

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and it must identify the specific portions of the comments to be withheld from the public record.<sup>6</sup> Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the <https://www.regulations.gov> website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

If you file your comment on paper, write "Green Guides—Recycling Workshop, 16 CFR part 260, Project No. P954501" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Ave. NW, Suite CC-5610 (Annex F), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th St. SW, 5th Floor, Suite 5610 (Annex F). If possible, submit your paper comment or request to the Commission by courier or overnight service.

Visit the Commission website at <https://www.ftc.gov> to read this document and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before June 13, 2023. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

By direction of the Commission.

**April J. Tabor,**  
Secretary.

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## DEPARTMENT OF LABOR

### Office of Worker's Compensation Programs

#### 20 CFR Part 726

**RIN 1240-AA16**

#### Black Lung Benefits Act: Authorization of Self-Insurers

**AGENCY:** Office of Workers' Compensation Programs, Labor.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** The Department of Labor is extending the comment period for a proposed rule that would update the process for coal mine operators to apply for authorization to self-insure, the requirements operators must meet to qualify to self-insure, the amount of security self-insured operators must provide, and the process for operators to appeal determinations made by the Office of Workers' Compensation Programs (OWCP). Since the proposed rule was published, the Department has received multiple requests from interested parties for the Department to provide additional time for them to develop and submit their comments on the proposal. In response to those requests, the Department is extending the comment period.

**DATES:** The comment period for the proposed rule published on January 19, 2023, at 88 FR 3349, is extended. Written comments on the proposed rule must be received by April 19, 2023.

**ADDRESSES:** You may submit written comments by any of the following methods. To facilitate receipt and processing of comments, OWCP encourages interested parties to submit their comments electronically.

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions on the website for submitting comments.

- *Facsimile:* (202) 693-1395 (this is not a toll-free number). Only comments of ten or fewer pages, including a fax cover sheet and attachments, if any, will be accepted by fax.

- *Regular Mail/Hand Delivery/Courier:* Submit comments on paper to the Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, U.S. Department of Labor, 200 Constitution Avenue NW, Suite S3229-DCWMC, Washington, DC 20210. The Department's receipt of U.S. mail may be significantly delayed due to security procedures. You must take this into consideration when preparing to meet the deadline for submitting comments.

**Instructions:** Your submission must include the agency name and the Regulatory Information Number (RIN) for this rulemaking. **Caution:** All comments received will be posted without change to <https://www.regulations.gov>. Please do not include any personally identifiable or confidential business information you do not want publicly disclosed.

**Docket:** For access to the rulemaking docket and to read background documents or comments received, go to <https://www.regulations.gov>. Although some information (e.g., copyrighted material) may not be available through the website, the entire rulemaking record, including any copyrighted material, will be available for inspection at OWCP. Please contact the individual named below if you would like to inspect the record.

**FOR FURTHER INFORMATION CONTACT:** Michael Chance, Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, U.S. Department of Labor, 200 Constitution Avenue NW, Suite S3229-DCWMC, Washington, DC 20210. Telephone: 1-800-347-2502. This is a toll-free number. TTY/TDD callers may dial toll-free 1-877-889-5627 for further information.

**SUPPLEMENTARY INFORMATION:** The Black Lung Benefits Act (BLBA) requires every coal mine operator to secure the payment of benefits for which it may be found liable either by purchasing commercial insurance or by qualifying as a self-insurer "in accordance with regulations prescribed by the Secretary." 30 U.S.C. 933(a); *see also* 30 U.S.C. 932(b); 20 CFR 726.1. On January 19, 2023, the Department issued a Notice of Proposed Rulemaking to update the process and requirements for coal mine operators to apply for and receive authorization to self-insure their liabilities under the BLBA. The public comment period for the NPRM was set to close on March 20, 2023. However, OWCP has received requests from several stakeholders to extend the comment period by 60 days. The stakeholders explained that they need additional time to review the NPRM, assess its impacts on their operations or members' operations, gather information on the availability and cost of surety bonds, and prepare meaningful comments.

OWCP agrees to an extension and believes a 30-day extension of the public comment period is sufficient and strikes an appropriate balance between the agency's need for timely input and stakeholders' requests for additional time to prepare comprehensive

<sup>6</sup> See 16 CFR 4.9(c).

comments. Therefore, the public comment period will be extended until April 19, 2023.

Signed at Washington, DC.

**Christopher J. Godfrey,**  
Director, Office of Workers' Compensation Programs.

[FR Doc. 2023-04322 Filed 3-6-23; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R06-OAR-2022-0927; FRL-10657-01-R6]

#### Determination of Attainment by the Attainment Date But For International Emissions for the 2015 Ozone National Ambient Air Quality Standard; El Paso-Las Cruces, Texas-New Mexico

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA or "Agency") is proposing to determine that the El Paso-Las Cruces, Texas-New Mexico nonattainment area would have attained the 2015 ozone national ambient air quality standard (NAAQS) by the August 3, 2021 "Marginal" area attainment date, but for emissions emanating from outside the United States. If we finalize this action as proposed, the El Paso-Las Cruces, Texas-New Mexico ozone nonattainment area would no longer be subject to the Clean Air Act (CAA) requirements pertaining to reclassification upon failure to attain and therefore would remain classified as a Marginal nonattainment area for the 2015 ozone NAAQS. This action, if finalized as proposed, will discharge the EPA's statutory obligation to determine whether the El Paso-Las Cruces, Texas-New Mexico ozone nonattainment area attained the NAAQS by the attainment date.

**DATES:** Written comments must be received on or before April 6, 2023.

**ADDRESSES:** Submit your comments, identified by Docket No. [EPA-R06-OAR-2022-0927], at <https://www.regulations.gov> or via email to [fuerst.sherry@epa.gov](mailto:fuerst.sherry@epa.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically 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. 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). For additional submission methods, please contact Sherry Fuerst, (214)665-6252, [fuerst.sherry@epa.gov](mailto:fuerst.sherry@epa.gov). For 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>.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](https://www.regulations.gov). While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.*, CBI).

**FOR FURTHER INFORMATION CONTACT:** Sherry Fuerst, EPA Region 6 Office, AR-SI, 214-665-6465, [fuerst.sherry@epa.gov](mailto:fuerst.sherry@epa.gov). We encourage the public to submit comments via <https://www.regulations.gov>. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever "we," "us," or "our" is used, we mean the EPA.

### I. Background

#### A. 2015 Ozone National Ambient Air Quality Standard and Area Designations

Ground-level ozone pollution is formed from the reaction of volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of sources, including on-road and non-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment and paint operations. Scientific evidence indicates that adverse public health effects occur following exposure to ground-level ozone pollution. Exposure to ozone can harm the respiratory system (the upper airways and lungs), can aggravate asthma and other lung diseases, and is linked to premature death from respiratory causes. People most at risk from breathing air

containing ozone include people with asthma, children, older adults and people who are active outdoors, especially outdoor workers.<sup>1</sup>

Under CAA section 109, the EPA promulgates NAAQS (or "standards") for pervasive air pollutants, such as ozone. The EPA has previously promulgated NAAQS for ozone in 1979, 1997, and 2008.<sup>2</sup> On October 26, 2015, the EPA revised the NAAQS for ozone to establish a new 8-hour standard.<sup>3</sup> In that action, the EPA promulgated identical revised primary and secondary ozone standards designed to protect public health and welfare that specified an 8-hour ozone level of 0.070 parts per million (ppm, 70 ppb).<sup>4</sup> Specifically, the standard requires that the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration (*i.e.*, the design value) may not exceed 0.070 ppm.<sup>5</sup> When the design value does not exceed 0.070 ppm at each ambient air quality monitoring site within the area, the area is deemed to be attaining the ozone NAAQS.<sup>6</sup>

Section 107(d) of the CAA provides that when the EPA promulgates a new or revised NAAQS, the Agency must designate areas of the country as nonattainment, attainment, or unclassifiable based on whether an area is not meeting (or is contributing to air

<sup>1</sup> EPA Fact Sheet—Ozone and Health, available at <https://www.epa.gov/sites/default/files/2016-04/documents/20151001healthfs.pdf> and in the docket for this action.

<sup>2</sup> 44 FR 8202 (February 8, 1979), 62 FR 38856 (July 18, 1997), and 73 FR 16436 (March 27, 2008).

<sup>3</sup> 80 FR 65452

<sup>4</sup> Because the 2015 primary and secondary NAAQS for ozone are identical, for convenience, the EPA refers to them in the singular as "the 2015 ozone NAAQS" or as "the standard."

<sup>5</sup> A design value is a statistic used to compare data collected at an ambient air quality monitoring site to the applicable NAAQS to determine compliance with the standard. The design value for the 2015 ozone NAAQS is the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration. The design value is calculated for each air quality monitor in an area and the area's design value is the highest design value among the individual monitoring sites in the area. Because the design value is based on the three most recent, complete calendar years of data, attainment must occur no later than December 31 of the year prior to the attainment date (*i.e.*, December 31, 2020, in the case of the El Paso Las Cruces Texas-New Mexico Marginal nonattainment area for the 2015 ozone NAAQS). As such, the EPA's proposed determination is based upon the complete, quality-assured, and certified ozone monitoring data from calendar years 2018, 2019, and 2020.

<sup>6</sup> The data handling convention in 40 CFR 50 Appendix U dictates that concentrations shall be reported in "ppm" to the third decimal place, with additional digits to the right being truncated. Thus, a computed 3-year average ozone concentration of 0.071 ppm is greater than 0.070 ppm and would exceed the standard, but a design value of 0.0709 is truncated to 0.070 and attains the 2015 ozone NAAQS.