

SUPPORTING STATEMENT

Comparability of Current Work to Coal Mine Employment Conducted by the U.S. Department of Labor 1240-0035

A. Justification.

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/her usual and customary coal mine work. Federal Mine Safety and Health Act section 508 (30 U.S.C. § 957) and regulations 20 CFR § 718.204(b)(1) authorize this 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/her 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 fillable on-screen, and available for download at: <http://www.dol.gov/owcp/dcmwc/regs/compliance/blforms.htm>.

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.

There is no similar information available.

5. If the collection information impacts small businesses or other small entities 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.

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.

A Federal Register Notice inviting public comments was published on February 10, 2017[82FR10412]. 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.

Form CM-913 includes a Privacy Act Notice (PAN) explaining that information will be used to determine eligibility for and the amount of benefits payable. The PAN also explains that the information may be used by other agencies or persons in handling matters relating to the subject matter of the claim, so long as such agencies or persons have received the consent of the individual claimant or beneficiary or have complied with applicable regulatory requirements. The attached Privacy Act System of Records 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.

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 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 respondents is expected to vary widely because of differences in activity, size, or complexity, show the range

of estimated burden and explain the reason for the variance. Generally, estimates should not include burden hours for customary and usual business practices. Provide estimates of the hour burden of the collection of information.

The estimated total burden hours changed to 1,100 due to the increase of completing and mailing each form. A claimant needs to fill out the CM-913 only once. It takes about 40 minutes to complete and mail each of the approximately 1,650 CM-913 forms received annually.

$$1,650 \times 40 \text{ min.} = 66,000 \text{ min}/60 = 1,100 \text{ hours.}$$

The estimated total cost to respondents for the burden hours is approximately \$4,829.00. The cost is computed by using the hourly Black Lung beneficiary benefit rate of \$4.39.

$$\begin{aligned} \$651 \text{ (Primary Beneficiary) monthly} \times 12 &= \$7,812 \text{ a year}/220 \\ \text{OPM annual workdays} &= \$35.518 \text{ work hours a day} = 4.44 \\ &\text{hourly.} \end{aligned}$$

<https://www.dol.gov/owcp/dcmwc/regs/compliance/blbene.htm>

$$\$4.44 \times 1,100 \text{ work hours} = \$4,884$$

13. Annual Costs to Respondents (capital/start-up & operation and maintenance).

No systems or technology acquisition is required to provide this information. Operation and/or maintenance costs amount to approximately \$858. All 1,650 of the completed responses are mailed to the Black Lung offices at the cost of \$.52 (\$.49 postage and .03 for the envelope), for a total of \$858.00.

$$1,650 \times 52\text{¢} = \$858.00$$

14. Provide estimates of annualized cost to the Federal government.

The estimated total cost to the Federal government for this information collection of these 1,650 forms is approximately \$16,731.00. The cost is computed as follows:

- | | |
|-----------------------------|----------|
| a. Estimated printing cost: | \$0.00 |
| b. Estimated mailing cost: | \$858.00 |

(Stamps and envelopes @ \$.52 x 1,650 = \$858.00)

c. Estimated processing cost: \$15,906.00
[One CE GS-12/5, spends about 15 minutes (4 forms per hour) evaluating each form: $\$38.56 \times 1,650 = \$63,624/4 = \$15,906.00$.] (This hourly salary is taken from the OPM FY 16 Salary Table-GS, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/RUS_h.pdf)

Total Federal cost is \$16,764.00

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

The estimated total burden hours changed to 1,100 hours from 825 hours due to the increase time needed to complete form in accordance with the enhanced information collection requirements.

Summary of revisions to the form as follow:

- a. In Part I and new Part II, added language to make the claimant more aware of which section relates to coal mine work and which section relates to non-coal mine work. Part I asks for information on the miner's most recent coal mine work, and Part II addresses other coal mine work held for at least one year.
- b. Redesigned, respectively, Parts II and III as Parts III and IV.
- c. Question 5 was removed and replaced with several specific questions (5a-5i). Question 5 originally asked that duties of the most recent coal mine work be described in the claimant's own words. The specific questions assist in keeping the responses focused on what coal mine work information is needed. Responses to the specific questions will significantly reduce additional time a claimant will need to respond to follow-ups. Claims staff will be able to identify a potential responsible mine operator earlier in the claims development stage, resulting in quicker decisions.
- d. Questions 7 and 16 - removed "physical activity" and added "exertional requirements"
- e. Questions 8 and 17 - added types of exposures so claimant

will understand exactly what information is needed.

- f. Question 9 - added example for claimant to better understand question.
- g. Question 9e. - removed this question.
- h. Page 4 - Moved certification statement, signature line, and date to before burden statement, privacy act, and notice on Page 4.
- i. Moved public burden from Page 1 to Page 4 and changed public burden to 40 minutes from 30 minutes.

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 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 identified in ROCIS.

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods.

Statistical methods are not used in these collections of information.