

Community agencies, school systems, religious organizations, legal aid entities, and others can often assist in identifying populations for whom outreach is needed and who would benefit from the recipients programs and activities where language services are provided.

## (2) The Frequency With Which LEP Individuals Come in Contact With the Program

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with an LEP individual from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a recipient that serves and LEP person on a one-time basis will be very different from those expected from a recipient that serves LEP persons daily.

It is also advisable to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. Recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as using one of the commercially-available telephonic interpretation services to obtain immediate interpreter services. In applying this standard, recipients should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

the most frequently spoken languages other than English and the percentage of people who speak that language who speak or understand English less than well. Some of the most commonly spoken languages other than English may be spoken by people who are also overwhelmingly proficient in English. Thus, they may not be the languages spoken most frequently by limited English proficient individuals. When using demographic data, it is important to focus in on the languages spoken by those who are not proficient in English.

## (3) The Nature and Importance of the Program, Activity, or Service Provided by the Program

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. For example, due to its direct impact on the public, the obligations of a federally assisted state health and radiological office enforcing health and safety standards are generally far greater than those of a federally assisted science or engineering program. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a Federal, state, or local entity to make an activity compulsory, such as participation in an educational program or compliance with emergency procedures, can serve evidence of the program's importance. While all situations must be analyzed on a case-by-case basis, the following general observations may be helpful to the NRC's recipients considering the implications of applying this factor of the four-factor test to their respective programs:

- An assisted local environmental protection office providing information on radiological hazards and charged with responsibility to receive and investigate environmental complaints that serves in a city with a large Hispanic population including a significant number of LEP members should consider translating at least some of its informational pamphlets and its complaint form into Spanish (or implementing a procedure through which Spanish-speaking LEP persons could be served by Spanish-speaking officers). This same office could also consider Spanish summaries of its vital but technical or complex public documents as a possible alternative to full text translations.

- Assisted emergency response entities serving a significant LEP community which are part of an emergency evacuation plan coordinated by an NRC Licensed Facility should consider either for themselves or as part of a coordinated plan on the part of related entities:

- (1) Employing of bilingual State Liaison Officers, or staff members capable of providing timely and vital information in the language and dialogue of the LEP population located in the vicinity of the NRC licensed facility;

- (2) Ensuring that the LEP population has access to emergency evacuation

information, procedures for filing complaints of contamination, hazards, safety concerns, or denial of access;

- (3) Posting and disseminating information in the language of the LEP population, in high stress situations; and

- (4) Identifying individuals or community groups who might serve as bilingual volunteers with a small LEP population.

As part of a language assistance emergency response plan, such recipients could, for example, consider reliance upon a telephonic interpretation service that is fast enough and reliable enough to attend to the emergency situation, or include some other accommodation short of hiring bilingual staff.

With respect to the importance of a program, activity, or service provided by one of the Agency's recipients, the obligation to provide interpretation or translation services will most likely be greatest in educational/training situations or in connection with the provisions of safety, and/or emergency evacuation services. Entities that receive Federal financial assistance from another agency such as the Department of Education, may rely on the more particularized LEP guidance of that other agency to ensure compliance with the obligation to provide meaningful access in those respective contexts.

## (4) The Resources Available to the Recipient and Costs

A recipient's level of resources and the cost that would be imposed on it may have an impact on the nature of the steps it should take. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits.

Resource and cost issues, however, can often be reduced by technological advances; the sharing of language assistance materials and services among and between recipients, advocacy groups, and Federal grant agencies; and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs, centralizing