

SUPPORTING STATEMENT FOR

Request for Intervention, Longshore and Harbor Workers' Compensation Act

OMB CONTROL NO. 1240-0058

This Information Collection Request (ICR) seeks to extend a previously approved collection.

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) administers the Longshore and Harbor Workers' Compensation Act (LHWCA or Act). The 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 the LHWCA's coverage to certain other employee groups. LHWCA section 39(a) generally authorizes the Secretary of Labor to prescribe rules and regulations to implement the Act. *See* 33 U.S.C. 939(a).

Parties to LHWCA claims ask OWCP District Directors, who administer claims, to take a variety of routine actions. The particular action requested depends on the claim. Currently, there is no uniform method for either requesting District Director action or submitting the information necessary for the District Director to evaluate the request. Parties submit the information in various formats – letter, email, etc. District Office staff must first identify the type of action requested and then often must contact the parties involved to obtain missing or incomplete information. Capturing the required information in one form will save time, effort and cost for the federal government and simplify filing for the parties. The forms will also help OWCP properly classify different types of documents as it moves into a fully electronic case file environment and speed delivery of services to stakeholders.

Attorney Fee Approval Request (LS-4)

When an attorney successfully obtains benefits for the injured worker or survivor, he or she may be entitled to a fee. *See* 33 U.S.C. 928; 20 CFR 702.132. In certain circumstances, the Act shifts payment of the attorney's fee to the employer (or its insurance carrier). 20 CFR 702.134. The appropriate adjudicator – an OWCP District Director, an Administrative Law Judge, the Benefits Review Board or a court – must approve the fee. The District Director rules on attorney fees for services rendered while the case is pending before him or her. 20 CFR 702.132. *See* 20 CFR 702.134.

The attorney requesting the District Director's approval must file an itemized fee petition for services performed at the OWCP level. To identify and timely respond to the requests, OWCP is

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requiring attorneys to submit Form LS-4, Attorney Fee Approval Request. Using this form will speed the processing of attorney fee requests and the payment of such fees.

Application for Special Fund Relief (LS-5)

Under section 8(f) of the Act, 33 U.S.C. 908(f), if a pre-existing disability contributes to a disability or impairment from a subsequent work-related injury, the employer is liable for only the first 104 weeks of permanent disability compensation and the Longshore Special Fund (*see generally* 33 U.S.C. 944) is liable thereafter. *See also* 20 CFR 702.321. Hearing loss claims are different in that the Special Fund pays for the pre-existing hearing loss and the employer for the added hearing loss. An employer/carrier must submit a request for section 8(f) relief from compensation payments to OWCP; relief may be granted by an OWCP District Director or an Administrative Law Judge.

To identify and timely respond to requests under section 8(f), OWCP is requiring employers/carriers to submit Form LS-5, Application for Special Fund Relief. Form LS-5 reflects the application requirements codified at 20 CFR 702.321.

Commutation Application (LS-6)

When compensation under the LHWCA or the Defense Base Act (DBA), an extension of the LHWCA, is payable to certain aliens who are not residents (or about to become nonresidents) of the United States or Canada, the OWCP Director may commute future periodic payments and require payment equal to one-half of the commuted amount. *See* 33 U.S.C. 909(g); 42 U.S.C.1652; 20 CFR 702.142; 20 CFR 704.102. The Director may commute compensation payments at his or her option, and must commute them upon the application of the employer or insurance carrier.

In response to its LHWCA and DBA stakeholders and to facilitate the commutation of payments to injured workers and the beneficiaries of deceased workers, OWCP is requiring employers and carriers to file Form LS-6 to request commutation.

Request for Intervention (LS-7)

Title 20 CFR 702.311 empowers the District Directors to resolve disputes with respect to claims in a manner designed to protect the rights of the parties and to resolve such disputes at the earliest practicable date. *See* 33 U.S.C. 923(a); 20 CFR 702.301 (“the district directors are empowered to amicably and promptly resolve such problems by informal procedures”). In some cases, the best resolution method is an informal conference. *See* 20 CFR 702.312-702.316 (establishing guidelines for conducting informal conferences).

Usually one of the parties requests an intervention or informal conference to assist with dispute resolution. Prior to scheduling an informal conference, the issues in dispute must be established and the District Director, or designee, must determine whether the type of intervention requested is the most effective means for resolving the disputed issues. The Form LS-7, Request for Intervention, will be used for that purpose.

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Settlement Application Section 8(i) (LS-8)

LHWCA section 8(i), 33 U.S.C. 908(i), allows the parties to settle claims for compensation and/or medical benefits. A Settlement Application is time-sensitive because once the parties submit a settlement application, the District Director or Administrative Law Judge within thirty days must determine whether the settlement is adequate under the Act and regulations and, if so, issue a Compensation Order approving the settlement application in response.

To facilitate prompt processing of settlement applications, OWCP is requiring the parties to use Form LS-8 which outlines the terms of the settlement and provides the information required to determine the adequacy of the settlement proposal by the regulations. Title 20 CFR 702.242-702.243 authorizes this information collection.

Stipulation Approval Request (LS-9)

The regulations empower District Directors to resolve claims amicably and promptly, and issue formal compensation orders when the parties reach agreement on issues. *See* 20 C.F.R. 702.301, 702.311, 702.315(a). To meet these goals, the District Director may issue an Order Approving Stipulations agreed to by all parties.

To facilitate prompt processing of requests to approve stipulations, OWCP is requiring the parties to use Form LS-9. The parties must attach the signed joint stipulations they wish to have approved. OWCP will prioritize handling of LS-9 forms.

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.

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The information collected on Form LS-4 is used by the District Director to identify, evaluate, and timely respond to attorney fee approval requests. Using this form facilitates the processing of attorney fee requests and the payment of such fees.

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

The forms will be electronically interactive on the Internet for completion and submission. Respondents have the option either to fill in the forms online and download and/or print.

The forms are available on OWCP's website at:

[LS-4 Attorney Fee Approval Request](#)

[LS-5 Application for Special Fund Relief](#)

[L-6 Commutation Application](#)

[LS-7 Request for Intervention](#)

[LS-8 Settlement Approval Request Section 8\(i\)](#)

[LS-9 Stipulation Approval Request](#)

Respondents can submit the OWCP Form(s) electronically using the secure web portal (<https://seaportal.dol.gov>). When submitted electronically, the documents are quickly available to the District Office adjudicating the case for appropriate action.

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. Forms LS-4, LS-5, LS-6, LS-7, LS-8 and LS-9 are unique: no other forms are used to identify the requests.

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

Generally, the required information will be collected from large employers who are self-insured under the Act, large insurance carriers who are authorized to write insurance coverage under the Act, or individual claimants. However, information may also be requested from injured workers, attorneys and small businesses. To keep burden to a minimum, the forms request only that information which is absolutely essential for the Longshore program to properly administer claims. In addition, as discussed below, this information collection would impose a very small time and cost burden on respondents. Thus, this information collection will not have a significant economic impact on a substantial number of small entities.

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 these information collections were not conducted, there would be no uniform method for parties and their representatives to request various District Office actions on their claims; OWCP would have difficulty identifying the requested action and categorizing requests in its electronic case file database; District Directors, or designees, may not have the information necessary to decide on the requested action in accordance with the Act and regulations; and opposing parties may not receive notice of the requests. The information is only collected on occasion when a party requests action by the District Office as provided under the Act and regulations. It 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;**

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- * **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 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.

A notice inviting public comment was published in the *Federal Register* 90 FR 57486 on 12/11/2025. The agency received 2 public comments on 2/9/2026. Neither comment addressed the information collection activity itself, the burden estimates, or any procedural aspects of the collection. Accordingly, no changes to the information collection were made in response to these comments.

OWCP leadership invites comment and feedback on processes and forms on a continual basis, maintaining an open-door policy with all stakeholders. Regularly scheduled meetings with stakeholders include, but are 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; quarterly 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-4, 5, 6, 7, 8, and 9. The consultation asked Longshore industry contacts for their feedback on burden estimates for information collection activities associated with requesting these forms. Specifically, the Longshore program asked 4 self-insured employer leadership representatives, and 8 insurance carrier leadership representatives. The program received responses from 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 payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

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

The completed forms will be maintained in the claimant's case file. Thus, the information collected is covered by Privacy Act Systems of Records, DOL/OWCP-3, published at 81 *Federal Register* 25765 (April 29, 2016), or as updated and republished.

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.

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**

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The burden estimates for completing Forms LS-4, LS-5, LS-6, LS-7, LS-8, and LS-9 are shown below. directly from OWCP Workers' Compensation System for Fiscal Year 2024. Based on this data, 21,176 forms LS-4, 5, 6, 7, 8 and 9 will be filed each year. OWCP estimates the time needed to complete each form is based on experience with usual requests and takes into consideration that some cases require more information than others due to the complexity of the issues involved. The estimate should therefore be considered an average time needed to gather the information, complete the form, obtain required signatures, and submit the required information.

The annualized burden cost estimates are calculated using the National Average Weekly Wage (NAWW), as computed by the Bureau of Labor Statistics, <http://www.bls.gov/> data, for production or non-supervisory workers on private non-agriculture payrolls in a 40-hour work week. 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 for permanent total disability and for death benefits. 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 is reasonable. The FY2025 applicable NAWW is \$999.55. The average work week is 40 hours. The Annualized Burden Cost was computed using the NAWW divided by 40 hours per week multiplied by the Burden Hours.

Estimated Annualized Respondent Cost and Hour Burden

Data Collection Activity	Annual Number of Respondents	Number of Responses per Respondent	Total Number of Responses	Average Burden per Response in Hours (minutes)	Annual Estimated Burden Hours	Average Hourly Wage ^a	Monetized Value of Time
LS-4	2,664	1	2,664	.25 (15)	666	\$24.99	\$16,643.30
LS-5	533	1	533	.33 (20)	176	\$24.99	\$4,398.20
LS-6	0	1	0	.17 (10)	0	\$24.99	\$0
LS-7	5,917	1	5,917	.17 (10)	1,006	\$24.99	\$25,139.90
LS-8	11,700	1	11,700	.33 (20)	3,861	\$24.99	\$96,486.40
LS-9	362	1	362	.33 (20)	119	\$24.99	\$2,973.80

Unduplicated Total (21,176		21,176		5,828		\$145,641.60
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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 is no cost burden to respondents or recordkeepers resulting from the collection of information. All forms may be submitted electronically at no cost.

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.

The estimated total cost to the Federal Government for processing these 21,176 forms is approximately \$22,177. This estimate was determined by taking into consideration the analysis costs associated with the receipt and review of OWCP Forms LS-4, LS-5, LS-6, LS-7, LS-8, and LS-9. 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 .0333 response burden per hour in minutes for the review and analysis of each form against the 21,176 total aggregate of forms LS-4, LS-5, LS-6, LS-7, LS-8, and LS-9 forms which are received each year.

The hourly rate taken from the Salary Table 2025 – RUS [OPM.gov](https://www.opm.gov)

Form	Grade/Rate	Analysis (Hours)	# of Forms	Federal Cost
LS-4	GS-12s5/\$48.13	.0333	2,664	\$4,270
LS-5	GS-12s5/\$48.13	.0333	533	\$854
LS-6	GS-12s5/\$48.13	.0333	0	\$0
LS-7	GS-12s5/\$48.13	.0333	5917	\$9483
LS-8	GS-12s5/\$48.13	.0333	11,700	\$390
LS-9	GS-12s5/\$48.13	.0333	362	\$580
SEA Portal Portion Cost				\$6,600
Total			21,176	\$22,177

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

The number of respondents and responses both increased from 12,414 to 21,176 due to the increase in the number of forms received. The increase in number of respondents therefore resultingly increased the number of burden hours from 3,189 to 5,828. Costs to respondents remained the same at 0.

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.

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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.

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 on the forms.

18. Explain each exception to the certification statement.

There are no exceptions to the certification

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

Statistical methods are not used in the collection of information.