

SUPPORTING STATEMENT FOR ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT FORMS

OMB CONTROL NO. 1240-0002

This Information Collection Request (ICR) seeks a revision to this collection. This revision is due to the current collection expiring in May 2025, and three of the forms are being consolidated into a single form.

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 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 payment of compensation to covered employees and, where applicable, survivors of deceased employees, who sustained either "occupational illnesses" or "covered illnesses" in the performance of duty for the Department of Energy (DOE) 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 EEOICPA contain currently approved information collection requirements in OMB Control No. 1240-0002: 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, 30.403, 30.415, 30.416, 30.417, 30.505, 30.620, 30.807(b), 30.905 and 30.907. OMB Control No. 1240-0002 also currently contains the information collection requirement found in the Act at 42 U.S.C. § 7385s-11. Based on OWCP's experience derived from the claim adjudication process, Form EE-7 (which is informational only) will be retired, and the information collection requirements for it will be combined with the existing non-form collection referred to as the EE-7A. Also, OWCP has decided to retire and combine the requests for impairment and wage-loss benefits under Part E of EEOICPA made with Forms EE/EN-11A and EE/EN-11B, respectively, with the existing Form EE-10, which will also account for the unique information collection requirements for those two retired forms.

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, using the regulatory and statutory citations noted above:

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 Part 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 information about the employee's work history. Also available in Spanish. (20 CFR 30.103, 30.111, 30.113, 30.114, 30.206, 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, 30.206, 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 DOE contractors to substantiate periods of unverified employment. There is no standard form or format for the submission of the information. For purposes of identification only, this requirement has been designated the "EE-5B." (20 CFR 30.106)

EE-7A – Used to collect medical evidence in support of claimed "occupational" and "covered" illnesses compensable under EEOICPA, including injuries, illnesses, or disability sustained as a consequence of either an "occupational" illness or a "covered" illness. 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 30.103, 30.207, 30.215, 30.222, 30.226, 30.232, 30.415, 30.416 and 30.417)

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 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 to file an initial claim for impairment and/or wage-loss benefits, or to file for subsequent calendar years of claimed wage-loss and/or any additional impairment, and to collect the required factual and medical evidence needed to support the claim. (20 CFR 30.102, 30.103, 30.505, 30.114(b)(3), 30.807(b), 30.905 and 30.907).

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 awarded state workers' compensation for their covered illnesses. (42 USC 7385s-11)

EE-16 – Letter to claimant, sent with enclosure EN-16, used to verify/obtain updated information about tort suits, settlements or awards in litigation, state workers' compensation benefits, and fraud convictions that impact entitlement immediately prior to issuance of a recommended decision on the claim. (20 CFR 30.505 and 30.620)

EE-17A – Used by a covered Part B employee or a covered Part E employee who has been awarded medical benefits for treatment of an "occupational illness" or a "covered illness" to make an initial claim for home health care, nursing home, or assisted living benefits. It requests the name, address and telephone numbers of the covered Part B employee's or covered Part E employee's treating physician. (20 CFR 30.403)

EE-17B – Request to the treating physician selected by the covered Part B employee or covered Part E employee for medical information needed to support an initial claim for home health care, nursing home, or assisted living benefits. It asks for the date the physician conducted the required face-to-face examination of the covered Part B employee or covered Part E employee, and the Letter of Medical Necessity needed to support the claim. (20 CFR 30.403)

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, Form EE-5 is sent to DOE and is used to verify the alleged employment history submitted by the claimant. The EE-5 is a verification document only. 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. 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 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 the claimant is entitled to compensation under Part B or Part E of EEOICPA, and the amount of that compensation.

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 for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

In accordance with the Government Paperwork Elimination Act, the currently approved Forms EE-1, EE-2, EE-3 and EE-4 are fillable and are posted on the Internet at https://www.dol.gov/agencies/owcp/energy/regs/compliance/claim_forms. Claimants may choose to complete the form(s) online and print out a paper copy and mail it to OWCP. Alternatively, claimants may submit these forms electronically to OWCP or may contact one of OWCP's Resource Centers by telephone, have the staff fill in the form(s) for them and mail it to them for submission, or they may choose to visit one of the Resource Centers in person and submit their form(s) directly.

The EE-5A, EE-5B, and EE-7A are non-form collection requirements and do not have a "form" to be posted on the Internet. The Form EE-5 is not a "public" form subject to GPEA, and Forms EE-10, EE-12, EE-16, EE-17A, EE-17B and EE-20 are only sent to respondents at a particular time and at a particular stage in the claims adjudication process, so it is impractical for OWCP to make these forms fillable and to post them on the Internet since doing so would likely lead to their improper use by respondents. The Form 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 Forms EE-8 and EE-9 are claim development letters, generated by an automated letter generator system when applicable to certain claim situations.

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.

The information requested in these collections is not duplicative of any information available elsewhere. The claimants and their treating physicians are the only sources of the required information.

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

The information collections in OMB Control No. 1240-0002 have been streamlined to obtain the necessary information while imposing the minimum burden on the respondent. The Form EE-

17B does not impose any additional burden on small businesses or other small entities since providing medical evidence is part of the medical providers' usual business practice. This information collection does not have a significant economic impact on a substantial number of small businesses.

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.

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

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.

OWCP consulted with three internal and external users of the forms in this collection. The consultation asked for their feedback on burden estimates for information collection activities associated with OMB Control No. 1240-0002. None of the parties OWCP consulted had any changes or comments on the estimated burden, so OWCP is proceeding with the initial estimates contained in the 60-day notice published in the *Federal Register* on November 14, 2024 (89 FR 90072). The individuals consulted with about the information collection in OMB Control No. 1240-0002 are listed in the table below.

Contact	Organization	Email	Phone
Paul Griffith	DOL	Griffith.Paul@dol.gov	303-462-6461
Tammy Evanchik	DOL/OWCP	Evanchik.Tammt@dol.gov	904-366-0379
Matthew Green	Air Force Criminal Justice Information Center	Matt.green4u@gmail.com	571-305-8042

9. Explain any decision to provide any payments or gift to respondents, other than remuneration of contractors or grantees.

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

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The information collected by OMB Control No. 1240-0002 is fully protected under the Privacy Act in the system of records known as DOL/OWCP-11.

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. General, estimates should not include burden hours for customary and usual business practices.**
- **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 14.**

Estimated Annualized Respondent Cost and Hour Burden

The chart below shows the projected burden hours based on a total estimated number of initial claims (Forms EE-1 and EE-2) filed annually of 11,575. Burden hour estimates below have been derived from FY2023 data.

Estimated Annualized Respondent Cost and Hour Burden

	A	B	C (=AxB)	D	E (=CxD)	F	(=ExF)
Form/ Activity/ Section	No. of Respondent s	No. of Responses per Respondent	Total Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Monetized Value of Time
EE-1	9,260	1	9,260	0.28	2,593	\$35.36	\$91,688
EE-2	2,315	1	2,315	0.37	857	\$35.36	\$30,304
EE-3	6,200	1	6,200	0.75	4,650	\$35.36	\$164,424
EE-4	2,006	1	2,006	0.50	1,003	\$35.36	\$35,466
EE-5A	163	1	163	0.50	82	\$35.36	\$2,900
EE-5B	6,816	1	6,816	0.50	3,408	\$35.36	\$120,507
EE-7A	2,425	1	2,425	0.17	412	\$35.36	\$14,568
EE-8	1,100	1	1,100	0.08	88	\$35.36	\$3,112
EE-9	4,118	1	4,118	0.08	329	\$35.36	\$11,633
EE-10	8,979	1	8,979	0.17	1,526	\$35.36	\$53,959
EE-12	9,253	1	9,253	0.33	3,053	\$35.36	\$107,954
EE-13	51	1	51	0.27	14	\$35.36	\$495
EE-16	9,615	1	9,615	0.33	3,173	\$35.36	\$112,197
EE-17A	3,500	1	3,500	0.08	280	\$35.36	\$9,901
EE-17B	3,500	1	3,500	0.50	1,750	\$35.36	\$61,880
EE-20	9,016	1	9,016	0.08	721	\$35.36	\$25,495
Total	109,717		78,317		23,939		(rounded) \$ 846,483

The requirements have a total respondent burden hour estimate of 23,939. Using the October 2024 national average nonfarm private hourly wage of \$35.36 from the Bureau of Labor Statistics, the respondent cost estimate for these requirements is \$846,483.04 (23,939 x \$35.36 = 846,483 - rounded).

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.**

There are no capital or start-up costs associated with the information collected on the EE-1, EE-2, EE-3, EE-4, EE-5A, EE-5B, EE-8, EE-9, EE-10, EE-12, EE-16, EE-17A or EE-20. Since the medical and information requested by the EE-7A, EE-13 and EE-17B is kept as a usual and customary business practice, there are also no additional capital or start-up costs associated with those requirements. The only operation and maintenance cost for respondents in OMB Control No. 1240-0002 is for mailing costs. An estimated annual maximum of 27,343 mailed responses at \$.73 + \$.24 (first class postage and 1 additional ounce + envelope) per response = \$26,522.71 in mailing costs (in ROCIS as \$26,522). This estimated number of mailed responses has been reduced because approximately 33% of Forms EE-1 and EE-2 are submitted electronically rather than mailed, and about 75% of all responses to the other information collection requirements in OMB Control No. 1240-0002 are also submitted electronically.

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.

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.	9,260	\$38.24	\$29,508.53
EE-2	5 min.	2,315	\$38.24	\$7,377.13
EE-3	15 min.	6,200	\$38.24	\$59,272.00
EE-4	15 min.	2006	\$38.24	\$19,177.36
EE-5A	10 min.	163	\$38.24	\$1,043.20
EE-5B	10 min.	6,816	\$38.24	\$43,622.40
EE-7A	15 min.	2,425	\$38.24	\$23,183.00
EE-8	3 min.	1,100	\$38.24	\$2,103.20
EE-9	3 min.	4,118	\$38.24	\$15,038.61
EE-10	5 min.	8,979	\$38.24	\$28,732.80
EE-12	5 min.	9,253	\$38.24	\$29,609.60
EE-13	8 hrs.	51	\$38.24	\$15,601.92
EE-16	30 min.	9,615	\$38.24	\$183,838.80
EE-17A	5 min.	3,500	\$38.24	\$11,153.33
EE-17B	15 min.	3,500	\$38.24	\$33,460
EE-20	5 min.	9,016	\$38.24	\$28,761.04

*Using Salary Table 2024-RUS

Total number of responses (annually).....	78,317
Total time to review.....	13,962.95 hours
Total Review Cost.....	\$531,482.92
Printing.....	\$1,000.00
Mailing (forms are submitted to the Federal government; there is potential Federal postage cost for EE-20).....	\$8,745.52
Total Federal Cost.....	\$541,228.44

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

Burden hours increased from 16,374 to 23,939. There is an overall adjustment of +7,565 in burden hours due to an increase in the number of claims being adjudicated (+ 30,266 more responses). However, there has been a decrease in the operation and maintenance costs of - \$9,566, due to the electronic submission of many responses. Responses increased from 48,051 to 78,317. However, there has been a decrease in the operation and maintenance costs from \$36,088 to \$26,523, due to the electronic submission of many responses.

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.

Data collected with these forms will not be published.

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.

The forms will display the OMB number and expiration date.

18. Explain each exception to the certification statement.

There are no exceptions to certification.