

Dated: May 29, 2008.

**Hazel M. Bell,**

*Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning Employment Standards Administration.*

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**DEPARTMENT OF LABOR**

**Employment Standards Administration**

**Proposed Extension of the Approval Information Collection Requirements**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning its proposal to extend OMB approval of the information collection: Certificate of Medical Necessity (CM-893). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before August 4, 2008.

**ADDRESSES:** Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, e-mail [bell.hazel@dol.gov](mailto:bell.hazel@dol.gov). Please use only one method of transmission for comments (mail, fax, or e-mail).

**SUPPLEMENTARY INFORMATION:**

*I. Background:* The Office of Workers' Compensation Programs administers the Federal Black Lung Workers' Compensation Program. The enabling regulations of the Black Lung Benefits Act, at 20 CFR 725.701, establishes miner eligibility for medical services and supplies for the length of time

required by the miner's condition and disability. 20 CFR 706 stipulates there must be prior approval before ordering an apparatus where the purchase price exceeds \$300.00. 20 CFR 725.707 provides for the ongoing supervision of the miner's medical care, including the necessity, character and sufficiency of care to be furnished; gives the authority to request medical reports and indicates the right to refuse payment for failing to submit any report required. Because of the above legislation and regulations, it was necessary to devise a form to collect the required information. The CM-893, Certificate of Medical Necessity is completed by the coal miner's doctor and is used by the Division of Coal Mine Worker's Compensation to determine if the miner meets impairment standards to qualify for durable medical equipment, home nursing, and/or pulmonary rehabilitation. This information collection is currently approved for use through December 31, 2008.

*II. Review Focus:* The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*III. Current Actions:* The Department of Labor seeks the approval for the extension of this currently approved information collection in order to carry out its responsibility to determine the eligibility for reimbursement of medical benefits to Black Lung recipients.

*Type of Review:* Revision.

*Agency:* Employment Standards Administration.

*Title:* Certificate of Medical Necessity.

*OMB Number:* 1215-0113.

*Agency Number:* CM-893.

*Affected Public:* Individuals or households; Business or other for-profit, Not-for-profit institutions.

*Total Respondents:* 3,200.

*Total Annual Responses:* 3,200.  
*Estimated Total Burden Hours:* 1,253.  
*Time per Response:* 20 to 40 minutes.  
*Frequency:* On occasion.  
*Total Burden Cost (capital/startup):*

\$0.

*Total Burden Cost (operating/maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

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**MERIT SYSTEMS PROTECTION BOARD**

**Agency Information Collection Activities; Proposed Collection**

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Notice.

**SUMMARY:** The U.S. Merit Systems Protection Board (MSPB) is requesting approval from the Office of Management and Budget (OMB) to conduct a new information collection activity. Before submitting the Information Collection Request (ICR) to OMB for review and approval, MSPB is soliciting comments on aspects of the proposed information collection including the public reporting burden in compliance with the Paperwork Reduction Act (PRA). In this regard we are soliciting comments on the public reporting burden. The reporting burden for the collection of information on this form is estimated to average 20 minutes per respondent, including time for reviewing instructions and completing the survey. In addition, the MSPB invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of MSPB's functions, including whether the information will have practical utility; (2) the accuracy of MSPB's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the