SUPPORTING STATEMENT

Application for Continuation of Death Benefit for Student (LS-266)

OMB No. 1240-0026

A. Justification.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collections. Attach a copy of the appropriate section of each statute and of each regulation mandating or authorizing the collection of information.

The Office of Workers' Compensation Programs, (OWCP) administers the Longshore and Harbor Workers' Compensation Act. This Act was amended on October 27, 1972, to provide for continuation of death benefits for a child or certain other surviving dependents after the age of 18 years (to age 23) if the dependent qualifies as a student as defined in section 2 (18) of the Act. The benefit would also be terminated if the dependent completes four years of education beyond high school. Form LS-266 is to be submitted by the parent or guardian for whom continuation of benefits is sought. The statements contained on the form must be verified by an official of the education institution. The information is used by the DOL to determine whether a continuation of the benefits is justified.

Legal authority for this information collection is found at 33 USC 902(18) and 33 USC 939(a). Regulatory authority is found at 20 CFR 702.121.

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 from the LS-266 is used by the OWCP to assure that a claimant receives all of the benefits under the Act to which he/she may be entitled to receive. If the information were not collected, there would be no way to determine the proper status of a student and therefore his/her continued entitlement to benefits.

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 (GPEA), this information collection is available for completion online. Once the form is completed, it can then either be submitted electronically through the DLHWC's Secure Electronic Access Portal or mailed to the DLHWC central mailroom. The form can be located at: http://www.dol.gov/owcp/dlhwc/ls-266.pdf.

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.

All forms in the Longshore program have been carefully reviewed to eliminate all requests for duplicate information.

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

To the extent that colleges and universities are considered small businesses, burden has been kept to a minimum in that little more than a certification is needed from the college or university to verify the information provided on the form by the parent or guardian. This information collection does not have a significant impact on a substantial number of small entities.

6. **Describe the consequence of 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.**

The information is requested only on occasion when needed and therefore cannot be collected less frequently.

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 a 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 secrets, 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 the collection of this information.

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.

The form is primarily completed by parents and guardians of dependents who are also students. A very small number of forms are completed each year. The form also requests only basic claims information needed to verify entitlement to benefits. Given the nature of the claims examining process, the OWCP has daily contact with claimants and industry representatives that submit forms under the Act. The adequacy of the data submitted is discussed as well as the format. Pursuant to these discussions, forms are periodically revised.

A Federal Register Notice inviting public comment was published on March 17, 2020 (85 FR 15230). No comments were received.

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

No payment or gift is provided to respondents.

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

To the extent records pertaining to specific compensation cases are disclosed, they are protected under the Privacy Act. Otherwise, the information collected is not protected under the Privacy Act. The Privacy Act Systems of Records is entitled DOL/OWCP-3.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, 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.

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. Generally, 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 and aggregate the hour burdens.**
*** 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 under "Annual Cost to Federal Government."

Based on information from existing files and new death claim submissions, it is estimated that approximately 20 Forms LS-266 will be used each year to apply for the continuation of a death benefit for a student. The form is 508 compliant. It is estimated that approximately 30 minutes or .5 hours will be needed to obtain the information required by the form and to complete it. This estimate includes the time needed by the parent or guardian and the official of the institution in which the student is enrolled. This estimate is considered reasonable in light of the type of information requested and the fact that the information should be readily available to those persons completing the forms. We estimate 20 respondents annually. Total annual burden for 20 forms at 30 minutes each is 10 hours (20 X .5 hours = 10.00 hours).

The annualized burden cost to the respondents has been estimated to be approximately $195.00. This estimate is derived from use of the National Average Weekly Wage (NAWW) as computed by the Bureau of Labor Statistics and which is based on the national average earnings of production or nonsupervisory workers on private non-agriculture payrolls. Section 6(b) of the Act mandates the use of the NAWW in setting the maximum and minimum compensation rates under the Act and in determining the amount of annual adjustments due to permanent total disability and death beneficiaries. Since it is not possible to determine the specific occupation or wages for each person who will provide the information covered by this clearance, and wages can vary considerably from person to person depending on duties and length of service, use of a national average weekly wage covering all occupations appears reasonable under the circumstances. The current applicable NAWW is $780.04. The computations are therefore as follows:

$780.04 ÷ 40 hours = $19.50 per hour x 10 hours = $195.00 annualized burden cost

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).
*** 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 services 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 collections 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 start-up costs associated with this collection. The only respondent costs involve the cost for mailing the forms. A mailing cost of $.58 per response ($.55 postage and $.03 envelope charge) is applied as an operation cost. With the capability of uploading forms directly to the case file using the Secure Electronic Access (SEAPortal), we anticipate that 50% of the forms will be submitted electronically. Therefore, mailing cost is estimated to be 10 (50% of the 20 forms submitted) x $.58 = $5.80.

14. Provide estimates of annualized costs 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), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The cost to the government has been estimated to be approximately

$66,079.26. This estimate was determined by taking into consideration analysis costs associated with the review of Form LS-266 and the cost of maintaining the SEAPortal website. Analysis and handling costs were determined by applying the hourly rate of a GS-13, step 5 claims examiner https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/RUS_h.pdf to the total annual hours required for review. The annual review hours were determined by applying an estimate of .08 hour or 5 minutes for the review and analysis of each form against the 20 forms which are received each year (.08 x 20 = 1.60 hours). The annual cost to maintain the entire SEAPortal website is $66,000.00. The computations are as follows:

20 responses x .08 hrs = 1.60 hrs x $49.54/hr = $79.26 + $66,000.00 = $66,079.26.

15. Explain the reasons for any program changes or adjustments

Burden hours have remained unchanged at 10 hours. The decrease in the operation and maintenance cost from $10.00 to $5.80 is due to the capability of submitting the forms electronically. Additionally, the final rule published 8/18/2015 (80 FR 12917) broadened the acceptable methods by which claimants, employers, and insurers can communicate with OWCP. Instead of mandating the transmission of information by postal mail, the rule allows OWCP and private parties to use electronic and other commonly used communication methods. It also provides flexibility for OWCP to allow submission of information using future technologies.

16. For collections of information whose results will be published, outline plans for tabulation 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 information, completion of report, publication dates, and other actions.

The information collected will not be published for statistical use.

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 expiration date will be displayed.

18. Explain each exception to the certification statement

identified in Item 19 "Certification for Paperwork Reduction Act".

There are no exceptions to the certification.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in these collections of information.