

**1SUPPORTING STATEMENT A  
FOR PAPERWOK REDUCTION ACT SUBMISSION**

**NATIONAL CAPITAL REGION (NCR)  
APPLICATION FOR PUBLIC GATHERING  
36 CFR 7.96 (g)  
OMB Control Number 1024-0021**

**Terms of Clearance.** None.

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Public Gathering Permit System is an extension of the National Park Service (NPS) statutory responsibilities to protect the park areas it administers and to manage the public use thereof (16 U.S.C. 1, 3). NPS regulations contained in Title 36, Code of Federal Regulations, Section 7.96 (36 CFR 7.96, as applicable to demonstrations and special events in NCR parks) are designed to implement statutory mandates to provide for resource protection and public enjoyment. These regulations reflect the special demands on many of the urban NCR parks as sites for demonstrations and special events.

The fact that an average of over 2,000 applications are received each year for permits to conduct demonstrations and special events in the NCR reflects the competition for use of Federal public lands in the Washington, D.C. area. This figure does not include the many small-scale demonstrations that occur without a permit. This demand necessitates a system by which the few park areas are equitably allocated. The present permit system accomplishes this allocation on a “first-come-first served basis,” requiring information from applicants as to the time, location and numbers involved in their events. At the same time, this keen demand for use of park areas necessitates restrictions on demonstrations and special events to protect park resources. Therefore, the present permit system incorporates requirements for information from applicants as to the nature of their activities. Finally, the demand for use of public areas in urban areas necessitates effective law enforcement. Especially around the White House, the NPS has responsibilities to ensure the security of that location and conduct of business within the site. In addition, the NPS must protect the public and demonstrators during large gatherings. It is not unusual for two groups with diametrically opposed views to request the same area at the same time.

**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.**

The NPS collects information in the Public Gathering Permit application to allow NPS officials to determine that groups conducting demonstrations and special events will use adequate measures to ensure order within their own ranks. To assist in protecting demonstrating groups, the NPS also requires permit applications include information about individuals or groups that may wish to disrupt the permitted group’s activity. Permit applications also provide a means to

request waivers of numerical limitations on the White House sidewalk and in Lafayette Park and to ensure demonstrating groups take adequate measures to minimize the possibility of danger to the White House and its occupants. This information is used by the NCR to determine:

- a. Identity of the person(s) or organization(s) requesting authorization to conduct a demonstration and or special event, and to determine whether the applicant(s) meets statutory requirements to conduct the activity.
- b. Nature of the proposed activity and whether there is statutory authority to grant permission to engage in it.
- c. Whether the proposed activity is in derogation from park values or purposes.
- d. Relationship between the proposed activity and the primary purpose(s) for which the park area was established and relevant park planning documents.
- e. Whether there is a legitimate NPS need or interest in the proposed activity.
- f. Whether the proposed activity would require a commitment of public resources or facilities, whether such commitments are legitimate and appropriate, and whether they are available.
- g. Long- or short-term adverse effects caused by the proposed activity on park resources, facilities, or programs.
- h. Need for attaching special conditions or mitigating measures to the permit, if issued.
- i. Total cost to the park of monitoring proposed activity.
- j. Whether a waiver of numerical limitations on the White House sidewalk and/or Lafayette Park should be granted
- k. Law enforcement resources needed to assure public safety and site security, especially at the White House, during the activity.

The information is gathered only as often as necessary to issue a permit. Information pertaining to the applicant/permittee is minimal: name, address and telephone number. Information pertaining to the demonstration or special event is more detailed; however, the information required is limited to the basic facts necessary for the NCR to make the determinations described above that apply to the particular request. A request for renewal would require only a brief written or verbal confirmation that the existing information remains accurate.

The NCR must ensure permit information remains accurate in order to be able to assess the cumulative effects of permitted activities on park resources and programs, to assure that the original permit justifications remain valid, to be able to evaluate requests for new permits, and to contact permittees to relay information concerning changes in permits or conditions.

- 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.**

For security reasons, the information collection does not involve use of electronic submissions. The completed application requires an original signature as well as contains sensitive (personally identifying) data. The bulk of requested supporting information consists of drawings, maps, site plans, photographs and other images. The technology for transmitting such graphically complex

material is not yet readily available to the mass of applicants who do not have ability or means to supply information electronically.

All applications are available online at [www.nps.gov/nama](http://www.nps.gov/nama) in a PDF format.

**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 initial information requested is not otherwise available to the NPS. Once collected, no additional information requirements are imposed on an applicant as long as the permit remains valid. Application and permit information is kept in NCR files for the life of the permit to eliminate duplicated requests, to allow NCR to determine whether facility or area capacities are being approached or exceeded, to prevent conflicting uses from being permitted simultaneously, and to allow the NCR to set program priorities in response to scheduled activities or park uses.

No similar information pertaining to park areas is collected by the NPS or any Federal or State agency. Although the NPS has sought to eliminate duplication in this program, very few opportunities were identified due to the focus on individual event activities or uses rather than on the person to whom it is issued. Duplication could be eliminated only in a small percentage of cases when the same person proposes to engage simultaneously in more than one activity, each of which requires a permit. In such cases, a single permit could be issued.

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

The Public Gathering Permit only authorizes demonstrations and special events as engaged in by individuals, groups or other activities. The information requested is limited to the minimum necessary to accomplish NPS objectives and responsibilities in granting the requested authorization. Therefore, the information collected imposes no greater burden to a small entity than is placed on an individual. The Public Gathering Permit does not impose record keeping requirements on applicants or permit holders.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Since circumstances vary with each individual applicant and with each proposed use of public lands, there is no information available that can be used in lieu of information requested from the applicant. Failure or inability of the NCR to collect or receive the necessary information could result in any or all of the following situations or consequences:

- an individual or organization could unknowingly engage in an activity that violates a Federal statute or regulation;
- the NCR could deny approval of an activity that is a person's or organization's legal right to conduct;
- an activity could take place that exceeds the support capabilities of a park staff for monitoring, facilitating, and for protection and rehabilitation operations;

- park resources could be damaged significantly by persons engaging in an activity of which the NCR had no knowledge or because the park staff had no opportunity to convey information about park resources and considerations requiring special attention;
  - park resources could be damaged through the cumulative impacts of persons exceeding established public use limits;
  - conflicts could occur between persons seeking to engage in incompatible activities in the same location or those seeking to use facilities whose capacities would be exceeded;
  - park resources could be damaged by NCR's inability to attach conditions or require mitigating measures in conjunction with the issuance of a permit;
  - undesirable and/or illegal precedents could be established by having certain activities take place without NCR's knowledge making subsequent efforts to prevent or discourage similar activities difficult or impossible;
  - visitors could be exposed unknowingly and unnecessarily to hazards because the NCR's lacked opportunity to make contact pursuant to the information collection/exchange process; and inadequately planned law enforcement resources could result in injury to the public, public buildings, and businesses; and place the White House and its occupants at risk.
7. **Explain any special circumstances that would cause an information collection to be conducted in a manner:**
- \* **requiring respondents to report information to the agency more often than quarterly;**
  - \* **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
  - \* **requiring respondents to submit more than an original and two copies of any document;**
  - \* **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
  - \* **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
  - \* **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
  - \* **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
  - \* **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

None of the special circumstances listed apply to information collection under discussion.

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 three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three 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.**

On April 19, 2010, we published in the Federal Register (75 FR 20375) a notice of our intent to request that OMB renew this information collection. In that notice, we solicited comments for 60 days, ending on June 18, 2010. We did not receive any comments in response to that notice.

In addition, the following three individuals were contacted by telephone and asked to provide comment:

Ms. Kelley Gillespie  
Capitol Services, Inc.  
108 N Virginia Avenue  
Falls Church, VA 22046

Comments: The NCR Public Gathering form is “not easy to fill out, and the first time I filled out an application it took three hours. More space is needed to answer certain questions. The application needs to be clearer and add space for email address, fax number, webpage, etc.”

James T. Day  
Principal  
JD Associates Inc.  
2120 L Street N.W.  
Washington, DC 20037

Comments: The NCR Public Gathering form “is easy as far as government goes and takes about 5 to 10 minutes to fill out, or 30 minutes depending on the client.” The form could be laid out better and allow more room to complete questions.”

Julie Hanson  
Event Consultant  
Alexandria, VA 22315

Comments: The NCR Public Gathering form is “pretty straight forward and takes about five minutes to fill out.” The form needs a line for email and fax. The form should break out dates: setup/break down dates and event date.”

We incorporated space for applicants' email addresses and fax numbers into the form; however, on advice from the Solicitor we opted to wait on making other changes to allow time to more thoroughly research the legal consequences.

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

No payment or gifts of any kind are made to respondents.

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

Under direction of the Treasury Department, the NPS has been directed to collect social security numbers and/or tax identification numbers for credit card payments. This information is collected only for applications for Special Events and only from applicants who choose to pay using a credit card. The information is collected on the last page of the Public Gathering Application Form. Should the forms be requested under FOIA, or some other legal requirement of disclosure, the request would require redaction of this sensitive information prior to release.

**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.**

No sensitive questions of this nature are asked. The sensitive information referenced in Item 3 above relates only to phone numbers and addresses for contact reasons.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- \* **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- \* **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- \* **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under**

**“Annual Cost to Federal Government.”**

We estimate that there will be approximately 2,051 respondents annually. We anticipate receiving approximately 2,051 responses annually, totaling 1,026 burden hours.

We estimate the total dollar value of the annual burden hours for this collection to be \$30,143. We used the Bureau of Labor Statistics news release USDL 10-1241, September 8, 2010, Employer Costs for Employee Compensation—June 2010 (<http://www.bls.gov/news.release/pdf/ecec.pdf>), to estimate average hourly wages and calculate benefits for:

- Individuals - We used the wage and salary costs for all workers from Table 1 (\$20.55) and multiplied by 1.4 to calculate benefits, resulting in an hourly rate of \$28.77.
- Private Sector - We used the wage and salary costs for all workers from Table 5 (\$19.53) and multiplied by 1.4 to calculate benefits, resulting in an hourly rate of \$27.34.
- State/local/tribal Government - We used the wage and salary costs for all State workers from Table 3 (\$26.13) and multiplied by 1.5 to calculate benefits, resulting in an hourly rate of \$39.20.

ACTIVITY	ANNUAL NO. OF RESPONDENTS	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE (HOURS)	TOTAL ANNUAL BURDEN HOURS	HOURLY RATE INCL. BENEFITS	\$ VALUE OF ANNUAL BURDEN HOURS*
Application - Public Gathering						
Individuals	1,714	1,714	.5	857	\$28.77	\$24,656
Private Sector	191	191	.5	96	27.34	2,625
Government	146	146	.5	73	39.20	2,862
<b>Totals</b>	<b>2,051</b>	<b>2,051</b>		<b>1,026</b>		<b>\$30,143</b>

\*rounded

**13. Provide an estimate of the total annual non-hour cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**

- \* **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 for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

- \* **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- \* **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

The application fee of \$50.00 is submitted with each application to recover the cost of processing the application (16 U.S.C. 3a). Therefore, the estimated annual nonhour cost burden associated with this information collection is \$102,550. (\$50.00 x 2,051)

**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.**

Time necessary to process and issue permits varies based on complexity, and is accounted for in the average minutes/permit numbers in Table 14.1. The total estimated cost to the Federal government for processing and issuing permits is \$285,499 calculated as shown in Table 14.1.

Table 14.1

	Hourly Pay Rate *	Hourly Rate with Benefits **	Average Minutes/ Permit	Average Cost/permit
Clerical				
GS-08/05	\$25.38	\$38.07	10	\$6.34
GS-04/05	\$16.54	\$24.81	20	8.27
Park Ranger				
GS-13/05	\$48.35	\$72.53	40 ***	\$48.35
GS-12/05	\$40.66	\$60.99	40	40.66
Supervising Park Ranger				
GS-14/05	\$57.13	\$85.70	20	\$28.57
Field Representation				
GS-09/05	\$28.04	\$42.06	10	\$7.01
		Total Average Cost/permit:		\$139.20

Total Cost:	2,051 applications x \$139.20 = \$285,499
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\* Hourly rate based on the Office of Personnel Management Salary Table 2010-DCB.

\*\* To calculate benefits, we multiplied the hourly pay rate by 1.5 in accordance with Bureau of Labor Statistics news release USDL 10-1241, September 8, 2010, Employer Costs for Employee Compensation—June 2010.

\*\*\* The Park Ranger-level review takes on average 80 minutes; however, each Ranger reviews half the total applications. We compensated for that in the final calculation by using half the time estimate (versus half the workload).

**15. Explain the reasons for any program changes or adjustments in hour or cost burden.**

We are reporting 2,051 responses and 1,026 burden hours. This is an adjustment decrease of 449 responses and 224 burden hours based on our experience in administering this collection.

We are reporting as a program change nonhour burden costs of \$102,550 for application fees. We have been collecting this fee since October 1, 2006; however, we failed to report it during the last renewal.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

There are no plans to publish the results of this information collection.

**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.**

We will display the OMB control number and expiration date.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions to the certification statement.