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Washington, DC 20548

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B-299341

January 11, 2007

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

The Honorable John Conyers  
Chairman  
The Honorable Lamar Smith  
Ranking Minority Member  
Committee on the Judiciary  
House of Representatives

Subject: *Department of Labor, Office of Workers' Compensation Programs:  
Performance of Functions; 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; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as Amended" (RIN: 1215-AB51). We received the rule on December 29, 2006. It was published in the Federal Register as a final rule on December 29, 2006. 71 Fed. Reg. 78520.

The rule finalizes, based on the comments received, an interim final rule published on June 8, 2005 (70 Fed. Reg. 33590). The rule provided for compensation payable under the Energy Employees Occupational Illness Compensation Program Act of 2000.

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 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.

signed

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 PROGRAMS  
ENTITLED  
"PERFORMANCE OF FUNCTIONS; CLAIMS FOR COMPENSATION  
UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS  
COMPENSATION PROGRAM ACT OF 2000, AS AMENDED"  
(RIN: 1215-AB51)

(i) Cost-benefit analysis

DOL performed a cost-benefit analysis of the final rule that resulted in the following estimates of the aggregate cost of benefits and administrative costs (in millions of dollars):

	<u>Administrative Costs</u>	<u>Benefits</u>
FY 2007	\$162	\$1,123
FY 2008	\$163	\$ 861
FY 2009	\$147	\$ 752
FY 2010	\$127	\$ 656
FY 2011	\$111	\$ 579

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

DOL 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 have 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 and its predecessor, an interim final rule with request for comments, were issued pursuant to the notice and comment provisions of 5 U.S.C. 553. In

response to the interim rule, DOL received 533 timely comments, which are discussed in the preamble to the final rule.

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

The final rule contains numerous information collections that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. All of the collections have been approved by OMB except for two. DOL is submitting the required information for review and approval and requesting comments from the public.

Statutory authorization for the rule

The final rule is promulgated under the authority found at 5 U.S.C. 301, 8145, and 8149 and 42 U.S.C. 734d and 7385s-10.

Executive Order No. 12866

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

Executive Order No. 13132 (Federalism)

The final rule does not have federalism implications under the order.