

States of Minnesota and Michigan; Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze. 78 FR 8706 (February 6, 2013) (Original FIP Rule). EPA has taken several subsequent actions to revise the Original FIP Rule and to address administrative petitions related to EPA's actions. U.S. Steel has filed multiple challenges in response to EPA's actions. U.S. Steel brought these challenges pursuant to sections 110, 169A, and 307 of the CAA, 42 U.S.C. 7410, 7491, and 7607. EPA reached a settlement with U.S. Steel for the Minntac facility in 2018.

The proposed settlement agreement (the "Second Settlement Agreement") relates to U.S. Steel's Keetac facility. The Second Settlement Agreement, if finalized, provides a process for resolving U.S. Steel's challenges in *United States Steel Corp. v. EPA*, Case Nos. 13-3595, 16-2668, and 18-1249 (8th Cir.). Under the Second Settlement Agreement, no later than twelve months after publication of notice of this settlement in the **Federal Register**, EPA would sign a proposed rulemaking proposing changes to the Original FIP Rule that is substantially consistent with, and contains numeric emission limits and time frames identical to those set forth in, Attachment A to the Second Settlement Agreement. If EPA timely signs a final rule that includes changes that are substantially consistent with, and includes numeric emission limits and time frames identical to those set forth in, Attachment A to the Second Settlement Agreement, and if no petition for review of the final rule has been filed in the U.S. Court of Appeals for the Eighth Circuit within sixty days, U.S. Steel will promptly file an appropriate pleading for the dismissal with prejudice of Case Nos. 13-3595, 16-2668, and 18-1249, which will resolve the litigation.

The proposed Second Settlement Agreement also includes standard language regarding resolution of costs and attorneys' fees, stipulation of extensions, lapses in appropriations, disputes in implementation, preservation of Agency discretion, and the CAA section 113(g) process.

In accordance with section 113(g) of the CAA, for a period of thirty (30) days following the date of publication of this document, the Agency will accept written comments relating to the proposed settlement agreement. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or

inconsistent with the requirements of the Act.

III. Additional Information About Commenting on the Proposed Settlement Agreement

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2024-0180, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI) 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. 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). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is

EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

Gautam Srinivasan,

Associate General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2020-0262; FRL-11605-01-OCSPF]

Agency Information Collection Activities; Proposed Renewal of an Existing ICR Collection and Request for Comment; Reporting and Recordkeeping for Asbestos Abatement Worker Protection

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces the availability of and solicits public comment on the following Information Collection Request (ICR) that EPA is planning to submit to the Office of Management and Budget (OMB): "Reporting and Recordkeeping for Asbestos Abatement Worker Protection," identified by EPA ICR No. 1246.15 and OMB Control No. 2070-0072. This ICR represents a renewal of an existing ICR that is currently approved through January 31, 2025. Before submitting the ICR to OMB for review and approval under the PRA, EPA is soliciting comments on specific aspects of the information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before June 24, 2024.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2020-0262, through <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information

whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Katherine Sleasman, Mission Support Division (7602M), Office of Program Support, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-1206; email address: sleasman.katherine@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. 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.
2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What Information Collection Activity or ICR does this action apply to?

Title: Reporting and Recordkeeping for Asbestos Abatement Worker Protection.

EPA ICR No.: 1246.15.

OMB Control No.: 2070-0072.

ICR status: This ICR is currently approved through January 31, 2025. Under the PRA, 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 EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR covers reporting and recordkeeping requirements associated with EPA's workplace standards for the protection of state and local government employees who work with asbestos and who are not covered by a state plan approved by the Occupational Safety and Health Administration (OSHA). Currently, state and local government employees in 23 states, the District of Columbia (DC), and three additional U.S. territories (DC and the territories are counted as one "state equivalent") who perform construction work, including building construction, renovation, demolition, and maintenance activities, and employees who perform brake and clutch repair work, are covered by these requirements. EPA's asbestos worker protection regulations incorporate, by reference, the OSHA Construction Industry Standard for Asbestos (29 CFR 1926.1101) and the General Industry Standard for Asbestos (29 CFR 1910.1001). EPA requires state and local government employers to use engineering controls and appropriate work practices to control the release of asbestos fibers. Covered employers must also monitor employee exposure to asbestos and provide employees with personal protective equipment, training, and medical surveillance to reduce the risk of asbestos exposure. Exposure monitoring records must be maintained for 30 years, medical surveillance records for the duration of employment of the affected employees plus 30 years, and training records for the duration of employment plus one year. Employers must also establish written respiratory protection programs and maintain procedures and records of respirator fit tests for one year.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.32 hours per response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities

and the burden estimate that is only briefly summarized here:

Respondents/affected entities: Respondents for this information collection include states and local government employers in the 23 states, DC, and the U.S. territories that have employees engaged in asbestos-related construction, custodial, and brake and clutch repair activities without OSHA-approved state plans. The following North American Industrial Classification System (NAICS) codes have been provided to assist in determining whether this action might apply to certain entities:

- Public Administration (NAICS Code 92), and
- Educational Services (NAICS Code 61).

Respondent's obligation to respond: Mandatory. 40 CFR 763.

Frequency of response: Occasional.

Total estimated number of potential respondents: 34,138.

Total estimated average number of responses for each respondent: 33.

Total estimated annual burden hours: 358,049 hours.

Total estimated annual costs:

\$19,960,188, which includes an estimated \$0 for capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is an increase in total burden costs of \$3.066 million compared with that identified in the ICR currently approved by OMB, which reflects an increase of \$10.45, or 23%, to the weighted average wage rate, and an increase of 10,701 in total respondents (state and local entities), reflecting updated numbers of governments from the Census of Governments. These increases are partially offset by a decrease of 46,824 in the total number of responses due to a decrease in the number of states subject to the rule compared with that identified in the ICR currently approved by OMB. There is a decrease in burden hours by 14,920 due to a decrease in estimated number of responses. These changes qualify as adjustments.

IV. What is the next step in the process for this ICR?

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 pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional

comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 18, 2024.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2024-0179; FRL-11892-01-OGC]

Proposed Settlement Agreement, Clean Air Act Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (“CAA” or “the Act”), the Environmental Protection Agency (“EPA” or “the Agency”) is providing notice of a proposed settlement agreement in *Cleveland-Cliffs, Inc. v. Environmental Protection Agency*, Case No. 16-2643 (8th Cir.) (and consolidated cases). Petitioners Cleveland-Cliffs, Inc. (Cliffs) and Cleveland-Cliffs Steel, LLC (Cliffs Steel) filed petitions for review in the United States Court of Appeals for the Eighth Circuit, challenging final rules promulgated by EPA under the CAA related to regional haze best available retrofit technology determinations for taconite facilities in Michigan and Minnesota. The proposed settlement agreement would establish deadlines for EPA to take certain, specified actions.

DATES: Written comments on the proposed settlement agreement must be received by May 23, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2024-0179 online at <https://www.regulations.gov> (EPA’s preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Additional Information about

Commenting on the Proposed Settlement Agreement” heading under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Christopher Grubb, Office of Regional Counsel, U.S. Environmental Protection Agency Region 5; telephone (312) 886-7187; email address grubb.christopher@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Settlement Agreement

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2024-0179) contains a copy of the proposed settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

The electronic version of the public docket for this action contains a copy of the proposed settlement agreement, and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select “search.”

II. Additional Information About the Proposed Settlement Agreement

In February 2013, EPA issued a Regional Haze (RH) Federal Implementation Plan (FIP) that established nitrogen oxide (NO_x) and sulfur dioxide (SO₂) best available retrofit technology emission limits for taconite facilities in Minnesota and Michigan, entitled “Approval and Promulgation of Air Quality Implementation Plans; States of Minnesota and Michigan; Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze” at 78 FR. 8706 (February 6, 2013) (the “Original FIP Rule”). In September 2013, EPA issued partial disapprovals of Minnesota’s and Michigan’s regional haze SIPs for failure to require BART for the taconite furnaces, entitled “Approval and Promulgation of Air

Quality Implementation Plans; States of Michigan and Minnesota; Regional Haze,” at 78 FR 59825 (September 30, 2013) (the “SIP Rule”). Petitioners Cliffs and Cliffs Steel each filed a petition for review challenging the SIP Rule, and those petitions for review have been consolidated in the United States Court of Appeals for the Eighth Circuit under lead Case No. 13-3573. In 2016, EPA revised the Original FIP Rule to address administrative petitions related to EPA’s actions, entitled “Air Plan Approval; Minnesota and Michigan; Revision to 2013 Taconite Federal Implementation Plan Establishing BART for Taconite Plants; Final Rule,” at 81 FR 21672 (April 12, 2016) (the “Revised FIP Rule”). Petitioners Cliffs and Cliffs Steel each filed a petition for review challenging the Revised FIP Rule, and those petitions for review have been consolidated in the United States Court of Appeals for the Eighth Circuit under lead Case No. 16-2643.

The proposed settlement agreement, if finalized, provides a process for resolving all of Cliffs’ and Cliffs Steel’s challenges to the SIP Rule and the Revised FIP Rule. Under the proposed settlement agreement, no later than November 22, 2024, EPA would sign a proposed rulemaking proposing changes to the Revised FIP Rule that is substantially consistent with, and includes equations identical to those set forth in, Attachment A to the Settlement Agreement. If EPA timely signs a final rule that includes changes that are substantially consistent with, and includes equations identical to those set forth in, Attachment A to the Settlement Agreement, after the final rule has been published in the **Federal Register**, Cliffs and Cliffs Steel would promptly file an appropriate pleading for the dismissal with prejudice of Case Nos. 16-2643, 16-2653, 16-3446, 13-3573, 13-3575, and 14-1712, which will resolve the litigation.

The proposed Settlement Agreement also includes standard language regarding resolution of costs and attorneys’ fees, stipulation of extensions, lapses in appropriations, disputes in implementation, preservation of Agency discretion, and the CAA section 113(g) process.

In accordance with section 113(g) of the CAA, for a period of thirty (30) days following the date of publication of this document, the Agency will accept written comments relating to the proposed settlement agreement. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is