

SUPPORTING STATEMENT

CM-913, Comparability of Current Work to Coal Mine Employment
OMB No. 1240-0035 (Formerly 1215-0056)

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

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.

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

The CM-913 is completed 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. 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 for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

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 can 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/owcp/regs/compliance/cm-913.pdf>. As of this date, there have been no

instances of this form having been submitted electronically.

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 2 above.

There is no similar information available.

5. If the collection information impacts small businesses or other small entities (Item 5 of 014B Form 83-1), describe any methods used to minimize burden.

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. Describe the consequence of 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.

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. Explain any special circumstance 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 prove that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special conditions required in the conduct of 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.

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 comment on this collection of information was published in the Federal Register on October 18, 2010. 75 Fed. Reg. 63864. No comments were received.

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

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

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

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

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.

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

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 make special surveys to obtain information on which to base burden estimates. Consultation with a sample of potential respondents is desirable. If the burden on

b. Estimated mailing cost: \$ 775.50
(stamps and envelopes @ \$.47 x 1,650 = \$775.50)

c. Estimated processing cost: \$13,571.00
[One CE GS-12/5, spends about 15 minutes (4 forms per hour) evaluating each form:
\$32.90 x 1,650.00/4 = \$13,571.] (This hourly salary is taken from the OPM FY 10
Salary Table-GS.)

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There has been an adjustment in the number of annual burden hours to reflect an expected increase in claims. The number of forms is expected to increase from 1,350 to 1,650, and the number of burden hours from 675 to 825.

16. For collections of information whose results will be published, outline plans for tabulation 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 information, completion of report, publication dates, and other actions.

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

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 identified in Item "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification.

SUPPORTING STATEMENT B—STATISTICAL METHODS

This information collection does not employ statistical methods.