

**SUPPORTING STATEMENT FOR
Notice of Termination, Suspension, Reduction, or Increase in Benefit Payment**

OMB CONTROL NO. 1240-0030

This ICR seeks to revise this information collection.

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.

Coal mine operators, their representatives, or their insurers who have been identified as responsible for paying benefits under the Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.*, to an eligible miner or an eligible surviving dependent of the miner are called Responsible Operators (ROs). ROs that pay benefits are required to report any change in the benefit amount to the Department of Labor (DOL). The CM-908 Form, when completed and sent to DOL, notifies DOL of the change in the beneficiary's benefit amount and the reason for the change. This information collection is required under the BLBA and 20 CFR 725.621.

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.

Regulations at 20 CFR 725.621 require that this form be completed in full and filed with the office of the District Director within 16 days following the termination of benefits and immediately following suspension, reduction or increase of benefits paid under the BLBA, to insure that the correct benefits are paid.

The RO reports changes in the beneficiary's monthly benefits and explains the reason for that change. Claims staff reviews the information to ensure that the Division of Coal Mine Workers' Compensation (DCMWC) regulations are followed correctly, that the new benefit amount is accurate, and that the date of change in benefits accurately corresponds to the date of the event requiring the change.

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.

Many ROs have automated the information process and have preformatted this report for use in their insurers' computer system so that a change in benefits automatically generates a CM-908 form.

In accordance with the Government Paperwork Elimination Act, the CM-908 is interactive and is available on the Internet for downloading at: <http://www.dol.gov/owcp/regs/compliance/cm-908.pdf>.

The CM-908 may be submitted online through the COAL Mine Portal at https://eclaimant.dol.gov/portal/?program_name=BL.

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

Although some coal mine operators and insurers qualify as small businesses, 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.

If this information were not gathered, there would be no way to ensure that Black Lung beneficiaries who receive benefit payments from ROs are receiving the correct amount of benefits.

Since this information is collected only at the time a change occurs, DCMWC would not be notified of a change in benefits if this information were collected less frequently. This might create hardships to ROs and beneficiaries because of undiscovered overpayments and underpayments.

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.**

Regulations at 20 CFR 725.621 require that this form be filed in the office of the District Director within 16 days of termination of benefits by the responsible coal mine operator or insurer. One purpose of this abbreviated reporting period is to give the District Director the opportunity to ascertain if benefits should continue from another source, such as the Black Lung Disability Trust Fund, if the cause of termination was not the death of the beneficiary but another cause, such as the employer's bankruptcy. A second purpose is to give the District Director the opportunity to verify the beneficiary's death and, if appropriate, initiate benefit payments to eligible survivors without undue delay.

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.

A Federal Register Notice inviting public comment was published on July 6th, 2022 (87 FR 40276). Comments were not received.

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

No payments or gifts are provided to respondent.

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

Since the completed form is maintained in the beneficiary's case file, the information collected is covered by the Privacy Act System of Records, DOL/OWCP-2, published at 81 Federal Register 25765, 25858 (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.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**

- **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 14.**

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
OWCP Form CM-908	325	18.71	6,081	0.2	1,216	\$18.22	\$22,155

The public burden estimate of this information collection is approximately 1,216 hours. This burden is based on the submission of 6,081 forms. ROs complete one CM-908 per beneficiary reporting changes due to cost-of-living increase for about 5,168 respondents, plus an annual average of approximately 913 forms for reporting changes in dependency, death of the beneficiary, or change in other workers' compensation that affect the benefit amount. Each response takes approximately 12 minutes for retrieving information and completing and mailing the form, for a total of approximately 980 hours.

5,168 forms + 913 forms = 6,081 forms
6,081 forms x 12 minutes/60 = 1,216.20 hours

The estimated annualized cost to respondents to provide this information is \$22,155.52 (1,216 hours x \$18.22 per hour). This median hourly wage is taken from the Occupational Earnings Tables: United States, May 2021, published by the Bureau of Labor Statistics, under the heading of Occupational Employment and Wages, Office and Administrative Support Workers, <http://www.bls.gov/oes/2021/may/oes439199.htm>.

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 and 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.**

Respondent's cost to mail each response is estimated at 53¢ (50¢ stamp plus 03¢ for the envelope); each beneficiary will receive a mailed response. Responses mailed to beneficiaries will have a respondent cost of \$3,223 (6,081 x 53¢ = \$3,222.93).

Of the 6,081 responses that will be sent to DCMWC, it is estimated that 20% will be submitted electronically through the COAL Mine Portal (6,081 x 20% = 1,216). The estimated savings of the forms submitted through the COAL mine portal is \$644.58 (1,216 x 53¢=\$644.58). The remaining 4,865 responses will be mailed to DCMWC with a respondent cost of \$2,577.39 (4,865 x 53¢ = \$2,577.39). Therefore, the total respondent cost is \$ 2,578.35 (\$3,222.93-\$644.58=\$2,578.35, \$2,578 rounded).

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), 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.

With the implementation of the Artificial Intelligence (AI) system, the cost for the Federal Government is estimated to decrease significantly. Out of the 6,081 responses DCMWC receives, 5,168 are expected to be automatically reviewed.

The estimated processing cost of the 913 remaining forms, is figured at \$40.84 for one CE (GS-12/04) spending about 15 minutes evaluating one form. (The Salary Table 2021-GS was used for the hourly wages.) https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS_h.pdf

913 x .25= 228 hours
\$40.84 x 228=\$9,331.52

Total cost: \$9,331.52

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

Annual number of responses are higher due to an increase of actual claims paid by ROs.

Specific Changes Made to OWCP Form CM-908:

Page 1 – Section 5. Remove “Increased” box replaced with “Increased-Yearly Rate Change”

Page 1 Section 5. Add box “Increased-Other Reason”

Page 1 – Section 6. Remove “Reasons why action taken:” replace with “Reasons why action taken (required regardless of selection on #5):”

EXPLANATION OF CHANGE TOTALS

Respondents: The number of respondents remained the same.

The following also increased due to an increase in number of forms received/responses.

Responses: Responses have increased from 4,900 to 6,081.

Burden Hours: Burden hours have increased from 980 to 1,216.

Costs: Annual burden costs have increased from \$2,078 to \$2,578.

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 INFORMATION EMPLOYING STATISTICAL METHODS.

Statistical methods are not used in these collections of information.