

Response to comments submitted to OIRA

A Federal Register notice inviting public comment was published on March 2, 2022 (87 FR 11738). Comments were not received.

A second Federal Register notice inviting public comment was published on July 11, 2022 (87 FR 41146). OMB received one comment from SunCoke Energy, Inc. (“SunCoke”). SunCoke alleges that the information collection is not necessary because it takes issue with OWCP’s process for determining the amount necessary for a self-insured operator to secure the payment of benefits for which it is liable. OWCP’s regulations set forth the procedures for approving a self-insurance application and determining the amount of the security. See 20 CFR Part 726 Subpart B. Specifically, the regulations broadly authorize OWCP to collect “such further information or such evidence as [OWCP] may deem necessary.” 20 CFR 726.102(b).

As acknowledged in the comment, in 2019, OWCP implemented a process that considers the operator’s current and future liability for benefits based on an actuarial assessment, as well as the operator’s risk of insolvency. OMB approved the collection of information for this self-insurance process at that time. OWCP sets the required security as a percentage of the total current and projected future liability based on the operator’s financial risk rating. SunCoke objects to OWCP’s process for determining the amount of this percentage. The information that self-insurance applicants must submit to OWCP, however, has not changed since this Information Collection Request (ICR) was initially approved in 2019. The agency process for determining current and future liability and calculating a financial risk rating also has not changed since then. OWCP addressed comments and concerns about the necessity of this information in its supporting statement for the initial ICR in 2019. OWCP therefore declines to make any changes to the ICR in response to this comment.