FINAL SUPPORTING STATEMENT
FOR
48 CFR CHAPTER 20

U.S. NUCLEAR REGULATORY COMMISSION
ACQUISITION REGULATION
EXTENSION WITH BURDEN REVISIONS
(3150-0169)

Description of the Information Collection

NRC regulations in 48 Code of Federal Regulations (CFR) Chapter 20 implement and supplement the government-wide Federal Acquisition Regulation (FAR) and ensure that the policies governing the procurement of goods and services within the U.S. Nuclear Regulatory Commission (NRC) satisfy the needs of the agency. The Nuclear Regulatory Commission Acquisition Regulation (NRCAR) includes policies, procedures, solicitation provisions, and contract clauses needed to ensure effective and efficient evaluation, negotiation, and administration of procurements.

CFR Chapter 20, "NRCAR" provides for the codification and publication of uniform policies and procedures for acquisitions by the NRC. The NRCAR is not, by itself, a complete document. It must be used in conjunction with the FAR (48 CFR Chapter 1). Where material in the FAR requires no agency-specific implementation or supplementation, there is no corresponding numbering in the NRCAR. Therefore, there may be gaps in the NRCAR sequence of numbers where the FAR requires no further implementation.

The FAR and NRCAR apply to all NRC acquisitions of supplies and services which obligate appropriated funds, except as exempted by Sections 31 and 161 of the Atomic Energy Act of 1954 as amended, and Section 205 of the Energy Reorganization Act of 1974 as amended. For procurements made from nonappropriated funds, the Director, Division of Contracts, shall determine the rules and procedures that apply.

The NRCAR guidance is grouped by the following procurement topics:

Conflict of Interest
Contractor Personnel
Cost Issues
Patents/Copyright
Reports, Publications, and Drawings
Responsibility Determinations (Sealed Bid)
Security
Technical and Cost Proposals (competitive)
Technical and Cost Proposals (task order)

A. Justification

1. Need For and Practicable Utility of the Information Collection.

The need for and practicable utility of the Information Collection is described in the attachment to this document.

2. Agency Use of Information

This information is necessary to ensure that the agency's acquisition regulations comply with the FAR, and other applicable statutes and to ensure that public funds used for the acquisition of commercial goods and services are expended properly.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. NRC encourages respondents to use information technology when it would be beneficial to them. NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public, the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. It is estimated that approximately 100% of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use of Similar Information

There is no similar information available. The nature of the collections (proposal components and reports of current activity specific to the contract) do not lend themselves to duplication. For evaluation of proposals, information conveyed in the proposal needs to be evaluated to assess the offeror's ability to successfully accomplish the prospective contract.

5. Effort to Reduce Small Business Burden

The information collection is structured to facilitate the effective and efficient evaluation of proposals, reporting and administration of contracts. Efforts have been made to keep the requirements for information to a minimum. The burden applied is minimal, consistent with applicable regulations and prudent business practices.

6. Consequences of Less Frequent Collection or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

Proposal submission and certification are basically one-time collections associated with specific contract/solicitation situations or requirements. Less frequent reporting of technical progress and financial status would remove an effective mechanism needed to monitor contract performance and initiate appropriate remedial action to protect the interests of the Government.

7. Circumstances Which Justify Variation from OMB Guidelines

The following requirements are not consistent with OMB guidelines:

- Section 2052.211-71 and -72 and Alternate require submittal of financial and technical reports on a monthly basis. The contractor's submittal of these reports more frequently than on a quarterly basis enables the project officer to analyze the need for technical direction, cost control, and the timely initiation of remedial action. This information is vital to achieve good contract administration.

- Section 2052.214-72(e) requires bidders, on request, to provide statements concerning their ability to meet minimum standards set forth in FAR 9.104. Response is needed in less than 30 days to allow timely award of contracts.

- Section 2052.215-70 requires contractors to immediately notify the contracting officer if any key personnel become unavailable for contract work. Subsequent to contracting officer approval, the contractor must replace such personnel with personnel of equal ability and qualifications. This notification requirement serves as protection for the government from potential delays; or damage resulting from loss of key personnel.

- Section 2052.215-71(f) requires the contractor, within 5 days of receipt of any instruction or technical direction by a project officer, to notify the contracting officer in writing to modify the contract accordingly. This notification serves to avoid delays and expenses associated with disputes that occur as a result of an unauthorized action.

8. Consultations Outside the NRC

The opportunity for public comment on the information collections has been published in the Federal Register on March 17, 2008 (73 FR, 14277). No comments were received.

9. Payment or Gift to Respondents.

Not Applicable

10. Confidentiality of Information

To the extent that certain information is proprietary or business confidential, procedures are in place to protect the information from improper disclosure.

11. Justification for Sensitive Questions

No sensitive information normally considered private or personal is required or requested.

12. Estimate of Burden and Burden Hours Cost

Tables 1 and 2 provide a breakout of estimated burden and costs to respondents to comply with NRCAR requirements. Cost to respondents is calculated at a rate of $238 per hour, which is a fully burdened rate. The total burden is 26,095 hours (25,462 hours reporting + 632.5 hours recordkeeping) at a total cost of $6,732,510 (26,095 hours X $238/hr.)

13. Estimate of Other Additional Costs

The quantity of records to be maintained is roughly proportional to the recordkeeping burden. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to .0004 times the recordkeeping burden cost. Therefore, the storage cost for this clearance is estimated to be $65 (632.5 hours X $238 X .0004).

14. Estimated Annualized Cost to the Federal Government

See Table 3 for breakout of estimated annualized costs. The estimated cost to the agency attributable to the NRCAR's collection requirements is $3,010,086**.** The cost to the Government was derived from the experience of contracting officers, contract specialists, and program personnel expend in ensuring that offerors comply with the NRCAR instructions. This cost is fully recovered through license fees to NRC licensees pursuant to 10 CFR Parts 170 and/or 171.

15. Reason for Change in Burden

There is no change in burden. There is an increase in cost due to the increase in the fee rate from $157/hour to $238/hour.

16. Publication for Statistical Use

This collection of information does not employ statistical methods.

17. Reason for Not Displaying the Expiration Date. Not Applicable.

18. Exceptions to the Certification Statement. Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

TABLE 1
ESTIMATED REPORTING REQUIREMENTS

Section	No. of Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours	Total Annual Cost @$258/Hr.
2009.570-3(b)(1) & (2) Burden included under 2052.209-71						
2009.570-3(c) Burden included under 2052.209-72(d)(2), (d)(3) & (f)						
2009.570-5(b)	2	1	2	2	4	$1,032
2009.570-8	5	1	5	5	25	$6,450
2014.201-670)b) Burden included under 2052.214-71						
2027.305-3(a) & (b)	5	1	5	8	40	$10,320
2042.570.1 Burden included under 2052.242-71						
2042.803(a)(2)(1)	8	1	8	10	80	$20,640
2042.803(b)	8	1	8	2	16	$4,128
2045.371(b) Burden included under 2052.211-72 & 2052.211-72, Alt 1						
2045.204-70(b)	1	1	1	3	3	$774
2052.204-70(k)	25	1	25	2	50	$12,900
2052.204-71	20	1	20	100	2,000	$516,000
2052.209-70	200	1	200	1	200	$51,600
2052.209-71(a)	200	1	200	0.25	50	$12,900
2052.209-72(c)(1) & (d)(2)	10	1	10	6	60	$15,480
2052.209-72(d)(3)	25	1	25	1	25	$6,450
2052.209-72(f)	100	1	100	0.25	25	$6,450
2052.211-70	150	4	600	0.5	300	$77,400
2052.211-71	150	4	600	4	2,400	$619,200
2052.211-72	100	12	1,200	3	3,600	$928,800

Section	No. of Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours	Total Annual Cost @$258/Hr.
2052.211-72 Alt, 1 Burden included under 2052.211-72						
2052.214-71	5	1	5	0.5	3	$774
2052.214-72(e)	5	1	5	1	5	$1,290
2052.214-74 & 215-74	5	1	5	0.25	1.25	$323
2052.215-70(b)	3	1	3	5	15	$3,870
2052.215-70(c)	7	1	7	5	35	$9,030
2052.215-71(f)	10	1	10	4	40	$10,320
2052.215-75, Alt 1 & 2	200	1	200	64	12,800	$3,302,400
2052.215-77(a) Burden is cleared under NRC Form 445						
2052.215-77(d)	1	1	1	1.5	2	$387
2052.215-78(b) Burden is cleared under NRC Form 445						
2052.215-78(d)	1	1	1	1.5	2	$387
2052.216-72	25	6	150	24	3,600	$928,800
2052.235-70(c)	50	1	50	0.5	25	$6,450
2052.235-71	4	1	4	10	40	$10,320
2052.242-71	2	1	2	8	16	$4,128
TOTAL			3482		25,461.25	$6,569,003

TABLE 2
ESTIMATED RECORDKEEPING REQUIREMENTS

Section	No. of Recordkeepers	Burden Hours per Recordkeeper	Total Annual Burden Hours	Total Annual Cost @$258/Hr.
2042.570.1 Burden included under 2052.242-70				
2052.204-70(l)	25	20	500	$129,000
2052.227-70	25	5	125	$32,250

Section	No. of Recordkeepers	Burden Hours per Recordkeeper	Total Annual Burden Hours	Total Annual Cost @$258/Hr.
2052.242-70	15	.5	7.5	$1,935
TOTAL			632.5	$163,185

Number of Respondents: There is a total of 355 contractor respondents. The respondent numbers listed for each clause in the "Number of Respondents" column reflect the number of contractors subject to the specific clause requirement and its respective burden because of its inclusion in a contract.

Total Number of Responses: 3,837 (3,482 responses + 355 Recordkeepers)

TABLE 3
NRC ACQUISITION REGULATION GOVERNMENT COST

Section	Annual Government Staff Hours	Government Cost @$258/Hr.
2009.570-3(b)(1) & (2)	Cost included under 2052.209-71	
2009.570-3(c)	Cost included under 2052.209-72(d)2,(d)(3) & (f)	
2009.570-5(b)	5	$1,290
2009.570-8	10	$2,580
2014.201-670(b)	Cost included 2052.214-71	
2027.305-3(a) & (b)	40	$10,320
2042.570-1(d)	Cost included under 2052.242-70 & 2052.242-71	
2042.803(a)(2)(i)	160	$41,280
2042.803(b)	32	$8,256
2045.371-(b)	Cost included 2052.211-72 & 2052.211-72, Alt 1	
2052.204-70(b)	4	$1,032
2052.204-70(k)	250	$64,500
2052.204-70(l)	250	$64,500
2052.204-71	200	$51,600
2052.209-70	50	$12,900
2052.209-71(a)	50	$12,900
2052.209-72(c)(1) & (d)(2)	20	$5,160
2052.209-72(d)(3)	25	$6,450
2052.209-72(f)	100	$25,800

Section	Annual Government Staff Hours	Government Cost @$258/Hr.
2052.211-70	300	$77,400
2052.211-71	300	$77,400
2052.211-72	250	$64,500
2052.211-72, Alt 1	Cost included under 2052.211-72	
2052.214-71	5	$1,290
2052.214-72(e)	5	$1,290
2052.214-74 & 215-74	5	$1,290
2052.215-70(b)	3	$774
2052.215-70(c)	17	$4,386
2052.215-71(f)	50	$12,900
2052.215-75, Alt 1 & 2	8,000	$2,064,000
2052.215-77(a) & (d)	6	$1,548
2052.215-78(b) & (d)	6	$1,548
2052.216-72	400	$103,200
2052.227-70	50	$12,900
2052.235-70(c)	1,000	$258,000
2052.235-71	40	$10,320
2052.242-70	2	$516
2052.242-71	32	$8,256
TOTAL	11,667	$3,010,086