

**SUPPORTING STATEMENT A
FOR PAPERWORK REDUCTION ACT SUBMISSION**

**NATIONAL PARK SERVICE LEASING PROGRAM
36 CFR 18
OMB CONTROL NUMBER 1024-0233**

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 National Park Service leasing program allows the public to lease property located within the boundaries of the park system, under the authority of the Director of the National Park Service (NPS). The information requested will be used to evaluate offers, proposed subleases or assignments, proposed construction or demolition, the merits of proposed lease amendments, and proposed encumbrances.

Our authority to collect this information is derived from the following: Section 802 of the National Parks Omnibus Management Act of 1998, and Title 36, Code of Federal Regulations, section 18, (36 CFR 18). The following subparts pertain to the collection of information for entering into lease agreements and managing leases:

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|-------------------------|--|
| 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 |

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.

Information is collected from anyone who wishes to submit a bid or proposal in response to a Request for Bids (awarded on the basis of highest bid (rent) or a Request for Proposals. The information requested will be used to determine to whom to award a lease. Without this information, the NPS would be unable to objectively evaluate offers based upon lowest bids received for a particular leasing opportunity.

Information is collected from existing leaseholders who seek to do the following:

- Sublet a leased property or assign the lease to a new lessee
- Construct or demolish portions of a leased property

- Amend a lease to change the type of activities permitted under the lease
- Encumber (mortgage) the leased premises

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 electronically is not feasible, primarily due to the wide disparity in both size and type of operations. Much of the information is extensive and of a confidential financial nature. Electronic submission is not required due to large file sizes and the need for secure transmission. Applicants are allowed to provide information in a format that is convenient for them, and to the extent possible, electronic submissions are 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 information provided in this collection 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 as well as requests for sublets and assignments, and cannot be reused in the case of renewals or other repeat applications. Offers submitted in response to each bid solicitation must be prepared individually as well as requests for sublets and assignments, requests for construction and demolition, requests for lease amendments, and requests for encumbrances, 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.

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

Information is collected from those small businesses that wish to submit a bid or proposal in response to the solicitation for a leasing opportunity. Information is also collected from those small businesses that hold a lease and wish to:

- Sublet the premises or assign the lease;
- Construct or demolish leased premises;
- Amend a lease; or
- Wish to encumber the leased premises.

As in the case of other applicants, information is limited to that required in order for the NPS to objectively review all bids or proposals and determine which among them is the highest bid or best proposal. Also, in the case of existing leaseholders, information is limited to that required in

order for the NPS to objectively review sublet requests, requests to construct or demolish leased premises, amend leases, or encumber the leased premises 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.

If the information were not collected, the NPS would be unable to objectively assess all bids or proposals received in response to the advertisement of a leasing opportunity, as required by Public Law 105-391, and determine which is the highest bid. The NPS would also be unable to objectively determine whether to approve a sublease or a lease assignment, proposed construction or demolition, proposed lease amendments, and 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 receipt of it;**
- * **requiring respondents to submit more than an original and two copies of any document;**
- * **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * **requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

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 July 14, 2010, we published in the Federal Register (75 FR 40849) a notice of our intent to request that OMB renew this information collection. In that notice, we solicited comments for 60 days, ending September 13, 2010. We did not receive any comments in response to that notice.

In addition, we asked the following leaseholders to provide feedback on the leasing process:

Mr. Demosthenes Hontalas
Louis Restaurant
902 Point Lobos Avenue
San Francisco, CA 94121

Southern Highland Handicraft Guild
382 Blue Ridge Parkway
Asheville, North Carolina

Cuyahoga Valley National Park Association
1403 West Hines Hill Road
Peninsula, Ohio 44264

No comments were provided.

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

No payments or gifts are provided to respondents.

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

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.

No sensitive questions of this nature 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.**
- * 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 anticipate receiving approximately 627 responses annually, totaling 4,392 annual burden hours. The completion times for each information collection requirement vary substantially depending on the complexity of the leasing opportunity.

We estimate the total dollar value of the annual burden hours for this collection to be \$326,807 (rounded). To determine the hourly wage, we used the Bureau of Labor Statistics Occupational Employment and Wages, May 2009, table 11-1021 General and Operations Managers - <http://www.bls.gov/oes/current/oes111021.htm>. The national mean hourly wage is \$53.15. To account for benefits, we multiplied this wage by 1.4 in accordance with BLS news release USDL 10-1241 entitled “Employer Costs for Employee Compensation—June 2010” (<http://www.bls.gov/news.release/pdf/ecec.pdf>), resulting in an hourly cost factor of \$74.41.

REQUIREMENT	ANNUAL NO. OF RESPONDENTS	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE (hours)	TOTAL ANNUAL BURDEN HOURS	TOTAL DOLLAR VALUE OF ANNUAL BURDEN HOURS*
36 CFR 18.7 - leasing program	200	200	1	200	\$14,882
36 CFR 18.8 - proposals					
Complex	20	20	40	800	59,528
Simple	380	380	8	3040	226,206
36 CFR 18.12(c) - subletting					
Complex	1	1	40	40	2,976
Simple	4	4	8	32	2,381
36 CFR 18.12(i)-(j) - construction/ demolition					
Complex	2	2	32	64	4,762
Simple	8	8	8	64	4,762
36 CFR 18.12(k) - amendments	2	2	4	8	595
36 CFR 18.12(l) - encumbrances					
Complex	2	2	40	80	5,953
Simple	8	8	8	64	4,762
Total	627	627		4,392	\$326,807

*rounded

13. Provide an estimate of the total annual [nonhour] cost burden to respondents or recordkeepers resulting from the collection of information.

There are no nonhour cost burdens to respondents.

14. Provide estimates of annualized cost to the Federal Government.

We estimate the total cost to the Federal Government to administer this information collection will be \$167,329. We used Office of Personnel Management Salary Table 2010-DCB http://www.opm.gov/oca/10tables/html/dcb_h.asp to determine average hourly wages. We multiplied the hourly rate by 1.5 to account for benefits in accordance with BLS news release USDL 10-1241, September 8, 2010.

POSITION AND GRADE	HOURLY RATE	HOURLY RATE INCLUDING BENEFITS	TIME SPENT ON INFORMATION COLLECTION	WEIGHTED AVERAGE \$/HOUR
Concessions Specialist, GS-11/5	\$33.92	\$50.88	50%	\$25.44
Senior Concessions Specialist, GS-13/5	48.35	72.53	50%	36.27
Total				\$61.71

The table below shows Federal Government costs associated with each information collection requirement except for 18.8. The note below the table explains the calculation for 18.8.

REQUIREMENT	TOTAL ANNUAL RESPONSES	GOVT TIME PER RESPONSE (hours)	TOTAL GOVT HOURS	COST TO GOVT (\$62/hr)
36 CFR 18.7 - leasing program	200	2	400	\$24,800
36 CFR 18.8 - proposals	400	*	120*	6,625
36 CFR 18.12(c) - subletting	5	32	160	9,920
36 CFR 18.12(i)-(j) - construction/ demolition	10	128	1,280	79,360
36 CFR 18.12(k) - amendments	2	16	32	1,984
36 CFR 18.12(l) - encumbrances	10	72	720	44,640
Total	627		2,712	\$167,329

* A panel of 4 GS-11/5 Concessions Specialists and 1 GS-13/5 Senior Concessions Specialist meets for 3 days for an average of 8 hours each day to review all 400 responses. The cost for the GS-11's is \$4,884 and for the GS-13 is \$1,741 for a total cost to review all 400 responses of \$6,625.

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

There are no program changes or adjustments.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

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.

The expiration date will be displayed as applicable.

18. Certification.

There are no exceptions to the certification statement.