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United States General Accounting Office
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January 2, 2003

The Honorable Edward M. Kennedy
Chairman
The Honorable Judd Gregg
Ranking Minority Member
Committee on Health, Education, Labor, and Pensions
United States Senate

The Honorable F. James Sensenbrenner
Chairman
The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
House of Representatives

Subject: *Department of Labor, Office of Workers' Compensation Programs:
Performance of Functions Under This Chapter; Claims for Compensation
Under the Energy Employees Occupational Illness Compensation Program
Act of 2000, as Amended*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Labor (DOL), Office of Workers' Compensation Programs, entitled "Performance of Functions Under This Chapter; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as Amended" (RIN: 1215-AB32). We received the rule on December 26, 2002. It was published in the Federal Register as a final rule on December 26, 2002. 67 Fed. Reg. 78874.

The final rule governs the administration of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). It provides lump-sum payments and medical benefits to covered employees of the Department of Energy, its predecessor agencies, and certain of its vendors, contractors, and subcontractors and, where applicable, survivors of such employees. The EEOICPA also provides for the payment of smaller lump-sum payments and medical benefits to individuals already found eligible for benefits under section 5 of the Radiation Exposure Compensation Act and, where applicable, their survivors.

Enclosed is our assessment of the DOL's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the DOL complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Cindy Fagnoni, Managing Director, Education, Workforce, and Income Security. Ms. Fagnoni can be reached at (202) 512-7215.

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: Shelby Hallmark
Director, Office of Workers'
Compensation Programs
Department of Labor

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF LABOR,
OFFICE OF WORKERS' COMPENSATION PROGRAM
ENTITLED
"PERFORMANCE OF FUNCTIONS UNDER THIS CHAPTER;
CLAIMS FOR COMPENSATION UNDER THE
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM ACT OF 2000, AS AMENDED"
(RIN: 1215-AB32)

(i) Cost-benefit analysis

The Department of Labor estimates that the costs of the benefits under the final rule and its administrative costs (in millions of dollars) are as follows:

<u>Fiscal Year</u>	<u>Benefits</u>	<u>Administration</u>
2002	\$769	\$136
2003	758	100
2004	578	55
2005	353	50
2006	250	33

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The Assistant Secretary for Employment Standards has certified that the final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The final rule does not contain either an intergovernmental or private sector mandate, as defined in title II, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The final rule follows the publication of an interim final rule with a request for comments on May 25, 2001 (66 Fed. Reg. 28948). The comments received in response are discussed in the preamble to the final rule.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains information collections that are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. Most of the collections were submitted and approved in connection with the earlier interim final rule. However, there are three new information collections contained in the final rule, which are being submitted to OMB for approval. Public comments are requested on the information collections.

Statutory authorization for the rule

The final rule is promulgated pursuant to the authority contained in section 3611 of the Energy Employees Occupational Illness Compensation Program Act (Public Law 106-398, October 30, 2000) and Executive Order No. 13179.

Executive Order No. 12866

The final rule was reviewed by OMB and found to be an “economically significant” regulatory action.

Executive Order No. 13132 (Federalism)

DOL has reviewed the final rule under the order and found it does not have federalism implications.