

Supporting Statement for Paperwork Reduction Act Submissions
“National Park Service Leasing Program -- 36 CFR Part 18”
OMB Control Number 1024-0233

INTRODUCTION

Section 802 of the National Parks Omnibus Management Act of 1998 provided new legislative authority, policies, and requirements for the solicitation, award, and administration of National Park Service (NPS) leases for property located within areas of the national park system. NPS has implemented this authority in the form of an amended 36 CFR Part 18. Regulations are used to assure consistent policies and procedures in the award and administration of NPS leases. The regulations contain six sections that involve the collection of information (each discussed in a separate supporting statement) as follows:

- | | |
|-------------------------|--|
| a. Section 18.7 | Requests for Bids |
| b. Section 18.8 | Requests for Qualifications/Requests for Proposals |
| c. Section 18.12(c) | Subletting and Assignment of Leases |
| d. Section 18.12(i)-(j) | Approval of Lessee Construction/Demolition |
| e. Section 18.12(k) | Approval of Lease Amendments |
| f. Section 18.12(1) | Approval of Lessee Encumbrances |

The following is a summary table of the information collection annual burden hours as described in the attached Supporting Statements.

Section	Number of Responses	Hours Per response	Total Hours
Section 18.7	200	1	200
Section 18.8 - Complex	20	40	800
Section 18.8 - Simple	380	8	3040
Section 18.12(c) - Complex	1	40	40
Section 18.12(c) - Simple	4	8	32
Section 18.12(i)-(j) - Complex	2	32	64
Section 18.12(i)-(j) - Simple	8	8	64
Section 18.12(k)	2	4	8
Section 18.12(l) - Complex	2	40	80
Section 18.12(1) - Simple	8	8	64
Total	627	7.0 (average)	4392

Supporting Statement for Paperwork Reduction Act Submissions
“National Park Service Leasing Program, Section 18.7: Request for Bids”
OMB Control Number 1024-0233

Terms of Clearance: None

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.

Section 802 of the National Parks Omnibus Management Act of 1998 provided new legislative authority, policies, and requirements for the solicitation, award, and administration of National Park Service (NPS) leases for property located within areas of the national park system. NPS has implemented this authority in the form of an amended 36 CFR Part 18. Regulations are needed to assure consistent policies and procedures in the award and administration of NPS leases. The regulations contain six sections which involve the collection of information as follows:

a. Section 18.7	Requests for Bids
b. Section 18.8	Requests for Qualifications/Requests for Proposals
c. Section 18.12(c)	Subletting and Assignment of Leases
d. Section 18.12(i)-(j)	Approval of Lessee Construction/Demolition
e. Section 18.12(k)	Approval of Lease Amendments
f. Section 18.12(l)	Approval of Lessee Encumbrances

Separate Supporting Statements are provided for each section. This Supporting Statement concerns Section 18.7, Requests for Bids.

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. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

Section 18.7 describes the information required in the event a lease is to be awarded on the basis of highest bid (rent) proposed. The information is to be used by NPS officials to determine to whom to award a lease under Section 18.7.

Without such information, the NPS would be unable to objectively evaluate offers based upon lowest bids received for a particular leasing opportunity.

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 [and specifically how this collection meets GPEA requirements].

At this time, the collection of information involving electronic means is not available, primarily due to the wide disparity in both size and type of operations. Much of the information is extensive and confidential financial information; electronic submission may not be secure. Applicants are allowed to provide the information in a format that is convenient for them and to the extent possible, electronic submissions are accepted. Information that is required on the "Request for Bids," that is not preferential/confidential and that is subject to being sent electronically, will be accepted.

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.

The requested information is unique to the applicant and no other source of information is available. As each business opportunity is also unique, offers submitted in response to each bid solicitation must be prepared individually, and cannot be reused in the case of renewals or other repeat applications. No similar information pertaining to business opportunities on park lands is collected by the NPS or other Federal agencies. Since circumstances vary with each business opportunity advertised, there is no available information that can be used in lieu of that supplied in the interested party's offer.

5. If the collection of information impacts small business or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Information is collected from those small businesses that wish to submit a bid in response to the solicitation for a leasing opportunity. As in the case of other applicants, information is limited to that required in order for the NPS to objectively review all bids received and determine which among them is the highest bid.

6. Describe the consequences 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.

The NPS would be unable to objectively assess all bids received in response to the advertisement of a bid leasing opportunity, as required by Public Law 105-391, and determine which among them is the highest bid.

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 receiving 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 3 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 the 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 that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.

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 in response to the PRA statement associated with the collection over the past 3 years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost hour and 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. [Please list the names, titles address, and phone numbers of persons contacted.]

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 60-day notice seeking comments on this collection was published in the Federal Register on March 30, 2007 (Vol. 72, page 15158). No public comments were received.

Over the course of the past 3 years, several consultations with persons outside of the agency have taken place. This has happened through the use of our Concessions Management Advisory Board, whose members include persons from several outside agencies. They are:

Mr. Richard Allen Naille, II
 Consultant
 7950 Koch Field
 Flagstaff, Arizona 86004
 Phone: 928/526-5947

Dr. James J. Eyster
 James J. Eyster Associates
 1 Fiddlers Green
 Lansing, New York
 Phone: 607/533-4380

In addition, Lars Hanslin, a private consultant for the Concession Program, has been working extensively to improve the Leasing Program within the Concession Program. Several versions of a Leasing Reference Manual have been reviewed by the Regional Concession Chiefs and concessioners and it is currently being finalized for use in the field. They all agree with the NPS' burden hour estimate in regards to collecting the information.

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

Not applicable. No payments or gifts will be given to respondents.

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

Offerors are advised in the solicitation document that all offers submitted may be disclosed by the Department of the Interior to any person upon request pursuant to the Freedom of Information Act. If the offeror believes that the offer contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), the cover page of the offer, as well as each page of the offer containing such information is to be labeled. Information in an offer identified as trade secret information or confidential commercial and financial information shall be used by the Government only for the purpose of evaluating the offer, except that, (i) if a contract is awarded to the offeror as a result of the submission of the offer, the Government shall have the right to use the information as provided in the contract, and (ii) if the same information is obtained from another source without restriction, it may be used without restrictions

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.

Not applicable. No sensitive questions are asked.

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 in Item 13 of OMB Form 83-I.
- ❖ Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate calories. 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.

NPS estimates that it will take less than 1 hour for an applicant to prepare a bid under Section 18.7. All that is required is a letter referring to the bid solicitation and stating the amount of the bid. In some circumstances, a rent deposit may also be required. NPS estimates that no more than 50 bid solicitations will be issued per year, with an average of four respondents per solicitation. The total hour burden, accordingly, is no more than 200 hours per year.

50 bids x 4 respondents = 200 responses = 200 x 1 = 200 annual burden hours

200 responses x 1 hour x \$40 = \$8000

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include 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 services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. 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 or 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 non-hour costs.

14. Provide estimates of 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), and 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 in a single table.

The annual hourly cost to the Federal Government to evaluate offers submitted by bidders is estimated at \$20,000. This is estimated as follows: 2 officials reviewing the bids from each solicitation for 10 hours at \$20 per hour times 50 bid solicitations.

20 hours/bid (2 persons, 10 hours each) x 50 bids x \$20/hour = \$20,000

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments.

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, include beginning and ending dates of the collection of information, completion of report, publication dated, and other action.

Not applicable.

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.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

Not applicable.

Supporting Statement for Paperwork Reduction Act Submissions
“National Park Service Leasing Program, Section 18.8:
Requests for Qualifications/Requests for Proposals”
OMB Control Number 1024-0233

Terms of Clearance: None

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.

Section 802 of the National Parks Omnibus Management Act of 1998 provided new legislative authority, policies, and requirements for the solicitation, award, and administration of National Park Service (NPS) leases for property located within areas of the national park system. NPS has implemented this authority in the form of an amended 36 CFR Part 18. Regulations are needed to assure consistent policies and procedures in the award and administration of NPS leases. The regulations contain six sections which involve the collection of information as follows:

- | | |
|-------------------------|---|
| a. Section 18.7 | Requests for Bids |
| b. Section 18.8 | Requests for Qualifications/Requests for Proposals |
| c. Section 18.12(c) | Subletting and Assignment of Leases |
| d. Section 18.12(i)-(j) | Approval of Lessee Construction/Demolition |
| e. Section 18.12(k) | Approval of Lease Amendments |
| f. Section 18.12(1). | Approval of Lessee Encumbrances |

Separate Supporting Statements are provided for each section. This Statement concerns Section 18.8, Requests for Qualifications/Requests for Proposals.

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. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

Section 18.8 describes the information required to be submitted by offerors in the event a lease is to be solicited on the basis of proposals. The information is to be used by NPS officials to determine to whom to award a lease under Section 18.8. Without such information, the NPS would be unable to objectively evaluate offers based upon the proposals received for a particular leasing opportunity.

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 [and specifically how this collection meets GPEA requirements].

At this time, the collection of information involving electronic means is not available, primarily due to the wide disparity in both size and type of operations. Much of the information is extensive and confidential financial information; electronic submission may not be secure. Applicants are allowed to provide the information in a format that is convenient for them and to the extent possible, electronic submissions are accepted. Information that is required on the "Requests for Qualifications/Requests for Proposals," that is not preferential/confidential and that is subject to being sent electronically, will be accepted.

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.

The requested information is unique to the applicant and no other source of information is available. As each business opportunity is also unique, offers submitted in response to each solicitation must be prepared individually, and cannot be reused in the case of renewals or other repeat applications. No similar information pertaining to business opportunities on park lands is collected by the NPS or other Federal agencies. Since circumstances vary with each business opportunity advertised, there is no available information that can be used in lieu of that supplied in the interested party's offer.

5. If the collection of information impacts small business or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Information is collected from those small businesses that wish to submit proposals in response to the solicitation for a leasing opportunity. As in the case of other applicants, information is limited to that required in order for the NPS to objectively review all proposals received and determine which among them is the best proposal.

6. Describe the consequences 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.

The NPS would be unable to objectively assess all proposals received in response to the leasing opportunity, as required by Public Law 105-391, and determine which among them is the best proposal.

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 receiving 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 3 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 the 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 that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.

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 in response to the PRA statement associated with the collection over the past 3 years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost hour and 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. [Please list the names, titles address, and phone numbers of persons contacted.]

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 60-day notice seeking comments on this collection was published in the Federal Register on March 30, 2007 (Vol. 72, page 15158). No public comments were received.

Over the course of the past 3 years, several consultations with persons outside of the agency have taken place. This has happened through the use of our Concessions Management Advisory Board, whose members include persons from several outside agencies. They are:

Mr. Richard Allen Naille, II
Consultant
7950 Koch Field Road
Flagstaff, Arizona 86004
Phone: 928/526-5947

Dr. James J. Eyster
James J. Eyster Associates
1 Fiddlers Green
Lansing, New York 14882
Phone: 607/533-4380

In addition, Lars Hanslin, a private consultant for the Concession Program, has been working extensively to improve the Leasing Program within the Concession Program. Several versions of a Leasing Reference Manual have been reviewed by the Regional Concession Chiefs and concessioners and it is currently being finalized for use in the field. They all agree with the NPS' burden hour estimate in regards to collecting the information.

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

Not applicable. No payments or gifts will be given to respondents.

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

Offerors are advised in the solicitation document that all offers submitted may be disclosed by the Department of the Interior to any person upon request pursuant to the Freedom of Information Act. If the offeror believes that the offer contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), the cover page of the offer, as well as each page of the offer containing such information is to be labeled. Information in an offer identified as trade secret information or confidential commercial and financial information shall be used by the Government only for the purpose of evaluating the offer, except that, (i) if a contract is award to the offeror as a result of the submission of the offer, the Government shall have the right to use the information as provided in the contract, and (ii) if the same information is obtained from another source without restriction, it may be used without restrictions.

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.

Not applicable. No sensitive questions are asked.

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 in Item 13 of OMB Form 83-I.**
- ❖ **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate calories. 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 NPS estimates that approximately 100 leasing Requests for Qualifications/Proposals will be issued per year. The amount of time necessary to prepare and submit a proposal will vary depending upon the complexity of the leasing opportunity. Perhaps 5 of the 100 leasing opportunities involve complex circumstances which would require some 5 working days (40 burden hours each) to prepare and submit a proposal. The remaining 95 are simple operations which would generally require one working days (8 burden hours each) to prepare and submit a proposal. The annual burden estimate is summarized as follows:

Complex Leases: 40 hours x 5 solicitations x 4 offers = 800 annual burden hours

Simple Leases: 8 hours x 95 solicitations x 4 offers = 3040 annual burden hours

Therefore, the total is 3840 annual burden hours.

3,840 hours x \$40 = \$153,600

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include 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 services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. 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 or 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 non-hour costs.

14. Provide estimates of 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), and 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 in a single table.

The annual hourly cost to the Federal Government to evaluate proposals under Section 18.8 is estimated at \$240,000. This is estimated as follows: 5 officials reviewing proposals for an average of 24 hours each at \$20 per hour times 100 lease solicitations. The NPS intends to minimize costs by consolidating lease proposal evaluations so that the same team of evaluators may review a number of proposals at the same time.

120 hours/proposal (5 persons, 24 hours each) x 100 solicitations x \$20/hour = \$240,000

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments.

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, include beginning and ending dates of the collection of information, completion of report, publication dated, and other action.

Not applicable.

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

Not applicable.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

Not applicable. .

Supporting Statement for Paperwork Reduction Act Submissions
“National Park Service Leasing Regulations, Section 18.12(c): Subletting and
Assignment of Leases”
OMB Control Number 1024-0233

Terms of Clearance: None

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.

Section 802 of the National Parks Omnibus Management Act of 1998 provided new legislative authority, policies, and requirements for the solicitation, award, and administration of National Park Service (NPS) leases for property located within areas of the national park system. NPS has implemented this authority in the form of an amended 36 CFR Part 18. Regulations are needed to assure consistent policies and procedures in the award and administration of NPS leases. The regulations contain six sections which involve the collection of information as follows:

a. Section 18.7	Requests for Bids
b. Section 18.8	Requests for Qualifications/Requests for Proposals
c. Section 18.12(c)	Subletting and Assignment of Leases
d. Section 18.12(i)-(j)	Approval of Lessee Construction/Demolition
e. Section 18.12(k)	Approval of Lease Amendments
f. Section 18.12(1)	Approval of Lessee Encumbrances

Separate Supporting Statements are provided for each section. This Statement concerns Section 18.12(c), Subletting and Assignment of Leases.

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. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

Section 18.12(c) describes the information required to be submitted by a lessee in the event the lessee seeks to sublet the leased property or assign the lease to a new lessee. The information is to be used by NPS officials to determine whether to approve a proposed sublease or assignment.

Without such information, the NPS would be unable to objectively evaluate proposed subleases or assignments as in the best interests of the Government.

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 [and specifically how this collection meets GPEA requirements].

At this time, the collection of information involving electronic means is not available, primarily due to the wide disparity in both size and type of operations. Much of the information is extensive and confidential financial information; electronic submission may not be secure. Applicants are allowed to provide information in a format that is convenient for them and to the extent possible, electronic submissions are accepted. Information that is required on the "Subletting and Assignment of Leases," that is not preferential/confidential and that is subject to being sent electronically, will be accepted.

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.

The requested information is unique to the applicant and no other source of information is available. As each lease is also unique, requests for sublets and assignments must be prepared individually, and cannot be reused in the case of renewals or other repeat applications. Since circumstances vary with each lease, there is no available information that can be used in lieu of that supplied in the interested party's offer.

5. If the collection of information impacts small business or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Information is collected from those small businesses that hold a lease and wish to sublet the premises or assign the lease. As in the case of all lessees, information is limited to that required in order for the NPS to objectively review requests and whether to approve them.

6. Describe the consequences 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.

The NPS would be unable to objectively determine whether to approve a sublease or a lease assignment.

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 receiving 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 3 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 the 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 that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.

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 in response to the PRA statement associated with the collection over the past 3 years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost hour and 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. [Please list the names, titles address, and phone numbers of persons contacted.]

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 60-day notice seeking comments on this collection was published in the Federal Register on March 30, 2007 (Vol. 72, page 15158). No public comments were received.

Over the course of the past 3 years, several consultations with persons outside of the agency have taken place. This has happened through the use of our Concessions Management Advisory Board, whose members include persons from several outside agencies. They are:

Mr. Richard Allen Naille, II
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In addition, Lars Hanslin, a private consultant for the Concession Program, has been working extensively to improve the Leasing Program within the Concession Program. Several versions of a Leasing Reference Manual have been reviewed by the Regional Concession Chiefs and concessioners and it is currently being finalized for use in the field. They all agree with the NPS' burden hour estimate in regards to collecting the information.

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

Not applicable. No payments or gifts will be given to respondents.

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

Lessees are advised that all information contained in a request may be disclosed by the Department of the Interior to any person upon request pursuant to the Freedom of Information Act. If the lessee believes that a submission contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), the cover page of the request as well as each page of the request containing such information is to be labeled. Information in a request identified as trade secret information or confidential commercial and financial information shall be used by the Government only for the purpose of evaluating the request, except that, (i) if a lease, sublease, or assignment is approved as a result of the submission of the request, the Government shall have the right to use the information as provided in the approval, and (ii) if the same information is obtained from another source without restriction, it may be used without restrictions.

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.

Not applicable. No sensitive questions are asked.

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 in Item 13 of OMB Form 83-I.**
- ❖ **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate calories. 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 NPS estimates that approximately 5 requests from lessees for subleases or assignment will be received per year. The amount of time necessary to prepare and submit a request will vary depending upon the complexity of the lease opportunity. Perhaps 1 of the 5 requests will involve complex leases (which would require 5 working days and 40 burden hours each) to prepare and submit a request for a sublease or lease assignment. The remaining 4 involve simple leases which would generally require one working days and 8 burden hours) to prepare and submit a request. The annual burden estimate is summarized as follows:

Complex Leases: 40 hours x 1 request = 40 annual burden hours

Simple Leases: 8 hours x 4 requests = 32 annual burden hours

Therefore, the total is 72 annual burden hours.

72 hours x \$40 = \$2,880

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include 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 services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. 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 or 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 non-hour costs.

14. Provide estimates of 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), and 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 in a single table.

The annual hourly cost to the Federal Government to evaluate requests under Section 18.12(c) is estimated at \$3200. This is based on an estimated cost \$20 per hour as follows: 2 officials reviewing requests for an average of 16 hours each at \$20 per hour times 5 requests.

32 hours/request (2 persons, 16 hours each) x 5 requests x \$20/hour = \$3200

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments.

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, include beginning and ending dates of the collection of information, completion of report, publication dated, and other action.

Not applicable.

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.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

Not applicable.

**Supporting Statement for Paperwork Reduction Act Submissions
“National Park Service Leasing Program, Section 18.12(i)-(j):
Approval of Lessee Construction/Demolition”
OMB Control Number 1024-0233**

Terms of Clearance: None

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.

Section 802 of the National Parks Omnibus Management Act of 1998 provided new legislative authority, policies, and requirements for the solicitation, award, and administration of National Park Service (NPS) leases for property located within areas of the national park system. NPS has implemented this authority in the form of an amended 36 CFR Part 18. Regulations are needed to assure consistent policies and procedures in the award and administration of NPS leases. The regulations contain six sections which involve the collection of information as follows:

- | | |
|--------------------------------|--|
| a. Section 18.7 | Requests for Bids |
| b. Section 18.8 | Requests for Qualifications/Requests for Proposals |
| c. Section 18.12(c) | Subletting and Assignment of Leases |
| d. Section 18.12(i)-(j) | Approval of Lessee Construction/Demolition |
| e. Section 18.12(k) | Approval of Lease Amendments |
| f. Section 18.12(l) | Approval of Lessee Encumbrances |

Separate Supporting Statements are provided for each section. This Statement concerns Section 18.12(i)-(j), Approval of Lessee Construction/Demolition.

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. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

Section 18.12(i)-(j) describes the information required to be submitted by a lessee in the event the lessee seeks to construct or demolish portions of the leased premises. The information is to be used by NPS officials to determine whether to approve proposed construction or demolition. Without such information, the NPS would be unable to objectively evaluate proposed construction or demolition as in the best interests of the Government.

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 [and specifically how this collection meets GPEA requirements].

At this time, the collection of information involving electronic means is not available, primarily due to the wide disparity in both size and type of operations. Much of the information is extensive and confidential financial information; electronic submission may not be secure. Applicants are allowed to provide the information in a format that is convenient for them and to the extent possible, electronic submissions are accepted. Information that is required on the "Approval of Lessee Construction/Demolition," that is not preferential/confidential and that is subject to being sent electronically, will be accepted.

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.

The requested information is unique to the applicant and no other source of information is available. As each lease is also unique, requests for construction and demolition must be prepared individually, and cannot be reused in the case of renewals or other repeat applications. Since circumstances vary with each lease, there is no available information that can be used in lieu of that supplied in the lessee's request.

5. If the collection of information impacts small business or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Information is collected from those small businesses that hold a lease and wish to construct or demolish leased premises. As in the case of all lessees, information is limited to that required in order for the NPS to objectively review requests and whether to approve them.

6. Describe the consequences 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.

The NPS would be unable to objectively determine whether to approve proposed construction or demolition.

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 receiving 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 3 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 the 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 that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.

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 in response to the PRA statement associated with the collection over the past 3 years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost hour and 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. [Please list the names, titles address, and phone numbers of persons contacted.]

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 60-day notice seeking comments on this collection was published in the Federal Register on March 30, 2007 (Vol. 72, page 15158). No public comments were received.

Over the course of the past 3 years, several consultations with persons outside of the agency have taken place. This has happened through the use of our Concessions Management Advisory Board, whose members include persons from several outside agencies. They are:

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In addition, Lars Hanslin, a private consultant for the Concession Program, has been working extensively to improve the Leasing Program within the Concession Program. Several versions of a Leasing Reference Manual have been reviewed by the Regional Concession Chiefs and concessioners and it is currently being finalized for use in the field. They all agree with the NPS' burden hour estimate in regards to collecting the information.

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

Not applicable. No payments or gifts will be given to respondents.

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

Lessees are advised that all information contained in a request may be disclosed by the Department of the Interior to any person upon request pursuant to the Freedom of Information Act. If the lessee believes that the offer contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), the cover page of the request as well as each page of the request containing such information is to be labeled. Information in a request identified as trade secret information or confidential commercial and financial information shall be used by the Government only for the purpose of evaluating the request, except that, (i) if a lease, sublease, or assignment is approved as a result of the submission of the request, the Government shall have the right to use the information as provided in the approval, and (ii) if the same information is obtained from another source without restriction, it may be used without restrictions.

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.

Not applicable. No sensitive questions are asked.

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 in Item 13 of OMB Form 83-I.**
- ❖ **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate calories. 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 NPS estimates that approximately 10 requests from lessees for construction or demolition will be received per year. The amount of time necessary to prepare and submit a request will vary depending upon the complexity of the project. Perhaps 2 of the 10 requests will involve complex construction or demolition projects that would require 32 burden hours each to prepare and submit a request for approval. The remaining 8 would involve simple projects that would generally require some 8 burden hours to prepare and submit a request. The annual burden estimate is summarized as follows:

Complex Leases: 32 hours x 2 requests = 64 annual burden hours
Simple Leases: 8 hours x 8 requests = 64 annual burden hours

Therefore, the total is 128 annual burden hours.

128 hours x \$40 = \$5,120

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include 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 services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. 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 or 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 non-hour costs.

14. Provide estimates of 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), and 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 in a single table.

The annual hourly cost to the Federal Government to evaluate requests under Section 18.12(i)-(j) is estimated at \$25,600. This is based on an estimated cost \$20 per hour as follows: 4 officials reviewing requests for an average of 32 hours each at \$20 per hour times 10 requests.

128 hours/request (4 persons, 32 hours each) x 10 requests x \$20/hour = \$25,600

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments.

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, include beginning and ending dates of the collection of information, completion of report, publication dated, and other action.

Not applicable.

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.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

Not applicable.

**Supporting Statement for Paperwork Reduction Act Submissions
“National Park Service Leasing Program, Section 18.12(k): Lease Amendments”
OMB Control Number 1024-0233**

Terms of Clearance: None

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.

Section 802 of the National Parks Omnibus Management Act of 1998 provided new legislative authority, policies and requirements for the solicitation, award and administration of National Park Service (NPS) leases for property located within areas of the national park system. NPS has implemented this authority in the form of an amended 36 CFR Part 18. Regulations are needed to assure consistent policies and procedures in the award and administration of NPS leases. The regulations contain six sections which involve the collection of information as follows:

- | | |
|----------------------------|--|
| a. Section 18.7. | Requests for Bids |
| b. Section 18.8 | Requests for Qualifications/Requests for Proposals |
| c. Section 18.12(c) | Subletting and Assignment of Leases |
| d. Section 18.12(i)-(j) | Approval of Lessee Construction/Demolition |
| e. Section 18.12(k) | Approval of Lease Amendments |
| f. Section 18.12(1) | Approval of Lessee Encumbrances |

Separate Supporting Statements are provided for each section. This Statement concerns Section 18.12(k), Approval of Lease Amendments.

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. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

Section 18.12(k) describes the information required to be submitted by a lessee in the event the lessee seeks to amend a lease to change the type of activities permitted under the lease. The information is to be used by NPS officials to determine whether to approve the proposed amendment to the lease. Without such information, the NPS would be unable to objectively evaluate the merits of a proposed lease amendment as in the best interests of the Government.

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 [and specifically how this collection meets GPEA requirements].

At this time, the collection of information involving electronic means is not available, primarily due to the wide disparity in both size and type of operations. Much of the information is extensive and confidential financial information; electronic submission may not be secure. Applicants are allowed to provide the information in a format that is convenient for them and to the extent possible, electronic submissions are accepted. Information that is required on the "Approval of Lease Amendments" that is not preferential/confidential and that is subject to being sent electronically, will be accepted.

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.

The requested information is unique to the applicant and no other source of information is available. As each lease is also unique, requests for lease amendments must be prepared individually, and cannot be reused in the case of renewals or other repeat applications. Since circumstances vary with each lease, there is no available information that can be used in lieu of that supplied in the lessee's request.

5. If the collection of information impacts small business or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Information is collected from those small businesses that hold a lease and wish to amend a lease. As in the case of all lessees, information is limited to that required in order for the NPS to objectively review requests and whether to approve them.

6. Describe the consequences 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.

The NPS would be unable to objectively determine whether to approve a proposed lease amendment.

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 receiving 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 3 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 the 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 that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.

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 in response to the PRA statement associated with the collection over the past 3 years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost hour and 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. [Please list the names, titles address, and phone numbers of persons contacted.]

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 60-day notice seeking comments on this collection was published in the Federal Register on March 30, 2007 (Vol. 72, page 15158). No public comments were received.

Over the course of the past 3 years, several consultations with persons outside of the agency have taken place. This has happened through the use of our Concessions Management Advisory Board, whose members include persons from several outside agencies. They are:

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In addition, Lars Hanslin, a private consultant for the Concession Program, has been working extensively to improve the Leasing Program within the Concession Program. Several versions of a Leasing Reference Manual have been reviewed by the Regional Concession Chiefs and concessioners and it is currently being finalized for use in the field. They all agree with the NPS' burden hour estimate in regards to collecting the information.

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

Not applicable. No payments or gifts will be given to respondents.

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

Lessees are advised that all information contained in a request may be disclosed by the Department of the Interior to any person upon request pursuant to the Freedom of Information Act. If the lessee believes that a submission contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), the cover page of the request as well as each page of the request containing such information is to be labeled. Information in a request identified as trade secret information or confidential commercial and financial information shall be used by the Government only for the purpose of evaluating the request, except that, (i) if a lease, sublease, or assignment is approved as a result of the submission of the request, the Government shall have the right to use the information as provided in the approval, and (ii) if the same information is obtained from another source without restriction, it may be used without restrictions.

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.

Not applicable. No sensitive questions are asked.

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 in Item 13 of OMB Form 83-I.**
- ❖ **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate calories. 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 NPS estimates that approximately 2 requests from lessees for lease amendments under Section 18.12(k) will be received per year. NPS estimates that the amount of time necessary to prepare and submit the information is approximately 4 hours per request. Accordingly, the annual burden estimate is approximately 8 hours.

Lease amendments: 4 hours x 2 requests = 8 annual burden hours

8 hours x \$40 = \$320

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include 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 services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. 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 or 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 non-hour costs.

14. Provide estimates of 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), and 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 in a single table.

The annual hourly cost to the Federal Government to evaluate requests under Section 18.12(k) is estimated at \$640. This is based on an estimated cost \$20 per hour as follows: 2 officials reviewing requests for an average of 8 hours each at \$20 per hour times 2 requests.

16 hours (2 persons, 8 hours each) x 2 requests x \$20/hour = \$640

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments.

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, include beginning and ending dates of the collection of information, completion of report, publication dated, and other action.

Not applicable.

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.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

Not applicable.

**Supporting Statement for Paperwork Reduction Act Submissions
“National Park Service Leasing Program, Section 18.12(1): Approval of Lessee
Encumbrances”
OMB Control Number 1024-0233**

Terms of Clearance: None

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.

Section 802 of the National Parks Omnibus Management Act of 1998 provided new legislative authority, policies, and requirements for the solicitation, award, and administration of National Park Service (NPS) leases for property located within areas of the national park system. NPS has implemented this authority in the form of an amended 36 CFR Part 18. Regulations are needed to assure consistent policies and procedures in the award and administration of NPS leases. The regulations contain six sections which involve the collection of information as follows:

- | | |
|----------------------------|--|
| a. Section 18.7 | Requests for Bids |
| b. Section 18.8 | Requests for Qualifications/Requests for Proposals |
| c. Section 18.12(c) | Subletting and Assignment of Leases |
| d. Section 18.12(i)-(j) | Approval of Lessee Construction/Demolition |
| e. Section 18.12(k) | Approval of Lease Amendments |
| f. Section 18.12(1) | Approval of Lessee Encumbrances |

Separate Supporting Statements are provided for each section. This Statement concerns Section 18.12(1), Approval of Lessee Encumbrances.

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. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

Section 18.12(1) describes the information required to be submitted by a lessee in the event the lessee seeks to encumber (mortgage) the leased premises. The information is to be used by NPS officials to determine whether to approve proposed encumbrances. Without such information, the NPS would be unable to objectively evaluate proposed encumbrances as in the best interests of the Government.

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 [and specifically how this collection meets GPEA requirements].

At this time, the collection of information involving electronic means is not available, primarily due to the wide disparity in both size and type of operations. Much of the information is extensive and confidential financial information; electronic submission may not be secure. Applicants are allowed to provide the information in a format that is convenient for them and to the extent possible, electronic submissions are accepted. Information that is required on the "Approval of Lessee Encumbrances," that is not preferential/confidential and that is subject to being sent electronically, will be accepted.

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.

The requested information is unique to the applicant and no other source of information is available. As each lease is also unique, requests for encumbrances must be prepared individually, and cannot be reused in the case of renewals or other repeat applications. Since circumstances vary with each lease, there is no available information that can be used in lieu of that supplied in the lessee's request.

5. If the collection of information impacts small business or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Information is collected from those small businesses that hold a lease and wish to encumber the leased premises. As in the case of all lessees, information is limited to that required in order for the NPS to objectively review requests and whether to approve them.

6. Describe the consequences 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.

The NPS would be unable to objectively determine whether to approve proposed encumbrances.

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 receiving 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 3 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 the 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 that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.

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 in response to the PRA statement associated with the collection over the past 3 years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost hour and 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. [Please list the names, titles address, and phone numbers of persons contacted.]

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 60-day notice seeking comments on this collection was published in the Federal Register on March 30, 2007 (Vol. 72, page 15158). No public comments were received.

Over the course of the past 3 years, several consultations with persons outside of the agency have taken place. This has happened through the use of our Concessions Management Advisory Board, whose members include persons from several outside agencies. They are:

Mr. Richard Allen Naille, II
Consultant
7950 Koch Field Road
Flagstaff, Arizona 86004
Phone: 928/526-5947

Dr. James J. Eyster
James J. Eyster Associates
1 Fiddlers Green
Lansing, New York 14882
Phone: 607/533-4380

In addition, Lars Hanslin, a private consultant for the Concession Program, has been working extensively to improve the Leasing Program within the Concession Program. Several versions of a Leasing Reference Manual have been reviewed by the Regional Concession Chiefs and concessioners and it is currently being finalized for use in the field. They all agree with the NPS' burden hour estimate in regards to collecting the information.

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

Not applicable. No payments or gifts will be given to respondents.

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

Lessees are advised that all information contained in a request may be disclosed by the Department of the Interior to any person upon request pursuant to the Freedom of Information Act. If the lessee believes that a submission contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), the cover page of the request as well as each page of the request containing such information is to be labeled. Information in a request identified as trade secret information or confidential commercial and financial information shall be used by the Government only for the purpose of evaluating the request, except that, (i) if a lease, sublease, or assignment is approved as a result of the submission of the request, the Government shall have the right to use the information as provided in the approval, and (ii) if the same information is obtained from another source without restriction, it may be used without restrictions.

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.

Not applicable. No sensitive questions are asked.

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 in Item 13 of OMB Form 83-I.**
- ❖ **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate calories. 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 NPS estimates that approximately 10 requests from lessees for encumbrances will be received per year. The amount of time necessary to prepare and submit a request will vary depending upon the complexity of the project. Perhaps 2 of the 10 requests will involve complex encumbrances which would require some 5 working days and 40 burden hours each to prepare and submit a request for approval. The remaining 8 would involve simple encumbrances that would generally require 1 working day and 8 burden hours to prepare and submit a request. The annual burden estimate is summarized as follows:

Complex Leases: 40 hours x 2 requests = 80 annual burden hours
Simple Leases: 8 hours x 8 requests = 64 annual burden hours

Therefore, the total is 144 annual burden hours.

144 hours x \$40 = \$5,760

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include 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 services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. 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 or 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 non-hour costs.

14. Provide estimates of 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), and 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 in a single table.

The annual hourly cost to the Federal Government to evaluate requests under Section 18.12(1) is estimated at \$14,400. This is based on an estimated cost of \$20 per hour as follows: 3 officials reviewing requests for an average of 24 hours each at \$20 per hour times 10 requests.

72 hours/request (3 persons, 24 hours each) x 10 requests x \$20/hour = \$14,400

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There are no program changes or adjustments.

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, include beginning and ending dates of the collection of information, completion of report, publication dated, and other action.

Not applicable.

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.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

Not applicable.