

Supporting Statement for Paperwork Reduction Act Submissions
“National Capital Region Application for Public Gathering, 36 CFR 7.96 (g)”
OMB Control Number 1024-0021

Terms of Clearance: Park Service needs to explain why it has not contacted persons from outside the agency to seek their views about this ICR. This needs to be included in the response to question 8 in 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.

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 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 twenty-five hundred applications are received each year for permits to conduct demonstrations and special events in NCR reflects the competition for use of Federal public lands in the Washington area. In addition, this figure does not include the many small demonstrations that occur without a permit. This demand necessitates a system by which the few park areas may be 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, urban areas, necessitates effective law enforcement. Especially around the White House, the NPS has responsibilities to insure the security of that location and the conduct of business within the site. In addition, NPS must protect the public and demonstrators during large gatherings. To meet these needs, the Public Gathering Permit application requires information as to measures that groups conducting demonstrations and special events will use to assure order within our own ranks. To assist in protecting demonstrating groups, permit applications require information about individuals or groups that may wish to disrupt the permitted group’s activity. It is not unusual for two groups with diametrically opposed views to request the same area at the same time. Permit applications also provide for a means to request waivers of numerical limitations on the White House sidewalk and in Lafayette Park when demonstrating groups take adequate measures to assure minimal possibility of danger of the White House and its occupants.

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 gathered in order to issue a Public Gathering permit is used by NCR for the following purposes:

- A. To determine the identity of the person or organization requesting authorization to conduct a Demonstration or special event and to determine whether the applicant meets statutory requirements to conduct the activity, is any exists;
- B. To determine the nature of the proposed activity and whether there is statutory authority to grant permission to engage in it;
- C. To determine whether the proposed activity is in derogation of park values or purposes;
- D. To determine the relationship between the proposed activity and the primary purposes for which the park area was established and relevant park planning documents;

- E. To determine whether there is a legitimate NPS need or interest in the proposed activity.
- F. To determine where the proposed activity would conflict with any established appropriate park use;
- G. To determine 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.
- H. To identify any long or short term adverse effects caused by the proposed activity on park resources, facilities or programs;
- I. To determine the need for attaching special conditions or mitigating measures to the permit, if issued;
- J. To determine the total cost to the park of monitoring the proposed activity;
- K. To determine whether a waiver of numerical limitations on the White House sidewalk and/or Lafayette Park should be granted; and
- L. To determine the 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 NCR to make any of the determinations listed 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.

NCR must ensure that permit information remains accurate in order to be able to access 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 be able to contact permittees in order to relay information concerning changes in permit terms or conditions. Failure or inability of 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; 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, protection, and rehabilitation operations; park resources could be damaged significantly by persons engaging in an activity of which 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; user 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 significantly by NCR's inability to attach conditions or require mitigating measures in conjunction with 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 through NCR's lack of opportunity to make contact pursuant to the information collection/exchange process; and inadequate law enforcement resources, because of inability to plan, could cause injury to the public, public buildings, and businesses, and place the White House and its occupants at risk.

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 information collection does not involve the use of electronic submissions. The completed application requires an original signature as well as contains sensitive data. Therefore, for security reasons, the collection of data does not involve the use of electronic submissions. The bulk of supporting information

requested 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.

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 NCR to set program priorities in response to schedule 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 permit's focus on individual 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 (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This collection does not impose a burden on small entities.

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

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 that requested from the applicant.

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 in 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.

Not applicable.

8. If applicable, provide a copy of 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. {Please list the names, titles, addresses, 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 -2-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.

The NPS published a 60-day Federal Register Notice soliciting public comments March 8, 2007, (Vol. 72, Pages 10554-10555). No public comments were received.

Over the past 3 years, the following three individuals were contacted and asked to provide feedback on the use of this form. They are as follows:

**Mrs. Julie Hanson
Hanson Productions
5810 Kingstown Center Drive
Suite 120
Alexandria, Virginia 22315
Telephone: (703) 644-6434**

Mrs. Hanson stated that the form is “the most straight-forward and least time consuming of the various forms I have been required to complete and submit” in regard to producing events.

**Ms. Betty Saylor
Debbie La Hardy & Company
408 N. Pitt Street
Alexandria, Virginia 22314
Telephone: (703) 963-3265**

Ms. Saylor says that the form is “quick and easy to fill out”.

**Mr. Jim Hess
Executive Director
Office of University Events
The George Washington University
2121 Eye Street, N.W.
Suite 504
Washington, D.C. 20052
Telephone: (202) 994-7129**

Mr. Hess stated that the form is “absolutely not a burden in filling out and can easily be accomplished within 30 minutes or less”.

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

Not applicable.

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

Not applicable. No confidential information is solicited and no assurances of confidentiality provided.

- 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 83-1.**
- * **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

The annual regulatory burden associated with the Public Gathering Permit system is estimated to be 1250 hours, based on an estimated 2,500 respondents applying once at 30 minutes per response. This burden does not vary widely. The preparation burden is at \$15.00 per hour to provide the requested information. These estimates are based on experience with the current permit system and feedback from the three individuals contacted. Therefore, the total is:

$$2500 \times .5 \text{ hours} = 1250 \text{ burden hours} \times \$15/\text{hour} = \$18,750$$

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 the cost of any hour burden shown in Items 12 and 14).

- * **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of 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 of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There 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.

Lower graded employees usually receive the applications. Consideration of, and decisions based upon, the information is performed at a higher level. A GS 8/5 pay rate was used to calculate the cost. The number of hours spent receiving and reviewing the information equals the number spent by the public providing the information. Therefore, the annual cost to the Federal Government is:

$$1,250 \text{ hours} \times \$19.09 = \$23,863$$

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

There are no program changes. However, there is adjustment in burden downward due to a decrease in annual submissions.

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

Not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable.

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

Not applicable.