

SUPPORTING STATEMENT
Request for Electronic Service of Orders – Waiver of Certified Mail Requirement
1240-0053 (LS-801, LS-802)

This is an extension, without change, of a currently approved information collection.

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 Division of Federal Employees', Longshore and Harbor Workers' Compensation administers the Longshore and Harbor Workers' Compensation Act. This Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. In addition, several acts extend Longshore Act coverage to certain other employees.

The Longshore and Harbor Workers' Compensation Act (LHWCA), at 33 U.S.C. § 919(e), requires that any order rejecting or making an LHWCA award (a compensation order) be filed in the appropriate district director's office of the Office of Workers' Compensation Programs (OWCP), and that copies be sent by registered or certified mail to the claimant and the employer. The implementing regulations at 20 CFR § 702.349 require the district director to serve the compensation order on the parties and their representatives by certified mail. The compensation order notifies Employers/Carriers that payment of LHWCA compensation is due within 10 days of filing. If compensation is not paid within that time frame, an additional 20% in compensation must be paid [see LHWCA § 914(f)].

Given the short time frame within which Employers/Carriers must issue payments under compensation orders, many industry stakeholders prefer e-mail over certified mail because it is a more expedient method. Thus, the Department's rules allow parties and their representatives to waive their statutory and regulatory rights to receive compensation orders by registered or certified mail and instead to receive them by e-mail. See 20 C.F.R. § 702.349(b). Because this waiver is of a statutory and regulatory right, it is formalized in a uniform manner in a clear writing that reflects a knowing relinquishment of rights.

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 will be used by OWCP to more efficiently serve compensation orders by e-mail instead of by registered or certified mail. Form LS-801 will be completed by the employer/insurance carrier and authorized representatives and forwarded to the District Director

indicating waiver of service by registered or certified mail and designation of receipt by e-mail instead. The LS-802 will be completed by the claimants and authorized representatives and forwarded to the District Director indicating waiver of service by registered or certified mail and designation of receipt by e-mail instead.

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.

Respondents can submit the OWCP Form LS-426 electronically using our secure web portal (<https://seaportal.dol.gov>). The forms are located on our website at <https://www.dol.gov/sites/dolgov/files/owcp/dlhwc/ls-801.pdf> and <http://www.dol.gov/sites/dolgov/files/owcp/dlhwc/ls-802.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 2 above.

There is no similar approved information collection form used by the DLHWC or Federal Government for a party to waive registered or certified mailing of compensation orders.

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

Generally, the required information is collected from claimants, employers, large insurance carriers, and representatives. Some of the employers are small businesses. OWCP sought to minimize burden on all respondents regardless of size. To minimize burden, the form collects only the information necessary for identification and delivery and can be scanned and uploaded electronically via OWCP's secure web portal. Moreover, responding to this collection is voluntary.

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.

In the absence of this information collection, the LHWCA requires registered or certified service of compensation orders. This information is only collected when a claimant, employer/carrier, or representative elects to waive certified service of compensation orders. It, therefore, cannot be collected less frequently. If the collection were not conducted at all, it could result in less efficient service of compensation orders, potentially delay compensation payments, and force the payment of additional compensation pursuant to 33 U.S.C. § 914(f).

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 required in 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. 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.

A notice inviting public comment was published in the *Federal Register* on 03/07/2025 (90 FR 11555). Comments were received. OWCP received one public comment on this information collection. The comment was supportive of the continued use of this collection.

In addition, OWCP leadership invites comment and feedback on processes and forms on a continual basis with regularly scheduled meetings with stakeholders including, but not limited to: four to five conferences per year during which OWCP is a presenter to keep our stakeholders apprised and field their questions, comments and concerns; annual Carrier Performance Meetings with OWCP leadership and the largest carriers; special requests for in person and/or virtual meetings with stakeholders throughout the year; outreach efforts at the District Office and National Office levels; and continual communication with all stakeholders.

The Longshore Program consulted with at least three internal and/or external representatives to the agency involved in requesting Forms LS-801 and LS-802. The consultation asked Longshore industry contacts for their feedback on burden estimates for information collection activities associated with requesting Forms LS-801 and LS-802. Specifically, the Longshore program asked 6 Claimant attorneys, 4 self-insured employer leadership representatives, and 8 insurance carrier leadership representatives. The program received responses from 1 Claimant attorney, 2 self-insured employers, and 4 insurance carriers. None of these representatives had any changes or comments on the form, so the Longshore Program is proceeding without changes to the form and based on the initial estimates for burden published in the 60-day notice.

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

Respondents do not receive gifts or payments to furnish the requested information.

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 System of Records is DOL/OWCP-3.

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 this form.

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.**
- **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**

The burden estimates for completing the LS-801 and LS-802 are shown below. The number of responses for the LS-801 and LS-802 was obtained directly from OWCP Workers' Compensation System (OWCS) for Fiscal Year 2024. Based on this data, 46,434 LS-801 forms and 12,298 LS-802 forms will be filed each year. Our best estimate of the time needed to complete the form LS-801 and LS-802 is 5 minutes per form or .08333 hour. This burden is based on approximately 5 minutes for locating the form on the internet, completing the information required and either mailing or uploading the form via a secure web portal. Total burden is therefore as follows:

- LS-801: 46,434 forms X .08333 hour per form = 3,869 burden hours
- LS-802: 12,298 forms X .08333 hour per form = 1,025 burden hours
- The annualized burden cost to the respondents has been estimated to be approximately \$128,490.88. 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 906(b) of the Act mandates the use of the NAWW in setting the maximum and minimum compensation rates under

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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, e.g., claims adjusters, claims managers, self-insurance administrators, secretaries, claims clerks, and other office personnel, 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 NAWW for Fiscal Year 2024 was \$963.29 ([National Average Weekly Wage](#)). The computations are therefore as follows:

- LS-801: $\$963.29 \div 40 \text{ hrs} = \$24.08/\text{hr} \times 3,869 \text{ hrs} = \$93,165.52$ annualized burden cost.
- LS-802: $\$963.29 \div 40 \text{ hrs} = \$24.08/\text{hr} \times 1,025 \text{ hrs} = \$24,682.00$ annualized burden cost.

Estimated Annualized Respondent Cost and Hour Burden

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of Time
LS-801	46,434	1	46,434	.08333	3,869	24.08	\$93,165.52
LS-802	12,298	1	12,298	.08333	1,025	24.08	\$24,682.00
Total	58,732		58,732		4,894		\$117,847.52

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.**

100% of the LS-802 forms are submitted electronically. 99% of the LS-801 forms are submitted electronically.

375 LS-801 forms (1%)

$\$0.78$ (estimated postage) + $\$0.10$ (envelope) = $\$0.88 \times 375$ forms = **$\$330$ mailing costs**

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 estimated total cost to the Federal Government for processing these 46,434 LS-801 forms and 12,298 LS-802 forms is approximately \$92,457. This estimate was determined by taking into consideration the analysis costs associated with the receipt and review of OWCP Forms LS-801 and LS-802. Analysis costs were determined by applying the hourly rate of a GS-12/5 claims examiner to the total annual hours required for review. The annual review hours were determined by applying an estimate of .03333 hour or 2 minutes for the review and analysis of each form against the 46,434 LS-801 forms and 12,298 LS-802 forms which are received each year.

The calculations are therefore as follows:

- LS-801: $.03333 \text{ hr} \times 46,434 = 1,548$ (rounded) $\times \$47.22 = \$73,096.56$ (\$73,097 rounded)

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- LS-802: .03333 hr x 12,298 = 410 (rounded) x \$47.22 = \$19,360.20 (\$19,360 rounded)

The hourly rate taken from the Salary Table 2024 - RUS (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/RUS_h.pdf)

The cost maintain	Form	Grade/Rate	Analysis (Hours)	# of Forms	Federal Cost	to
	LS-801	GS-12s5/\$47.22	.08333	46,434	\$73,097	
	LS-802	GS-12s5/\$47.22	.08333	12,298	\$19,360	
	SEA Portal Portion Cost				\$6,000	
	Total				48,732	

SEAPortal is \$66,000 so this has been divided over the total Information Collection Requests (ICRs) that are impacted.

Thus, the total cost to the government is \$92,457 + (\$66,000.00/10 = \$6,600) = **\$99,057**.

15. Explain the reasons for any program changes or adjustments

The increase in the number of respondents and costs was a change in the method of estimating respondents from the previous submission which was based on a percentage of an estimate of total orders. This collection uses the actual number of LS-801 and LS-802 forms received in the prior fiscal year (Fiscal Year 2024) and categorized as LS-801 and LS-802. It is a more accurate estimate. Previous costs to respondents were 0 and are now \$330 due to an error in the last request to OMB. Costs were \$330 in the last supporting statement as well. There are no other changes to the ICR.

Although the respondents and associated cost increased, use of these forms reduces the costs for reproduction and certified mail service of paper copies that would otherwise be required to serve compensation orders. Additionally, since the previous collection, the program has partnered with two large stakeholders to deploy “Global Waivers” which eliminated the burden and cost for those stakeholders to submit the forms and eliminated the cost to the federal government to intake forms for those stakeholders. Rather, when that stakeholder is named as a party, Longshore’s claims system automatically drops a waiver into the case file without requiring the stakeholder to individually fill out a form for each new claim and auto-populates the waiver data into the system without requiring Longshore staff to enter it.

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.

There are no plans to publish this collection of information.

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.

This ICR does not seek a waiver from the requirement to display the expiration date.

18. Explain each exception to the certification statement in ROCIS.

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in these collections of information.