

SUPPORTING STATEMENT

CM-913, Comparability of Current Work to Coal Mine Employment
OMB No. 1215-0056

A. Justification.

1. CM-913, Comparability of Current Work to Coal Mine Employment.

Once a miner has been identified as having performed non-coal mine work subsequent to coal mine employment, the miner or the miner's survivor is asked to complete a CM-913. The form is used to compare the physical demands of the miner's coal mine work with last or current non-coal mine work. This employment information, together with medical information, is used to establish whether the miner is totally disabled due to black lung disease caused by coal mine employment, a criterion for entitlement. Information collected on the CM-913 helps DCMWC determine if the miner has or had a reduced ability to perform his usual and customary coal mine work. The Black Lung Benefits Act, as amended, 30 U.S.C. 901 et. seq. and 20 CFR 718.204(b)(1) necessitate the collection of this information.

CM-918, Coal Mine Employment Affidavit - This form is obsolete and renewal is not requested. It was sometimes used in claims filed on or before January 19, 2001, and had been used extensively in the 1970's and 1980's. However, because the Social Security Administration began keeping detailed earnings records in 1937 and those records may be used to prove a miner's coal mine employment, the form has fallen into disuse. Since 2001, this form has been used 9 or less times per year.

CM-1093, Affidavit of Deceased Miner's Condition - This form is obsolete and renewal is not requested. It was often used in claims filed before January 1, 1982, after which date approval of a survivor's claim required medical evidence that the miner's death was due, at least in part, to pneumoconiosis. Because of this change in the medical evidence requirement, affidavits ceased to carry much weight, and this form has, since 1982, fallen into virtual disuse, and has been used 9 or less times per year in recent years.

2. The CM-918 and the CM-1093 have been obsoleted from this information collection package due to limited use.

CM-913 - This is completed only when the miner performed non-coal mine work subsequent to his coal mine employment. The completed form is evaluated by the claims examiner to determine if the non-coal mine work is comparable to coal mine work or if there are reduced activities and skills.

3. The DCMWC web address is published in the "Compliance Guide to the Black Lung Benefits Act," a guide that is sent to all people who file a claim. Claimants who so desire could access the DCMWC forms page easily from the DCMWC home page. The CM-913 is interactive and available on the Internet for electronic submission at: <http://www.dol.gov/esa/regs/compliance/owcp/cm-913.pdf>. As of this date, there have been no instances of this form having been submitted electronically.

4. There is no similar information available.

5. Collection of this information does not involve small businesses or other small entities so this information collection does not have a significant impact on a substantial number of small entities.

6. The information for each form CM-913 is collected only if needed at the time the claim is received. If the information were not collected on this form, the determination as to eligibility for benefits under the Black Lung Benefits Act would be severely limited.

7. There are no special conditions required in the conduct of this information collection.

8. No outside consultations were conducted concerning use of this form. The CM-913 has been in use since 1973. Thus, there has been ample time for respondents to voice any complaints regarding the form.

A Federal Register Notice inviting public comments was published on September 25, 2007. No comments were received.

9. There are no plans to provide any payment or gift to respondents.

10. The attached Privacy Act System Notice (ESA-6) provides confidentiality of information collection involving a claimant's records.

11. There are no questions of a sensitive nature in these forms.

12. The estimated total burden to claimant respondents is 675 hours. A claimant needs to fill out the CM-913 only once. It takes about 30 minutes to complete and mail each of the approximately 1,350 CM-913 forms received annually.

$$\text{CM-913 } 1,350 \times 30 \text{ min.} = 675 \text{ hrs.}$$

The estimated total cost to respondents for the burden hours is approximately \$2,687.00. The cost is computed by using the hourly Black Lung beneficiary benefit rate of \$3.98.

$$\begin{aligned} \$584 \text{ monthly} \times 12 &= \$7,008 \text{ a year} / 220 \text{ OPM annual workdays} = \\ & \$31.85/8 \text{ work hours a day} = 3.98 \text{ hourly.} \end{aligned}$$

$$\$3.98 \times 675 \text{ work hours} = \$2,686.50 \text{ (Rounded to } \$2,687.00)$$

13. No systems or technology acquisition is required to provide this information. Operation and/or maintenance costs amount to approximately \$594.00. About 1,350 of the completed responses are mailed to the Black lung offices at the cost of \$.44 (\$.41 postage and .03 for the envelope), for a total of \$594.00.

$$1,350 \times 44\text{¢} = \$594.00$$

14. The estimated total cost to the Federal government for this information collection of these 1,350 forms is approximately \$10,961.00. The cost is computed as follows:

a. Estimated printing cost: \$ 350.00

b. Estimated mailing cost: \$ 594.00
(stamps and envelopes @ \$.44 x 1,350 = \$594.00)

c. Estimated processing cost: \$10,267.00
[One CE GS-12/4, spends about 15 minutes (4 forms per hour) evaluating each form: \$30.42 x 1,350.00/4 = \$10,267.] (This hourly salary is taken from the FY 08 Salary Table-GS.)

15. There has been an adjustment in the number of annual burden hours which have decreased by -38 hours from 713 hours to 675 hours due to the elimination of forms CM-918 and CM-1093 which decrease the overall number of responses and respondents from 1,500 responses to 1,350 which is an adjustment of -150 responses. The CM-918 was completed by persons with knowledge of the coal miner's coal mine work and CM-1093 was completed by persons with knowledge of the deceased miner's medical condition. These forms were only used when medical records weren't available or medical evidence was insufficient. However, because the Social Security Administration began keeping detailed earnings records in 1937 and those records may be used to prove a miner's coal mine employment; these forms have fallen into disuse. Since 2001, these forms have been used 9 or less times per year.

16. There are no plans for publishing data based on the information collected on these forms.

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

18. There are no exceptions to the certification.