SUPPORTING STATEMENT FOR
OPERATOR RESPONSE TO SCHEDULE FOR THE SUBMISSION OF ADDITIONAL EVIDENCE AND OPERATOR RESPONSE TO NOTICE OF CLAIM

OMB CONTROL NO. 1240-0033

This ICR seeks a revision to the currently approved version.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Office of Workers' Compensation Programs (OWCP) administers the Black Lung Benefits Act (BLBA), 30 USC 901 *et. seq.* The statute provides for the payment of benefits to eligible coal miners and survivors by a coal mine operator who employed the miner (or its insurance carrier) or the Black Lung Disability Trust Fund if no responsible coal mine operator can be identified. The information collected on forms CM-2970 and CM-2970a helps the OWCP District Director adjudicating a benefits claim to correctly identify the liable party, determine whether the designated responsible operator accepts liability, and narrow the number of contested issues within a claim. The collection of this information is required by 20 CFR 725.408 and 725.412.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

CM-2970 -- Operator Response to the Schedule for Submission of Additional Evidence. The District Director uses the information collected on this form to determine whether the designated responsible coal mine operator agrees with the District Director's (1) designation of it as the responsible operator liable for benefits, and (2) determination regarding the claimant's eligibility for benefits. After the District Director develops initial evidence in a claim, he or she issues a Schedule for the Submission of Additional Evidence (Schedule) containing the district director's preliminary analysis of the medical evidence and designation of a responsible operator liable for payment of benefits. 20 C.F.R. 725.410(a). If the designated responsible operator does not respond to the Schedule within thirty days, that operator is deemed to accept liability for the claim. 20 CFR 725.412(a). The District Director includes Form CM-2970 with the Schedule to give the designated responsible operator a method to controvert both its liability and the claimant's entitlement to benefits.

CM-2970a – Operator Response to Notice of Claim. The information collected on this form is

used by the District Director to determine whether a potentially liable coal mine operator may be designated as the responsible operator responsible for paying any benefits due on a claim. In developing a claim, the District Director sends a Notice of Claim to any coal mine operator who might be liable for the payment of benefits. If a notified coal mine operator does not accept liability, the operator is required to complete a CM-2970a and controvert liability on several specific factual grounds that would, if demonstrated, relieve the operator of liability. 20 CFR 725.408(a)(2). All of this information is within the operator's control (e.g., information about the operator's business, employment of the miner, and financial capacity to pay benefits). The operator must return the completed form within thirty days of receiving the Notice of Claim to contest liability, or it is not allowed to contest its liability on the grounds set forth on this form. 20 CFR 725.408. The District Director includes a form CM-2970 with the Notice so that the operator can accept or contest liability.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses) and the basis for the decision to adopt this means of collection. Also, describe any consideration of using information technology to reduce burden.

In accordance with the Government Paperwork Elimination Act, the CM-2970 and CM-2970a are interactive and are available on the Internet for downloading at DCMWC's website:

- http://www.dol.gov/owcp/regs/compliance/cm-2970.pdf
- http://www.dol.gov/owcp/regs/compliance/cm-2970a.pdf

These links are highlighted on the website and both forms can be completed on-screen, uploaded to a local drive and then submitted through the COAL Mine Portal at **https://coalmine.dol.gov/** Also both forms can be printed, completed by hand, and mailed to the Central Mailroom.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

Since the information requested on each of these forms specifically relates to the Black Lung Program, no other OWCP Programs or Federal agency has similar requirements.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Some of the identified coal companies are considered small businesses. The use of concise forms helps minimize the response burden by requiring only that information necessary to identify the liable coal mine operator and protecting the company's right to controvert liability. This information collection does not have a significant economic impact on a substantial number of small entities.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This information is requested only once, at the time prescribed in the regulations. If it were not collected, the District Director would not be able to determine the party liable for the claim or know whether the designated responsible operator has accepted liability for the claim.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary, trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances for this information collection.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in

response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

DCMWC consulted with two internal and one external representative regarding this information collection request. DCMWC asked these contacts for feedback on burden estimates. None of the three representatives had any changes or comments on the estimated burden, so DCMWC is proceeding with the initial estimates published in the 60-day notice. The individuals/organizations consulted about the information collection are listed in the table below.

Table 1: List of Internal and External Representatives

Contact	Organization	Email	Phone
Natalia XXX	Management and Program Analyst Branch of Fiscal Operations & Technical Support	XXX	XXX
Rachel XXX	Claims Examiner Sedgwick Claims Management Services Inc.	XXX	XXX
Marcela XXX	Claims Examiner, Policy Analyst, Branch of Policy Analysis and Program Standards	XXX	XXX

Additionally, a Federal Register Notice inviting public comment was published 06/08/2026. (91 FR 34657). OWCP received 21 comments. After reviewing the comments, it was determined that all comments were outside the scope of this collection (Operator Response to Schedule for the Submission of Additional Evidence and Operator Response to Notice of Claim 1240-0033). Therefore, no changes to the information collection were made in response to these comments.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

Respondents do not receive any gifts or payments to furnish the requested information.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Since the completed forms are maintained in the claimant's case file, the information collected is covered by the Privacy Act System of Records, DOL/OWCP-2 and DOL/OWCP-9, published at 81 Federal Register 25765, 25858 and 25866 (April 29, 2016), or as updated and republished.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This collection contains no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.[1]**

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**

[1] Indicate the retention period for any recordkeeping requirements that pertain to the ICR.

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

Estimated Annualized Respondent Cost and Hour Burden

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
CM-2970	3,510	1	3,510	0.167	586	$24.12	$14,134
CM-2970a	8,230	1	8,230	0.25	2,058	$24.12	$49,639
Unduplicated Total	8,230		11,470		2,644		$63,773

This burden is based on potentially liable operators and designated responsible operators having submitted 3,510 CM-2970 forms and 8,230 CM-2970a forms to OWCP during FY25. The estimated total burden to the coal mine operators is 2,644 hours. It takes about 10 minutes (0.167 hour rounded) to complete and submit each CM-2970 form and 15 minutes (0.25 hour) to complete and submit each CM-2970a. The operators typically have the needed information available in their computer systems.

$3{,}510_{\text{CM-2970 Responses}} \times 0.167_{\text{hour}} = 586.17\ (586\ \text{rounded})_{\text{CM-2970 Burden Hours}}$

$8{,}230_{\text{CM-2970a Responses}} \times 0.25_{\text{hour}} = 2{,}057.5\ (2{,}058\ \text{rounded})_{\text{CM-2970a Burden Hours}}$

$586_{\text{CM2970 Burden Hours}} + 2{,}058_{\text{CM-2970a Burden Hours}} = 2{,}644_{\text{Total Respondent Burden Hours}}$

The estimated annualized cost for the respondents to provide this information is $63,773. The national mean hourly wage for Office and Administrative Support Occupations is $24.12. This hourly wage is from the May 2024 report Occupational Employment and Wage Statistics, published by the Bureau of Labor Statistics (BLS) and available at

https://www.bls.gov/oes/current/oes430000.htm.

$24.12 x 2,644 hours = $63,773.28 ($63,773 rounded).

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation, maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.**

CM-2970:
Each respondent's cost to mail this form is estimated at 83¢ (78¢ stamp plus 05¢ for the envelope). Thus, if every response were mailed, total respondent costs would be $2,913.30 (3,510 x 83¢ = $2,913.30). This would be the total cost if we did not have any electronic submissions.

However, of the 3,510 responses, it is estimated that 70% will be submitted electronically through the COAL Mine Portal (3,510 x 70% = 2,457). The estimated savings of the forms

submitted through the COAL mine portal is $2,039.31(2,457 x 83¢=$2,039.31). The remaining 1,053 responses will be mailed to DCMWC with a respondent cost of $873.99 (1,053 x 83¢ = $873.99).

Therefore, the total respondent cost for the CM-2970 is $873.99 ($2,913.30-$2,039.31= $ 873.99).

CM-2970a:
Each respondent's cost to mail this form is estimated at 83¢ (78¢ stamp plus 05¢ for the envelope). Thus, if every response were mailed, total respondent costs would be $6,830.90 (8,230 x 83¢ = $6,830.90). This would be the total cost if we did not have any electronic submissions.

However, of the 8,230 responses, it is estimated that 70% will be submitted electronically through the COAL Mine Portal (8,230 x 70% = 5,761). The estimated savings of the forms submitted through the COAL mine portal is $4,781.63(5,761 x 83¢=$4,781.63). The remaining 2,469 responses will be mailed to DCMWC with a respondent cost of $2,049.27 (2,469 x 83¢ = $2,049.27).

Therefore, the total respondent cost for the CM-2970a is $2,049.27 ($6,830.90-$4,781.63=$2,049.27).

The total respondent cost is $2,923: ($873.99 $_{\text{CM-2970}}$ + $2,049.27 $_{\text{CM-2970a}}$ =$2,923.26 (rounded down).

There are no other known operating or maintenance costs associated with this collection.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

The estimated cost to the Federal Government for 11,470 forms processed is approximately $54,139. The cost is figured as follows:

a. Estimated mailing cost: $9,061.30

(74¢ metered postage plus 5¢ per envelope
for a total of 79¢ per form)

.79¢ X 11,470 = $9,061.30

b. Estimated processing cost: $45,078.17

(One Claims' Examiner GS 12/4 ($47.18 hourly rate) spends about 5 minutes (0.0833 hour) evaluating each form
11,470 forms X 0.0833=955.451 x $47.18 = $45,078.17

This hourly salary is taken from FY 2026 Salary/Wages at: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/RUS_h.pdf

$9,061.30 mailing cost +$45,078.17 processing cost = $ 54,139 ($54,139.47 rounded down) Federal Government cost.

15. Explain the reasons for any program changes or adjustments.

EXPLANATION OF CHANGE TOTALS

Respondents: The number of respondents increased from 5,294 to 8,230.

Responses: The number of responses increased from 8,082 to 11,470. OWCP issues more Notices of Claims than Schedules for the Submission of Additional Evidence because the miner can withdraw or abandon his claim before a Schedule for the Submission of Additional Evidence is issued. Reasons for notifying multiple employers in a single claim include, but are not limited to: the miner's reporting of who his last coal mine employer was is different from who his Social Security Earnings Records indicate was the last operator to employ him, or the most recent employer is not financially capable of assuming liability for the claim and OWCP must notify the next most-recent coal mine employer.

For the current iteration of this collection, OWCP has used the actual FY-25 response rates to each form to more precisely estimate the burden associated with this collection.

Burden Hours: Burden hours have increased from 1,173 to 2,644.

Costs: Annual burden costs have increased from $1,096 to $2,923.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans to publish this collection of information.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This ICR does not seek a waiver from the requirement to display the expiration date.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATON EMPLOYING STATISTICAL METHODS.

Statistical methods are not used in these collections of information.