

**Supporting Statement for Paperwork Reduction Act Submissions**  
**“Concession Contracts – 36 CFR 51”**  
**OMB Control # 1024-0231**

**INTRODUCTION**

Title IV of the National Park Omnibus Management Act of 1998 provided new legislative authority, policies and requirements for the solicitation, award and administration of National Park Service (NPS) concession contracts. NPS proposed regulations on June 30, 1999 (64 FR 35515) to implement the new requirements of this law, but inadvertently omitted several aspects of the regulations from their information collection authority submissions. NPS received emergency clearance by the Office of Management and Budget (OMB), which assigned clearance number 1024-0231 for: 1) appeals to the Director of NPS regarding preferred offerors for the purposes of a right of preference in renewals identified in 36 CFR 51.55 (Section 51.47 in the final rule); 2) capital improvements under a leasehold surrender interest concession contract as required by Sections 51.60 and 51.61 (Sections 51.54 and 51.55 in the final rule); and 3) records which must be maintained by concessioners (and sub-concessioners) for the term of the concession contract and for 5 calendar years after the termination or expiration of the concession contract as required by 36 CFR 51.111 (Section 51.98 in the final rule). For purposes of this information collection submission, NPS will refer to section numbers as they appear in the final rule.

NPS is seeking 3-year approval for OMB Control # 1024-0231 identified in the following table.

**SUMMARY TABLE FOR ACTIVITIES**  
**IN 36 CFR PART 51**

SECTION	NUMBER OF RESPONSES	HOURS PER RESPONSE	TOTAL HOURS
51.47	8	1	8
51.54 and .55	31 large 89 small	48 20	1,488 1,780
51.98	630	0	0
<b>TOTAL</b>	758	69	3,276

**Supporting Statement for Paperwork Reduct Act Submissions  
“Concession Contracts/Appeal of Preferred Offeror Determinations”**

**36 CFR 51.47**

**OMB Control # 1024-0231**

**Terms of Clearance:** Upon the agency’s next submission for OMB approval, the agency shall seek the views of persons from outside of the agency regarding the utility of the burden imposed by this collection and the accuracy of the agency’s estimates of this burden. The agency shall include the names and contact information of the persons consulted.

These Terms will be addressed in Items #8 and #12 of the Supporting Statement.

**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.**

Sections 403(7) and (8) of the National Park Service Concessions Management Improvement Act of 1998 (Public Law 105-391) provides that the Secretary shall not grant a concessioner a preferential right to renew a concession contract, or any other form of preference to a concession contract, except that the Secretary shall grant a preferential right of renewal to concessioners who provide outfitter and guide services, and concession contracts with anticipated annual gross receipts under \$500,000, subject to certain specific requirements. Revised implementing regulations at 36 CFR Part 51, published for public comment on June 30, 1999 (64 FR 35515), repeat this statutory requirement. Those regulations provide an opportunity for a concessioner or any other person to appeal a preferred offeror determination.

**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 regulations state that any person may appeal to the Director a determination that a concessioner is not a preferred offeror for the purposes of a right of preference in renewal and that the appeal must specify the grounds for the appeal. This information is used in the Director’s consideration of the appeal. There are several grounds on which a person might appeal a preferred offeror determination. For example, does the new contract provide for continuation of the visitor services under the previous contract; is the new contract estimated to result in annual gross receipts of less than \$500,000 in the first 12 months of its term; does the contract solely authorize or require the conduct of specialized outdoor recreation services in the backcountry; will the conduct of operations under the new contract require employment of

specially trained and experienced guides; does the contract grant any compensable interest in real

property improvements on park lands. If the appellant does not identify the specific grounds on which it objects to the Director's initial preferred offeror determination, the Director could make a final determination without fully understanding the appellant's concerns or without taking into consideration important information the appellant may wish to submit in support of its position.

**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].**

The only restriction imposed on persons wishing to submit an appeal is that they do so in writing. The appeal may be submitted in the form of a letter that is delivered through regular mail, hand-carried, faxed or transmitted electronically to the Director.

**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 each respondent, and no other source of information is available. As each determination is also unique, appeals submitted must be prepared individually. Since circumstances may vary widely in each instance, there is no available information that can be used in lieu of that submitted in the appeal.

**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 will be collected from those small businesses wishing to appeal a preferred offeror determination. The information is limited to that required in order for the Director to objectively consider the appeal and make a final preferred offeror determination.

**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 appellant's specific concerns are not identified in the appeal, the Director might be unable to objectively consider those specific concerns and may not be able to take into consideration

any relevant information the appellant may wish to submit in support of its position.

**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.**

NPS published proposed regulations governing concession contracts on June 30, 1999 (64 FR 35515). However, the proposed rule omitted to request comments regarding the information collection requirements associated with appealing to the Director a determination that a concessioner is not a preferred offeror for the purposes of a right of preference in renewal and that the appeal must specify the grounds for the appeal as authorized in 36 CFR 51.47.

A 60-day notice seeking comments on this collection was published in the Federal Register on February 14, 2007 (Page 7074-7075). No comments were received.

Each appeal is unique in the amount of information requested based on the size and scope of the operation and cannot be compared to any other. A person who appeals a preferred offeror determination does so on an individual basis and must explain the grounds on which they believe it should be appealed. Information is collected on an as-needed, case-by-case basis and the information collected varies by operation. As such, there is no specific group to which this collection is directed. This precludes consultation on a specific appeal due to the wide disparity of information requested and the frequency (or lack, thereof) of such collections.

**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 prospectuses issued by the NPS that information submitted in response to prospectuses may be disclosed by the Department of the Interior to any person upon request pursuant to the Freedom of Information Act (FOIA). To the extent that an appeal of a preferred offeror determination becomes a part of the administrative record on a particular contracting action, it may be subject to disclosure pursuant to FOIA.

**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.**

There are some 630 concessioners operating within areas of the national park system. Of these, approximately 75 percent (or approximately 470) will be provided a preference to renewal under the terms of the 1998 Act. Almost all of these are relatively small operations, either in terms of annual gross receipts or complexity of operation. NPS anticipates that approximately 80 new contracts for these types of operations will be issued annually. NPS does not anticipate that more than 10 percent of its initial preferred offeror determinations (8 per year) will be the subject of an appeal, nor does it anticipate that more than one appeal per determination will be received. NPS estimates that the preparation of a letter setting forth

the grounds for a person's appeal of a preferred offeror determination should require not more than 1 hour. The annual burden estimate is summarized as follows:

$$80 \times 10\% = 8 \times 1 \text{ appellant} = 8 \times 1 \text{ hour} = 8 \text{ annual burden hours}$$

$$\$40/\text{hour} \times 8 \text{ hours} = \$320$$

**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 consider appeals of preferred offeror determinations is estimated at \$12,800. This is based on an estimated cost of \$40 per hour (due to the nature of the job skills required to conduct the review) as follows:

$$40 \text{ hours/appeal (2 persons, 20 hours each)} \times 8 \text{ appeals} \times \$40/\text{hour} = \$12,800$$

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

No program change.

**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. Expiration date will be displayed.

**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. There are no exceptions to the certification statement.

**Supporting Statement for Paperwork Reduction Act Submissions**  
**“Construction of Capital Improvements”**  
**36 CFR 51.54 and .55**  
**OMB Control # 1024-0231**

**Terms of Clearance:** Upon the agency’s next submission for OMB approval, the agency shall seek the views of persons outside the agency regarding the utility of the burden imposed by this collection and the accuracy of the agency’s estimates of this burden. The agency shall include the names and contact information of the persons consulted.

These Terms will be addressed in Items #8 and #12 of the Supporting Statement.

**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 405 of the National Park Service Concessions Management Improvement Act of 1998 (Public Law 105-391) provides that a concessioner that constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concession contract shall have a leasehold surrender interest in such capital improvement. Implementing regulations at 36 CFR Part 51.54 and 51.55 require that the concessioner submit specific information to the National Park Service (NPS) in connection with the approval of leasehold surrender interest.

**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 51.54 requires that before beginning to construct any capital improvement, the concessioner must obtain written approval from the Director in accordance with the terms of its leasehold surrender interest concession contract. The request for approval must include appropriate plans and specifications for the capital improvement and any other information that the Director may specify. The request must also include an estimate of the total construction cost of the capital improvement. The estimate of the total construction cost must specify all elements of the cost in such detail as is necessary to permit the Director to determine that they are elements of construction cost as defined in this part. (The approval requirements of this and other sections of this part also apply to any change orders to a capital improvement project and to any additions to a structure or replacement of fixtures as described in this part.)

Section 51.55 states that upon substantial completion of the construction of a capital improvement in which the concessioner is to obtain a leasehold surrender interest, the concessioner must provide the Director a detailed construction report. The construction report must be supported by actual invoices of the capital improvement's construction cost together with, if requested by the Director, a written certification from a certified public accountant (CPA). The construction report must document, and any requested certification by the certified public accountant must certify, that all components of the construction cost were incurred and capitalized by the concessioner in accordance with Generally Accepted Accounting Principles (GAAP), and that all components are eligible direct or indirect construction costs as defined in this part. Invoices for additional construction costs of elements of the project that were not completed as of the date of substantial completion may subsequently be submitted to the Director for inclusion in the project's construction cost.

The information requested in these sections will be used to determine whether the construction proposed by the concessioner meets the statutory and regulatory requirements to qualify for leasehold surrender interest prior to beginning the project, as well as the amount of the leasehold surrender interest to be granted after substantial completion of the project. The amount of information or degree of detail will vary widely, depending upon the size and scope of the proposed construction project. Plans and specifications, cost estimates, change orders, and a construction report supported by actual invoices and, if required, a written certification from a CPA certifying that all components of the construction cost were incurred and capitalized by the concessioner, will be required. However, with the exception of the CPA certification, the concessioner will be required only to maintain and submit copies of these documents, which are a natural outgrowth of the construction process, and, if it disagrees with the NPS determination, submit a written request for arbitration. Without such information, NPS would be unable to verify the eligibility of any proposed concessioner construction project for leasehold surrender interest, and would be unable to verify the cost of a construction project in which the concessioner is entitled to leasehold surrender interest. The existence of a leasehold surrender interest in effect places on the Government a burden to pay a concessioner, or require a third party to pay a concessioner, the construction cost of a building perhaps 20 or more years after the building is completed. This obligation, in the view of NPS, requires submission to NPS of the information required by this subpart in order to properly fulfill the NPS' administrative responsibilities for this financial obligation.

**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 type of information requested (for example, plans and specifications, invoices, etc.),

and the concessioner's ability to provide responses electronically. To the extent information is available electronically, the NPS is willing to accept electronic submissions.

**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 each construction project and no source of information other than the concessioner is available. As each construction project is unique, the information must be developed on a project-by-project basis, and cannot be reused. Much of the information required (for example, plans and specifications and invoices) is a natural outgrowth of the construction process. No similar information pertaining to concessioner construction projects on park lands is collected by NPS or other Federal agencies.

**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.**

This collection does not pose a burden for small entities. Information will be collected from smaller businesses that are authorized to construct concession facilities on park lands. As in the case of other concessioners, information required is limited to that necessary for NPS to properly fulfill its administrative responsibilities with regard to the establishment of leasehold surrender interest.

**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 properly fulfill its administrative responsibilities with regard to the establishment of leasehold surrender interest or leasehold surrender interest value. The existence of a leasehold surrender interest places on the Government a burden to pay a concessioner, or require a third party to pay a concessioner, the construction cost of a building perhaps 20 or more years after the building is completed, sometimes resulting in a contingent liability of millions of dollars for one building. Consequently, NPS feels strongly that proper administration is an absolute requirement in view of the financial obligation leasehold surrender interest creates for the Government or a successor concessioner.

**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.**

In a limited number of cases involving large construction projects, additional copies of some items of the submission may be required.

**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 February 14, 2007 (Page 7074-7075). No 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. In addition, several concessioners have been consulted regarding the leasehold surrender interest involved in capital improvements.

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**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 made.

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

NPS concession contracts provide that all information submitted to the Director pursuant to its contract is subject to public release by the Director to the extent provided by applicable laws.

**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.**

There are approximately 630 concession contracts administered by NPS, only approximately 100 of which are expected to involve the establishment of leasehold surrender interest.

Because the Director's approval of the construction of capital improvements must be obtained on a project-by-project basis, NPS is addressing the estimated burden on a project basis. In this regard, NPS notes that it is not likely that all of the 100 concessioners referred to above will be subject to these requirements in any given year. On a year-by-year basis, many of these concessioners will have no construction projects requiring approval, while others may have several projects requiring approval. Additionally, NPS believes that the burden will vary depending upon the size and scope of the construction project. For the purposes of this analysis, NPS has considered projects costing \$500,000 or more to be large projects, and projects costing less than \$500,000 to be small projects. NPS estimates that approximately 31 large projects and 89 small projects will require approval each year.

NPS estimates that for each large project, a respondent will require approximately 8 hours to

prepare the written request and compile the appropriate plans and specifications for the capital improvement as required by 36 CFR 51.54, or 248 hours for all large projects. Based on our consultations, NPS estimates the requirement for each small project to be 4 hours, or 356 hours for all small projects.

In addition, each large project will require 16 hours, or 496 hours for all large projects, and each small project will require 8 hours, or 712 hours for all small projects upon substantial completion of the construction to prepare and submit the detailed construction report, required by 36 CFR 51.55. Further, 36 CFR 51.55 provides that NPS may require that this report must be certified by a certified public accountant. NPS estimates the hourly burden of this certification to be 24 hours for each large project, or 744 hours for all large projects, and 8 hours for each small project, or 712 hours for all small projects.

Using \$30 per hour (due to the primarily clerical nature of this task), NPS estimates that the annual cost for each respondent will be \$720 for each large project and \$360 for each small project, or \$54,360 for all respondents. NPS estimates the cost of the CPA certification requirement at \$50 per hour, resulting in \$1,200 for each large project and \$400 for each small project, or \$39,320 for all projects.

Based on the foregoing, the annual burden estimate is summarized as follows:

$$604 \text{ hours (section 51.54)} + 1,208 \text{ hours (section 51.55 report requirement)} + 1,456 \text{ hours (section 51.55 CPA requirement)} = 3,268 \text{ hours requested.}$$

**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 cost to the Federal Government to review the request for construction of a capital improvement and written construction report nearing the end of construction is estimated at 600 person hours, or \$18,000 per large project and 200 person hours, or \$6,000 per small project, resulting in a total annual cost of \$1,092,000 for all projects based on an estimated cost of \$30 per hour (due to the nature of the job skills required to conduct various aspects of the review).

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

No program change.

**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. Expiration date will be displayed.

**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. There are no exceptions to the certification statement.

**Supporting Statement for Paperwork Reduction Act Submissions**  
**“Recordkeeping Requirements of 36 CFR 51.98”**  
**OMB Control # 1024-0231**

**Terms of Clearance:** Upon the agency’s next submission for OMB approval, the agency shall seek the views of persons from outside of the agency regarding the utility of the burden imposed by this collection and the accuracy of the agency’s estimates of this burden. The agency shall include the names and contact information of the persons consulted.

These Terms will be addressed in Items #8 and #12 of the Supporting Statement.

**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 414 of the National Park Service Concessions Management Improvement Act of 1998 (Public Law 105-391) requires that concessioners keep such records as the Secretary of the Interior may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed. Implementing regulations at 36 CFR 51.98 repeat this statutory requirement.

**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 51.98 requires that concessioners keep records that are generated in the normal course of conducting a business for 5 years after termination or expiration of the contract. The Director will use this information for purposes of audits and examination to determine that all terms of the concession contract are or were faithfully performed.

**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].**

Maintenance of these contract records by electronic means is not practical since they represent legal documents with signatures. However, concessioners may maintain their records in any format appropriate.

**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 required to be maintained is unique to the applicant and no other source of information is available.

**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.**

Small businesses are required to maintain records. However, these records, for the most part, are generated in the normal course of business or required by the Internal Revenue Service.

**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.**

Maintenance of these records is required by statute. If the collection were not conducted, NPS would not be in a position to determine that all terms of a concession contract have been faithfully performed.

**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 February 14, 2007 (Page 7074-7075). No 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. In addition, several concessioners have been consulted regarding the recordkeeping requirements for those concession contracts with leasehold surrender interest involved.

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**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 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.**

Not applicable. No data is provided to the agency under this collection activity.

**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 questions are asked of respondents in this collection activity.

**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 does not anticipate that this information activity has any recordkeeping burdens since maintenance of contracts is associated with the normal course of business operations, or required by the Internal Revenue Service, and is exempt from requirements of the Paperwork Reduction Act of 1995.

**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 costs associated with the recordkeeping requirements other than those that are normal in the course of business operations, or required by the Internal Revenue Service.

**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.**

As this is simply a recordkeeping requirement on the part of the concessioner, there is no annual cost to the Federal Government.

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

No program change.

**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. Expiration date will be displayed.

**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. There are no exceptions to the certification statement.