transport of iodide into the thyroid by a protein molecule known as the sodium/iodide symporter (NIS), which can lead to decreases in the two main thyroid hormone levels, triiodothyronine (T3) and thyroxine (T4), and corresponding increases in thyroid-stimulating hormone (TSH) levels (NRC, 2005). Additionally, the NRC concluded that the most sensitive population to perchlorate exposure is ''the fetuses of pregnant women who might have hypothyroidism or iodide deficiency'' (NRC, 2005; p. 178). Following the NRC's recommendations, the EPA issued an RfD of 0.7 µg/kg/day for perchlorate in 2005 (USEPA, 2005a). This value was based on a no-observed-effect level (NOEL) [6] of 7 µg/kg/day, which was based on a level identified for perchlorate's inhibition of radioactive iodine uptake (RAIU), a measure of a precursor event which is considered ''non-adverse'' (USEPA, 2013), in a study (Greer et al., 2002) of healthy adults and the application of a total uncertainty factor (UF) of 10 to account for intraspecies variability.

3. Regulatory Determination for Perchlorate

In October 2008, pursuant to SDWA section 1412(b)(1)(B), 42 U.S.C. 300g–1(b)(1)(B), the EPA issued a preliminary determination not to regulate perchlorate in drinking water and requested public comment (73 FR 60262, USEPA, 2008a). Based on its evaluation of health and occurrence data on perchlorate against the criteria in SDWA section 1412(b)(1)(A), 42 U.S.C. 300g–1(b)(1)(A), the EPA tentatively concluded that, while perchlorate may have an adverse effect on the health of persons at sufficient levels of exposure, an NPDWR would not provide a meaningful opportunity to reduce health risk as required by the statute (73 FR at 60265, USEPA, 2008a). Using pregnant women as the most sensitive population for perchlorate exposure, the EPA derived and used a health reference level (HRL) of 15 µg/L using the Agency's RfD of 0.7 µg/kg/day as a level expected to be protective of all populations (73 FR at 60267, USEPA, 2008a). Primarily using occurrence data from UCMR 1, the EPA estimated that 0.8 percent of water systems (serving approximately 2 million persons, of which approximately 1 million were female ''and thus might become pregnant at some point in their lives'') had one or more detections with perchlorate levels above the HRL (73 FR at 60267, USEPA, 2008a). The EPA further estimated that 900,000 people were served by the entry points (EPs) above the HRL within those systems. At any one time, an estimated 1.4 percent

[5] SDWA section 1445(e), 42 U.S.C. 300j–4(e), defines ''grantee'' for purposes of section 1445 as ''any person who applies for or receives financial assistance, by grant, contract, or loan guarantee under this subchapter,'' and ''person'' is defined to include a Federal agency.

[6] In the Integrated Risk Information System (IRIS) assessment for perchlorate (2005a), the EPA used a NOEL (rather than a no-observed-adverse-effect level or NOAEL) as the point of departure because iodide uptake inhibition is not itself an adverse effect, but a biochemical precursor.

of the general population served by the PWSs that detected perchlorate above the HRL were pregnant women, based on the number of live births as a percentage of the total U.S. population (73 FR at 60267, USEPA, 2008a). Thus, ''a best estimate of about 16,000 pregnant women (with a high-end exposed estimate of 28,000 using the total system population) could be exposed at levels exceeding the HRL at any given time'' (73 FR at 60267, USEPA, 2008a). Based on the small percentage of PWSs where drinking water detections were above the HRL, the EPA therefore concluded there was not a meaningful opportunity for health risk reduction through an NPDWR that would require monitoring and compliance actions by all CWSs and NTNCWSs (73 FR at 60267, USEPA, 2008a).

In the October 2008 proposal, the EPA explicitly sought public comment on the model that the Agency used to arrive at its HRL. The EPA noted that ''[o]ne of the analyses that EPA considered for this preliminary determination is a physiologically-based pharmacokinetic (PBPK) model that predicts radioactive iodide uptake (RAIU) inhibition in the thyroid for various sub-populations and drinking water concentrations'' (73 FR at 60265, USEPA, 2008a). The EPA noted that the Agency made adjustments to the model prior to considering it for the preliminary regulatory determination, and that it would be appropriate to have those adjustments peer-reviewed to ensure ''the model is appropriate for use in assessing health outcomes associated with perchlorate exposure'' (73 FR at 60265, USEPA, 2008a). The EPA stated its intent to complete this review before publishing a final regulatory determination.

In December 2008, the EPA issued an Interim Health Advisory for perchlorate of 15 µg/L, consistent with the derived HRL, to assist State and local officials in addressing local contamination of perchlorate in drinking water while the Agency conducted its evaluation of the opportunity to reduce risks through an NPDWR (USEPA, 2008b). Health advisories are non-enforceable and non-regulatory and provide technical information to State agencies and other public health officials on health effects, analytical methodologies, and treatment technologies associated with drinking water contamination. Health advisories help States, Tribes, and local governments inform the public and determine whether local actions are needed to address public health impacts in affected communities. For more details, see ''*Interim Drinking Water Health Advisory for Perchlorate*'' (USEPA, 2008b). Prior to the EPA issuing its Interim Health Advisory, two States established their own perchlorate drinking water standards based on their own state-level health effects evaluations. Massachusetts promulgated a drinking water standard for perchlorate in 2006 and California promulgated a drinking water standard for perchlorate in 2007.

In August 2009, the EPA published a supplemental request for public comment on additional approaches for analyzing the data related to the EPA's preliminary regulatory determination (74 FR 41883, USEPA, 2009a). This request for public comment included alternative approaches to deriving a level of health concern. In explaining the need for additional public comment following the close of the comment period on the 2008 preliminary regulatory determination, the EPA noted that the comments that the Agency received ''underscore the complexity of the scientific issues regarding the regulatory determination for perchlorate in drinking water'' (74 FR at 41884, USEPA, 2009a). The EPA noted that external peer reviewers of its PBPK model offered a number of recommendations, including ''that the uncertainty inherent in the modeling exercise should be made more transparent to the public'' (74 FR at 41885, USEPA, 2009a). Specifically, peer reviewers noted the uncertainty due to ''the lack of human data for specific life stages including pregnant women and their fetuses, lactating women and their babies, and bottle-fed infants for which rat data were adapted'' (74 FR at 41885, USEPA, 2009a). In the notice, the EPA requested comment on whether the Agency should not use the PBPK model to inform the selection of an HRL and should instead apply the NRC recommended RfD of 0.7 µg/kg/day directly to exposures of other sensitive life stages to derive potential alternative HRLs for 14 life stages, including infants and children (74 FR at 41886, USEPA, 2009a). This alternative approach responded to comments expressing concern about the adequacy of the HRL for all sensitive life stages, including concerns about higher exposure of infants to perchlorate and potential negative health effects (74 FR at 41887, USEPA, 2009a). The EPA noted that some of the life stage specific alternatives under consideration could result in an HRL much lower than what was identified in the October 2008 notice and requested comment on the ''merits of the approach of . . . deriving HRLs based on the RfD combined with the life stage specific exposure data and whether there are other approaches that may be useful for deriving HRLs'' (74 FR at 41889, USEPA, 2009a).

In February 2011, the EPA issued a final determination to regulate perchlorate in drinking water under SDWA section 1412(b)(1)(B), 42 U.S.C. 300g–1(b)(1)(B), reversing course from the 2008 preliminary determination not to regulate perchlorate (76 FR 7762, USEPA, 2011). This determination considered the public comments from the October 2008 and August 2009 notices. In arriving at this determination, the EPA assessed the public health impacts of perchlorate using the alternative HRLs proposed in the August 2009 notice. Each of these potential HRLs was much lower than the single HRL used to inform the 2008 preliminary determination—4 µg/L in the 2009 notice versus 15 µg/L in the 2008 notice—and, thus, the likelihood of perchlorate to occur at levels of health concern was significantly higher in comparison to the levels described in the October 2008 notice. The EPA explained that ''[g]iven the range of potential alternative HRLs, EPA has reversed its October 2008 preliminary determination'' (76 FR at 7765, USEPA, 2011). With respect to the PBPK model, the EPA ''decided that the model does not directly bear on the current decision regarding the need for an NPDWR for perchlorate,'' but stated that the EPA ''is continuing to evaluate whether the model could be used in setting an NPDWR for perchlorate'' (76 FR at 7767, USEPA, 2011).

In 2011, the EPA concluded that up to 16 million people could be at risk of exposure to perchlorate at levels of health concern, rather than the 2 million people described in the October 2008 notice. While the 2011 regulatory determination did not include an estimate of the number of pregnant women potentially affected, applying the 1.4 percent of live births per year used in the 2008 notice results in 224,000 pregnant women (the most sensitive population identified) affected compared to the 28,000 estimated in 2008. Based on the lower HRL and related greater occurrence estimates, the EPA determined that perchlorate met the three statutory criteria for regulating a contaminant, finding that perchlorate may have an adverse effect on the health of persons; that perchlorate is known to occur or there is a substantial likelihood that perchlorate will occur in PWSs with a frequency and at levels of public health concern; and that in the sole judgment of the Administrator, regulation of perchlorate in drinking water systems presents a meaningful

opportunity for health risk reduction for persons served by PWSs (76 FR 7762, USEPA, 2011).

4. Recommendations From the EPA's Science Advisory Board

Following the 2011 determination to regulate perchlorate, as required by SDWA section 1412(e), 42 U.S.C. 300g–1(e), the EPA requested comment from the SAB prior to the proposal of an NPDWR and MCLG (77 FR 31847, USEPA, 2012a). Specifically, the EPA asked for advice from the SAB on how to best consider and interpret life stage information and PBPK analyses, as well as data that post-dated the 2005 NRC health effects assessment for perchlorate which had informed the Agency's 2011 regulatory determination.

In response and based on the available science, in 2013 the SAB recommended that the EPA:

- ''. . . Derive an MCLG for perchlorate . . . us[ing] a mode of action approach and physiologically-based pharmacokinetic/pharmacodynamic iodide uptake inhibition (PBPK/PD–IUI) modeling to integrate this information . . . PBPK/PD–IUI modeling provides a more rigorous tool to integrate the totality of information available on perchlorate, and this approach may better address different life stage susceptibilities to perchlorate than the default MCLG approach'' (USEPA, 2013, p. 1–2); and
- ''Extend the [BBDR] model expeditiously to . . . provide a key tool for linking early events with subsequent events as reported in the scientific and clinical literature on iodide deficiency, changes in thyroid hormone levels, and their relationship to neurodevelopmental outcomes during sensitive early life stages'' (USEPA, 2013, p. 19).

The SAB's recommended framework incorporates the endpoint of iodide uptake inhibition that was the basis for the NRC and the EPA Integrated Risk Information System (IRIS) RfD (USEPA, 2005a) into a broader and more comprehensive framework that links perchlorate exposure to adverse neurodevelopmental outcomes. The framework also focuses on the decreases in fT4 levels associated with maternal hypothyroxinemia and subsequent adverse neurodevelopmental health effects rather than the changes in both fT4 and TSH associated with hypothyroidism. Specifically, the SAB noted that while the 2005 NRC assessment ''concluded that the first adverse effect in the continuum of effects from perchlorate exposure would be hypothyroidism,'' the SAB found that ''hypothyroxinemia (*i.e.,* low levels of thyroid hormone) is a more appropriate indicator of the potential adverse health effects than the more pronounced decreases in thyroid hormone associated with hypothyroidism'' (USEPA, 2013). Furthermore, the SAB recommended that the EPA consider the available data on potential adverse health effects (*i.e.,* neurodevelopmental outcomes) from thyroid hormone-level perturbations (USEPA, 2013) because such thyroid hormone perturbations do not need to be caused by perchlorate exposure to be relevant for inclusion in the model.

5. Implementing the SAB Recommendations—Biologically Based-Dose Response (BBDR) Modeling Approach (2017–2019)

Based on the SAB's recommendations (USEPA, 2013) and input from two independent peer-review panels in 2017 (USEPA, 2017) and 2018 (USEPA, 2018), the EPA developed a two-step biologically based-dose response (BBDR) modeling approach that relates thyroid hormone effects, specifically fT4 levels, after perchlorate exposure in pregnant women to adverse neurodevelopmental outcomes in children (see Figure 1 below). The new model allowed the EPA to estimate adverse neurodevelopmental outcomes from different levels of perchlorate exposure, unlike the NRC reference dose relied upon in the EPA's 2011 regulatory determination, which measured a ''precursor, non-adverse effect'' for perchlorate based on iodide uptake inhibition (USEPA, 2013). In the first step of the BBDR modeling approach, the BBDR model estimates serum fT4 levels in iodine-deficient pregnant women in the first trimester. In the second step, the maternal ft4 levels are related to neurodevelopmental health effects in the offspring. Specifically, the BBDR model's serum fT4 results are integrated with data from an epidemiological study evaluating the impact of maternal thyroid hormone levels and offspring neurodevelopmental outcomes. This modeling approach was used to inform the MCLG for perchlorate in the 2019 rule proposal. Additional details on model development can be found in the EPA's *Technical Support Document: Deriving a Maximum Contaminant Level Goal for Perchlorate in Drinking Water* (hereafter referred to as the ''2019 TSD'') (USEPA, 2019b) and the accompanying *Proposed Approaches to Inform the Derivation of a Maximum Contaminant Level Goal for Perchlorate in Drinking Water Volumes 1–3* (hereafter referred to as the ''Approaches Report'') (USEPA, 2019c; USEPA, 2019d; USEPA, 2019e).

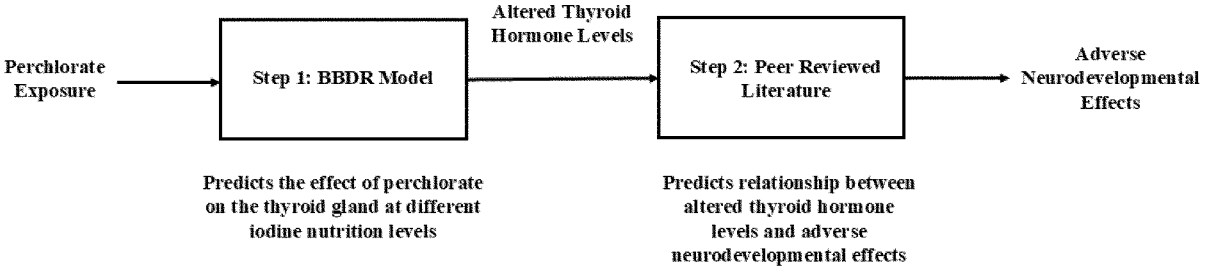

Figure 1. Summary of BBDR Modeling Approach for Estimating Measurable Adverse Neurodevelopmental Effects in Offspring from Perchlorate Exposure in Pregnant Women

In the 2019 TSD, the EPA used this BBDR modeling approach to derive a noncancer toxicity value for perchlorate (USEPA, 2019b). To inform the second step of the BBDR model and consistent with the SAB recommendation that the EPA ''consider available data on potential adverse health effects (neurodevelopmental outcomes) due to thyroid hormone level perturbations regardless of the cause of those perturbations'' (USEPA, 2013), the EPA

evaluated 71 epidemiological studies that investigated the association between maternal thyroid hormone levels and neurodevelopmental outcomes. Given the well-established MOA (see section IV.B of this preamble), the recommendations of the SAB, and the large volume of scientific literature investigating this association, other health outcomes were not evaluated at that time (USEPA, 2019b). Of the studies evaluated in the 2019 TSD, five studies were selected for dose response assessment and ultimately data from Korevaar et al. (2016) was selected to inform the BBDR modeling approach because it had sufficient quantitative data for modeling (3,600 usable mother/child data pairs), appropriately addressed confounding variables, and assessed an adverse neurodevelopmental endpoint of decreased IQ in children (USEPA, 2019b). The other studies identified did not provide one or more of those features. The EPA solicited comments from external peer reviewers on its analysis of Korevaar et al. (2016) and whether better studies or strategies were available (no major changes were recommended). Additional details on study selection for the 2019 health assessment can be found in the 2019 TSD (USEPA, 2019b), the Approaches Report (USEPA, 2019c; USEPA, 2019d; USEPA, 2019e), and corresponding external peer review (USEPA, 2018).

6. 2019 Proposed Perchlorate NPDWR

In 2016, while the EPA was finalizing the BBDR model, the NRDC filed a complaint in the U.S. District Court for the Southern District of New York alleging that the EPA had failed to meet the statutory deadline for proposing and finalizing an NPDWR for perchlorate. The parties resolved the deadline suit by entering into a consent decree requiring the Agency propose an NPDWR and MCLG for perchlorate in 2018 and finalize an NPDWR and MCLG for perchlorate no later than December 19, 2019. Those deadlines were later extended to 2019 for proposal, with a final NPDWR and MCLG by June 19, 2020, to allow the Agency time to complete and incorporate feedback from the peer-review of the BBDR model as well as to complete the statutorily required health and risk reduction analysis.

On June 26, 2019, the EPA proposed an NPDWR and MCLG for perchlorate (84 FR 30524, USEPA, 2019a). The EPA proposed to establish an enforceable MCL and a MCLG at 56 µg/L and requested public comment on two alternative MCL and MCLG values of 18 µg/L and 90 µg/L.[7] As part of the rulemaking, the EPA conducted a new analysis of health effects information from perchlorate exposure based on the SAB's recommendation and using the BBDR modeling approach explained above, as well as a new analysis of perchlorate occurrence in PWSs. Based on these new analyses, the EPA solicited comment on the alternative option of withdrawing the 2011 regulatory determination (84 FR at 30557, USEPA, 2019a). Specifically, the EPA explained that its recent findings on occurrence and health effects using the SAB-recommended BBDR modeling approach ''suggest that perchlorate does not occur in public water systems with a frequency and at levels of public health concern'' and further ''suggest that the regulation of perchlorate does not present a meaningful opportunity for risk reduction for persons served by public water systems,'' as required for a positive regulatory determination by SDWA section 1412(b)(1)(A), 42 U.S.C. 300g–1(b)(1)(A) (84 FR at 30557, USEPA, 2019a). The EPA found that, even at an MCL of 18 µg/L (the lowest alternative MCL), similar to the Agency's finding in the 2008 preliminary regulatory determination based on a health reference level of 15 µg/L, there would be very few PWSs that would exceed the regulatory threshold. The EPA noted examples of prior instances where the Agency had determined that there was not a meaningful opportunity for risk reduction from exposure to a contaminant that was more prevalent in systems than perchlorate.

7. 2020 Final Action on Perchlorate and Litigation

On July 21, 2020, after reviewing the public input received on the proposed perchlorate NPDWR as well as data obtained and analyses conducted since 2011, the EPA took final action to withdraw the 2011 determination to regulate (85 FR 43990, USEPA, 2020a). The EPA explained that its peer-reviewed health effects analysis indicated that the concentrations of perchlorate estimated to present levels of public health concern were higher than the health reference levels that the Agency considered in the 2011 regulatory determination. Re-evaluating occurrence data based on the 2019 proposed MCLG range (18–90 µg/L), the EPA also found that the occurrence of perchlorate in PWSs exceeding those levels was significantly lower than the frequency considered in the 2011 regulatory determination analysis (0.03%–0.002% in 2020 versus 4%–0.39% in 2011) (85 FR at 43993, USEPA, 2020a). Based on that information, the EPA determined that perchlorate does not occur in PWSs ''with a frequency and at levels of public health concern'' as required by SDWA section 1412(b)(1)(A)(ii), 42 U.S.C. 300g–1(b)(1)(A)(ii). The EPA further found that the national regulation of perchlorate did not present a ''meaningful opportunity for health risk reduction for persons served by public water systems'' within the meaning of SDWA section 1412(b)(1)(A)(iii), 42 U.S.C. 300g–1(b)(1)(A)(iii). Thus, because two of the three required statutory factors for a positive regulatory determination were not met, the EPA withdrew the determination to regulate rather than proceeding with a final NPDWR and MCLG.

In the preamble to the withdrawal action, the EPA explained that, while it had not previously had occasion to withdraw a regulatory determination under the 1996 amendments, its decision to do so was supported by the statutory text and structure of SDWA as well as relevant legislative history. Indeed, the perchlorate regulation determination was the first such determination to regulate a contaminant that the Agency had issued through the new regulatory determination process codified in 1996. The EPA explained that its decision to withdraw the 2011 regulatory determination was consistent with Congress' direction to apply its regulatory authorities and prioritize SDWA regulations based on the best available public health information, citing to SDWA section 1412(b)(1)(B)(ii)(II), 42 U.S.C. 300g–1(b)(1)(B)(ii)(II) (findings supporting a determination to regulate ''shall be based on the best available public health information'') and SDWA section 1412(b)(3)(A), 42 U.S.C. 300g–1(b)(3)(A) (requiring the use of ''the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices'' in taking actions, including regulatory determinations, under section 1412). The EPA explained that, while it recognized that SDWA does not include a provision explicitly authorizing the withdrawal of a regulatory determination, Congress could not have intended that the EPA's regulatory decision-making ''be hamstrung by older data when newer, more accurate scientific and public health data . . . demonstrate that regulation of a new

[7] These three different proposed MCLG values of 18, 56, and 90 µg/L corresponded, respectively, to the level of perchlorate in drinking water expected to protect against a one, two, and three-point IQ decrement in the most sensitive life stage identified.

contaminant would not present a meaningful opportunity for health risk reduction'' (85 FR at 43992, USEPA, 2020a). Further, the EPA noted that SDWA section 1412(b)(1)(B)(ii)(IV), 42 U.S.C. 300g–1(b)(1)(B)(ii)(IV), specifically provides that a decision not to regulate a contaminant is a final Agency action subject to judicial review, but Congress did not specify the same with respect to determinations to regulate (85 FR at 43992, USEPA, 2020a).

With respect to SDWA's legislative history, the EPA noted that in 1996, Congress repealed the statutory requirement for the EPA to regulate an additional 25 contaminants every three years and replaced it with the current requirement for the EPA to determine whether regulation is warranted for five contaminants every five years. This change was animated by concerns heard by Congress that, under SDWA's initial 25 contaminant paradigm, the EPA's water quality experts were forced ''to spend scarce resources searching for dangers that often do not exist rather than identifying and removing real health risks from our drinking water'' (S. Rep. 104–169 at 12 (1995)).

In its 2020 action, the EPA concluded that ''new data and analysis developed by the Agency as part of the 2019 proposal demonstrate that the occurrence and health effects information used as the basis for the 2011 determination no longer constitute 'best available information' '' as required by SDWA section 1412, 42 U.S.C. 300g–1, and further, that the Agency's 2011 findings were ''no longer accurate, and no longer support the Agency's prioritization of perchlorate for regulation'' (85 FR at 43992). The Agency found that the EPA was thus no longer authorized by the statute to promulgate an NPDWR for perchlorate, and further, that it would not be in the public interest to do so.

NRDC filed a petition for review of the EPA's 2020 withdrawal action before the D.C. Circuit. In May 2023, the D.C. Circuit vacated and remanded the EPA's July 2020 withdrawal of its determination to issue a drinking water regulation for perchlorate in *NRDC* v. *Regan.* The panel majority held that SDWA requires that the EPA must proceed to regulate after making a determination to regulate a contaminant. Specifically, the panel majority focused on the language in SDWA section 1412(b)(1)(E), 42 U.S.C. 300g–1(b)(1)(E), providing that ''[f]or each contaminant that the Administrator determines to regulate'' the Administrator ''*shall* publish'' an NPDWR and MCLG in accordance with the statutory timelines. 67 F.4th at 401–02. Relying on the use of the term ''shall'' in this provision, the panel majority found that the Agency lacked authority to withdraw its determination to regulate. *Id.* at 402. The court rejected the EPA's argument that the statute and general principles of administrative law provided the EPA with implicit authority to revisit a positive regulatory determination, which the Agency noted is not a final, reviewable Agency action under the statute. Instead, the panel majority found that Congress had limited the EPA's discretion to reconsider positive determinations by providing that the EPA ''shall publish'' a proposed rule and MCLG after issuing a positive regulatory determination. *Id.* at 402–03.

The panel majority posited that, while new science between a determination to regulate and issuance of an NPDWR would not justify revisiting the regulatory determination, ''EPA can—and must—account for those changes when setting the appropriate regulatory level.'' *Id.* at 403.

One panel member concurred in the judgment only and disagreed with the majority's holding that the EPA cannot withdraw a regulatory determination based on new scientific evidence, noting her view that, where the ''agency had not yet proposed and promulgated a final regulation when it made a new finding that the best available, peer reviewed science no longer supported its prior regulatory determination'' the EPA ''may appropriately reverse a decision to regulate based on a change in scientific evidence, after engaging in notice-and-comment procedures.'' *Id.* at 410 (Pan, J., concurring in the judgment).

As explained in sections V and VIII of this preamble the EPA has accounted for the latest science and occurrence data in proposing this NPDWR and MCLG. However, despite the data continuing to show low perchlorate occurrence levels and the costs associated with establishing an NPDWR outweighing the anticipated public health benefits, the EPA is precluded by the D.C. Circuit's decision in *NRDC* v. *Regan* from reconsidering whether national regulation of perchlorate is supported by the statute.

Following the D.C. Circuit's vacatur of the 2020 withdrawal action, the parties modified the consent decree with new deadlines for the Agency to propose and finalize an NPDWR for perchlorate. Pursuant to the revised consent decree, as further revised in November 2025, the EPA is required to propose an NPDWR and MCLG for perchlorate by January 2, 2026, and sign a final NPDWR and MCLG for perchlorate by May 21, 2027 (*NRDC* v. *EPA,* No. 2:16-cv-01251 (S.D.N.Y.), Dkt. No. 110 (Nov. 21, 2025)). Today's action is in accordance with the revised consent decree.

V. 2025 Health Effects Assessment for Perchlorate

The EPA is requesting public comment on the 2025 draft health effects TSD for perchlorate (USEPA, 2025b), included in the docket for this rulemaking.

A. Consistency of the EPA's Systematic Review Principles and Process for Developing Human Health Assessments With Executive Order 14303 Restoring Gold Standard Science

The EPA's 2025 draft health effects TSD (USEPA, 2025b) for perchlorate was developed using the Agency's peer-reviewed systematic review methods to identify, evaluate, and use the best available science (USEPA, 2022b). Systematic review is a structured and documented process for identifying, selecting, assessing, and summarizing the findings of studies relevant to the human health assessment goals and scope. The health assessment development process based on systematic review is consistent with SDWA requirements, Executive Order 14303 Restoring Gold Standard Science (90 FR 22601, May 29, 2025), and the EPA's human health risk assessment guidance and best practices (*e.g.,* USEPA, 2012b; USEPA, 2002b; USEPA, 2022b). The EPA's 2025 draft health effects TSD for perchlorate is consistent with all nine tenets of Gold Standard Science (Section 3, 90 FR 22601).

1. Reproducible

Reproducibility is one of the key principles of systematic review. The thorough documentation required at all steps of systematic review enables reproducibility of the assessment conclusions by the scientific community and the public. The 2025 draft health effects TSD for perchlorate (USEPA, 2025b) followed the EPA's systematic review methods (USEPA, 2022b), ensuring reproducibility through extensive documentation of the methods and results (*e.g.,* see sections 4, 5, 6 in the 2025 draft TSD and sections A.1.3 to A.1.9 in Appendix A) (USEPA, 2025b).

2. Transparent

Like reproducibility, transparency is a core principle of systematic review. The 2025 draft health effects TSD (USEPA, 2025b) contains extensive documentation of every step in the

EPA's assessment development process. Examples include a description of literature search terms and the study relevancy screening criteria (section A.1.3; Tables A–3 and A–5) and study evaluation results, which are publicly available via the Health Assessment Workspace Collaborative (HAWC) perchlorate page (*https://hawc.epa.gov/assessment/100500419/*).

3. Communicative of Error and Uncertainty

Transparent documentation of all systematic review and assessment development steps leads to clear communication of error and uncertainties. The 2025 draft health effects TSD includes lengthy discussions of potential errors and uncertainties related to reference dose derivation (section 5.2.5.1), the epidemiological evidence base (section 7.2.1), and other potentially sensitive populations (section 7.2.3) (USEPA, 2025b).

4. Collaborative and Interdisciplinary

The EPA systematic review process requires technical experts from multiple scientific fields, such as epidemiology and toxicology, to ensure a comprehensive evaluation of the health effects information and development of conclusions. This collaborative and interdisciplinary approach strengthens the scientific rigor of resulting health assessments. The 2025 draft health effects TSD was developed by a team of systematic review experts, epidemiologists, toxicologists, public health experts, and statistical modelers (see Acknowledgements section USEPA, 2025b).

5. Skeptical of its Findings and Assumptions

The EPA's systematic review steps of evaluating the potential bias of individual studies, following an evidence determination framework, and documenting uncertainties support this tenet. The in-depth evaluation of individual studies leads to a rigorous evidence determination/integration process and allows for robust characterization of data gaps and limitations, thus increasing confidence in overall assessment conclusions. For example, see methods outlined in section A.1.6 with results reported throughout section 4 (USEPA, 2025b).

6. Structured for Falsifiability of Hypotheses

Systematic review steps consistent with this tenet include the identification and use of studies agnostic of results, evaluation of studies for potential bias, evidence determination and integration, and clear documentation of uncertainties. Systematic review steps allow for falsifiability of hypotheses by first using criteria agnostic to study results to identify all relevant studies (*e.g.,* see section A.1.3 in USEPA, 2025b). All relevant studies were independently evaluated by multiple scientists for potential bias and received a confidence rating following a pre-defined study evaluation framework which was agnostic to study results (see section 3.4.1.3 and section A.1.6 in USEPA, 2025b).

7. Subject to Unbiased Peer Review

During the EPA's systematic review process, studies are identified from peer-reviewed literature databases agnostic of results. In the 2025 draft health effects TSD for perchlorate, the process for identifying and incorporating peer-reviewed studies into the assessment is transparently documented (see literature identification in section 3.4.1.1 and literature screening in section 3.4.1.2 (USEPA, 2025b)). The foundational science linking perchlorate exposure to neurodevelopmental effects, *i.e.,* the two-step modeling approach, is based on the peer-reviewed literature and underwent multiple independent external peer review processes, including by the SAB (USEPA, 2013) and two independent peer review panels in 2017 (USEPA, 2017) and 2018 (USEPA, 2018).

8. Accepting of Negative Results as Positive Outcomes

The EPA's systematic review method for identifying literature is agnostic to results. Specifically, the EPA identifies studies based on the analysis of health effects following exposure to a chemical of interest and not based on study results (*i.e.,* studies reporting null findings or significant findings are considered). In addition, negative results from studies are included during study evaluation, evidence determination and integration, and uncertainty characterization. In the 2025 draft health effects TSD, the evidence integration process (section A.1.9 in USEPA, 2025b) included consideration of negative or inconsistent results and applied the appropriate evidence determination in such cases (*i.e.,* evidence inadequate). Following this process, two of the three health outcomes (*i.e.,* cardiovascular and neurological effects) were determined to have inadequate evidence (USEPA, 2025b).

9. Without Conflicts of Interest

Throughout the EPA's structured systematic review process there are steps to ensure that the development of the health assessment is without conflicts of interest. Specific steps include study identification from peer-reviewed literature databases, transparent documentation of the systematic review process and results, use of studies agnostic of results, and evaluation of studies for potential bias. For example, the 2025 draft health effects TSD relied on publicly available peer-reviewed literature databases queried as part of systematic review (sections 3.4.1.1 and A.1.4.2 in USEPA, 2025b). The use of peer-reviewed literature minimizes the potential for conflicts of interest because peer-reviewed scientific journals require a conflict of interest (COI) statement by authors and reviewers to ensure research integrity, transparency, and to alert readers to potential biases. In unusual circumstances when journal articles have not met some COI requirements, the EPA may require additional independent peer review of scientific journal articles to meet Information Quality guideline requirements for COI (see Final Information Quality Bulletin for Peer Review) (OMB, 2005).

B. Systematic Reviews of the Perchlorate Health Effects Literature

The EPA must ensure that the MCLG is based on the best available science, and accordingly, must account for changes in science after it makes its determination to regulate but before it proposes the NPDWR (SDWA section 1412(b)(3)(A), 42 U.S.C. 300g–1(b)(3)(A)). Accordingly, the 2025 draft health effects TSD describes the results of two fit-for-purpose systematic reviews performed according to the Agency's peer-reviewed systematic review methods described above (USEPA, 2022b) to identify the best available science, including studies published since the 2019 TSD, to inform the perchlorate oral RfD and MCLG. The first systematic review was designed to identify human epidemiological and animal toxicological data relevant to oral perchlorate exposure and health effects in four major health outcome categories (endocrine, neurological, cardiovascular, and cancer). The second systematic review was designed to identify studies of the relationship between decreased maternal T4 levels, which reflect *in utero* thyroid levels, and neurodevelopmental health effects in offspring that had the potential to be used in the BBDR modeling approach

that was used in the 2019 TSD to derive the RfD (USEPA, 2019b; USEPA, 2019c), consistent with recommendations from the SAB (USEPA, 2013).

From the results of the first systematic review, the EPA concluded that the available *evidence indicates (likely)*[8] that oral perchlorate exposure is likely to cause adverse endocrine, including thyroid, effects in humans, consistent with the well-established MOA for perchlorate (NRC, 2005; USEPA, 2013; USEPA, 2019b). The EPA also concluded that the *evidence is inadequate* to assess whether perchlorate exposure may directly cause either nervous system or cardiovascular effects in humans. Based on the epidemiology and toxicology studies of cancer effects identified in the first literature search and systematic review and in accordance with the Guidelines for Carcinogen Risk Assessment (USEPA, 2005b), the EPA maintains the conclusion that perchlorate is *Not Likely to Be Carcinogenic to Humans.* As such, the EPA did not perform a cancer dose-response assessment for perchlorate and did not derive an MCLG based on cancer effects (see section 4.1.4 of the 2025 draft health effects TSD for information on the carcinogenicity assessment for perchlorate). Informed by these 2024 perchlorate health hazard systematic review results, the EPA maintained the 2-step BBDR modeling approach used in 2019 (see section IV of this preamble).

After evaluating the relevant literature identified in the second systematic review, Korevaar et al. (2016), the study that the EPA previously selected in 2019 (USEPA, 2019b), was selected as the critical study because it remains the best available study to inform the relationship between maternal fT4 levels and neurodevelopmental outcomes in children. See the 2025 draft health effects TSD (USEPA, 2025b) for more information about the systematic reviews.

C. Draft Oral Noncancer Reference Dose Derivation

In deriving an RfD in the 2019 proposed NPDWR, the EPA selected a 2 percent decrement in the mean population level IQ as the benchmark response (BMR), among evaluations of a 1 percent, 2 percent, and 3 percent BMR (USEPA, 2019b). IQ is on a 100-point scale; therefore, a 2 percent decrease in the mean population level IQ corresponds to a 2-point decrease in IQ. For this NPDWR, after considering BMRs of 1 percent and 2 percent for the adverse neurodevelopmental endpoint, the EPA is selecting a BMR of 1 percent decrement in the mean population IQ, consistent with the EPA's Benchmark Dose Technical Guidance (USEPA, 2012b) which describes several considerations. The selected BMR of 1 percent is supported by the biological significance and severity of the decreased IQ health effect, the observable range of the health effects data identified (*i.e.,* decreases in IQ scores), and the statistical power of the critical study selected (Korevaar et al., 2016). This decision to select a 1 percent BMR is consistent with the EPA's Benchmark Dose Modeling Technical Guidance regarding epidemiology data which states that ''a BMR of 1% has typically been used for quantal human data from epidemiology studies'' (USEPA, 2012b). While a BMR below 1 percent was considered, benchmark dose modeling was not performed because the EPA guidance (USEPA, 2012b; USEPA, 2002a) does not provide recommendations for modeling below a 1 percent BMR, IQ is measured and reported in integer/whole numbers (typically expressed in ranges of intellectual capacity), and a BMR below 1 percent is below the observable range of the data identified. See section 5.2.4 of the 2025 draft health effects TSD for more information (USEPA, 2025b).

Based on the 2-step BBDR model and the BMR of 1 percent decrease in the mean population level IQ, the EPA derived a point of departure (POD) of 3.1 µg/kg/day as described in the 2025 draft health effects TSD (USEPA, 2025b). Consistent with the recommendations presented in the EPA's peer-reviewed human health risk assessment methods for developing toxicity values (USEPA, 2002a), the Agency applied a total uncertainty factor (UF) of 3 to the human-equivalent POD to account for variation in sensitivity among the human population. The same total UF value of 3 was used in the 2019 TSD for perchlorate (USEPA, 2019b).

From this POD and total UF, the EPA derived a draft RfD of 1 µg/kg/day, after rounding to one significant figure according to Agency best practice (APHA, 1992; Brinker and Wolf, 1984; USEPA, 2000a). As the critical effect of perchlorate is a developmental endpoint that can result from a short-term exposure during critical periods of development, the overall draft RfD for perchlorate is applicable to both short-term and chronic exposure scenarios (USEPA, 1991).

VI. Maximum Contaminant Level Goal

Section 1412(a)(3) of the SDWA requires the EPA to propose an MCLG simultaneously with the NPDWR. The MCLG is defined in SDWA section 1412(b)(4)(A), 42 U.S.C. 300g–1(b)(4)(A), as ''the level at which no known or anticipated adverse effects on the health of persons occurs and which allows an adequate margin of safety.'' Consistent with SDWA section 1412(b)(3)(C)(i)(V), 42 U.S.C. 300g–1(b)(3)(C)(i)(V), in developing the MCLG, the EPA considers ''the effects of the contaminant on the general population and on groups within the general population such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that are identified as likely to be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population.'' Accordingly, the EPA reviewed the available information to identify the most sensitive population(s) to derive the MCLG. Consistent with SAB recommendations (USEPA 2013) and peer review, the EPA is proposing an MCLG that is based on protecting the offspring of hypothyroxinemic pregnant women in their first trimester with low-iodine intake levels. The inputs for a noncancer MCLG include an oral noncancer toxicity value (*i.e.,* an RfD), body weight-adjusted drinking water intake (DWI–BW), and a relative source contribution (RSC).

$$MCLG = \left(\frac{RfD}{DWI\text{-}BW}\right) \times RSC$$

[8] The EPA's Staff Handbook for Developing IRIS Assessments (USEPA, 2022b) describes terminology for evidence integration judgments based on reviewing the weight of evidence for each health outcome. The evidence integration judgement terms are either *evidence demonstrates, evidence indicates (likely), evidence suggests, evidence inadequate, or strong evidence supports no effect.*

As described in section V of this preamble, the EPA derived a draft RfD of 1 µg/kg/day. Given the most sensitive life stage identified, fetuses of iodine-deficient, hypothyroxinemic pregnant women in their first trimester, the EPA selected the DWI–BW corresponding to females of reproductive age, 13 to <50 years (0.0354 L/kg/day), who may be pregnant or become pregnant, to calculate the proposed MCLG for perchlorate (USEPA, 2019f) (see section 6.1 of the 2025 draft health effects TSD for more information about exposure factor selection (USEPA, 2025b)). In alignment with the EPA guidance for substances with one non-water exposure route and no other standards, guidance, or criteria, the RSC was calculated as a proportion of the difference between the RfD and exposure to perchlorate attributable to food and other sources (USEPA, 2000b). The EPA calculated an RSC of 80 percent based on the draft RfD of 0.001 mg/kg/day (1 µg/kg/day) (see section 6.2 of the 2025 draft health effects TSD for more information about the RSC derivation (USEPA, 2025b)).

Calculating the MCLG based on these input values, described above, results in a proposed MCLG for perchlorate in drinking water of 0.02 mg/L, after rounding to one significant figure following Agency best practice (APHA, 1992; Brinker and Wolf, 1984; USEPA, 2000a).

$$Proposed\ MCLG = \frac{0.001\ mg/kg/day}{0.0354\ L/kg/day} \times 0.80 = 0.0226\ mg/L$$

Rounded to 1 significant figure:

Proposed MCLG = 0.020 *mg/L*

The proposed MCLG of 0.02 mg/L (20 µg/L) is a level in drinking water expected to *protect against* the lowest IQ decrement that can be accurately estimated. Specifically, the EPA derived the proposed MCLG using an RfD that was based on a BMR of a 1-point IQ decrement in the population at greater risk to adverse health effects following perchlorate exposure (the offspring of iodine-deficient, hypothyroxinemic pregnant women in their first trimester), and which in turn protects against adverse health effects following perchlorate exposure in the general population.

In this notice, the EPA is clarifying the role the 1 percent, or 1-point, decrement in IQ plays in the derivation of the MCLG for perchlorate. *See NRDC* v. *Regan,* 67 F.4th at 411, n.2 (Pan, J., concurring) (asserting that ''[t]he proposed MCLGs are the levels of perchlorate *associated* with decreases in IQ of one'' point) (emphasis in original). In deriving the reference dose, the EPA selected a 1 percent benchmark response for decreased IQ in the most sensitive life stage: the offspring of iodine-deficient, hypothyroxinemic mothers in their first trimester of pregnancy. Following EPA guidance for human health risk assessment, the EPA first calculated a POD dose of perchlorate to determine the level of perchlorate exposure at the BMR. Specifically, the POD is the level of perchlorate exposure in first trimester pregnant women associated with a BMR of 1-point decrement in offspring IQ. Here, the POD is 3.1 µg/kg/day. By applying uncertainty factors (UFs) to the POD, the EPA derived a draft RfD, which is ''an estimate (with uncertainty spanning perhaps an order of magnitude) of a daily oral exposure to the human population (including sensitive subgroups) that is *likely to be without* an appreciable risk of deleterious effects during a lifetime'' (USEPA, 2002b) (emphasis added). The proposed MCLG, the drinking water concentration, was then derived from the draft RfD, the oral dose, of 1 µg/kg/day, approximately three times lower than the POD dose of perchlorate. The SDWA requires that the MCLG be the level at which there are no known or anticipated adverse effects to human health with an adequate margin of safety. Therefore, perchlorate exposure via drinking water at or below the MCLG to iodine-deficient, hypothyroxinemic pregnant women in their first trimester should be understood as *protecting against* a 1-point IQ decrement in their offspring, which is expected to be protective of other life stages and populations as well.

As explained in this section, the proposed MCLG allows for an adequate margin of safety through the derivation of the RfD which included selection of the most sensitive endpoint in the most sensitive population, selection of the 1 percent BMR, and application of uncertainty factors and the RSC. The Agency seeks comment on the proposed MCLG value of 20 µg/L and the methodology used to derive the value as described in this section, including whether the Agency should instead consider using a BMR of 2 percent or 3 percent to derive the RfD (see section XV of this preamble for more information).

VII. Maximum Contaminant Level

Under section 1412(b)(4)(B) of the SDWA, the EPA generally must establish an MCL as close to the MCLG as feasible. The EPA evaluated available analytical methods to determine the lowest concentration at which perchlorate can be measured and evaluated the treatment technologies for perchlorate that have been examined under field conditions (USEPA, 2025c; USEPA, 2025d). These field studies, as discussed in section XII.A of this preamble, demonstrated that three different treatment technologies (ion exchange, biological treatment, and reverse osmosis) are capable of high removal efficiency of perchlorate at a reasonable cost basis for large systems. The EPA determined that setting an MCL equal to 20 µg/L, 40 µg/L, 80 µg/L, or higher values would be feasible given that the approved analytical method for perchlorate for UCMR 1 had a minimum reporting level (MRL) of 4.0 µg/L (USEPA, 1999; USEPA, 2000c) and that available, adequately tested, and reasonably cost-affordable treatment technologies can treat to concentrations below 20 µg/L (USEPA, 2025d). Additionally, more recently approved analytical methods for perchlorate have lower MRLs (see section IX of this preamble). Based on this evaluation of analytical methods and treatment technologies, the EPA determined that the proposed MCL of 20 µg/L is the closest feasible level to the MCLG.

When proposing an MCL, the EPA must publish and seek public comment on the HRRCA for the proposed MCL and each alternative MCL considered (SDWA section 1412(b)(3)(C)(i), 42 U.S.C. 300g–1(b)(3)(C)(i)), including: the quantifiable and nonquantifiable health risk reduction benefits attributable to MCL compliance; the quantifiable and nonquantifiable health risk reduction benefits of reduced exposure to co-occurring contaminants attributable to MCL compliance; the quantifiable and nonquantifiable costs of MCL compliance; the incremental costs and benefits of each alternative MCL; the effects of the contaminant on the general population and sensitive populations likely to be at greater risk of any adverse health risks posed by compliance; and other factors such as data quality and uncertainty. The EPA provides this

information in section XIV in this preamble and in more detail in the *Economic Analysis for the Proposed Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025i) available in the docket for the proposed rule.

As the occurrence analysis in section VIII of this preamble demonstrates, there is infrequent occurrence of perchlorate at or above 20 µg/L. In addition to evaluating the benefits and costs of the proposed MCL of 20 µg/L (the level as close as feasible to the MCLG), the EPA evaluated benefits and costs of alternative proposed MCLs to determine whether a higher MCL (*i.e.,* 40 µg/L or 80 µg/L) would maximize health risk reduction benefits at a cost that is justified by the benefits. These levels represent a doubling and quadrupling of the 20 µg/L level and are therefore reasonable levels at which to analyze the relationship between costs and benefits and trends in the relationship between costs and benefits. However, the EPA found that benefits did not justify the costs at any of these levels. The EPA found that costs decrease as the MCL increases because fewer water systems are expected to exceed the MCL and would not be required to incur treatment costs to reduce perchlorate drinking water concentrations. As a result, quantified benefits decrease, but not at the same rate as the costs, leading to quantified net benefits that grow closer to positive at 40 µg/L and 80 µg/L, respectively (see section XIV.C of this preamble for discussion). For this reason, notwithstanding the finding that no MCL would result in benefits that are justified by the costs under SDWA section 1412(b)(6)(A), 42 U.S.C. 300g–1(b)(6)(A), the Agency is proposing and seeking comment on setting the MCL at 20 µg/L, 40 µg/L, or 80 µg/L. The Agency is requesting comment on the three proposed MCLs and any other alternative MCL higher than the MCLG. See section XV of this preamble for more information. For the purposes of this proposal, the EPA is including the three proposed MCLs (*i.e.,* 20 µg/L, 40 µg/L, or 80 µg/L) in the proposed regulatory text in Table 1 to paragraph (b) of 40 CFR 141.51, Table 1 to paragraph (b) of 40 CFR 141.62, and under the entries for ''Perchlorate'' in Appendix A to Subpart O of Part 141 and Appendix A to subpart Q of Part 141. Upon promulgation of a final rule, only one MCL will be included in the regulatory text.

In implementing SDWA section 1412, 42 U.S.C. 300g–1, the EPA must use the best available, peer-reviewed science and supporting studies, taking into consideration the quality of the information and the uncertainties in the benefit-cost analysis (SDWA section 1412(b)(3), 42 U.S.C. 300g–1(b)(3)). The following sections, as well as the health effects discussion in sections V and VI of this preamble and the 2025 draft health effects TSD (USEPA, 2025b), document the science and studies that the EPA relied upon to develop estimates of benefits and costs and to understand the impact of uncertainty on the Agency's analysis.

VIII. Occurrence

The EPA relied on data from UCMR 1 and compliance data from States that have elected to regulate perchlorate in drinking water to evaluate the occurrence of perchlorate. The EPA combined data from both UCMR 1 and State compliance monitoring into a Bayesian hierarchical model, which allows the utilization of all suitable observed data available, including quantifiable detections and non-detects (*i.e.,* samples with no reported value), to produce probabilistic exposure estimates for perchlorate. The EPA used a similar statistical approach to evaluating occurrence data in the per- and polyfluoroalkyl substances (PFAS) NPDWR rulemaking (89 FR 32532, USEPA, 2024a) as well as for arsenic and *Cryptosporidium parvum* (USEPA, 2000d; USEPA, 2006). The data and occurrence model informed estimates of the number of water systems and the associated population expected to be exposed to levels of perchlorate which would potentially exceed the proposed MCLs and require the water systems to take action under the proposed rule. The EPA estimates the mean number of systems that would exceed 20 µg/L in a single round of sampling to be 103 systems out of 66,320 community and non-transient non-community water systems. Please see the *Perchlorate Occurrence and Monitoring Report for the Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025e) for a full analysis and discussion of perchlorate occurrence.

IX. Analytical Methods

The EPA is proposing analytical methods for water systems to comply with the MCL. SDWA section 1401(1)(D), 42 U.S.C. 300f(1)(D), requires that an NPDWR ''contains criteria and procedures to assure a supply of drinking water which dependably complies with such [MCLs]; including accepted methods for quality control and testing procedures to ensure compliance with such levels.'' SDWA section 1412(b)(4)(B), 42 U.S.C. 300g–1(b)(4)(B), also directs the EPA to set a contaminant's MCL as close to its MCLG as is ''feasible'', the definition of which includes an evaluation of the feasibility of performing chemical analysis of the contaminant at standard drinking water laboratories.

To comply with these requirements, the EPA considers method performance under relevant laboratory conditions, their likelihood of utilization among certified drinking water laboratories, and the associated analytical costs. The EPA has developed five analytical methods for the identification and quantification of perchlorate in drinking water that meet these criteria. The proposed EPA methods for perchlorate are method numbers 314.0, 314.1, 314.2, 331.0, and 332.0. A detailed description of these methods is presented in section 6 of the *Perchlorate Occurrence and Monitoring Report for the Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025e).

X. Monitoring and Compliance Requirements

A. Proposed Monitoring Requirements

The EPA is proposing to require all CWSs and NTNCWSs to monitor for perchlorate. The EPA is proposing to amend 40 CFR 141.23(c) to incorporate monitoring requirements for perchlorate with a monitoring protocol based on the EPA's Standardized Monitoring Framework (SMF) for IOCs. Under the SMF for IOCs, the monitoring frequency for a PWS is dependent on previous monitoring results, source water type, and whether a monitoring waiver has been granted. The SMF follows 9-year compliance cycles divided into three 3-year periods. Water systems are generally required to monitor for contaminants at least once every compliance cycle.

The EPA is proposing that all ground water systems serving greater than 10,000 persons and all surface water systems [9] be initially required to monitor each entry point to the distribution system quarterly within a 12-month period for perchlorate prior to the rule compliance date. The EPA is proposing that ground water systems serving 10,000 people or fewer be initially required to monitor twice within a 12-month period, and that the second of these samples should be collected five to seven months after the first sample. Water systems would be required to complete this initial monitoring by the rule compliance date (see section XIII.A of this preamble for additional details about the rule

[9] All ground water under the direct influence of surface water (GWUDI) systems are treated as surface water systems.

compliance date). The EPA is proposing that States may allow systems to use previously acquired monitoring data to satisfy the initial monitoring requirements (see section X.E of this preamble for discussion of historical data).

The monitoring requirements for IOCs under 40 CFR 141.23(c) provide that the State may reduce a system's monitoring frequency from quarterly to annually (surface water systems) or triennially (ground water systems) if the State determines the system is ''reliably and consistently'' below the MCL.[10] The EPA is aware that there can be significant administrative burden on the State to make these determinations, particularly for many systems simultaneously (USEPA, 2025f). The analysis of perchlorate occurrence data indicates that virtually all systems would have initial perchlorate sample concentrations below any of the proposed MCLs (see section VIII of this preamble for information about perchlorate occurrence). Therefore, the EPA anticipates that, for most systems, rule implementation will only require monitoring and no other action, imposing costs and burden with limited public health benefit. While the EPA explored requirements to limit monitoring only to systems that are likely to have perchlorate, the Agency could not determine a reliable basis to support such an approach. Instead, the EPA is proposing requirements that would require all CWSs and NTNCWSs to monitor for perchlorate but would also reduce costs and burden compared to the monitoring requirements for other IOCs.

In response to stakeholder feedback (USEPA, 2025f) and in an effort to reduce burden on systems and States, the EPA is proposing a binning approach in 40 CFR 141.23(c)(10)(iii) based on the initial monitoring samples collected prior to the rule compliance date to reduce monitoring frequency without States making a ''reliably and consistently'' determination for each system. Based on the initial monitoring samples, if all sample concentrations at an entry point are at or below 4.0 µg/L, the system would automatically start at a monitoring frequency of once every nine years after the rule compliance date at that entry point. The EPA is proposing 4.0 µg/L as the level for automatic reduction to nine-year monitoring because it was the MRL for perchlorate established during UCMR 1. While the EPA is aware that capabilities have improved since UCMR 1 and that labs can quantify lower levels depending on the method used (see section IX of this preamble), the Agency is selecting 4.0 µg/L as the threshold for determining an automatic reduced monitoring frequency to ensure water systems nationally can reduce their monitoring frequency as appropriate. The EPA anticipates that a system with all initial monitoring results at or below 4.0 µg/L at an entry point is unlikely to exceed the perchlorate MCL and is proposing for the system to reduce to monitoring once a compliance cycle (nine years) at that entry point. This approach would allow a water system to reduce to nine-year monitoring sooner compared to the standard monitoring framework waiver process for IOCs. Additionally, the EPA is proposing that States may require more frequent sampling (40 CFR 141.23(c)(10)(iv)) to account for situations where automatic reduced monitoring to once every nine years may not be appropriate (*e.g.,* presence of known sources of perchlorate, high variability in initial sample results). If any of the sample concentrations are greater than 4.0 µg/L but all are below or equal to the MCL, the system would be required to sample at an annual (surface water system) or triennial (ground water system) frequency starting at the rule compliance date. If the system has any samples greater than the MCL, the system would be required to conduct quarterly monitoring starting at the rule compliance date. This approach would effectively stagger system monitoring frequencies at the compliance date and help reduce burden on both systems and States. The EPA is proposing that this automatic reduction be based only on the results of the initial monitoring samples collected prior to the rule compliance date (including samples collected between January 1, 2021, and the publication date of the final rule that satisfy initial monitoring requirements. See section X.E of this preamble for more information). At the compliance date, systems would continue to monitor at those established frequencies and could then reduce their monitoring frequency as applicable consistent with the SMF for IOCs. For example, a system that was required to remain on quarterly monitoring after the compliance date could reduce to annual or triennial monitoring if the State determines the system is ''reliably and consistently'' below the MCL and the system has collected at least two quarterly samples (ground water) or at least four quarterly samples (surface water) in accordance with 40 CFR 141.23(c)(8). Likewise, systems that automatically qualify for annual or triennial monitoring after initial sampling would be eligible to apply to the State for a monitoring waiver to reduce to sampling once every nine years following the procedures in 40 CFR 141.23(c)(3)–(6) as described in section X.B of this preamble. The EPA is requesting comment on this automatic monitoring approach, including the thresholds used for binning, in section XV of this preamble. The EPA is also requesting comment on whether a trigger value higher than 4 µg/L, such as one half of the MCL, should be used for an automatic reduction to nine year monitoring. Once compliance monitoring begins, any system on reduced monitoring that exceeds the MCL would be required to begin quarterly monitoring at that sampling point.

B. Can States grant monitoring waivers?

In addition to the proposed automatic monitoring frequency reduction based on initial sampling, the EPA is proposing to allow water systems to apply to the State for a monitoring waiver for perchlorate if the conditions described in 40 CFR 141.23(c)(3)–(6) are met. In contrast to the automatic reductions, a water system must apply to the State for a waiver based on several rounds of compliance sampling. If a State approves the waiver request, the State must provide the waiver in writing and the sampling frequency must be no less frequent than once every compliance cycle (*i.e.,* nine years). A State may grant a waiver for surface water systems after three rounds of annual monitoring with results less than the MCL and for ground water systems after conducting three rounds of triennial monitoring with results less than the MCL (40 CFR 141.23(c)(4)). Systems on quarterly monitoring must first reduce to annual or triennial sampling following a determination by the State that the system is ''reliably and consistently'' below the MCL and conduct at least three rounds of annual or triennial monitoring before applying for a waiver. At a minimum, one sample must be collected during the time that the waiver is effective, and the term during which the waiver is effective cannot exceed one compliance cycle (nine years) (40 CFR 141.23(c)(3)).

[10] The term ''Reliably and Consistently below the MCL'' means that the State has enough confidence that future sampling results will be sufficiently below the MCL to justify reducing the quarterly monitoring frequency. At a minimum, all individual samples should be below the MCL. Systems with widely varying analytical results or analytical results that are just below the MCL would not meet this criterion (USEPA, 1992).

C. How are system MCL violations determined?

The EPA is proposing that violations of the perchlorate MCL be determined based on the average of a compliance sample and confirmation sample consistent with 40 CFR 141.23(i)(3). Compliance with the perchlorate MCL would be determined based on one sample if the sample is at or below the MCL. If a sample exceeds the perchlorate MCL, the water system would be required to collect a confirmation sample. Compliance with the MCL would then be determined based on the average value of the initial and confirmation samples. Because the MCLG has one significant figure and the proposed MCL is set equal to the MCLG, sample results would be rounded to one significant figure prior to being evaluated against the MCL. The EPA is proposing this compliance calculation instead of a running annual average approach used for many other IOCs because of the short period of time corresponding to the sensitive exposure window (*i.e.,* first trimester of pregnancy) for the selected critical health effect underlying the RfD and MCLG.

The EPA is proposing for water systems to collect the confirmation sample within five calendar days following the system's receipt of the notification of the analytical result of the first sample. The EPA considers that this timeframe is appropriate given the short period of time (*i.e.,* first trimester of pregnancy) associated with the critical health effect underlying the MCLG. The EPA is also seeking comment on whether the Agency should require a shorter timeframe for collecting a confirmation sample (*e.g.,* three days) or a longer time frame (*e.g.,* the two week timeframe States may require for other IOCs under 40 CFR 141.23(f)(1)) due to challenges systems may face challenges in reviewing results and collecting confirmation samples due to staff scheduling and resource availability (for more information, see section XV of this preamble).

D. When must systems complete initial monitoring?

The EPA is proposing that water systems complete initial monitoring in anticipation of the rule compliance date (see session XII.A of this preamble for a discussion on the compliance date). Under SDWA section 1412(b)(10), 42 U.S.C. 300g–1(b)(10), NPDWRs generally take effect three years after the date of promulgation of the final rule or any amendment thereto. The initial monitoring results would be used to determine the actions systems will need to take after the compliance date for the MCL is in effect. For a small percentage of systems, that data will inform whether the system needs to take actions to reduce perchlorate to levels below the MCL. The initial monitoring data will be used to determine the compliance monitoring frequency after the rule's compliance dates are in effect. The EPA estimates that after the initial monitoring period, the majority of systems would conduct monitoring once every nine years (40 CFR 141.23(c)(10)(iii)(A)). To satisfy initial monitoring requirements, ground water systems serving more than 10,000 persons and all surface water systems would be required to collect four samples at each entry point to the distribution system over four consecutive quarters before the rule compliance date goes into effect. Ground water systems serving 10,000 people or fewer would be required to collect two samples within a 12-month period five to seven months apart at each entry point before the rule compliance date goes into effect.

E. Can systems use previously collected data to satisfy the initial monitoring requirements?

The EPA is proposing that States can allow systems to use perchlorate data collected after January 1, 2021, to satisfy the initial monitoring requirements. To satisfy the initial monitoring requirements in 40 CFR 141.23(c)(10)(i)–(ii), a system with historical monitoring data for an entry point to the distribution system could use monitoring data obtained from between January 1, 2021, to the compliance date to comply with the initial monitoring requirements at that entry point. Systems would be required to either have collected the same number of samples as required for initial monitoring (*i.e.,* two or four depending on system size and type) or have data collected under a State monitoring requirement. The EPA is proposing this provision to account for systems that are already monitoring for perchlorate, including in States with perchlorate drinking water requirements. For example, some systems have years of annual or triennial perchlorate monitoring data demonstrating perchlorate levels far below the proposed MCL. The EPA does not intend for these systems to restart at quarterly monitoring provided the State approves the use of previously collected data. The EPA is proposing a cut-off date of approximately six years prior to the beginning of the initial monitoring period (January 1, 2021). This is to ensure that recent data are being used to determine if a system is required to conduct quarterly sampling during the initial monitoring period. While the EPA is aware of systems that may have conducted sampling earlier than the cut-off date, such as part of UCMR 1 sampling, the Agency is concerned that older data may not capture current conditions. The EPA is seeking comment in section XI of this preamble on alternative cut-off dates for application of previously collected data.

F. Can systems composite samples?

40 CFR 141.23(a)(4) provides that the State may reduce the total number of samples which must be analyzed by allowing the use of compositing. Composite sampling is an approach in which equal volumes of water from multiple samples (maximum of five) are combined and analyzed as a mixture. The reported concentration from the analysis reflects the average of the concentrations from the contributing entry points. Composite sampling can reduce costs because a single composite sample is analyzed instead of individual samples. However, if the concentration of the composite sample is greater than or equal to the MCL divided by the number of samples analyzed, the water system is required to take a follow-up sample at each sampling point included in the composite and analyze each sample separately. For example, at a proposed MCL of 20 µg/L, a five-sample composite would trigger follow-up sampling at each entry point included in the composite sample with a perchlorate concentration of 4 µg/L or greater. Under the proposal, the provisions in 40 CFR 141.23(a)(4) would apply to perchlorate. The EPA expects that many water systems will have perchlorate concentrations far below the MCL. Compositing is one potential method for systems to further reduce their monitoring and analytical costs.

XI. SDWA Right To Know Requirements

A. What are the proposed consumer confidence report requirements?

The 1996 Right to Know provisions of the SDWA (section 1414(c)(4)) require all community water systems (CWSs) to provide their customers at least once a year with a Consumer Confidence Report (CCR) in accordance with the CCR Rule requirements in 40 CFR 141 subpart O. The CCR is a drinking water quality report that summarizes the state of the water system's drinking water supply. The CCR must include information about the water system, sources of water, detected contaminants,

compliance with drinking water rules, as well as other information. The EPA revised the CCR Rule in 2024 (89 FR 45980, USEPA, 2024b) in response to the America's Water Infrastructure Act of 2018 in an effort to improve the readability, clarity, and understandability of CCRs as well as the accuracy of the information presented, improve risk communication in CCRs, incorporate electronic delivery options, provide supplemental information regarding lead levels and control efforts, and require systems who serve 10,000 or more persons to provide CCRs to customers biannually (twice per year). Under this proposal, CWSs would be required to report perchlorate information in their CCR. As with other detected regulated contaminants, this information would include the MCL, MCLG, range of detected levels, highest detected level used to determine compliance, and likely sources of the perchlorate. If there is a violation of the MCL, the report must also include information about the violation, potential adverse health effects of perchlorate, and actions taken by the system to address the violation. The EPA is proposing mandatory health effects language for perchlorate consistent with the Agency's health assessment of perchlorate (see sections IV.B and V of this preamble for details about perchlorate health effects and the EPA's health effects assessment). This proposed language for the CCR would be listed in appendix A to subpart O of part 141. This is the same health effects language that would be required in public notification, as specified in appendix B to subpart Q of part 141 (see section XI.B of this preamble for discussion). Please see the CCR Rule (40 CFR part 141, subpart O) for more information on what must be reported in the CCR.

B. What are the proposed public notification requirements?

The EPA promulgated a Public Notification (PN) Rule in 40 CFR part 141, subpart Q in 2000 (65 FR 26035, USEPA, 2000e). This PN Rule implements SDWA section 1414(c)(1) and (2), 42 U.S.C. 300g–3(c)(1), (2). The PN Rule ensures that consumers will know if there is an issue with their drinking water and alerts consumers if there is risk to public health. Under the PN Rule, water systems must notify customers of any failure of the water system to comply with an MCL, a prescribed treatment technique, or failure to perform required water quality monitoring, or testing procedures; any variance or exemption the system has been granted, or failure to comply with the requirements of any schedule set under a variance or exemption; or reporting and recordkeeping violations under subpart Y; and certain specified situations such as the occurrence of a waterborne disease outbreak or emergency and the availability of unregulated contaminant monitoring data (see 40 CFR 141.201, table 1). There are three tiers of PN defined in 40 CFR 141.201(b) to take into account the seriousness of the violation or situation and any potential adverse health effects that may be involved. The EPA is proposing revisions to 40 CFR 141.202 to comply with the PN requirements of the proposed perchlorate rulemaking. Additionally, the EPA is proposing mandatory health effects language in appendix A of subpart Q for perchlorate consistent with the Agency's health assessment of perchlorate (see section V of this preamble for details about the health effects assessment). This is the same health effects language that would be required in the CCR (see section XI.A of this preamble for discussion).

All PWSs must give public notice for all violations of NPDWRs and for other situations under the requirements of 40 CFR 141.201. Under this proposal, violations of the perchlorate MCL would be designated as Tier 1 and as such, PWSs would be required to comply with 40 CFR 141.202. Based on the available evidence, the most sensitive adverse health effect of perchlorate exposure is decreased IQ, a developmental health outcome that can result from short-term exposure during critical periods of development (described in section V of this preamble). The offspring of iodine-deficient pregnant women in their first trimester are the most sensitive population identified for the decreased IQ health outcome. The EPA is proposing Tier 1 PN for a perchlorate MCL exceedance. Because the first trimester of pregnancy is a short exposure window, the EPA finds it appropriate to require Tier 1 PN so that the most sensitive population identified can change behaviors to reduce the risk of exposure to perchlorate. Additionally, timely notification could benefit a larger portion of the water system population than just pregnant women with iodine deficiency in their first trimester. For example, public notification could benefit females of reproductive age (13 to <50 years of age) who may become pregnant, which make up a considerable proportion (24.6 percent) of the overall U.S. population (U.S. Census Bureau, 2024a; U.S. Census Bureau 2024b). Stakeholders have expressed the importance of timely notification and transparency in communicating with consumers due to the adverse health end point of perchlorate exposure (USEPA, 2025g). Conversely, the EPA is aware that water systems may face implementation challenges in complying with Tier 1 PN compared to complying with Tier 2 PN. Water systems have expressed capacity challenges with complying with Tier 1 PN, as well as the potential to erode public trust in drinking water due to a potential for increased notices on drinking water violations (USEPA, 2025g). The EPA requests public comment on the selection of Tier 1 PN rather than Tier 2 PN for an MCL exceedance for the proposed rulemaking. See section XV of this preamble for more information. The EPA is also proposing PN requirements for perchlorate monitoring and procedure violations. Specifically, the EPA is proposing to require Tier 3 PN for perchlorate monitoring and testing procedure violations, which is consistent with other IOCs.

XII. Treatment Technologies

Systems that exceed the proposed perchlorate MCL would need to adopt new treatment or another strategy to reduce perchlorate to a level that meets the MCL. When the EPA establishes an MCL for a drinking water contaminant, SDWA section 1412(b)(4)(E)(i), 42 U.S.C. 300g–1(b)(4)(E)(i), requires the Agency to ''list the technology, treatment techniques, and other means which the Administrator finds to be feasible for purposes of meeting [the MCL],'' which are referred to as best available technologies (BATs). Water systems are not required to implement BATs for rule compliance. Rather, these BATs are used by States to establish conditions for source water variances under SDWA section 1415(a), 42 U.S.C. 300g–4(a). Furthermore, SDWA section 1412(b)(4)(E)(ii), 42 U.S.C. 300g–1(b)(4)(E)(ii), requires the Agency to identify small system compliance technologies (SSCTs), which are more affordable treatment technologies, or other means that can achieve compliance with the MCL (or treatment technique, where applicable). The lack of an affordable SSCT for a contaminant triggers certain additional procedures which can result in States issuing small system variances under SDWA section 1412(e), 42 U.S.C. 300g–1(e). The Agency is requesting comment on the treatment technologies discussed in this section.

A. Best Available Technologies

The EPA identifies BATs as those meeting the following criteria: (1) capability of a high removal efficiency,

(2) history of full-scale operation, (3) general geographic applicability, (4) compatibility with other water treatment processes, (5) ability to bring all the water in a system into compliance, and (6) reasonable cost basis for large and medium water systems. The Agency is proposing to list the following technologies as BATs for removal of perchlorate from drinking water based on its review of the treatment and cost literature (USEPA, 2025c; USEPA, 2025d):

- Ion exchange;
- Biological treatment; and
- Reverse osmosis.

Non-treatment options might also be used for compliance in lieu of installing and operating treatment technologies. These include blending existing water sources, replacing a perchlorate-contaminated source of drinking water with a new source (*e.g.,* a new well), and purchasing compliant water from another system. See the *Best Available Technologies and Small System Compliance Technologies for the Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025c) for details on each proposed BAT and non-treatment option.

B. Small System Compliance Technologies

The EPA is proposing the SSCTs shown in Exhibit 1. The table shows which of the BATs listed in section XII.A of this preamble are also affordable for each small system size category listed in section 1412(b)(4)(E)(ii) of SDWA. The Agency identified these technologies based on an analysis of treatment effectiveness and affordability (USEPA, 2025c).

Exhibit 1: Proposed SSCTs for Perchlorate Removal

System Size (population served)	Ion Exchange	Biological Treatment	Reverse Osmosis	POU Reverse Osmosis
25 – 500	Yes	No	No	Yes
501 – 3,300	Yes	In some cases[1]	In some cases[1]	Yes
3,301 – 10,000	Yes	Yes	Yes	Not applicable[2]

[1] Upper bound estimated annual household treatment costs exceed expenditure margin. Lower bound estimated annual household treatment costs do not exceed the expenditure margin.

[2] The EPA has determined that implementing and maintaining a POU reverse osmosis program is likely to be impractical at systems serving more than 3,300 people (greater than 1 million gallons per day (MGD) design flow).

The SSCTs listed in Exhibit 1 include a point-of-use (POU) version of reverse osmosis in addition to ion exchange, biological treatment, and reverse osmosis. The POU reverse osmosis technology can be used by small systems to comply with the proposed MCL and, therefore, meets the effectiveness requirement for an SSCT. The EPA is not aware of any point-of-entry (POE) devices certified for perchlorate removal or any POU devices certified for perchlorate removal using technologies other than reverse osmosis (such as using ion exchange).

The EPA identified the SSCT using the affordability criteria methodology it developed for drinking water rules (USEPA, 1998b). The EPA also conducted supplemental analyses using alternative metrics used in recent drinking water regulations (89 FR 32532, USEPA, 2024a) and recommended by stakeholders, such as the SAB and NDWAC (88 FR 18688, USEPA, 2023), to demonstrate the potential affordability implications of the proposed rule on the determination of affordable technologies for small systems in a national-level analysis. See section 6 in *Best Available Technologies and Small System Compliance Technologies for the Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025c) for discussion of the affordability analyses and the methodology used.

While the EPA has found that the proposed treatment technologies are affordable for small systems nationally, the Agency recognizes that individual water systems may face resource challenges. As discussed in section XIII.E of this preamble, States that have adopted the 1998 *Variance and Exemptions Regulation* (USEPA, 1998e) may grant exemptions to individual water systems from any requirement respecting an MCL under SDWA section 1416(a), 42 U.S.C. 300g–5(a), including for reasons due to economic factors. The EPA is committed to providing technical assistance to water systems in complying with NPDWRs. A range of resources are available under the EPA's Water Technical Assistance (WaterTA) programs and initiatives, including for small systems (USEPA, 2025h) that may help alleviate some of the burden on small systems complying with the NPDWR for perchlorate.

XIII. Rule Implementation and Enforcement

A. Compliance Date

In accordance with SDWA section 1412(b)(10), 42 U.S.C. 300g–1(b)(10), the EPA is proposing setting the compliance date three years after the date of publication of the final rule. The EPA is proposing that water systems complete all initial monitoring by the compliance date as described in section X.D of this preamble. Water systems would start compliance monitoring on a schedule based on initial monitoring and comply with the MCL starting on the rule compliance date. Similarly, water systems exceeding the MCL after the rule compliance date would be required to take actions to reduce their perchlorate levels below the MCL and conduct public notification (see section XI.B of this preamble for discussion of PN requirements). The EPA is aware that the proposed compliance date falls in the middle of the first period of the fifth cycle of the SMF (USEPA, 2020c). The EPA acknowledges that this timing may pose logistical challenges for systems and States to align perchlorate monitoring frequencies with existing schedules for other IOCs. The EPA is seeking comment in section XV of this preamble on the compliance date for the proposed rule, including whether it is practicable for the EPA to require water systems to comply with the requirements sooner than three years after publication of the final rule. Please also see section XIII.E of this preamble

for a discussion of extensions and exemptions.

B. Primacy Requirements

While the EPA retains independent enforcement authority under the SDWA, the Agency may authorize States, Territories, and Tribes to assume primary enforcement responsibility (''primacy''; primacy agencies are also referred to as ''States'' in this preamble) to implement the NPDWRs under SDWA section 1413(a)(1), 42 U.S.C. 300g–2)(a)(1), when the EPA has determined, among other conditions, that the State has adopted regulations that are no less stringent than the promulgated NPDWR. This section describes the regulations and other procedures and policies primacy entities would be required to adopt, or have in place, to implement the proposed perchlorate rule, if finalized. States must continue to meet all other conditions of primacy in 40 CFR part 142. SDWA section 1413, 42 U.S.C. 300g–2, establishes requirements that primacy entities (States, territories, or Tribes) must meet to maintain primary enforcement responsibility (primacy) for its PWSs. These include: (1) Adopting drinking water regulations that are no less stringent than Federal NPDWRs in effect under SDWA section 1412(a) and (b), 42 U.S.C. 300g–1(a), (b); (2) adopting and implementing adequate procedures for enforcement; (3) keeping records and making reports available on activities that the EPA requires by regulation; (4) issuing variances and exemptions (if allowed by the State) under conditions no less stringent than allowed by SDWA sections 1415 and 1416, 42 U.S.C. 300g–4, 5; and (5) adopting and being capable of implementing an adequate plan for the provision of safe drinking water under emergency situations. 40 CFR part 142 sets out the specific program implementation requirements for States to obtain primacy for the Public Water Supply Supervision Program, as authorized under SDWA section 1413, 42 U.S.C. 300g–2.

To implement the perchlorate rule, States would be required to adopt revisions at least as stringent as the proposed provisions in 40 CFR 141.6 (Effective Dates); 40 CFR 141.23 (Inorganic chemical sampling and analytical requirements); 40 CFR 141.51 (Maximum contaminant level goals for inorganic contaminants); 40 CFR 141.60 (Effective Dates); 40 CFR 141.62 (Maximum contaminant levels for inorganic contaminants); appendix A to subpart O ([Consumer Confidence Report] Regulated contaminants); appendix A to subpart Q (NPDWR violations and other situations requiring public notice); appendix B to subpart Q (Standard health effects language for public notification); and 40 CFR 142.62 (Variances and exemptions from the maximum contaminant levels for organic and inorganic contaminants). Under 40 CFR 142.12(b), all primacy States/Territories/Tribes would be required to submit a revised program to the EPA for approval within two years of promulgation of any final perchlorate NPDWR and could request an extension of up to two years in certain circumstances. Existing special primacy requirements in 40 CFR 142.16(e) and (k) would also apply to States that adopt the perchlorate NPDWR. The EPA is not proposing updates to these provisions. These include requirements for States to submit as part of its primacy revision application package a monitoring plan enforceable under State law for the initial monitoring period by which the State will assure all systems complete the required initial monitoring within the regulatory deadlines (40 CFR142.16(e)(2)). If a State chooses to allow waivers for perchlorate in accordance with 40 CFR 141.23(c), the State shall also include in its primacy revision application package a description of the procedures and criteria it will use to review waiver applications and issue waiver determinations (40 CFR 142.16(e)(1)). Additionally, States must explain their initial monitoring schedules, how these monitoring schedules ensure that PWSs and sources comply with the MCL and monitoring requirements, and the time frame in which new systems will be required to demonstrate compliance with the MCL (40 CFR 142.16(k)).

The EPA must approve or deny State primacy applications within 90 days after determining that the State submission to the EPA is complete and final (40 CFR 142.12(d)(3)(i); SDWA section 1413(b)(2), 42 U.S.C. 300g–2(b)(2)). In some cases, a State submitting a primacy application to adopt an NPDWR has primary enforcement authority for a new regulation while the EPA's decision on the primacy application is pending (SDWA section 1413(c), 42 U.S.C. 300g–2(c)); this can occur when the State meets the criteria for interim primacy (see 40 CFR 142.12(e)).

C. State Recordkeeping Requirements

The current regulations in 40 CFR 142.14 require States with primary enforcement responsibility (*i.e.,* primacy) to keep records of analytical results to determine compliance, system inventories, sanitary surveys, State approvals, vulnerability and waiver determinations, monitoring requirements, monitoring frequency decisions, enforcement actions, and the issuance of variances and exemptions. The EPA is not proposing any changes to the State recordkeeping requirements and existing requirements would apply to perchlorate as with any other regulated contaminant.

D. State Reporting Requirements

Currently, States must report information under 40 CFR 142.15 regarding violations, variances and exemptions, enforcement actions and general operations of State public water supply programs to the EPA. The EPA is not proposing any changes to the State reporting requirements and existing requirements would apply to perchlorate as with any other regulated contaminant. However, the perchlorate MCL, when final, could result in a greater frequency of reporting by certain States. See discussion of Paperwork Reduction Act compliance in section XVI.C for more information.

E. Exemptions and Extensions

SDWA section 1412(b)(10), 42 U.S.C. 300g–1(b)(10), grants the EPA or the State (in the case of an individual water system) the authority to allow up to two additional years to comply with an MCL if the Administrator or State (in the case of an individual system) determines that additional time is necessary for capital improvements. As noted in section XIII.A of this preamble, the EPA is proposing to set the compliance date three years after the date of publication of the final rule. The EPA is not proposing a two-year extension nationwide because the EPA has not determined that an additional two years is necessary for water systems nationwide to make capital improvements to comply with the rule. While the EPA is aware that some systems may face challenges in complying with the proposed requirements, the EPA's analyses indicate that few systems nationwide would exceed the MCL and be required to take action under the rule. However, the EPA notes that SDWA section 1412(b)(10) allows States to make these extension determinations on an individual system basis.

In addition, under SDWA section 1416, 42 U.S.C. 300g–5, the EPA or States may grant an exemption for PWSs meeting specified criteria that provides an additional period for compliance not to exceed three years beyond the time period provided by SDWA section 1412(b)(10). Under SDWA section 1416(a), 42 U.S.C. 300g–5(a), a State may exempt any PWSs within the State's jurisdiction from any

requirement respecting an MCL. States may grant an exemption upon finding that: ''(1) due to compelling factors (which may include economic factors, including qualification of the public water system as a system serving a disadvantaged community pursuant to section 1452(d)), the public water system is unable to comply with such contaminant level or treatment technique requirement, or to implement measures to develop an alternative source of water supply, (2) the public water system was in operation on the effective date of such contaminant level or treatment technique requirement, a system that was not in operation by that date, only if no reasonable alternative source of drinking water is available to such new system, (3) the granting of the exemption will not result in an unreasonable risk to health, and (4) management or restructuring changes (or both) cannot reasonably be made that will result in compliance with this title or, if compliance cannot be achieved, improve the quality of the drinking water.''

In addition, SDWA section 1416(b)(2)(C), 42 U.S.C. 300g–5(b)(2)(C), gives States the authority to grant up to three additional two-year period exemptions to systems serving 3,300 people or fewer that need financial assistance for necessary improvements, not to exceed a total of six years provided that the system establishes that it is taking all practicable steps to meet the requirements.

F. Funding and Technical Assistance Availability

As subject to appropriations, there are funding sources available to water systems and States to assist with complying with a final perchlorate NPDWR. Funding is available under the Drinking Water State Revolving Fund (DWSRF). These funds could be used to assist systems with completing initial monitoring and reduce perchlorate in drinking water. Additionally, there are EPA grant programs that provide technical assistance and funding to assist PWSs in meeting SDWA requirements (USEPA, 2025h). A range of resources are also available under the EPA's Water Technical Assistance (WaterTA) programs and initiatives (USEPA, 2025h) to help communities assess water challenges and implement solutions, build system capacity, and develop application materials to access water infrastructure funding.

XIV. Health Risk Reduction and Cost Analysis

Section 1412(b)(3)(C)(i), 42 U.S.C. 300g–1(b)(3)(C)(i), of the SDWA requires the EPA to prepare a Health Risk Reduction and Cost Analysis (HRRCA) in support of any NPDWR that includes an MCL. The prescribed HRRCA requirements include:

(I) Quantifiable and nonquantifiable health risk reduction benefits for which there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur as the result of treatment to comply with each level;

(II) Quantifiable and nonquantifiable health risk reduction benefits for which there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur from reductions in co-occurring contaminants that may be attributed solely to compliance with the MCL, excluding benefits resulting from compliance with other proposed or promulgated regulations;

(III) Quantifiable and nonquantifiable costs for which there is a factual basis in the rulemaking record to conclude that such costs are likely to occur solely as a result of compliance with the MCL, including monitoring, treatment, and other costs, and excluding costs resulting from compliance with other proposed or promulgated regulations;

(IV) Incremental costs and benefits associated with each alternative MCL considered;

(V) Effects of the contaminant on the general population and on groups within the general population, such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other sub-populations that are identified as likely to be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population;

(VI) Any increased health risk that may occur as the result of compliance, including risks associated with co-occurring contaminants; and

(VII) Other relevant factors, including the quality and extent of the information, the uncertainties in the analysis, and factors with respect to the degree and nature of the risk.

The complete HRRCA for the proposed NPDWR, *Economic Analysis for the Proposed Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025i), is hereafter referred to as the ''Economic Analysis'' and can be found in the docket for the proposed rule.

In this analysis, the EPA assumes any final perchlorate NPDWR will be promulgated in 2027 consistent with the deadline in the consent decree. The Agency estimated the benefits and costs over a 35-year period of analysis. The 35-year window was selected to capture the discounted benefits and costs of the rule over multiple compliance cycles. Note in the regulatory analysis baseline, the EPA accounts for California and Massachusetts, which have promulgated perchlorate drinking water standards. Hence, the estimated proposed perchlorate NPDWR costs will not double count treatment and monitoring costs already required by California and Massachusetts. See section 3 of the Economic Analysis for a summary of the entities that would be affected by the proposed rule and a list of key data sources used to develop the EPA's baseline characterization of water systems.

Relying on data specific to the proposed rule, the EPA used SafeWater Cost Benefit Model (CBX) to estimate benefits and costs associated with the proposed perchlorate NPDWR. The EPA estimated the costs associated with monitoring, administrative requirements, and treatment compliance actions (USEPA, 2025i). The EPA calculated the incremental costs incurred by PWSs, which includes CWSs and NTNCWSs, and the costs to States to implement and enforce the proposed NPDWR. See section 4 in the Economic Analysis for the cost associated with the proposed rule.

The EPA quantitatively assesses and qualitatively discusses health endpoints associated with exposure to perchlorate. The monetized benefits evaluated include reductions in human health risks associated with IQ loss in offspring from reduced exposure by iodine deficient, hypothyroxinemic pregnant women in their first trimester to perchlorate in drinking water. The EPA was not able to quantify or monetize other potential benefits, including those related to other reported health effects associated with perchlorate exposure such as cardiovascular disease, hypothyroidism, additional neurodevelopmental endpoints such as ADHD, reduced iodine uptake, or benefits accruing from removal of co-occurring contaminants and the value of information. See section 5 in the Economic Analysis for the quantified and unquantifiable benefits.

A. Comparison of Benefits and Costs

Included here are estimates of total quantified annualized benefits and costs for the proposed option and regulatory alternatives considered as well as considerations for the nonquantifiable benefits and costs. The incremental cost is the difference between the quantified costs that will be incurred if the proposed rule is finalized and the baseline. Incremental benefits reflect the avoided future adverse health outcomes (*i.e.,* avoided total IQ point decrements) attributable to perchlorate reduction due

to actions undertaken to comply with the proposed rule.

Exhibit 2 provides the incremental quantified benefits and costs of the proposed rule at a 3 and 7 percent discount rate in 2023 dollars. The estimates are the expected (mean) values and the 5th and 95th percentile estimates from the uncertainty distribution produced by SafeWater CBX. These distributions reflect the joint effect of multiple sources of variability and uncertainty for quantified costs and benefits. See sections 4.2 and 5.2.5 in the Economic Analysis (USEPA, 2025i) for further discussion on how SafeWater CBX incorporates variability and uncertainty into model estimates. As shown in Exhibit 2, the annualized quantified incremental net benefits (benefits minus costs) are −$7.8 million at a 3 percent discount rate and −$17.3 million at a 7 percent discount rate. The uncertainty range for the net quantified benefits is −$15.3 million to $4.2 million at a 3 percent discount rate and −$22.9 million to −$13.5 million at a 7 percent discount rate. The EPA also evaluated the proposed MCLs that are higher than the proposed MCLG (*i.e.,* 40 µg/L, 80 µg/L). The results are shown in Exhibits 3 and 4, respectively.

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Exhibit 2: Annualized Quantified National Costs and Benefits at 3 and 7 Percent Discount Rates, Proposed Alternative MCL (20 µg/L; Million $2023)

Discount Rate	3 percent			7 percent		
	5th Percentile[1]	Mean	95th Percentile	5th Percentile[1]	Mean	95th Percentile
Total Annualized Rule Costs	12.0	16.1	21.4	14.6	18.9	24.7
Total Annualized Rule Benefits	1.5	8.3	23.2	0.3	1.6	4.5
Total Net Benefits	-15.3	-7.8	4.2	-22.9	-17.3	-13.5

[1] Detail may not add exactly to total due to independent rounding. The 5th and 95th percentile range is based on modeled variability and uncertainty described in section 4.7 for costs and section 5.2.5 for benefits in the Economic Analysis (USEPA, 2025i).

[2] See Exhibits 6-5 and 6-6 in the Economic Analysis for a list of the nonquantifiable benefits and costs, and the potential direction of impact these benefits would have on the proposed rule.

Exhibit 3: Annualized Quantified National Costs and Benefits at 3 and 7 Percent Discount Rates, Proposed Alternative MCL (40 µg/L; Million $2023)

Discount Rate	3 percent			7 percent		
	5th Percentile[1]	Mean	95th Percentile	5th Percentile[1]	Mean	95th Percentile
Total Annualized Rule Costs	8.7	11.2	15.5	11.1	13.7	18.2
Total Annualized Rule Benefits	0.9	6.8	19.5	0.2	1.3	3.8
Total Net Benefits	-9.9	-4.4	6.1	-16.2	-12.4	-10.3

[1] Detail may not add exactly to total due to independent rounding. The 5th and 95th percentile range is based on modeled variability and uncertainty described in section 4.7 for costs and section 5.2.5 for benefits in the Economic Analysis (USEPA, 2025i).

Exhibit 4: Annualized Quantified National Costs and Benefits at 3 and 7 Percent Discount Rates, Proposed Alternative MCL (80 µg/L; Million $2023)

Discount Rate	3 percent			7 percent		
	5th Percentile[1]	Mean	95th Percentile	5th Percentile[1]	Mean	95th Percentile
Total Annualized Rule Costs	7.0	8.6	11.3	9.3	10.9	13.8
Total Annualized Rule Benefits	0.4	5.3	17.2	0.1	1.0	3.3
Total Net Benefits	-7.3	-3.3	6.9	-12.0	-9.9	-8.4

[1]Detail may not add exactly to total due to independent rounding. The 5th and 95th percentile range is based on modeled variability and uncertainty described in section 4.7 for costs and section 5.2.5 for benefits in the Economic Analysis (USEPA, 2025i).

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The Administrator has determined that the benefits do not justify the costs at any of the evaluated MCL options. The total net benefits are higher for the higher proposed MCLs evaluated, but remain negative. However, the improvement is not as significant as would generally be expected for a doubling and quadrupling of the MCL. This is because monitoring and administrative costs comprise a higher proportion of total rule costs than is typical for an NPDWR, amounting to about half of the total cost, given the low occurrence of perchlorate at levels of concern in PWSs. Because monitoring costs are a significant portion of the total cost and CWSs and NTNCWSs would be required to conduct initial monitoring regardless of the MCL, there

is limited opportunity to improve net benefits by increasing the MCL. Benefits accrue when systems are required to take actions to reduce perchlorate exposure (*i.e.,* installing and operating treatment, public notification, including information in the CCR). Increasing the MCL would decrease the number of systems required to take actions, thus reducing both treatment costs and benefits while monitoring and administrative costs would remain similar across the MCL options. Additionally, the uncertainty range for net benefits for 40 μg/L is −$9.9 million to $6.1 million at a 3 percent discount rate and −$16.2 million to −$10.3 million at a 7 percent discount rate. The uncertainty range for net benefits for 80 μg/L is −$7.3 million to $6.9 million at a 3 percent discount rate and −$12.0 million to −$8.4 at a 7 percent discount rate. Therefore, there is no significant difference between the uncertainty range at 20 μg/L and the higher evaluated levels. See section 6 in the Economic Analysis for a summary of the benefits and costs that are quantified and nonquantifiable under the proposed rule. The EPA notes there are uncertainties in the estimates, however there are no nonquantifiable costs associated with the analysis. Therefore, net benefits have a downward bias since benefits are underestimated when compared to costs.

B. Uncertainty Analysis

The EPA provides discussions regarding several sources of uncertainty. In the Economic Analysis the summary of limitations and uncertainties and their potential effects can be found in section 3.4 for the baseline, in section 4.8 for the cost analysis and section 5.2.4 for the benefit assessment (USEPA, 2025i). The EPA notes that in most cases it is not possible to judge the extent to which a particular limitation or uncertainty could affect the benefit or cost analysis. The EPA provides the potential direction of the impact on the estimates where possible but does not prioritize the entries with respect to the impact magnitude.

C. Benefit-Cost Determination

SDWA section 1412(b)(4)(C), 42 U.S.C. 300g–1(b)(4)(C), requires that, when proposing an NPDWR, the Administrator shall publish a determination as to whether the benefits of the MCL justify, or do not justify, the costs based on the analysis conducted under SDWA section 1412(b)(3)(C), 42 U.S.C. 300g–1(b)(3)(C). For the proposed perchlorate NPDWR, the Administrator has determined the quantified and nonquantifiable benefits do not justify the costs given the significant percentage of total costs due to monitoring and administrative costs that are not expected to yield any significant health benefits.

Sections 4 through 6 in the Economic Analysis summarize the quantified and nonquantifiable benefits and costs of this proposed rule analysis. As indicated in section I of this preamble, the proposed rule would impose significant monitoring and administrative cost burdens on PWSs and States. Due to the infrequent occurrence of perchlorate at levels of health concern, only a small subset of these systems is expected to exceed even an MCL as close to the MCLG as feasible (20 μg/L) and would be required to take action to reduce perchlorate levels in their drinking water. Therefore, few systems are expected to experience health benefits from reduced levels of perchlorate and the associated reduced health risk compared to the number of systems required to incur monitoring and administrative costs.

Under these circumstances, section 1412(b)(6)(A) of SDWA states ''the Administrator may, after notice and opportunity for public comment, promulgate a maximum contaminant level for the contaminant that maximizes health risk reduction benefits at a cost that is justified by the benefits.'' The EPA evaluated higher alternative proposed MCLs of 40 μg/L and 80 μg/L to determine whether there is a level where benefits were maximized at a cost justified by the benefits in accordance with SDWA section 1412(b)(6)(A), 42 U.S.C. 300g–1(b)(6)(A), (see Exhibits 3 and 4). Because fewer systems are expected to exceed the higher proposed MCLs, not many systems would need to treat for perchlorate. Therefore, the higher potential MCLs would result in lower treatment costs, but would also result in lower health benefits. In addition, raising the MCL does not significantly increase the number of systems that would be eligible to reduce their monitoring frequency and the associated monitoring costs (see section 4.1.1 of the Economic Analysis (USEPA, 2025i) for more details). Thus, monitoring and administrative costs remain consistent at the higher potential MCLs even with the proposed approach to monitoring, which is intended to promote flexibility and reduce costs within permissible bounds. Net benefits increase at the higher potential MCLs, but at a slow rate due to fewer systems being required to take action to reduce perchlorate levels in their drinking water yet remain negative overall. Therefore, based on the significant percentage of total cost due to monitoring, the consistent monitoring and administrative costs across MCLs, and fewer benefits at higher potential MCLs, the Administrator finds the benefits of an NPDWR at the higher potential MCLs evaluated also would not justify the rule costs.

The EPA is unable to estimate nonquantifiable benefits, however the EPA expects nonquantifiable benefits to follow the same pattern as quantified benefits—there are fewer benefits as the number of systems required to take action to reduce perchlorate in their drinking water decreases. The EPA is unable to estimate the magnitude of these benefits and at what levels they would occur. Thus, the EPA has determined the nonquantifiable benefits combined with the quantifiable benefits do not justify the costs at any of the MCLs evaluated.

Notwithstanding the Administrator's determination the benefits would not justify the cost at any of the MCLs evaluated, the EPA is proposing and seeking comment on MCLs of 20 μg/L, 40 μg/L, or 80 μg/L. As explained in section IV, the EPA is precluded from reconsidering whether a NPDWR and MCLG for perchlorate are supported by the statute and withdrawing the underlying regulatory determination in light of the D.C. Circuit's 2023 opinion in *NRDC* v. *Regan.* A proposed MCL of 20 μg/L is feasible and is equal to the proposed MCLG, there are no analytical or treatment feasibility constraints at that level, and the monitoring and administrative costs are largely unaffected by the MCL selected. The costs decrease at a faster rate than the benefits as the MCL increases, resulting in a smaller gap between benefits and costs at 40 μg/L and 80 μg/L as compared to 20 μg/L. This results in net benefits that are closer to positive at these higher levels. This may indicate that one of these proposed MCLs is more appropriate than the proposed MCL of 20 μg/L; however, the Administrator has determined the benefits are not justified by the costs at any of these levels, and the EPA is not aware of a level at which net benefits are close enough to positive to support an MCL under the relevant statutory provision. The EPA is seeking comment on the determination that benefits do not justify the costs for the proposed MCL as close to the MCLG as feasible (20 μg/L) made in accordance with SDWA section 1412(b)(4)(C), 42 U.S.C. 300g–1(b)(4)(C), and seeks comment and any supporting data or information on the proposed MCLs of 40 μg/L, 80 μg/L, and any other alternative MCL higher than the MCLG.

XV. Request for Comment on Proposed Rule

The EPA is requesting comment on all aspects of this proposed NPDWR for perchlorate. Comments are most helpful when accompanied by specific examples and supporting data. The EPA specifically requests comments, information, and data on the following topics:

General Matters

1. The EPA requests comment on ways that the proposed perchlorate NPDWR could be simplified and ways that burden, including paperwork and other administrative burden, could be reduced without affecting the ability of the rule to prevent known or anticipated adverse health effects.

2. The EPA requests comment on ways to further reduce burden on small water systems, including flexibilities for monitoring and compliance dates.

3. The EPA is seeking comment on the compliance date for the proposed rule, including whether it is practicable for the EPA to require water systems to comply with the requirements sooner than three years after publication of the final rule.

4. The EPA is seeking comment on whether the Agency should provide an additional two-year nationwide extension to the compliance date for water systems to make capital improvements to comply with the rule.

5. The EPA is seeking comment on potential implementation challenges associated with the proposed perchlorate regulation that the Agency should consider, specifically for small systems.

6. The EPA is seeking comment on the consistency of the proposed rule and all supporting documents with the Agency's guidelines on risk characterization and Executive Order 14303, ''Restoring Gold Standard Science.''

Maximum Contaminant Level Goal

1. The EPA is seeking comment on the quality and rigor of the scientific review, evaluation, and use of epidemiological studies that investigated the association between maternal thyroid hormone level and neurodevelopmental outcomes.

2. The EPA is seeking comment on the adequacy and uncertainties of the derivation of the perchlorate reference dose, including on the health effects assessment and the BBDR model developed by the EPA to estimate thyroid hormone level decreases due to perchlorate exposure to hypothyroxinemic pregnant women in their first trimester with low iodine intake, and model parameters. Several input parameters are selected in the BBDR model to reflect a well-characterized sensitive population. These parameters include: a weak TSH feedback loop (pTSH=0.398), low iodine intake level (75 µg/d), low baseline maternal fT4 (10th percentile, 6.7 p.m.), and the first trimester of pregnancy (13th gestational week). The rationale for the inputs and underlying assumptions are described in section 5.2 of the 2025 draft health effects TSD (USEPA, 2025b) and also in the 2019 TSD (USEPA, 2019a) and the Approaches Report (USEPA,2019c, 2019d). The EPA seeks comment on the appropriateness of the selected model input values and the underlying assumptions and whether alternative values should be utilized for the purposes of deriving the MCLG. Specifically, the Agency seeks comment on whether a *weak* TSH feedback response constitutes a reasonable factor for the characterization of the sensitive population. The Agency also seeks comment on the appropriateness of the applied pTSH value of 0.398 to represent a significantly weakened TSH feedback response, as well as alternative pTSH values that could be selected instead (*e.g.,* 1 to represent the median TSH feedback response), for deriving the MCLG.

3. The EPA is seeking comment on the proposed MCLG of 20 µg/L and the methodology and science policy choices used to derive the value, including whether the Agency should use a BMR of 2 or 3 percent instead of 1 percent.

Maximum Contaminant Level

1. The EPA seeks comment on the three proposed MCLs of 20 µg/L, 40 µg/L, 80 µg/L, and any other alternative MCL higher than the MCLG.

2. The EPA requests comment on the Agency's determination that the proposed MCL of 20 µg/L is the closest feasible level to the MCLG.

3. The EPA requests comment on whether the Agency should promulgate one of the other proposed MCLs of 40 µg/L or 80 µg/L, or any MCL higher than the MCLG and any data or information that support that any of the alternative proposed levels are the level at which the health risk reductions are maximized at a cost justified by the benefits.

4.The EPA specifically seeks comment on what MCL, if any, the Agency may appropriately set consistent with the statute where, as here, the low occurrence rate of a contaminant at levels of concern mean that benefits are not justified by the costs at any MCL, including when unquantifiable benefits and uncertainty are reasonably taken into account.

Occurrence

1. The EPA is seeking comment on additional data sources on the levels of perchlorate in drinking water.

2. The EPA is seeking comment on the adequacy of the underlying assumptions and analysis of occurrence information, including data and methods, used to estimate perchlorate concentrations at levels below quantified detection. (section VIII of this preamble and *Perchlorate Occurrence and Monitoring Report for the Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025e)).

3. The EPA requests comment on the method used and the estimated number of systems likely to exceed the proposed MCL.

Monitoring

1. The EPA is seeking comment on potential implementation challenges associated with the proposed monitoring and compliance schedule (section X of this preamble), including the proposed monitoring framework and public notification.

2. The EPA is seeking comment on the proposed requirement for all CWSs and NTNCWSs to conduct initial monitoring prior to the rule compliance date and on the required number of samples. Specifically, the EPA is requesting comment on the proposed monitoring flexibility for ground water systems serving 10,000 or fewer people to collect two samples at each entry point to the distribution system instead of four samples to satisfy initial monitoring requirements.

3. The EPA is seeking comment on its proposal to allow water systems to use historical data to satisfy the initial monitoring requirements, whether the EPA should specify an earlier or later cut-off date than January 1, 2021, and whether the EPA should specify additional factors or conditions for water systems to use this provision.

4. The EPA is seeking comment on the proposed provision to allow water systems to automatically reduce monitoring frequency without State approval based on the results of the initial monitoring samples, including the thresholds used (*i.e.,* 4.0 µg/L, proposed MCL) and allowable frequencies (*i.e.,* annual, triennial, nine-year). The EPA is also requesting comment on using a threshold of one half of the MCL to automatically reduce monitoring frequency. The EPA is also requesting comment on the proposed

provision allowing States to specify a more frequent monitoring schedule.

5. The EPA is seeking comment on its proposal for water systems to follow the monitoring frequencies and waiver provisions in 40 CFR 141.23 for IOCs after systems are binned into their monitoring frequencies based on initial monitoring.

6. The EPA is seeking comment on the proposed compliance calculation for an MCL exceedance. Specifically, whether the EPA should base an exceedance of the MCL on the average of an initial sample and confirmation sample instead of a running annual average. The EPA is also requesting comment on its proposal that water systems would be required to collect a follow-up sample within 5 days of the initial sample or whether the EPA should require a shorter (*e.g.,* three days) or longer (*e.g.,* 10 days) timeframe.

Public Notification and CCR

1. The EPA is seeking comment on the proposed requirement for Tier 1 public notification (PN) following an exceedance of the perchlorate MCL as well as comment and supporting information on whether Tier 2 PN should be required instead (section XI.B of this preamble).

2. The EPA is seeking comment on the accuracy and clarity of the proposed mandatory health effects language for perchlorate proposed in appendix A to subpart Q.

3. The EPA is seeking comment on the accuracy and clarity of the proposed required language describing sources of perchlorate in appendix A to subpart O.

Treatment Technologies

1. The EPA is seeking comment on the costs and availability of the treatment technologies and non-treatment options for perchlorate removal, including comments on the WBS model assumptions (section XII of this preamble; *Technologies and Costs for Treating Perchlorate-Contaminated Waters for the Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025d)). Specifically, the EPA seeks comment on the assumption that any system exceeding the MCL could design and operate systems to produce finished water concentrations that are 80 percent of the MCL as a safety factor to avoid future exceedances.

2. The EPA is seeking any relevant data or information about the effectiveness of the treatment technologies and non-treatment options for perchlorate removal, specifically any relevant data on the impact of competing ions on the bed life of perchlorate-selective resins (section XII of this preamble and *Best Available Technologies and Small System Compliance Technologies for the Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025c)). Additionally, the EPA is seeking comment on the use of different measures of household income in the SSCT affordability analysis and supplemental analysis (section 7.12 of the *Economic Analysis of the Proposed Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025i)).

3. The EPA is seeking comment on any additional information on treatment technologies to remove perchlorate that are not identified in the proposed rule and have been shown to reduce perchlorate levels to the proposed MCL (section XII of this preamble and *Best Available Technologies and Small System Compliance Technologies for the Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025c) and *Technologies and Costs for Treating Perchlorate-Contaminated Waters for the Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025d)).

Health Risk Reduction Cost Analysis

1. The EPA is seeking comment on the adequacy of the underlying estimates, assumptions, and analysis used to estimate costs and benefits and describe unquantified costs and benefits (section XIV of this preamble and *Economic Analysis of the Proposed Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025i). Specifically, the EPA is seeking comment on additional data and approaches to quantify the unquantified benefits in this action, and on the unit costs used to estimate rule costs for PWSs and States. Additionally, the EPA is seeking comment on the cost estimates for small water systems (section XVI.D of this preamble and section 7.4 of the *Economic Analysis of the Proposed Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025i)).

2. The EPA is seeking comment upon whether there are costs to PWSs and States that are not quantified in section 4 of the *Economic Analysis of the Proposed Perchlorate National Primary Drinking Water Regulation* (USEPA, 2025i).

3. The EPA is seeking comment on the Administrator's finding in accordance with SDWA section 1412(b)(4)(C), 42 U.S.C. 300g–1(b)(4)(C), that the benefits of setting the proposed MCL at 20 µg/L, 40 µg/L, or 80 µg/L for perchlorate do not justify the costs, the information that supports that determination as described in section XIV of this preamble, and the proposal to adopt one of these MCLs notwithstanding this finding.

4. The EPA is seeking comment and information on other approaches for identifying an MCL for which benefits justify the costs. The EPA is also seeking comment on the Agency's conclusion that no alternative MCL would ''maximize health risk reduction benefits at a cost that is justified by the benefits'' and the analysis used to arrive at that conclusion.

XVI. Statutory and Executive Order Reviews

Additional information about these statutes and executive orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is an economically significant regulatory action under Executive Order 12866 that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to E.O. 12866 review have been documented in the docket. The EPA prepared an analysis of the potential benefits and costs associated with this action. At the most stringent proposed MCL of 20 µg/L, the annualized national costs of the rule at a 3 percent discount rate ($2023) are $16.1 million and at a 7 percent discount rate ($2023) are $18.9 million. At the most stringent proposed MCL of 20 µg/L the annualized national benefits at a 3 percent discount rate ($2023) are $8.3 million and at a 7 percent discount rate ($2023) are $1.6 million. This analysis, the Economic Analysis (USEPA, 2025i), is available in the docket and is summarized in section XIV of this preamble. One year of the proposed rule period of analysis would result in an undiscounted impact greater than $100 million ($100.4 million).

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is expected to be an Executive Order 14192 regulatory action. Details on the estimated costs of this proposed rule can be found in the EPA's analysis of the potential costs and benefits associated with this action.

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to the OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned

EPA ICR number XXXX.XX. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

The burden includes the time needed to conduct State and water system activities during the first three years after promulgation, as described in section 4 of the Economic Analysis (USEPA, 2025i). The paperwork burden associated with this proposed rule consists of the burden imposed on systems to read and understand the perchlorate rule as well as the burden associated with certain new collections of information. Specifically, PWSs will have to assign personnel and devote resources to implement the rule, including collecting or compiling initial water samples and submitting this monitoring data to the State. In addition, PWSs will need to attend training sessions and receive technical assistance from their State during implementation of the perchlorate rule.

Likewise, the paperwork burden for States include reading and understanding the perchlorate rule. States will have to adopt the NPDWR and develop programs to implement the rule. This may result in States modifying or updating their data systems while implementing the perchlorate rule. States will also have to provide staff with training and technical assistance as well as provide water systems with training and technical assistance for implementation of the perchlorate rule.

The information collected under this ICR is critical to States and other authorized entities that have been granted primacy (*i.e.,* primary enforcement authority) for the perchlorate rule. These authorized entities are responsible for overseeing the perchlorate rule implementation by certain PWSs within their jurisdiction. States would utilize these data to determine compliance. The collected information is also necessary for PWSs. PWSs would use these data to demonstrate compliance, communicate water quality information to consumers served by the water system and, if needed, assess treatment options, and operate and maintain installed treatment equipment. States would also be required to report a subset of these data to the EPA. The EPA would utilize the information to protect public health by ensuring compliance with the perchlorate rule, measuring progress toward meeting the perchlorate rule's goals, and evaluating the appropriateness of State implementation activities. No confidential information would be collected as a result of this ICR.

Respondents/affected entities: Respondents would include owners and operators of public water systems who must report to their State, and States who must report to the Federal Government.

Respondent's obligation to respond: The collection requirements are mandatory under sections 1401(1)(D), 1445(a)(1)(A), and 1413(a)(3) of SDWA.

Estimated number of respondents: 61,343; includes 56 primacy agencies and 61,287 public water systems.

Frequency of response: For the first three years after the proposed rule is published, the majority of the responses are required once.

Total estimated burden: 650,564 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $36,282,282 (per year), includes $8,771,558 annualized capital and operation and maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden to the EPA using the Docket ID (EPA–HQ–OW–2024–0592). The EPA will respond to any ICR-related comments in the final rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs using the interface at *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. OMB must receive comments no later than February 5, 2026.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (RFA).

The small entities subject to the requirements of this action are water systems serving 10,000 persons or fewer. This is the threshold specified by Congress in the 1996 Amendments to SDWA for small water system flexibility provisions. As required by the RFA, the EPA proposed using this alternative definition in the **Federal Register** (63 FR at 7620, USEPA, 1998c), requested public comment, consulted with the Small Business Administration (SBA), and finalized the alternative definition in the Agency's CCR regulation (63 FR 44524, USEPA, 1998d). As stated in the 1998 CCR rule (USEPA, 1998d), the alternative definition would apply to all future drinking water regulations. The EPA used the Federal Safe Drinking Water Information System (SDWIS/Federal) data from the fourth quarter of 2023 to identify approximately 62,000 small PWSs that may be impacted by the proposed perchlorate rule. These water systems include approximately 45,000 CWSs that serve year-round residents and approximately 17,000 NTNCWSs that serve the same persons at least six months per year (*e.g.,* a water system that is an office park or church).

The Agency has determined that none of the proposed MCLs of 20 µg/L, 40 µg/L, or 80 µg/L would result in annual costs that exceed 1 percent of revenue for a substantial number of small systems affected by the proposed perchlorate rule. There are 61,721 CWSs and NTNCWSs serving 10,000 or fewer people that would be required to conduct perchlorate monitoring. The EPA estimates approximately 80 small systems would incur costs to reduce the levels of perchlorate in drinking water (see section 7.4.1 of the Economic Analysis, USEPA, 2025i). Impacts on small entities are described in more detail in section 7.4 of the Economic Analysis (USEPA, 2025i). Under the proposed rule, the EPA also estimates approximately 6,279 small CWSs (14 percent of small CWSs) could incur annual costs greater than 1 percent of annual revenue, and approximately 580 small CWSs (1 percent of small CWSs) could incur annual costs greater than 3 percent of annual revenue. The EPA estimated annual revenue using each system's average daily flow and the average revenue per thousand gallons delivered from the 2006 Community Water System Survey (USEPA, 2009b). These revenue estimates were then inflated to 2023 dollars using the Gross Domestic Product (GDP) implicit price deflator. See section 7.4.3 in the Economic Analysis (USEPA, 2025i) for further discussion.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million (adjusted annually for inflation) or more (in 1995 dollars) as described in UMRA, 2 U.S.C. 1531–1538. The action imposes minimal enforceable duty on any State, local, or Tribal governments or the private sector. Based on the cost estimates in section XIV of this preamble, the EPA determined that the costs involved in this action are

estimated to not exceed $187 million in 2024 dollars ($100 million in 1995 dollars adjusted for inflation using the GDP implicit price deflator) or more in any one year. This action may significantly or uniquely affect small governments. The EPA consulted with small governments concerning the regulatory requirements that might significantly or uniquely affect them. See section XVI.F of this preamble for details of this consultation. The EPA encourages small entities to provide comment during the public comment period.

F. Executive Order 13132: Federalism

The EPA has concluded that this action does not have federalism implications. However, this proposed rule may be of significant interest to States and local governments. Consistent with the EPA's policy to promote communications between the EPA and state and local governments, the EPA consulted with representatives of state and local governments early in the process of developing the proposed perchlorate NPDWR to permit them to have meaningful and timely input into its development. Annual costs are estimated to range from $16.1 million at a 3 percent discount rate to $18.9 million at a 7 percent discount rate, with $11.1 million to $12.6 million annually accruing to public entities. On January 16, 2025, the EPA held a Federalism consultation through a virtual meeting. The EPA invited the following national organizations representing State and local officials to that meeting: the National Governor's Association, the National Conference of State Legislatures, the Council of State Governments, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the International City/County Management Association, the National Association of Towns and Townships, the Council of State Governments, County Executives of America, and the Environmental Council of the States. The EPA also invited the Association of State Drinking Water Administrators, the Association of Metropolitan Water Agencies, the National Rural Water Association, the American Water Works Association, the Association of State and Territorial Health Officials, the National Association of County and City Health Officials, the American Public Works Association, the Association of Clean Water Administrators, the Western States Water Council, the African American Mayors Association, the National Association of State Attorneys General, and the Western Governors' Association to participate in the meeting. Representatives from 10 organizations participated in the meeting. The EPA also provided the members of the various associations an opportunity to provide input during follow-up meetings. The EPA did not receive any requests for additional meetings.

In addition to input received during the meeting on January 16, 2025, the EPA provided an opportunity to receive written input within 60 days after the date of that meeting. A summary report of the views expressed during the federalism consultation meeting and written submissions is available in the Docket (EPA–HQ–OW–2024–0592).

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

The EPA has concluded that this proposed rule may have Tribal implications because it may impose substantial direct compliance costs on Tribal governments and the Federal Government will not provide the funds necessary to pay those costs. The EPA has identified 1,026 water systems serving Tribal communities, 91 Federally-owned, that may be subject to the proposed rule. They would bear an estimated total annualized cost of $122,000 at a 3 percent discount rate ($148,000 at 7 percent) to implement this rule as proposed. Estimated average annualized cost per system ranges from $119 at a 3 percent discount rate to $144 at a 7 percent discount rate.

The EPA consulted with Federally recognized Tribal officials early in the process of developing this action to permit them to have meaningful and timely input into its development. Between December 30, 2024, and February 28, 2025, the EPA conducted consultations with Federally recognized Tribes, which included two national webinars with interested Tribes on January 14 and 15, 2025, to request input and provide rulemaking information to interested parties. A meeting summary report is available on the docket for public inspection (USEPA, 2025j). The EPA notes that 996 of the 1,026 Tribal systems identified by the Agency as subject to the proposed rule are small systems. Due to the health risks associated with perchlorate, capital expenditures needed for compliance with the rule would be eligible for Federal funding sources, specifically the DWSRF. In the spirit of Executive Order 13175, and consistent with the EPA policy to promote communications between the EPA and Tribal governments, the EPA specifically solicits additional comment on this proposed rule from Tribal officials.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is subject to Executive Order 13045 because it is a significant regulatory action under section 3(f)(1) of Executive Order 12866, and the EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children. The EPA believes the environmental health or safety risks addressed by this action may have a disproportionate effect on children due to the most sensitive adverse health effect of perchlorate exposure being decreased IQ effects in the offspring of iodine-deficient, hypothyroxinemic pregnant women exposed to perchlorate during the first trimester. Accordingly, we have evaluated the environmental health or safety effects of perchlorate on children. The results of this evaluation are contained in the draft health effects support document for perchlorate (USEPA, 2025b).

The EPA is proposing setting the MCL at 20 μg/L, 40 μg/L, or 80 μg/L. The EPA recognizes that setting the MCL at 40 μg/L, 80 μg/L, or any higher level may result in lower implementation costs. Any MCL selected at or above the MCLG would tend to reduce adverse health effects in some children that had been exposed during their mother's first trimester of pregnancy through drinking water from PWSs that would be required to treat under a final NPDWR.

Furthermore, the EPA's *Policy on Children's Health* also applies to this action. Information on how the Policy was applied is available under section IV.B of this preamble.

I. Executive Order 132311: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' because it is not likely to have significant adverse effect on the supply, distribution, or use of energy. This determination is based on the following analysis.

The first consideration is whether the proposed rule would adversely affect the supply of energy. The proposed rule does not regulate power generation,

either directly or indirectly. The public and private water systems that the proposed rule regulates do not generate power. Further, the cost increases borne by customers of water utilities as a result of the proposed rule are a low percentage of the total cost of water, except for a few water systems that might install treatment technologies and would likely spread that cost over their customer base. In sum, the proposed rule does not regulate the supply of energy, does not generally regulate the utilities that supply energy, and is unlikely to affect significantly the customer base of energy suppliers. Thus, the proposed rule would not translate into adverse effects on the supply of energy.

The second consideration is whether the proposed rule would adversely affect the distribution of energy. The proposed rule does not regulate any aspect of energy distribution. The water systems that are regulated by the proposed rule already have electrical service. At the proposed MCL of 20 µg/L, approximately 100 systems may require incremental power to operate new treatment processes. At the proposed MCLs of 40 µg/L and 80 µg/L, the number of systems decreases to approximately 60 systems and 20 systems, respectively, and the number would decrease further at any higher MCL. The increase in peak electricity demand at water utilities is negligible. Therefore, the EPA estimates that the existing connections are adequate and that the proposed rule has no discernable adverse effect on energy distribution.

The third consideration is whether the proposed rule would adversely affect the use of energy. Because only approxiately100 systems are expected to add treatment technologies that use electrical power at an MCL of 20 µg/L and fewer at MCLs of 40 µg/L, 80 µg/L, or any higher level, this potential impact on sector demand or overall national demand for power is negligible. Based on its analysis of these considerations, the EPA has concluded that the proposed rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This action involves technical standards. The EPA proposes to use voluntary consensus standards that would require monitoring for perchlorate and analysis of the samples obtained from monitoring based on required methods. The EPA proposed five analytical methods for the identification and quantification of perchlorate in drinking water. EPA Methods 314.0, 314.1, 314.2, 331.0, and 332.0 incorporate quality control criteria which allow accurate quantitation of perchlorate. Additional information about the analytical methods is available in section IX of this preamble. The EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the U.S. Environmental Protection Agency Drinking Water Docket, William Jefferson Clinton West Building, 1301 Constitution Ave. NW, Room 3334, Washington, DC 20460. The EPA also maintains a Water Docket phone number available to call at (202) 566–2426, Monday-Friday, 8:30am-5:00pm.

The EPA's monitoring and sampling protocols generally include voluntary consensus standards developed by agencies such as ASTM International, Standard Methods and other such bodies wherever the EPA deems these methodologies appropriate for compliance monitoring. The EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially applicable voluntary consensus standards and to explain why such standards should be used in this regulation. The Director of the Federal Register approved the voluntary consensus standards incorporated by reference in 40 CFR 141.23 of the proposed regulatory text as of April 11, 2007.

K. Consultations With the Science Advisory Board, National Drinking Water Advisory Council, and the Secretary of Health and Human Services

In accordance with sections 1412(d) and 1412(e) of the Safe Drinking Water Act (SDWA), the Agency consulted with the National Drinking Water Advisory Council (NDWAC or the Council); the Secretary of Health and Human Services (HHS); and with the EPA Science Advisory Board (SAB). The EPA consulted with NDWAC during the Council's January 10, 2025 meeting. A summary of the NDWAC recommendations is available in the National Drinking Water Advisory Council, Public Meeting on the *Proposed Perchlorate National Primary Drinking Water Regulation National Drinking Water Advisory Council (NDWAC) Summary* (USEPA, 2025g) and is in the docket for this proposed rule (EPA–HQ–OW–2024–0592). The EPA carefully considered NDWAC recommendations during the development of the proposed perchlorate NPDWR.

On May 29, 2012, the EPA sought guidance from the EPA's SAB on how best to consider and interpret life stage information, epidemiological and biomonitoring data since the publication of the National Research Council 2005 report, the Agency's physiologically-based pharmacokinetic (PBPK) analyses, and the totality of perchlorate health information to derive a Maximum Contaminant Level Goal (MCLG) for perchlorate (USEPA, 2012b; NRC, 2005). On May 29, 2013, the EPA received significant input from the SAB, summarized in the report, *SAB Advice on Approaches to Derive a Maximum Contaminant Level Goal for Perchlorate* (USEPA, 2013).

To address SAB recommendations, the EPA collaborated with Food and Drug Administration (FDA) scientists to develop PBPK/pharmacodynamic (PD), or biologically based dose-response (BBDR), models that incorporate all available health related information on perchlorate to estimate changes in thyroid hormones in sensitive life stages exposed to different dietary iodine and perchlorate levels (USEPA 2017). As recommended by the SAB, the EPA developed these models based upon perchlorate's mode of action (*i.e.,* iodide uptake inhibition by the thyroid) (USEPA, 2013). Additional details are in section IV.B of this preamble and in the 2025 draft health effects TSD located in the docket for this proposed rule (USEPA, 2025b).

In accordance with SAB recommendations, the EPA developed a two-step approach to integrate BBDR model results with data on neurodevelopmental outcomes from epidemiological studies, this approach allowed the Agency to link maternal thyroid hormone levels as a result of low iodine intake and perchlorate exposure, to derive an MCLG that directly addresses the most sensitive life stage identified (USEPA, 2013).

In August 2025, the EPA initiated a consultation with the Department of Health and Human Services (HHS) and the consultation was held November18, 2025. During the consultation the EPA provided information to HHS officials on the draft proposed perchlorate regulation and considered HHS input as part of interagency review described in section XVI.A of this preamble.

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List of Subjects

40 CFR Part 141

Environmental protection, Chemicals, Incorporation by reference, Indians—lands, Intergovernmental relations, Monitoring and analytical requirements, National primary drinking water regulation, Perchlorate, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 142

Environmental protection, Administrative practice and procedure, Chemicals, Indians—lands, Intergovernmental relations, Monitoring and analytical requirements, National primary drinking water regulation, Perchlorate, Reporting and recordkeeping requirements, Water supply.

Lee Zeldin,

Administrator.

For the reasons set forth in the preamble, EPA proposes to amend 40 CFR parts 141 and 142 as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

■ 2. Amend § 141.6 by revising paragraph (a) and adding paragraph (m) to read as follows:

§ 141.6 Effective dates.

(a) Except as provided in paragraphs (b) through (m) of this section the regulations set forth in this part take effect on June 24, 1977.

* * * * *

(m) The regulations contained in the revisions to §§ 141.23(a)(4)(i), 141.23(a)(5), 141.23(c), 141.23(f)(3)–(4), 141.23(i)(3) 141.23(k)(1)–(3), 141.23(k)(3)(ii), 141.51(b), 141.60(b)(5), 141.62(b), 141.62(c), 141.62(e), appendix A to subpart O (the consumer confidence rule) and appendices A and B to subpart Q (the public notification rule) are effective for the purposes of compliance on [INSERT DATE 3 YEARS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**].

* * * * *

■ 3. Amend § 141.23 by:

■ a. Revising and republishing Table 1 to paragraph (a)(4)(i);

■ b. Revising and republishing paragraph (a)(5);

■ c. Revising and republishing the introductory text of paragraph (c);

■ d. Adding paragraph (c)(10);

■ e. Revising and republishing paragraph (f)(3);

■ f. Adding paragraph (f)(4); and

■ g. Revising and republishing paragraph (h)(3), Table 2 to paragraph (k)(1), Table 3 to paragraph (k)(2), and Table 4 to paragraph (k)(3)(ii).

The revisions and additions read as follows:

§ 141.23 Inorganic chemical sampling and analytical requirements.

* * * * *

(a) * * *

(4) * * *

(i) * * *

Table 1 to Paragraph (a)(4)(i) – Detection Limits for Inorganic Contaminants

Contaminant	MCL (mg/l)	Methodology	Detection limit (mg/l)
* * * * * * *			
Perchlorate	0.02	Ion Chromatography	0.00053
		Ion Chromatography; inline column	0.00003
		Ion Chromatography; two-dimensional	0.000012-0.000018
		Liquid Chromatography	0.000005 (Tandem Mass Spectrometry [MS/MS]) 0.000008 (Selected Ion Monitoring [SIM])
		Ion Chromatography; electrospray ionization	0.00002
* * * * * * *			

* * * * *

(5) The frequency of monitoring for asbestos shall be in accordance with paragraph (b) of this section: the frequency of monitoring for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, perchlorate, selenium and thallium shall be in accordance with paragraph (c) of this section; the frequency of monitoring for nitrate shall be in accordance with paragraph (d) of this section; and the frequency of monitoring for nitrite shall be in accordance with paragraph (e) of this section.

* * * * *

(c) The frequency of monitoring conducted to determine compliance with the maximum contaminant levels in § 141.62 for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, perchlorate, selenium and thallium shall be as follows:

* * * * *

(10) Community water systems and non-transient non-community water systems must conduct monitoring for perchlorate as follows:

(i) All ground water systems serving greater than 10,000 persons without acceptable historic data and all surface water systems without acceptable historic data, as defined in paragraph (c)(10)(v), must collect four initial consecutive quarterly samples at all sampling points by [INSERT DATE 3 YEARS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**].

(ii) Ground water systems serving 10,000 persons or fewer without acceptable historic data, as defined in paragraph (c)(10)(v), must collect two initial samples between five and seven months apart at all sampling points by [INSERT DATE 3 YEARS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**].

(iii) Based on the initial monitoring results in paragraphs (c)(10)(i) and (ii) of this section, at the start of the monitoring period that begins on [INSERT DATE 3 YEARS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**], systems must monitor at the following frequencies at sampling points approved by the State and any further increase or reduction in sampling frequency is in accordance with paragraphs (c)(1) through (9) of this section:

(A) Any system with all initial samples at or below 4.0 µg/L at a sampling point shall take one sample at that sampling point during each compliance cycle (*i.e.,* nine years).

(B) Surface water systems with all initial samples at or below the MCL and any above 4.0 µg/L at a sampling point, shall take one sample annually at the sampling point.

(C) Ground water systems with all initial samples at or below the MCL and any above 4.0 µg/L at a sampling point shall take one sample at that sampling point during each compliance period (*i.e.,* three years).

(D) Any system with an initial monitoring result above the MCL shall monitor quarterly at that sampling point.

(iv) States may increase the frequency of sampling in paragraph (c)(10)(iii) of this section.

(v) States may accept historical data by a water system to satisfy the initial monitoring requirements if systems use monitoring data for a sampling point using the same number of samples specified in paragraphs (c)(10)(i) and (ii) of this section, or data that was collected under a state monitoring requirement, collected between January 1, 2021 and [INSERT DATE OF PUBLICATION OF THE FINAL RULE IN THE **FEDERAL REGISTER**] to satisfy the initial monitoring requirements for that sampling point.

* * * * *

(f) * * *

(3) Where the results of sampling for perchlorate indicate an exceedance of the maximum contaminant level, the systems must take a confirmation sample within five days of the system's receipt of notification of the analytical results of the first sample.

(4) If a State-required confirmation sample is taken for any contaminant, then the results of the initial and

confirmation sample shall be averaged. The resulting average shall be used to determine the system's compliance in accordance with paragraph (i) of this section. States have the discretion to delete results of obvious sampling errors.

* * * * *

(i) * * *

(3) Compliance with the maximum contaminant levels for nitrate, nitrite, and perchlorate is determined based on one sample if the levels of these contaminants are below the MCLs. If the level of perchlorate exceeds the MCL in the initial sample, a confirmation sample is required in accordance with paragraph (f)(3) of this section, and compliance shall be based on the average of the initial and confirmation sample. If the levels of nitrate and/or nitrite exceed the MCLs in the initial sample, a confirmation sample is required in accordance with paragraph (f)(2) of this section, and compliance shall be determined based on the average of the initial and confirmation samples.

* * * * *

(k) * * *

(1) Analysis for the following contaminants shall be conducted in accordance with the methods in the following table, or the alternative methods listed in appendix A to subpart C of this part, or their equivalent as determined by EPA. Criteria for analyzing arsenic, barium, beryllium, cadmium, calcium, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and other analytical test procedures are contained in *Technical Notes on Drinking Water Methods,* EPA–600/R–94–173, October 1994. This document is available from the National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242–0419 or *http://www.epa.gov/nscep/.*

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Table 2 to Paragraph (k)(1)

Contaminant	Methodology [13]	EPA	ASTM [3]	SM [4] (18th, 19th ed.)	SM [4] (20th ed.)	SM Online [22]	Other
* * * * * * *							
21. Perchlorate	Ion Chromatography	314.0 [23]					
	Ion Chromatography; Inline Column	314.1 [24]					
	Ion Chromatography; two-dimensional	314.2 [25]					
	Liquid Chromatography	331.0 [26]					
	Ion Chromatography; electrospray ionization	332.0 [27]					
* * * * * * *							

[3] *Annual Book of ASTM Standards,* ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, *http://www.astm.org.;* Annual Book of ASTM Standards 1994, Vols. 11.01 and 11.02; Annual Book of ASTM Standards 1996, Vols. 11.01 and 11.02; Annual Book of ASTM Standards 1999, Vols. 11.01 and 11.02; Annual Book of ASTM Standards 2003, Vols. 11.01 and 11.02.

[4] *Standard Methods for the Examination of Water and Wastewater,* American Public Health Association, 800 I Street NW., Washington, DC 20001-3710; *Standard Methods for the Examination of Water and Wastewater,* 18th edition (1992); *Standard Methods for the Examination of Water and Wastewater,* 19th edition (1995); *Standard Methods for the Examination of Water and Wastewater,* 20th edition (1998).The following methods from this edition cannot be used: 3111 B, 3111 D, 3113 B, and 3114 B.

* * * * * * *

[13] Because MDLs reported in EPA Methods 200.7 and 200.9 were determined using a 2x preconcentration step during sample digestion, MDLs determined when samples are analyzed by direct analysis (*i.e.*, no sample digestion) will be higher. For direct analysis of cadmium and arsenic by Method 200.7, and arsenic by Method 3120 B, sample preconcentration using

Table 2 to Paragraph (k)(1)							
Contaminant	Methodology [13]	EPA	ASTM [3]	SM [4] (18th, 19th ed.)	SM [4] (20th ed.)	SM Online [22]	Other
pneumatic nebulization may be required to achieve lower detection limits. Preconcentration may also be required for direct analysis of antimony, lead, and thallium by Method 200.9; antimony and lead by Method 3113 B; and lead by Method D3559-90D, unless multiple in-furnace depositions are made.							
* * * * * * *							
[22] Standard Methods Online, American Public Health Association, 800 I Street NW., Washington, DC 20001, available at *http://www.standardmethods.org.* The year in which each method was approved by the Standard Methods Committee is designated by the last two digits in the method number. The methods listed are the only online versions that may be used.							
[23] USEPA (1999) Method 314.0, Revision 1.0: Determination of Perchlorate in Drinking Water Using Ion Chromatography. Available: http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1008HFE.txt							
[24] USEPA (2005) Method 314.1, Revision 1.0: Determination of Perchlorate in Drinking Water Using Inline Column Concentration/Matrix Elimination Ion Chromatography With Suppressed Conductivity Detection. Analytical Method. Available: http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1005EC0.txt							
[25] USEPA (2008) Method 314.2: Determination of Perchlorate in Drinking Water Using Two-Dimensional Ion Chromatography With Suppressed Conductivity Detection. Analytical Method. Available: http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1005E41.txt							
[26] USEPA (2005) Method 331.0, Revision 1.0: Determination of Perchlorate in Drinking Water by Liquid Chromatography Electrospray Ionization Mass Spectrometry. Analytical Method. Available: http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=901U0000.txt							

Table 2 to Paragraph (k)(1)							
Contaminant	Methodology [13]	EPA	ASTM [3]	SM [4] (18th, 19th ed.)	SM [4] (20th ed.)	SM Online [22]	Other
[27] USEPA (2005) Method 332.0, Revision 1.0: Determination of Perchlorate in Drinking Water by Ion Chromatography With Suppressed Conductivity and Electrospray Ionization Mass Spectrometry. Analytical Method. Available: http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=2000D1QP.txt							

The approved compliance methods for determining perchlorate in drinking water listed in table 1 to paragraph (k) of this section, are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material incorporated by reference in this paragraph (k) may be inspected at EPA's Drinking Water Docket, 1301 Constitution Avenue NW, EPA West, Room 3334, Washington, DC 20460 (Telephone: 202–566–2426); or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

* * * * *

(2) Sample collection for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, perchlorate, selenium, and thallium under this section shall be conducted using the sample preservation, container, and maximum holding time procedures specified in the table below:

Table 3 to Paragraph (k)(2)

Contaminant	Preservative [1]	Container [2]	Time [3]
* * * * * * *			
Perchlorate [7]	None	P or G	28 days
* * * * * * *			

[1] For cyanide determinations samples must be adjusted with sodium hydroxide to pH 12 at the time off collection. When chilling is indicated the sample must be shipped and stored at 4 °C or less. Acidification of nitrate or metals samples may be with a concentrated acid or a dilute (50% by volume) solution of the applicable concentrated acid. Acidification of samples for metals analysis is encouraged and allowed at the laboratory rather than at the time of sampling provided the shipping time and other instructions in Section 8.3 of EPA Methods 200.7 or 200.8 or 200.9 are followed.

[2] P = plastic, hard or soft; G = glass, hard or soft.

[3] In all cases samples should be analyzed as soon after collection as possible. Follow additional (if any) information on preservation, containers or holding times that is specified in method.

* * * * * * *

[7] Sample collection for perchlorate shall be conducted following the requirements specified in the approved methods in § 141.23(k)(1) or the alternative methods listed in appendix A of subpart C of this part, or their equivalent as determined by EPA.

(3) Analysis under this section shall only be conducted by laboratories that have been certified by EPA or the State. Laboratories may conduct sample analysis under provisional certification until January 1, 1996. To receive certification to conduct analyses for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, perchlorate, selenium, and thallium, the laboratory must:

* * *

(ii) * * *

Table 4 to Paragraph (k)(3)(ii)	
Contaminant	**Acceptance limit**
* * * * * * *	
Perchlorate	±20% at ≥0.004 mg/l
* * * * * * *	

* * * * *

■ 4. Amend § 141.51 by revising table 1 to paragraph (b) by adding in alphabetical order, an entry for ''Perchlorate'', to read as follows:

§ 141.51 Maximum contaminant level goals for inorganic contaminants.

* * * * *

(b) * * *

Table 1 to Paragraph (b)	
Contaminant	**MCLG (mg/l)**
* * * * * * *	
Perchlorate	0.02
* * * * * * *	

* * * * *

■ 5. Amend § 141.60 by adding paragraph (b)(5) to read as follows:

§ 141.60 Effective Dates.

* * * * *

(b) * * *

(5) The effective date for § 141.62(b)(17) is [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**].

* * * * *

■ 6. Amend § 141.62 by:

■ a. In Table 1 to paragraph (b), adding in numerical order the entries for ''(17)'';

■ b. In Table 1 to paragraph (c), adding an entry for ''Perchlorate'' in alphabetical order, and an entry ''14 = Biological Treatment'' under the undesignated heading entitled ''Key to BATs''; and

■ c. Adding paragraph (e).

§ 141.62 Maximum contaminant levels for inorganic contaminants.

* * * * *

(b) * * *

Table 1 to Paragraph (b)	
Contaminant	**MCL (mg/l)**
* * * * * * *	
(17) Perchlorate	0.02, 0.04, or 0.08

(c) * * *

Table 2 to Paragraph (c) – BAT for Inorganic Compounds Listed in Section 141.62(b)

Chemical Name	BAT(s)
* * * * * * *	
Perchlorate	5, 7, 14
* * * * * * *	

* * * * *

Key to BATs in Table

* * * * *

5 = Ion Exchange

* * * * *

7 = Reverse Osmosis

* * * * *

14 = Biological Treatment

* * * * *

(e) The Administrator, pursuant to section 1412 of the Act, hereby identifies in the following table the affordable technology, treatment technique, or other means available to systems serving 10,000 persons or fewer for achieving compliance with the maximum contaminant level for perchlorate:

Table 1 to Paragraph (e) – Small System Compliance Technologies (SSCTs)[1] for Perchlorate

Small system compliance technology	Affordable for listed small system categories[2]
Biological Treatment	501 – 3,300, 3,301 – 10,000.
Ion Exchange	All size categories.
Reverse Osmosis (Centralized)[3]	501 – 3,300, 3,301 – 10,000.
Reverse Osmosis (Point-of-Use)[4]	25 – 500, 501 – 3,300.

[1] Section 1412(b)(4)(E)(ii) of SDWA specifies that SSCTs must be affordable and technically feasible for small systems.

[2] The Act (ibid.) specifies three categories of small systems: (i) those serving 25 or more, but fewer than 501, (ii) those serving more than 500, but fewer than 3,301, and (iii) those serving more than 3,300, but fewer than 10,001.

[3] Technology rejects a large volume of water – may not be appropriate for areas where water quantity may be an issue.

[4] When POU or POE devices are used for compliance, programs to ensure proper long-term operation, maintenance, and monitoring must be provided by the water system to ensure adequate performance.

■ 7. Amend appendix A to subpart O of part 141 under the heading ''Inorganic contaminants'' by adding an entry for ''Perchlorate'' in alphabetical order to read as follows:

**Appendix A to Subpart O of Part 141—
Regulated Contaminants**

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major sources in drinking water	Health effects language
* * * * * * *						
Inorganic contaminants:						
* * * * * * *						
Perchlorate	0.02, 0.04, or 0.08	1000	20, 40, or 80	20	Perchlorate is commonly used in solid rocket propellants, munitions, fireworks, airbag initiators for vehicles, matches and signal flares. Perchlorate may occur naturally, particularly in arid regions such as the southwestern United States and is found as a natural impurity in nitrate salts used to produce nitrate fertilizers, explosives and other products	Some children of hypothyroxinemic women with low iodine intake who consume drinking water containing perchlorate in excess of the MCL, including during the first trimester of pregnancy, may have increased health risks including impacts on brain development. In addition, there may be increased risks of these effects in people who drink water containing perchlorate in excess of the MCL during childhood. Women who are pregnant or may become pregnant should consult their personal doctor about iodine intake and thyroid hormone levels.
* * * * * * *						

* * * * *

■ 8. Amend appendix A to subpart Q of part 141, under ''B. Inorganic Chemicals (IOCs)'', by adding an entry for ''Perchlorate'' in alphabetical order to read as follows:

Appendix A to Subpart Q of Part 141—NPDWR Violations and Other Situations Requiring Public Notice [1]

Contaminant	MCL/MRDL/TT violations [2]		Monitoring & testing procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
* * * * * * *				
B. Inorganic Chemicals (IOCs)				
* * * * * * *				
14. Perchlorate	1	141.62(b)	3	141.23(a), (c), 141.23(f)(3)
* * * * * * *				

Appendix A—Endnotes

* * * * *

1. Violations and other situations not listed in this table (*e.g.,* failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the primacy agency. Primacy agencies may, at their option, also require a more stringent public notice tier (*e.g.,* Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under § 141.202(a) and § 141.203(a).

2. MCL—Maximum contaminant level, MRDL—Maximum residual disinfectant level, TT—Treatment technique.

* * * * *

■ 9. Amend appendix B to subpart Q of part 141 by adding under ''C. Inorganic Chemicals (IOCs)'', an entry for ''Perchlorate'' in alphabetical order to read as follows:

Appendix B to Subpart Q of Part 141—Standard Health Effects Language for Public Notification

Contaminant	MCLG [1] mg/L	MCL [2] mg/L	Standard health effects language for public notification
National Primary Drinking Water Regulations (NPDWR)			
* * * * * * *			
C. Inorganic Chemicals (IOCs)			
21. Perchlorate	0.02	0.02, 0.04. or 0.08	Some children of hypothyroxinemic women with low iodine intake who consume drinking water containing perchlorate in excess of the MCL, including during the first trimester of pregnancy, may have increased health risks including impacts on brain development. In addition, there may be increased risks of these effects in people who drink water containing perchlorate in excess of the MCL during childhood. Women who are pregnant or may become pregnant should consult their personal doctor about iodine intake and thyroid hormone levels.
* * * * * * *			

Appendix B—Endnotes

* * * * *

1. MCLG—Maximum contaminant level goal.
2. MCL—Maximum contaminant level.

* * * * *

PART 142—NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

■ 10. The authority citation for part 142 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

■ 11. Amend table 1 to paragraph (b) in § 142.62 by adding an entry for ''Perchlorate'' in alphabetical order, and an entry ''13 = Biological Treatment'' under the undesignated heading entitled ''Key to BATs'' to read as follows:

§ 142.62 Variances and exemptions from the maximum contaminant levels for organic and inorganic chemicals.

* * * * *

(b) * * *

Table 1 to Paragraph (b) – BAT for Inorganic Compounds Listed in § 141.62(b)

Chemical name	**BAT(s)**
* * * * * * *	
Perchlorate	5, 7, 13
* * * * * * *	

* * * * *

Key to BATs in Table

* * * * *

5 = Ion Exchange

* * * * *

7 = Reverse Osmosis

* * * * *

13 = Biological Treatment

* * * * *

[FR Doc. 2026–00021 Filed 1–5–26; 8:45 am]

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Tuesday, January 6, 2026

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FEDERAL REGISTER PAGES AND DATE, JANUARY

1–194	2
195–330	5
331–444	6

CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

13 CFR

107.....1

14 CFR

39.....9, 11, 14, 16, 195, 197, 199, 202
71.....19

Proposed Rules:

39.....205

19 CFR

24.....21
141.....21
159.....21
174.....21

26 CFR

Proposed Rules:

1.....67
51.....93
301.....67

31 CFR

1010.....36
1032.....36

39 CFR

111.....41

40 CFR

51.....331
52.....41, 43, 335, 336, 337
61.....52
63.....52, 58
81.....339

Proposed Rules:

52.....97, 98
81.....98
141.....398
142.....398

45 CFR

Proposed Rules:

98.....207

47 CFR

1.....343
64.....343

Proposed Rules:

64.....104

50 CFR

229.....61

Proposed Rules:

635.....215

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List December 23, 2025

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