SUPPORTING STATEMENT FOR

Claim Adjudication Process for the Alleged Presence of Pneumoconiosis

OMB CONTROL NO. 1240-0023

This Information Collection Request (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 Black Lung Benefits Act, 30 U.S.C. 901 et seq., provides benefits to coal miners who are totally disabled by black lung disease arising out of coal mine employment, and certain dependents and survivors. When a miner applies for benefits, the Division of Coal Mine Workers' Compensation (DCMWC) is required, at DCMWC's expense, to give the miner an opportunity to undergo a complete pulmonary evaluation, including a chest radiograph (X-ray), physical examination, pulmonary function tests (also known as spirometry), and arterial blood gas study. 30 U.S.C. 923(b); 20 CFR 718.101, 725.406. The results of the complete pulmonary examination, along with other medical and employment information, are used to determine whether the miner is totally disabled due to black lung disease caused by coal mine employment. 20 CFR 718.202, 718.204. As discussed below, Forms CM-933, 933b, 988, 1159, and 2907 are used by physicians to report the results of these diagnostic tests to the Department of Labor (DOL).

Roentgenographic Interpretation (Form CM-933) - One component of the complete pulmonary examination is the chest x-ray. The results of the x-ray may be used to establish the presence of pneumoconiosis, a criterion for entitlement to benefits. Form CM-933 is used to report the physician's findings. It is designed to reflect the criteria for the administration, reporting, and interpretation of x-rays set forth in 20 CFR 718.102 and 20 CFR Part 718 Appendix A.

Roentgenographic Quality Rereading (Form CM-933b) - Since the regulations require that the x-ray should be of suitable quality for proper classification of pneumoconiosis, 20 CFR 718.102(a), once a diagnostic x-ray is received with the accompanying interpretation form (Form CM-933), the x-ray is sent to another physician for a quality reread to ensure that the x-ray is of acceptable quality. The quality of the x-ray is indicated on the CM-933b.

Medical History and Examination for Coal Mine Workers' Pneumoconiosis (Form CM-988) - A complete pulmonary examination also includes a physical examination, the results of which may establish the following elements of entitlement: the presence of pneumoconiosis; total disability; and the causal relationship between the miner's coal mine employment, pneumoconiosis, and

disability. The CM-988 provides all information concerning the physical examination required by DCMWC and is designed to reflect the criteria in 20 CFR 718.104 for completion of the physical examination report.

Report of Arterial Blood Gas Study (Form CM-1159) - The arterial blood gas study is another component of the complete pulmonary examination. The arterial blood gas study may be used to establish total disability, a criterion for entitlement. 20 CFR 718.204(b)(2)(ii). 20 CFR 718.105 and 20 CFR Part 718 Appendix C set forth criteria for performing and reporting blood gas studies. This form was designed to conform to those standards.

Pulmonary Function Tests (Form CM-2907) formerly known as Report of Ventilatory Study - This form is used to report the results of the spirometry or pulmonary function tests. The results of the test may be used to establish total disability, a criterion for entitlement. 20 CFR 718.204(b)(2)(i). 20 CFR 718.103 and 20 CFR Part 718 Appendix B set forth specific standards governing performance of the test. This form was designed to conform to those standards.

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 medical provider completes the forms and submits them with the appropriate documentation. DCMWC's claims staff reviews the completed forms along with other medical and employment information to determine if the results indicate that the miner meets the eligibility criteria for black lung benefits.

Roentgenographic Interpretation (Form CM-933) and Roentgenographic Quality Rereading (Form CM-933b) - The CM-933 is sent to a physician authorized to perform diagnostic x-rays for the Department. The physician completes the form and submits it with the actual x-ray film or digital image. The claims staff then partially completes the CM-933b and sends it with the x-ray to a qualified physician (a "B-reader") who rereads the x-ray for quality and records his or her interpretation on the CM-933b.

The completed forms are evaluated to determine whether the miner has pneumoconiosis. If this information were not gathered, important evidence that could establish the existence of the disease would be unavailable to the claims staff.

Medical History and Examination for Coal Mine Workers' Pneumoconiosis (Form CM-988, CM-988a Instructions) - The form is sent to a physician authorized to perform the physical examination for the Department. The completed form is evaluated by the claims staff for the purpose of determining the existence of pneumoconiosis, the presence of total disability, and the causal relationship between the miner's coal mine employment, pneumoconiosis, and disability.

Report of Arterial Blood Gas Study (Form CM-1159) - The form is sent to and completed by physicians authorized to perform diagnostic arterial blood gas studies. The completed report together with the original medical documentation is reviewed by the claims staff to determine if

the results establish total disability. If this information were not gathered, determinations on total disability could not be made using this test.[1]

Pulmonary Function Tests (Form CM-2907) - The form is sent to and completed by physicians authorized to perform the ventilatory test. The actual tracings, including the flow-volume loop, must be returned with the completed form. Claims staff review the completed report and the tracings to determine if they establish total disability. If this information were not gathered, determinations on total disability could not be made using this test.

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.

All forms are available for on-screen filling and/or downloading from the Division of Coal Mine Workers' Compensation (DCMWC) web site. The forms are available at http://www.dol.gov/owcp/dcmwc/regs/compliance/blforms.htm.

All forms can be mailed or submitted electronically to the COAL Mine Portal. https://coalmine.dol.gov/

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 approved form used by DCMWC.

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

Collection of this information does not impact small businesses because the authorized medical providers that complete these forms are reimbursed for the services provided.

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.

Information for Forms CM-933, CM-933b, CM-988, CM-1159 and CM-2907 are collected once per claim: to report the results of a complete pulmonary evaluation. DCMWC is required to offer a complete pulmonary evaluation to miner applicants. If the collection was not done, DCMWC would not be able to comply with that statutory requirement. 30 U.S.C. 923(b).

[1] Blood gas studies and spirometry studies measure different aspects of pulmonary function.

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 conducting 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.

A Federal Register Notice inviting public comment was published on 05/26/2026 (91 FR 30727). No comments were received.

DCMWC consulted with two internal and one external representative regarding this information collection request. DCMWC asked these contacts for feedback on burden estimates. The internal stakeholders, as well as the external stakeholder, agreed that the time to complete the proposed CM-988 (Medical History and Examination for Coal Mine Workers' Pneumoconiosis) should increase from 40 minutes to one hour. DCMWC is proceeding with this change to calculate 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
Cecile XXX	Physician, National Jewish Health Organization	XXX	XXX
Danielle XXX	Claims Examiner, Policy Analyst, Branch of Policy Analysis and Program Standards	XXX	XXX

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 Systems of Records, DOL/OWCP-2 and DOL/OWCP-9, published at 81 Federal Register 25765, 25858, 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.

There are no questions of a sensitive nature on 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 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.**[2]

- **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 13.**

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

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	Monetized Value of Respondent Time
CM-933	7,500	1	7,500	0.0833 (5 min)	625 (rounded)	$126.31	$78,943.75
CM-933b	7,500	1	7,500	0.05 (3 min)	375	$126.31	$47,366.25
CM-988	7,500	1	7,500	(60 min)	7,500	$126.31	$957,325
CM-1159	7,500	1	7,500	0.25 (15 min)	1,875	$126.31	$236,831.25
CM-2907	7,500	1	7,500	0.1667 (10 min)	1,250 (rounded)	$126.31	$157,887.50
unduplicated	7,500	5	37,500		11,625	$126.31	$1,468,353.75

The estimated annualized cost to respondents to provide this information is $1,468,354 (rounded) (11,625 hours x $126.31 per hour = $1,468,353.75). This hourly wage for physicians (General Internal Medicine Physicians) is taken from the May 2024 National Occupational Employment and Wage Estimates, published by the Bureau of Labor Statistics (https://www.bls.gov/oes/current/oes291216.htm.)

The BLS occupational category 29-1216 for General Internal Medicine Physicians is appropriate because most physicians who perform black lung testing are board-certified in internal medicine.

Any estimated annualized cost to respondents for providing the requested information is offset by direct payment to the respondent for the usual and customary cost for the medical testing and reports. DCMWC is required to offer a complete pulmonary evaluation to every miner claimant at DCMWC's expense. DCMWC pays the physician for the medical tests, examinations, and for other expenses, including mailing charges. The physician reports these test results on the appropriate forms.

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.**

Because all costs including mailing and handling are reimbursed, there are no operation and maintenance costs to the respondents.

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.

The estimated annualized cost to DCMWC is $10,179,342, which includes costs associated with mailing and processing the 37,500 forms annually, plus the cost of the test procedures. The testing costs include the professional fees charged by the examining physician or, in the case of the CM-933 and CM-933b, by the radiologist. The DOL processing cost reflects the cost for a GS-12 Step 5 employee, or $48.61 per hour. (This figure is taken from the Office of Personnel Management's 2026 General Schedule, found here: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/RUS_h.pdf

Due to the increase in responses from 21,500 to 37,500, this cost estimate is higher than the current collection. The annualized cost to respondents in Item 12 is included as part of DCMWC's cost because physicians are paid a fee by the Department of Labor for each test they perform.

DCMWC's costs were as follows:

Mailing $269,250
37,500 x $7.18= $269,250

CM-933 $622,581
The cost for an average annual usage of 7,500 forms is estimated as follows:

Cost of testing (7,500 x $78.96) $592,200
Processing $30,381
GS-12/5 spends five minutes processing each form
(5/60) x 7,500 x $48.61 = $30,381 ($30,381.25 rounded down)

CM-933b $221,779
The cost for an average annual usage of 7,500 forms is estimated as follows:

Cost of testing (7,500 x $27.14) $203,550
Processing $21,145
GS-12/5 spends three minutes processing each form
(3/60) x 7,500 x $48.61 = $18,229 ($18,228.75 rounded up)

CM-988 $5,263,050
The cost for an average annual usage of 7,500 forms is estimated as follows:

Cost of testing (7,500 x $653.13) = $4,898,475
Processing $364,575

A GS-12/5 spends one hour processing each form
(1 hour) x 7,500 x $48.61 = $ 364,575 ($364,575)

CM-1159 $1,960,294
The cost for an average annual usage of 7,500 forms is estimated as follows:

Cost of testing (7,500 x $249.22) = $1,869,150
Processing $91,144
GS-12/5 spends fifteen minutes processing each form
(15/60) x 7,500 x $48.61 = $91,144 ($91,143.75 rounded up)

CM-2907 $1,842,388
The cost for an average annual usage of 7,500 forms is estimated as follows:

Cost of testing (7,500 x $237.55) = $1,781,625
Processing $60,763
GS-12/5 spends ten minutes processing each form
(10/60) x 7,500 x $48.61 = $60,763 ($60,762.50 rounded up)

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

EXPLANATION OF CHANGE TOTALS

Respondents: The number of respondents increased from 4,300 to 7,500. The number of respondents increased due to an increase in claims filed.

Responses: Responses have increased from 21,500 to 37,500 due to an increase in number of forms received/responses.

Burden Hours: Burden hours increased from 5,232 to 11,625 due to increase in responses and an increase to the burden time to complete the proposed CM-988.

Costs: Annual burden costs remain $0 since the Department of Labor pays a flat fee for mailing and handling and there are no operation and maintenance costs.

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.