

6. In response to the Notice of Inquiry, the Commission received 93 initial and reply comments.⁸ Several commenters asserted that further rulemaking would be redundant because there is enough transparency into industry association dues. Some commenters asserted that utilities rely on itemized invoices to determine what amounts are recoverable or nonrecoverable in rates. Other commenters argued that there is a lack of transparency. One commenter proposed that the Commission provide guidance on a case-by-case basis, rather than through general guidance.

II. Discussion

7. We appreciate the feedback commenters provided in response to the Notice of Inquiry. Based on consideration of the record, we find that the concerns raised in the Notice of Inquiry are better considered on a case-by-case basis, consistent with longstanding Commission practice.

8. Accordingly, we exercise our discretion to withdraw the Notice of Inquiry and terminate the proceeding in Docket No. RM22–5–000. For the same reasons, we also deny the Center for Biological Diversity’s Petition. Although we decline to pursue the Notice of Inquiry, we encourage regulated entities to adopt tariff revisions that enhance transparency into the industry association costs included in an entity’s rates.

9. We note that in individual cases, evaluating whether industry association costs were appropriately included in rates will continue to be governed by Commission regulations,⁹ not other regulatory agency regulations.¹⁰ Specifically, expenditures for certain civic, political and related activities are typically not includable in rates and properly recorded in USofA nonoperating Account 426.4. Further, costs recorded in Account 426.4 should include “expenditures for the purpose of influencing public opinion . . . or for the purpose of influencing the decisions

of public officials.”¹¹ Conversely, costs for public relations activities, under certain parameters, are recordable in operating expense accounts and are recoverable in rates.¹²

10. While there is no brightline test differentiating (1) activities to influence public opinion and policymakers, which must be recorded in nonoperating Account 426.4; versus (2) recoverable public relations activities, which are recorded in operating accounts, the Commission has found that expenditures incurred to influence the opinion of the public that have “little or no benefit to the ratepayers . . . must be borne by stockholders.”¹³ In addition, the U.S. Court of Appeals for the District of Columbia Circuit found that Account 426.4 should include utility “expenditures for the purpose of indirectly as well as directly influencing the decisions of public officials.”¹⁴ Specifically, the Court, in vacating an earlier Commission order, found that costs including those of hired public relations contractors to organize coalitions that would (1) conduct public opinion polls; and (2) run promotional advertisements to persuade state officials that were “persuasive rather than merely informative” should be in Account 426.4.¹⁵ In addressing whether certain industry association costs are includable in rates in any future individual proceeding, the Commission will continue to rely on its regulations and the precedent interpreting those regulations.

The Commission orders:

(A) The Notice of Inquiry is hereby withdrawn, and Docket No. RM22–5–000 is hereby terminated, as discussed in the body of this order.

(B) The Petition in Docket No. RM21–15–000 is hereby denied, as discussed in the body of this order.

By the Commission. Commissioner LaCerte is not participating.

Issued April 16, 2026.

Carlos D. Clay,
Deputy Secretary.

Note: The following appendix will not appear in the Code of Federal Regulations.

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¹¹ 18 CFR pts. 101, 201, Instructions to Account 426.4.

¹² 18 CFR pts. 101, 201, Instructions to Accounts 923 and 930.1; *see also Alaskan Nw. Nat. Gas Transp. Co.*, 19 FERC ¶ 61,218 (1982).

¹³ *N. Border Pipeline Co.*, 23 FERC ¶ 61,213, at 61,439 (1983).

¹⁴ *Newman v. FERC*, 27 F.4th 690, 697 (D.C. Cir. 2022).

¹⁵ *Id.* at 694, 697.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2008–0719; FRL–13325–01–OW]

Proposed Information Collection Request Supporting Statement for the National Pollutant Discharge Elimination System Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the “Information Collection Request (ICR) Supporting Statement for the National Pollutant Discharge Elimination System Program (Renewal)” (EPA ICR No. 0229.25, OMB Control No. 2040–0004) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through July 31, 2026. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before June 22, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OW–2008–0719, to EPA online using www.regulations.gov (our preferred method), by email to OW-Docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Doris Ihejirika, National Program Branch, Water Permits Division, Office of Wastewater Management, Mail Code: 4203M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2110; email address: Ihejirika.Doris@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through July 31, 2026. An agency may not conduct or sponsor and a person is not required to respond to a collection of information

⁸ A list of the commenters is provided in the Appendix.

⁹ Regarding regulated electric utilities, section 141.1 of the Code of Federal Regulations states “[e]ach Major and each Nonoperating (formerly designated as Major) electric utility . . . must prepare and file electronically with the Commission the FERC Form 1 pursuant to the General Instructions as provided in that form.” 18 CFR 141.1(b)(1)(i). The general instructions to the FERC Form No. 1 require utilities to “[p]repare this report in conformity with the Uniform System of Accounts (18 CFR part 101) (USofA)” and to “[i]nterpret all accounting words and phrases in accordance with the USofA.” Similar regulations and instructions apply to natural gas and oil pipeline companies.

¹⁰ *Cf.* EEI Initial Comments at 6 (citing the Internal Revenue Code employed by the Internal Revenue Service).

unless it displays a currently valid OMB control number.

This notice allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA is continuously seeking new opportunities to effectively reduce duplication and support efficiency in the permitting program by leveraging information technology tools such as automating workflows, which enables real-time access and expediting permitting issuance. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This consolidated Information Collection Request (ICR) renews the National Pollutant Discharge Elimination System (NPDES) Program ICR. It calculates the information collection burden and costs associated with the NPDES program, identifies the types of activities regulated under the NPDES program, describes the roles and responsibilities of state governments and the Agency, and presents the program areas that address the various types of regulated activities. This ICR renewal (Office of Management and Budget [OMB] control no. 2040-0004, EPA ICR no. 0229.25, expiration date 07/31/2026) consolidates the

information collection burden and costs associated with activities previously reported in 22 of the NPDES program or NPDES-related ICRs. The Clean Water Act (CWA) provides that NPDES permits are required for the discharge of pollutants to waters of the United States. The CWA requires that EPA develop and implement the NPDES permit program. CWA section 402(b) allows states to acquire authority to administer the NPDES program, enabling them to issue NPDES permits for discharges within the state. At present, 47 states and the U.S. Virgin Islands are authorized to administer the NPDES permit program. In states that do not have authority for these programs, the Agency administers the program and issues NPDES permits. Because some permit applications are processed by states and some by EPA, this ICR calculates government burden and cost for both authorized states and EPA.

Form Numbers: OMB No. 1004-0189; OMB No. 2040-0300; OMB No. 2040-0004; OMB No. 2040-0284, OMB No. 2040-0287; OMB No. 6100-056; OMB No. 6100-057.

Respondents/affected entities: Any point source discharger of pollutants, including but not limited to publicly owned and privately owned treatment works (POTWs and PrOTWs), industrial dischargers to POTWs and PrOTWs, industrial and commercial dischargers to waters of the United States, sewage sludge management and disposal operations, large vessels, dischargers of stormwater, construction sites, municipalities, pesticide applicators, local and state governments.

Respondent's obligation to respond: Mandatory, pursuant to sections 301, 302, 304, 306, 307, 308, 316(b), 401, 402, 403, 405, and 510 of the CWA; the 1987 Water Quality Act (WQA) revisions to CWA section 402(p); 40 (CFR) parts 122, 123, 124, and 125 (and parts 501 and 503 for Biosolids); and the Great Lakes Critical Programs Act (CPA).

Estimated number of respondents: 853,912 (total).

Frequency of response: The frequency of response varies depending on the specific response activity and can range from ongoing and monthly to once every five years.

Total estimated burden: 33,221,897 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$2,256,697,795 (per year), which includes \$38,342,315 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 2,078,802 hours in the total estimated respondent burden compared

with the ICR currently approved by OMB. Due to improved electronic data collection, instead of paper submissions, EPA's estimates of permittee respondents increased from 9,310,277 in the current ICR to 10,837,897 in this version of the ICR, which reflects 16% increase. In addition, capital and O&M cost burden increased due to inflation which impacted factors such as laboratory analytic and labor costs.

Andrew D. Sawyers,

Director, Office of Wastewater Management.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-13284.1-01-OMS]

2026 Environmental Financial Advisory Board (EFAB); Request for Nominations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of request for nominations of candidates to the Environmental Financial Advisory Board.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of qualified candidates to be considered for appointment to the Environmental Financial Advisory Board (the Board or EFAB). The Board provides advice to EPA on ways to lower the costs of, and increase private investments in, environmental and public health protection efforts without requiring additional Federal taxpayer dollars. The Board has been assigned a charge to develop strategic recommendations on steps the EPA can take towards accelerating private investment in environmental technology commercialization, including providing guidance on capital access, public-private partnerships, regulatory readiness, and impact measurement. Appointments will be made by the Administrator and will be announced in June 22, 2026. EPA may also consider nominations received through this solicitation in the event of unanticipated vacancies on the Board.

DATES: Nominations should be submitted in time to arrive no later than May 21, 2026.

ADDRESSES: Nominations should be sent via email to efab@epa.gov with the subject line "EFAB 2026 NOMINATION."

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further