

FINAL SUPPORTING STATEMENT
FOR
48 CFR CHAPTER 20
U.S. NUCLEAR REGULATORY COMMISSION ACQUISITION REGULATION

(3150-0169)

EXTENSION

Description of the Information Collection

U.S. Nuclear Regulatory Commission (NRC) regulation at 48 Code of Federal Regulations (48 CFR) Chapter 20, “Nuclear Regulatory Commission Acquisition Regulation (NRCAR)” implement and supplement the government-wide Federal Acquisition Regulation (FAR) <https://www.acquisition.gov/sites/default/files/current/far/pdf/FAR.pdf> and ensure that the policies governing the procurement of goods and services within the NRC satisfy the needs of the agency. The NRCAR provides NRC contract policies for acquisition, including. procedures, solicitation provisions, and contract clauses needed to ensure effective and efficient evaluation, negotiation, and administration of procurements.

Chapter 20 of 48 CFR 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 non-appropriated funds, the Director, Acquisition Management Division, 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)

The NRCAR includes reporting and recordkeeping requirements for contractors or offerors to submit a monthly progress report that summarizes work performed during the previous month, and/or retain records of equipment, payroll, inspection and quality control records, as applicable.

A. JUSTIFICATION

1. Need for and Practical Utility of the Information Collection

The information collections in the NRCAR are 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.

Information collections contained in 48 CFR Chapter 20 are listed in Appendix A.

2. Agency Use of Information

The NRC staff uses the information submitted in response to the NRCAR to ensure compliance with the terms and conditions of the contract.

3. Reduction of Burden Through Information Technology

The NRC has issued [Guidance for Electronic Submissions to the NRC](#) which provides direction for the electronic transmission and submittal of documents to the NRC. Contractors may submit documents to the NRC using the FedConnect portal. All contractors who do business with the agency must be registered to use FedConnect. In addition, contractors may choose to submit documents by email. It is estimated that approximately 100% of the responses are filed electronically.

4. Effort to Identify Duplication and Use of Similar Information

No sources of similar information are available. There is no duplication of requirements.

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. It is estimated that approximately 52% of the potential respondents are small businesses.

6. Consequences to Federal Program 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 vary from OMB guidelines:

Section 2052.211-71 and -72 and Alternate 1 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 of the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the *Federal Register* on March 9, 2021 (86 FR 13589). In addition, the NRC staff emailed 5 current contractors subject to the information collection in the NRCAR to obtain their input. One comment was received, from Southwest Research Institute (SwRI). Following is a summary of the SwRI comments and NRC staff responses:

Comment #1: The commenter stated, "From a contractor's perspective, the information requested appears to be both necessary for NRC to perform its functions and to have practical utility. Furthermore, SwRI has found it to be more efficient to have these requirements clearly established in the NRCAR. Contractor responses to formally established reporting requirements such as these obviate the need for informally reporting to multiple parties within NRC as questions arise."

NRC staff response: No changes were made as a result of this comment.

Comment #2: The comment agreed with the NRC's use of \$279/hour to estimate costs.

NRC staff response: No changes were made as a result of this comment.

Comment #3: The commenter disagreed with estimates for section 2009.570-5(b), reporting Organizational Conflicts of Interest (OCOI). NRC staff estimated 1 response per year per contractor at 2 hours per response. SwRI suggested a better estimate would be 13 responses annually and 5-7 hours per response.

NRC staff response: The commenter is a Federally funded research and development center (FFRDC) and as such has a unique relationship with the NRC. The requirement in question generally applies to technical assistance and research contracts. The vast majority of contractors do not submit as many potential OCOI scenarios, therefore the staff believes estimates number of responses is accurate. On average, the typical OCOI

submission would not take 5 hours; however the burden per response has been increased from 2 hours to 3 hours to response to this comment.

Comment #4: The commenter stated that section 2009.570-5(b) includes an evaluation of Conflict of Interest that requires 3 hours of recordkeeping not captured in the tables.

NRC staff response: The NRCAR regulations do not require a contractor to keep a record of evaluations of conflicts of interest. No changes were made in response to this comment.

Comment #5: The commenter disagreed with the burden estimate for section 2014.201-670(b), which requires bidders to list previous and current contracts for a specified time period. The commenter indicated that the estimate of 0.5 hours was appropriate for small businesses, but that 5 hours would be a better estimate for larger businesses.

NRC staff response: A customary business practice for government contractors is to provide information on past contracts. Most contractors have this information readily available and it would not take longer than a half hour to compile. No changes were made in response to this comment.

Comment #6: The commenter stated that the number of respondents was overestimated for section 2052.204-70(k) because it only applies to contractors conducting classified work and handling the associated classified information and that the burden was underestimated. The commenter suggested that 7-10 hours would be more reasonable than the current estimate of 2 hours per response. The commenter agreed with the recordkeeping estimate for this requirement.

NRC staff response: The NRC staff updated the burden estimate for this requirement to be 7 hours per response. The number of respondents was unchanged, based on the estimated number of contractors who handle classified information.

Comment #6: The commenter disagreed with the estimated number of responses for Section 2052.211-71 for submission of technical progress reports and suggested that it be changed from 3 annually to 12 annually to reflect monthly status report submissions.

NRC staff response: The estimated number of responses has been updated to 12 annually to reflect a monthly report.

Comment #7: The commenter disagreed with the statement, "However, no information normally considered confidential or proprietary is requested," in the supporting statement for this information collection.

NRC staff response: This sentence has been removed from the supporting statement because contractors may occasionally submit proprietary information.

Comment #8: The commenter disagreed with the brief description of the requirements in Section 2042.803(a)(2)(i) included on the burden table.

NRC staff response: The description of the requirement in the burden table has been

updated to better reflect the requirement in the NRCAR.

Comment #9: The commenter disagreed with the description of the requirements in the supporting statement for 2052.204-70(k) because it implied that contractors were assigning classifications to material.

NRC staff response: The description of this requirement has been updated to reflect the requirements in the NRCAR.

Comment #10: The commenter identified an out-of-date reference to a management directive in the description of requirements for 2052.211-70.

NRC staff response: The NRC has a rulemaking in progress to update the NRCAR and any outdated references in it.

Comment #10: The commenter indicated that most contractors do not use the NRC's Electronic Information Exchange to submit information. The commenter suggested that language in the supporting statement for electronic submissions be updated.

NRC staff response: The language in the supporting statement describing electronic submission of information has been updated to reflect submission options that are specific to contracting, such as FedConnect.

Comment #11: The commenter indicated that the NRC should develop and implement a system for tracking and responding to contractor requests.

NRC staff response: The FedConnect portal has a number of functionalities related to contractor-generated requests. Contractors may talk with their contracting officer about how the NRC is using FedConnect. The FedConnect helpdesk can assist with the use of the system.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b).

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Burden and Burden Hour Cost

The NRC staff estimated the number of respondents to this information collection using data from the Strategic Acquisition system as of 2020. The total number of active contracts that the NRC administers as of February 2021 is estimated to be 987, based on the number of each of the following types of contracts:

- 227 Research and Development (R&D)
- 104 Cost Reimbursement
- 292 Delivery Orders (DO) and Task Orders (TO)
- 156 Contracts
- 114 Purchase Orders
- 94 other contract types (including grants and interagency agreements)

Although there are 987 active contracts, not all contractors and bidders respond to NRCAR information collections in a given year. The NRC estimates that 206 bidders and 329 contractors respond to NRCAR information collections annually, for a total of 525 respondents.

Table 1 provides a summary of estimated burden and costs to respondents to comply with NRCAR requirements. Cost to respondents is calculated at a rate of \$279 per hour. The total burden is 12,500 hours (9,922 hours reporting + 2,578 hours recordkeeping) at a total cost of \$3,487,430 (12,500 hours X \$279/hr.). Detailed information about the burden for each requirement is contained in Tables 3 and 4 in the supplement to this submission, "Burden Spreadsheet for NRCAR Information Collection."

Table 1. Annual Burden Hours and Responses

	Hours	Responses	Cost at \$279/hr
Reporting	14,834	6,112	\$ 4,138,616
Recordkeeping	2,578	146	\$ 719,262
TOTAL	17,412	6,258	\$ 4,857,878

The \$279 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2020 (85 FR 37250, June 19, 2020).

13. Estimate of Other Additional Costs

The NRC has determined that the quantity of records to be maintained is roughly proportional to the recordkeeping burden and, therefore, can be used to calculate approximate records storage costs. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to 0.0004 times the recordkeeping burden cost. Because the recordkeeping burden is estimated to be 2,578 hours, the storage cost for this clearance is \$288 (2,578 recordkeeping hours x 0.0004 x \$279/hour).

14. Estimated Annualized Cost to the Federal Government

The estimated cost to the agency attributable to the NRCAR's collection requirements is approximately \$877,734 (3,146 hours x \$279/hr). The cost to the Government was derived from the experience of contracting officers and contract specialists in ensuring that offerors comply with the NRCAR instructions and requirements. See Table 5 in

the supplemental document “Burden Spreadsheet for NRCAR Information Collection” for detailed information breaking down government costs.

15. Reasons for Change in Burden or Cost

The overall burden has decreased by 19,925 hours, from 37,337 hours (34,393 Reporting and 2,944 Recordkeeping hours) to 17,412 (14,834 hours reporting and 2,578 hours recordkeeping). The number of responses increased by 645 responses from 5,613 to 6,258.

Table 2. Burden Change			
	2018 submission	Current Request	Change
Reporting	34,393	14,834	(19,559)
Recordkeeping	2,944	2,578	(366)
TOTAL	37,337	17,412	(19,925)

There are two primary reasons for the decrease in burden. First, the number of active contracts administered by the NRC decreased. In the 2018 renewal submission, the NRC staff estimated 1,611 active contracts. A query of the agency’s contracts database in February 2021, showed 987 active contracts.

Second, the methodology for estimating respondents to each requirement was corrected. In the last renewal, the number of respondents to most reporting requirements was calculated for the total number of respondents over the three year clearance period, rather than the average number of annual respondents. As a result, the burden was overestimated in the previous submission.

Across most requirements, there was also a decrease in responses; however, for the overall total responses, this was offset by a change to one estimate for one requirement, which was made in response to public comments. As suggested by the commenter, NRC staff increased the estimated number of responses per respondent for monthly technical progress reports from 3 to 12. This increased the number of responses for this requirement from 450 to 1,800, an increase of 1,350 responses.

Finally, the fee rate increased from \$263 to \$279.

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

None.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.

Appendix A
48 CFR Chapter 20 NRCAR Information Collections Requirements

Section 2009.570-3(b)(1) and (2). This section implements the statute (42 U.S.C. Sec. 2221, Sec. 170A of the Atomic Energy Act of 1954, as amended), which governs conflicts of interest pertaining to contract award. It requires that the offeror or contractor disclose information concerning relationships that may be potential conflicts of interest under certain circumstances which are listed. If there is an indication of a potential for a conflict of interest, the contracting officer may request specific information or may require special clauses. The burden associated with this requirement is covered under §2052.209-71, "Contractor Organizational Conflicts of Interest (representation)." It includes information needed to make conflict of interest determinations on a case-by-case basis.

Section 2009.570-3(c). This section provides conflict of interest policy application guidance. Because the NRC does not predetermine conflict of interest issues before receiving offers, this information helps organizations decide whether to expend bid and proposal costs if there is a possibility of ineligibility for award due to a conflict of interest determination. The burden associated with this requirement is covered under paragraphs (d)(2), (d)(3), and (f) of §2052.209-72, "Contractor Organizational Conflicts of Interest."

Section 2009.570-5(b). This section states that if it is determined from the nature of a proposed contract that an organizational conflict of interest exists, the contracting officer may determine that the conflict can be avoided, or, after obtaining a waiver in accordance with §2009.570-9, neutralized through the use of an appropriate special contract clause which may be negotiated with the offeror. The burden associated with this requirement is minimal.

Section 2009.570-8. This section states that the contracting officer shall require offerors and contractors to submit a representation statement from all subcontractors (other than a supply subcontractor) and consultants performing services in excess of \$10,000 that award of the contract or modification does not involve conflict of interest situations. The burden for this requirement, which flows down from the prime to the subcontractor, is covered under §2052.209-72, "Contractor Organizational Conflicts of Interest."

Section 2014.201-670(b). This section requires all bidders to list previous/current contracts for a period of time specified by the contracting officer in which the bidder was the prime or principle subcontractor. This information will assist the contracting officer to make a determination of responsibility. In some instances where there is little or no procurement history available, information concerning bidder qualifications and past experience enables the contracting officer to query the technical and contracting points of contact identified and ascertain the Bidder's performance record, integrity, and business ethics.

Section 2027.305-3 (a) and (b). These sections pertain to contractor reporting requirements during contract closeout procedures. Paragraph (a) of this section requires the contractor to report on any patents, copyrights, or royalties attained using any portion

of the contract funds. If the contractor did not earn any patents, copyrights or royalties using any portion of contract funds, paragraph (b) of this section requires the contractor to submit a written determination to this effect before final payment and closeout of the contract. The requirements of paragraphs (a) and (b) are necessary to ensure that the contractor has not generated work to which the Federal government might have technical or economic rights and brings the NRCAR into conformance with FAR Part 27.504-3(a). This FAR Part states that, "Agencies shall maintain appropriate procedures to protect the Government's interest and to check that subject inventories are identified and disclosed."

Section 2042.570-1. This section requires the contractor to provide a copy of the NRC Differing Professional Views procedures to all its employees performing under the contract and to all subcontractors, who in turn, shall provide a copy of the procedure to its employees so that all are aware of NRC's policy. NRC's policy is to maintain a working environment that encourages expression of best professional judgments, even though these may differ from prevailing NRC staff view, disagree with a management decision or policy position, or take issue with proposed or established agency practices. The procedures cited under this section allow the contractor a means to express disagreement with the NRC staff. The recordkeeping burden for this section is included under §2052.242-70, "Resolving NRC Contractor Differing Professional Views," and the reporting burden is included under §2052.242-71, "Procedures for Resolving NRC Contractor Differing Professional Views."

Section 2042.803(a)(2)(i). This section states that the contractor may submit a written claim to the contracting officer for reimbursement of a disallowed cost. This procedure allows an alternative to filing a formal claim under the Disputes clause.

Section 2042.803(b). This section states that when audit reports or other notifications question costs or consider them unallowable, the contracting officer shall resolve all cost issues through discussions with the contractor and/or auditor, whenever possible, within 6 months of receipt of the audit report. The resolution process is dependent on a number of inputs including the contractors. Six months is a realistic time frame based on experience in resolving audit cost issues.

Section 2045.371(b). This section requires contractors to send a copy of each Financial Status Report to the Chief, Property and Acquisition Oversight Branch, whenever the Financial Status Report references acquisition of, or change in status of, contractor-held property purchased with government funds valued at the time of purchase at \$50,000 or more. This amount is the threshold for detailed reporting of capitalized property. Capital property is recorded as an asset in the agency's financial statement. The NRC surveyed several other agencies to determine their reporting requirements for capitalized equipment. As a result of that survey, the agency determined that the threshold of \$50,000 for detailed reporting of capitalized equipment will maintain the integrity of the contractor's reporting system and preserve, at a meaningful level, NRC's right to recover capitalized equipment. The burden for this requirement is stated under § 2052.211-72, "Financial Status Report" and §2052.211-72, "Financial Status Report - Alternate 1."

Section 2052.204-70(b). This section requires the contractor; upon completion or termination of the contract to transmit to the Commission any classified matter in the

possession of the contractor or any person under the contractor's control in connection with performance of the contract. If contractor retention of classified material is required after termination of the contract, the contractor must complete a certificate of possession. This certificate must identify the items and types, or categories of matter retained, the conditions governing the retention of the matter and their period of retention, if known. In addition to Executive Orders, Statutes and other directives which apply to the security systems of all Federal agencies (including the Department of Defense), NRC's security system is also based on the Atomic Energy Act (AEA) of 1954, as amended. Specifically, Chapter 12, Section 145 of the AEA places certain restrictions on the control of NRC information as it relates to contracts. These restrictions/requirements have been incorporated into NRC's security system and must be adhered to by contractors requiring access to classified information. This clause is necessary to ensure that any restricted data and classified information in a contractor's possession during or at the conclusion of contract performance is protected against sabotage, espionage, loss or theft.

Section 2052.204-70(j). This section requires that the contractor insert provisions similar to those found in §2052.204-70(b) through (i) in all subcontracts and purchase orders under the contract, to safeguard classified information. [See statement of need at 2052.204-70(b) above.]

Section 2052.204-70(k). This section requires that the contractor classify documents, materials, and equipment originated or generated by the contractor in accordance with the Commission's security requirements to safeguard classified information and that every subcontractor must comply with those agency security requirements. [See statement of need at 2052.204-70(b) above.]

Section 2052.204-71. This section requires that all contractor personnel obtain, display, safeguard, and return identification badges in accordance with agency procedures. Because the NRC is a secure facility with perimeter access control, all NRC employees and contractor employees needing frequent access to the NRC facilities must display current identification badges. All contractors to whom this clause applies must also safeguard classified information and safeguard against unauthorized access to other Government records or data.

Section 2052.209-70. This section requires the offeror to provide identifying information for each case where any current/former NRC employees (including special government employees performing services as experts, advisors, consultants, or members of advisory committees) have been or will be involved, directly or indirectly, in developing the offer, negotiating on behalf of the offeror, or managing, administering, or performing any contract, consultant agreement or subcontract resulting from the offeror. This requirement assures that conflicts of interests are avoided, and fairness is maintained during the selection process.

Section 2052.209-71(a). This section requires the offeror to provide a written description of all relevant factors to be considered by the contracting officer if a contractor represents that a potential organizational conflict of interest may exist. This information is necessary to permit NRC to make a fair analysis of such situations.

Section 2052.209-72(c)(1) and (d)(2). These sections require the contractor to make an immediate and full disclosure in writing to the contracting officer if organizational conflicts

of interests are discovered after contract award. Although the basic principles underlying FAR Subpart 9.5, "Organizational Conflicts of Interest," are identical to the NRC rule, this clause is needed because the NRC procedures to implement that policy are substantially different. NRC's procedures are dictated in large part by Section 170A of the Atomic Energy Act, (Section 8 of Public Law 95-601, Section 170A to Public Law 83-703, 68 Stat. 919, as amended (42 U.S.C. Ch. 14)). This section of the Atomic Energy Act requires the NRC to request information from prospective contractors regarding conflict of interests and evaluate the information prior to contract award. It is this active role of requesting and evaluating information concerning conflict of interest situations that makes agency procedures different from those intended by the FAR. This clause puts into effect agency policy of avoiding, eliminating or neutralizing contractor organizational conflict of interests. This objective is achieved by requiring prospective contractors to submit information describing relationships, if any, which may give rise to actual or potential conflict of interests if awarded the contract. Since determinations regarding contractor conflict of interests cannot be made routinely, such contractor supplied information is essential.

Section 2052.209-72(d)(3). This section requires the contractor performing a task-order type contract to disclose all proposed new work involving NRC licensees or applicants which comes within the scope of work of the underlying contract at least 15 days before the proposed award date unless the contractor provides a written justification demonstrating urgency and due diligence to discover and disclose new work. This information is necessary to permit NRC to make a fair analysis and to avoid conflict of interests situations.

Section 2052.209-72(f). This section requires the contractor to include the Contractor Organizational Conflict of Interest clause in subcontracts. The terms "contract," "contractor," and "contracting officer," must be appropriately modified to preserve the Government's rights.

Section 2052.211-70. This section requires that all technical reports and technical progress reports be prepared in accordance with the NRC's Management Directive 3.8, "Unclassified Contractor and Grantee Publications in the NUREG Series." The clause alerts the offeror to the requirements of the chapter. The prescription at §2011.104-70(a) and the prescription under the clause state that the contracting officer may alter the clause prior to issuance of the solicitation or during competition by solicitation amendment. Insignificant changes to the clause may be made by the contracting officer on a case-by-case basis during negotiations, without a solicitation amendment.

Section 2052.211-71. This section provides the requirements for Technical Progress Reports which the offerors may consider in preparing a proposal and as guidance to the contractor during performance of the contract. This information is necessary to ensure efficiency of the contractor's report preparation and the NRC's review of these reports. The requirements of OMB Circular A-110 are applicable only to certain financial assistance awards and are not appropriate for NRC contracts. This clause is prescribed by §2011.104-70(b) which emphasizes that the reporting requirements should be set at a meaningful and productive frequency for each contract, considering the size and complexity of the particular project or program. The technical progress reports, normally provided under cost-plus-fixed-fee contracts only, are necessary for staff assessment, surveillance and enforcement of technical performance.

Section 2052.211-72. This section provides the Financial Status Report requirements which the offerors may consider in preparing a proposal and as guidance to the contractor during performance of the contract. As stated in the justification above in §2052.211-71, the requirements of OMB A-110 are applicable only to certain financial assistance awards and are not appropriate for NRC contracts. This section requires the contractor to send a copy of the financial status report, normally provided monthly, to the Chief, Administrative Services Center, Office of Administration whenever it references the acquisition of, or changes in the status of, contractor-held property acquired with government funds valued at the time of purchase at \$50,000 or more. Both the technical progress and financial status reports are due within 15 calendar days after the end of the report period. This due date accommodates the accounting system of most commercial contractors, and educational and other non-profit institutions. If this due date causes a hardship for a contractor, another date is negotiated and agreed upon. This due date also enables the staff to review the report as close to "real time" as can reasonably be required. The financial status report is necessary to provide detailed cost information and is analyzed in concert with the technical progress report to ensure consistence of progress with costs expended. These reports are analyzed by staff to ensure all costs are allocable and allowable and to provide the basis for approving payment of the contractor's monthly invoice.

Section 2052.211-72 Alternate 1. This section is used instead of §2052.211-72 when no contractor spending plan is required. The justification for the clause is addressed above under §2052.211-72.

Section 2052.214-71. This section requires the bidder to provide information on previous and current contracts so that the contracting officer may determine responsibility. Past experience is relevant to determining responsibility prior to award, and timely awards depend on this minimal information to be available. Determination of responsibility is required by FAR 14.407-2. The bidder would be expected to maintain information on previous and current contracts on the basis of "good business practice," and therefore no burden is included in this submittal for this recordkeeping.

Section 2052.214-72(e). This section requires bidders to submit, on request, statements concerning their ability to meet any of the minimum standards set forth in FAR 9.104, samples of work, and identifying information on clients. This information is necessary to assess whether the bidder is responsible within the meaning of FAR 9.1 and whether the bidder possess qualifications that are conducive to the work under a particular contract. The bidder would be expected on the basis of "good business practice" to maintain samples of his work, information on his clients, and the bidder's ability to meet minimum standards in order to be able to apply for government contracts, and therefore no burden is included in this submittal for this recordkeeping.

Section 2052.214-74 and 2052.215-74. If a bidder or a contractor wants his copies of a bid or proposal returned, he must state that request in a cover letter accompanying these documents. Such advance notice permits the contracting activity to automatically dispose of excess bid or proposal copies of offers in a timely manner.

Section 2052.215-70(b). This section requires that the contractor immediately notify the contracting officer if any key personnel become unavailable for contract work for a continuous period exceeding 30 workdays, or are expected to devote substantially less effort to the work than indicated in the contractor's proposal or initially anticipated by the contractor. The contractor shall promptly replace key personnel with personnel of at least substantially equal ability and qualifications subject to the concurrence of the contracting officer. This requirement ensures that the project continues to be managed by competent personnel.

Section 2052.215-70(c). This section requires the contractor to submit a written request to the contracting officer for approval of substitutions for key personnel. This written request must contain a detailed explanation of the circumstances necessitating the proposed substitutions, a complete resume for the proposed substitute and other information requested by the contracting officer to evaluate the proposed substitution. The requirement of this section is to ensure that the project continues to be managed by competent personnel in accordance with the contract.

Section 2052.215-71(f). This section requires the contractor to notify the contracting officer in writing within five days after the receipt of any instruction or technical direction by the project officer that is not within the scope of work, and to request the contracting officer to modify the contract accordingly. This requirement is in the best interest of all parties and serves to avoid delays and expense associated with disputes that occur as a result of an unauthorized action.

Sections 2052.215-75, 2052.215-75, Alternate 1, and 2052.215-75 Alternate 2. These sections provide proposal preparation instructions for Section L of NRC solicitations which inform offerors of technical and cost proposal content, presentation and format required by NRC, and allows streamlined oral presentations in lieu of burdensome written proposal material. These instructions serve as a guide for offerors in preparing technical and cost proposals, establish uniformity and facilitate proposal evaluation. The burden for reading the instructions has been included in the total reporting burden required for preparing the oral report.

Sections 2052.215-77(a) and (d). These sections provide for prior NRC approval of foreign travel and incurred travel expenses for those contracts which require travel but do not set a specific ceiling amount on that travel. Section (a) requires that all foreign travel requests be submitted in advance on NRC Form 445, "Request for Approval of Official Foreign Travel." This form is used to specify the travel purpose, names of travelers, estimated foreign travel costs, and NRC approval of the foreign travel. The NRC assumes no obligation for foreign travel expenses incurred until this form has been signed by the Chairman or Executive Council member (e.g., Office Director, or Regional Administrator). NRC Form 445 is cleared separately under decision number 3150-0193. Section (d) requires the contractor to notify the contracting officer in accordance with the FAR Limitations of Cost clause included in the contract when, at any time, the contractor learns that travel expenses will cause the contractor to exceed the estimated contract costs. This notification serves as a means to help control contract costs in a timely manner.

Sections 2052.215-78(b) and (d). This information collection requirement is used when a total travel expenditure ceiling is specified. Section (b) requires that all foreign travel requests be submitted on NRC Form 445, "Request for Approval of Official Foreign Travel." This form is used to specify the travel purpose, names of travelers, estimated foreign travel costs, and NRC approval of the foreign travel. The NRC assumes no obligation for foreign travel expenses incurred until this form has been signed by the Chairman or Executive Council member (e.g., Office Director, or Regional Administrator). NRC Form 445 is cleared separately under OMB clearance number 3150-0193. Section (d) requires the contractor to notify the contracting officer in accordance with the FAR Limitations of Cost clause included in the contract when, at any time, the contractor learns that travel expenses will cause the contractor to exceed the estimated contract costs. This notification serves as a means to help control contract costs in a timely manner.

Section 2052.216-72. This section allows the contractor to give an oral presentation of his plan to complete the task order requirements instead of submitting a detailed written technical proposal. The requirement for submittal of a contractor spending plan is still required if the task order is in excess of \$100,000. However, the contractor is not required to submit detailed elements of cost. Instead, the contractor is instructed to support cost data to establish the reasonableness of the amount proposed.

Section 2052.227-70. This section provides that all drawings, designs, specifications and other data associated with the contract work are the property of the Government, must be made available for inspection by the Commission, and must be delivered to the Government, or disposed of in accordance with instructions from the contracting officer. This requirement is necessary to assure that classified, highly sensitive, and high priority specifications and other data are secured throughout the life of the contract and after expiration of the contract. The clause is included in all contracts in which drawings, designs, specifications, and other data associated with the contract work are involved, or where other data will be developed.

Section 2052.235-70(c). Prior to publication, the private contractor or university shall submit any proposed document to the contracting officer and project officer for review and approval. This clause alerts the contractor that NRC has 30 days to review the publication and reserves the right to approve or disapprove publication of the document. If the NRC disagrees with the proposed publication, this enables the agency to reserve the right to require that any publication not identify NRC's sponsorship of the work and that any associated publication costs shall be borne by the private contractor or university.

Section 2052.235-71. This section requires the contractor to take all reasonable precautions in the performance of work under a contract to protect the health and safety of its employees and members of the public, including reporting requirements. In the event the contractor fails to comply with this regulation, this clause allows the contracting officer to stop all work.

Section 2052.242-70. This section requires the contractor to provide a copy of "Procedures for Resolving Differing Professional Views" to all employees performing under this contract and to all subcontractors who shall, in turn, provide a copy to their

employees so that all employees are aware of NRC's policy. The prescription for this clause is at §2042.570-2. NRC policy is to maintain a working environment that encourages expression of best professional judgements, even though these may differ from prevailing NRC staff view, disagree with a management decision or policy position, or take issue with proposed or established agency practices.

Section 2052.242-71. This section details the procedures that the contractor and the NRC staff follow upon receipt of a contractor's differing professional views submittal. Prior to incurring costs to document a differing professional view, the contractor shall determine if sufficient funds are available and request the NRC contracting officer for additional funding as necessary. The contractor shall submit each differing professional view statement in writing. The differing professional views statement should be brief, and summarize the NRC's view, describe the submitter's views and rationale, and include the consequences should the position not be adopted by the NRC. The prescription for this clause is at §2042.570-2. The procedures cited under this section allow the contractor a means to express disagreement with the NRC staff.