

## SUPPORTING STATEMENT

### ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT FORMS (VARIOUS)

OMB NO. 1215-0197

1. The Office of Workers' Compensation Programs (OWCP) is the primary agency responsible for the administration of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended (EEOICPA or Act), 42 U.S.C. § 7384 *et seq.* The Act provides for timely payment of compensation to covered employees and, where applicable, survivors of such employees, who sustained either "occupational illnesses" or "covered illnesses" incurred in the performance of duty for the Department of Energy and certain of its contractors and subcontractors. The Act sets forth eligibility criteria for claimants for compensation under Part B and Part E of the Act, and outlines the various elements of compensation payable from the Fund established by the Act.

The following sections of the regulations implementing the Act contain currently approved information collection requirements in OMB Control No. 1215-0197: 20 CFR 30.100, 30.101, 30.102, 30.103, 30.111, 30.112, 30.113, 30.114, 30.206, 30.207, 30.212, 30.213, 30.214, 30.215, 30.221, 30.222, 30.226, 30.231, 30.232, 30.415, 30.416, 30.417, 30.505, 30.620, 30.806, 30.905 and 30.907. This ICR seeks to revise No. 1215-0197 by adding two new information collection requirements. One new requirement is found in § 7385s-11 of the Act, and will be implemented with the new Form EE-13. The other new information collection requirement (Form EE-12) will be implemented using the existing requirements in No. 1215-0197.

The information collections in this ICR collect demographic, factual and medical information needed to determine entitlement to benefits under the EEOICPA. Before benefits may be paid, the case file must contain medical and employment evidence showing the claimant's eligibility. The various collections in this ICR and the purpose of each are listed below:

EE-1 -- Used to file a claim under Part B and/or E of EEOICPA, and is to be completed by the living current or former employee. It requests information about the illness or illnesses being claimed, and information about tort suits, settlements or awards in litigation, state workers' compensation benefits, and fraud convictions that impact entitlement. Also available in Spanish. (20 CFR 30.100, 30.103, 30.505 and 30.620)

EE-2 -- Used by the survivor of a deceased employee to file a claim under Parts B and/or E of EEOICPA. It requests information on both the survivor and the deceased employee. It also requests information about illnesses, tort suits, settlements or awards in

litigation, state workers' compensation benefits, and fraud convictions that impact entitlement. Also available in Spanish. (20 CFR 30.101, 30.103, 30.505 and 30.620)

EE-3 -- Used to gather factual information about the employee's work history. Also available in Spanish. (20 CFR 30.103, 30.111, 30.113, 30.114, 30.206, 30.212, 30.214, 30.221 and 30.231)

EE-4 -- Used to support the claimed employment history (supplied by the employee or survivor) by affidavit. Also available in Spanish. (20 CFR 30.103, 30.111, 30.113, 30.114, 30.206, 30.212, 30.214, 30.221 and 30.231)

EE-5A -- Used to collect supplemental employment evidence from claimants to substantiate periods of unverified employment. There is no standard form or format for the submission of this information. For purposes of identification only, this requirement has been designated the "EE-5A." (20 CFR 30.112)

EE-5B - Used to collect information from current and former contractors of DOE to substantiate periods of unverified employment. There is no standard form or format for the submission of the information. This requirement is currently approved in OMB Control No. 1215-0199. For purposes of identification only, this requirement has been designated the "EE-5B." (20 CFR 30.106)

EE-7 -- Informs an employee, survivor or physician of the medical evidence needed to establish a diagnosis of an "occupational illness" under Part B or a "covered illness" under Part E of EEOICPA. Also available in Spanish. (20 CFR 30.103, 30.207, 30.215, 30.222, 30.232(a) and (b), 30.415, 30.416 and 30.417)

EE-7A -- Required when an injury, illness, or disability is sustained as a consequence of an "occupational illness" under Part B or a "covered illness" under Part E of EEOICPA. There is no standard form or format for the submission of this medical information. For purposes of identification only, this requirement has been designated the "EE-7A." (20 CFR 30.207, 30.215, 30.222, 30.226 and 30.232(c))

EE-7B -- Required to support a claim from a covered Part E employee for permanent impairment due to an accepted "covered illness" under Part E. There is no standard form or format for the submission of this medical information. For purposes of identification only, this requirement has been designated the "EE-7B." (20 CFR 30.905 and 30.907)

EE-8 -- Letter to claimant, sent with enclosure EN-8, used to obtain information on the employee's smoking history when lung cancer due to radiation is claimed. Guidelines issued by HHS require OWCP to ask for information regarding the employee's

smoking history before OWCP can determine the probability of causation for radiogenic lung cancer. (20 CFR 30.213)

EE-9 -- Letter to claimant, sent with enclosure EN-9, used to obtain information concerning the race or ethnicity of the employee when radiogenic skin cancer is claimed. Guidelines issued by HHS require OWCP to ask for this particular information regarding the employee's race/ethnicity before OWCP can determine the probability of causation for radiogenic skin cancer. (20 CFR 30.213)

EE-10 -- Used by a covered Part E employee who has received an award for wage-loss and/or impairment due to a "covered illness" to claim for a subsequent calendar year of wage-loss and/or any additional impairment. It requests information needed to support a claim for an additional award. (20 CFR 30.102, 30.103, 30.505)

EE-10A -- Used to collect alternative evidence of wages from a covered Part E employee for an initial claim for wage-loss due to an accepted "covered illness" under Part E. There is no standard form or format for the submission of this wage information. For purposes of identification only, this requirement has been designated the "EE-10A." (20 CFR 30.806)

EE-12 -- Letter to covered Part B and E employees receiving medical benefits, sent with enclosure EN-12, used to collect updated information about settlements or awards in litigation and state workers' compensation benefits that impact continuing entitlement. (20 CFR 30.100 and 30.505)

EE-13 - Letter to state workers' compensation authorities, sent with enclosure EN-13, used to identify covered Part E employees receiving medical benefits who have also been award state workers' compensation for their covered illnesses. (42 USC 7385s-11)

EE-20 -- Letter to claimant, sent with enclosure EN-20, used to obtain financial information necessary to pay approved claims under Part B or Part E of EEOICPA. (20 CFR 30.505 and 30.620)

In addition to the above reporting requirements, the Form EE-5 is sent to the Department of Energy (DOE) and is used to verify the alleged employment history submitted by the claimant. The EE-5 is a verification document only. The DOE reviews employment information in its files to verify the information. This form is not a public use form and no burden has been assigned. A copy of the form is included in this ICR for informational purposes only.

2. The information collected by these forms is used by claims examiners in OWCP to determine eligibility for compensation. The information, with the medical evidence and other supporting documentation, is used to determine whether or not the claimant

is entitled to compensation under Part B and/or E of EEOICPA.

3. In accordance with the Government Paperwork Elimination Act, the current Forms EE-1, EE-2, EE-3 and EE-4 (both English and Spanish versions) are electronically interactive and are posted on the Internet at <http://www.dol.gov/esa/regs/compliance/owcp/eoicp/claimsforms.htm>. A claimant may complete the form online and submit a digitally signed version, or print out a paper copy and mail it to OWCP. Once the revision to No. 1215-0197 is approved, the currently posted versions of these forms will be replaced with revised versions.

The EE-5A, EE-5B, EE-7, EE-7A, EE-7B and EE-10A are non-form collection requirements and do not have "form" to be posted on the Internet. The EE-5 isn't a form subject to GPEA, and the EE-20 requires an original signature for audit purposes, so they are also not posted on the Internet. Forms EE-10 and EE-12 is sent to only approved claimants at a particular time and at a particular stage in the claims adjudication process, so it is impractical for OWCP to make this form electronically interactive since doing so would likely lead to its use by respondents who have no legal basis to claim for the benefits claimed with the EE-10. The EE-13 is sent to state workers' compensation authorities and is accompanied by Privacy Act information; therefore it is impractical for OWCP to make this form electronically interactive. And finally, the EE-8 and EE-9 are claims development letters, generated by claims examiners, and are contained in OWCP's word processing software.

4. The information requested in these collections is not duplicative of any information available elsewhere. The claimants, their survivors, their employers, others knowledgeable about their employment, their physicians and state workers' compensation authorities are the only sources of the required information.

5. The information collections have been streamlined to obtain the necessary information while imposing the minimum burden on the respondent. They impose a burden on individuals, rather than small businesses or other small entities. The EE-7, EE-7A and EE-7B do not impose any additional burden on small businesses or other small entities since providing medical evidence is part of medical providers' usual business practices. The information collections in No. 1215-0197 do not have a significant economic impact on a substantial number of small businesses.

6. If this information were not collected, or were collected less frequently, OWCP would be unable to properly provide compensation to EEOICPA claimants. If compensation were paid in the absence of full information, there would be numerous incorrect payments.

7. There are no special circumstances for the collection of this information.

8. Comments concerning the information collection requirements being added to No. 1215-0197 in this revision were solicited in a Federal Register notice published on \*\*\*\*\*, 2007. No comments were received.

9. No payment or gift is provided to a respondent, other than compensation payments.

10. The information collected by No. 1215-0197 is protected under the Privacy Act in the system of records known as DOL/ESA-49.

11. There are no questions of a sensitive nature contained in No. 1215-0197.

12. The chart below shows the projected burden hours based on a total estimated number of claims filed annually of 21,042. Burden hour estimates have been derived from actual respondent usage of these forms for FY2006.

<u>Require-</u> <u>ment</u>	<u>Time To</u> <u>Complete</u>	<u>Freq.</u> <u>of Resp.</u>	<u>Number of</u> <u>Respondents</u>	<u>Number of</u> <u>Responses</u>	<u>Hours</u> <u>Burden</u>
EE-1	17 min.	1	6,711	6,711	1,899
EE-2	21 min.	1	14,331	14,331	2,349
EE-3	60 min.	1	16,748	16,748	1,675
EE-4	30 min.	1	4,187	4,187	2,094
EE-5A	30 min.	1	2,884	2,884	1,442
EE-5B	30 min.	20	25	500	250
EE-7	15 min.	1	16,748	16,748	4,187
EE-7A	15 min.	1	2,311	2,311	578
EE-7B	15 min.	1	1,103	1,103	276
EE-8	5 min.	1	968	968	81
EE-9	5 min.	1	826	826	69
EE-10	5 min.	1	100	100	8
EE-10A	30 min.	1	37	37	19
EE-12	20 min.	1	4,000	4,000	1,320
EE-13	16 hrs.	1	51	51	48,960
EE/EN-20	5 min.	1	<u>7,557</u>	<u>7,557</u>	<u>6,295</u>
TOTALS			78,587	79,062	71,502

The requirements have a total respondent burden hour estimate of 71,502. Using the current national average hourly earnings of \$16.22 from the Bureau of Labor Statistics, the respondent cost estimate for these requirements is \$1,159,762 (71,502 x \$16.22 = \$1,159,762).

13. There are no recordkeeping or collection costs associated with the factual information collected on the EE-1, EE-2, EE-3, EE-4, EE-5A, EE-5B, EE-8, EE-9, EE-10, EE-10A, EE-12 or EE-20. Since the medical and factual information requested by the EE-7, EE-7A, EE-7B and EE-13 is kept as a usual and customary business practice, there is no additional recordkeeping or collection cost associated with those requirements. We anticipate that the medical examination requirement for a consequential injury represented by the EE-7A will continue to almost always result in a finding by OWCP that the consequential injury is compensable. We also anticipate that the impairment evaluation requirements represented by the EE-7B will, in nearly all cases, meet the criteria needed for payment set out in the regulations. For these reasons, we have added no operation and maintenance costs for these requirements. The only operation and maintenance cost in No. 1215-0197 is for mailing. An estimated 50 percent of the EE-1 and EE-2 forms will involve mailing costs; the remainder will be completed and submitted with no mailing costs at a DOL resource center. The EE-3 form always accompanies the EE-1 or EE-2, therefore not requiring separate mailing. An estimated annual total of 51,793 mailed responses at \$.39 + \$.03 (postage + envelope) per response = \$21,753.

14. Federal Cost Estimate:

Review Costs:

<u>Requirement</u>	<u>Time to Review</u>	<u>Total Responses</u>	<u>Reviewer (GS-11/4 Hourly*)</u>	<u>Cost</u>
EE-1	5 min.	6,711	\$27.89	\$15,591.24
EE-2	5 min.	14,331	\$27.89	\$33,294.31
EE-3	15 min.	16,748	\$27.89	\$116,775.43
EE-4	15 min.	4,187	\$27.89	\$29,193.86
EE-5A	10 min.	2,884	\$27.89	\$13,673.91
EE-5B	10 min.	500	\$27.89	\$2,370.65
EE-7	15 min.	16,748	\$27.89	\$116,775.43
EE-7A	15 min.	2,311	\$27.89	\$16,113.45
EE-7B	15 min.	1,103	\$27.89	\$ 7,690.67
EE-8	3 min.	968	\$27.89	\$1,349.88
EE-9	3 min.	826	\$27.89	\$1,151.86
EE-10	5 min.	100	\$27.89	\$2,323.24
EE-10A	10 min.	37	\$27.89	\$1,754.28
EE-12	5 min.	4,000	\$27.89	\$9,259.48
EE-13	8 hrs.	51	\$27.89	\$11,379.12
EE/EN-20	5 min.	7,557	\$27.89	\$17,556.70

\*Using Salary Table 2006-RUS

Total number of responses (annually)..79,062  
 Total time to review.....13,970 Hours  
 Total Review Cost.....\$396,254

Printing.....\$1,000  
Mailing (forms are submitted to the  
Federal government; there is potential  
Federal postage cost for EE-20).....\$3,174  
Total Federal Cost.....\$400,428

15. Since the addition of the new requirements implemented using the new EE-12 and EE-13 are due to OMB directives, there is a program change of +50,280 in burden hours. Due to the slight reduction in the number of claimants, there is also an adjustment of -20,156 in burden hours.

16. Data collected with these forms will not be published.

17. The forms will display the OMB number and expiration date.

18. There are no exceptions to certification.