

U.S. NUCLEAR REGULATORY COMMISSION  
NOTICE OF GRANT/ASSISTANCE AWARD

1. GRANT/AGREEMENT NO. NRC-HQ-11-G-38-0047 \$161,377.00		2. MODIFICATION NO.		3. PERIOD OF PERFORMANCE FROM: 8/22/2011 TO: 8/31/2013		4. AUTHORITY Pursuant to Section 31b and 141b of the Atomic Energy Act of 1954, as amended	
5. TYPE OF AWARD <input checked="" type="checkbox"/> GRANT <input type="checkbox"/> COOPERATIVE AGREEMENT		6. ORGANIZATION TYPE Public State-Controlled Institution of Higher ED DUNS: 05372334 NAICS: 611310		7. RECIPIENT NAME, ADDRESS, and EMAIL ADDRESS Onondaga Community College 4585 West Seneca Turnpike Syracuse, NY 13215			
8. PROJECT TITLE: College Building Academic Pathways to Careers in Nuclear Engineering Technology and Beyond							
9. PROJECT WILL BE CONDUCTED PER GOVERNMENT'S/RECIPIENT'S PROPOSAL(S) DATED See Program Description AND APPENDIX A-PROJECT GRANT PROVISIONS		10. TECHNICAL REPORTS ARE REQUIRED <input checked="" type="checkbox"/> PROGRESS AND FINAL <input type="checkbox"/> FINAL ONLY <input type="checkbox"/> OTHER (Conference Proceedings)		11. PRINCIPAL INVESTIGATOR(S) NAME, ADDRESS and EMAIL ADDRESS Onondaga Community College Provost Senior Vice President Attn: Dr. Cathleen McColgin Email: <a href="mailto:mccolgc@sunyocc.edu">mccolgc@sunyocc.edu</a> 315-498-2790			
12. NRC PROGRAM OFFICE (NAME and ADDRESS) NRC Attn: Tanya Parwani-Jaimes Office of Human Resources MS: GW5A06 (301) 492-2308 11545 Rockville Pike Rockville, Maryland 20852 Email: <a href="mailto:Tanya.Parwani-Jaimes@NRC.GOV">Tanya.Parwani-Jaimes@NRC.GOV</a>		13. ACCOUNTING and APPROPRIATION DATA APPN. NO: 31X0200 B&R NO: 2011-84-51-K-134 JOB CODE: T8453 BOC NO: 4110 OFFICE ID NO: RFPA: HR-11-252		14. METHOD OF PAYMENT <input type="checkbox"/> ADVANCE BY TREASURY CHECK <input type="checkbox"/> REIMBURSEMENT BY TREASURY CHECK <input type="checkbox"/> LETTER OF CREDIT <input checked="" type="checkbox"/> OTHER (SPECIFY) Electronic ASAP.gov (See Remarks in Item #20 "Payment Information")			
15. NRC OBLIGATION FUNDS  THIS ACTION \$161,377.00  PREVIOUS OBLIGATION  TOTAL \$161,377.00		16. TOTAL FUNDING AGREEMENT  NRC \$161,377.00  RECIPIENT \$146,679.00  TOTAL \$308,056.00  This action provides funds for Fiscal Year in the amount of See Page Two					
17. NRC ISSUING OFFICE (NAME, ADDRESS and EMAIL ADDRESS)  U.S. Nuclear Regulatory Commission Div. of Contracts Attn: Shashi Malhotra Email: <a href="mailto:Shashi.Malhotra@NRC.GOV">Shashi.Malhotra@NRC.GOV</a> Mail Stop: TWB-01-B10M Rockville MD 20852							
18.  Signature Not Required		19. NRC CONTRACTING OFFICER  Sheila Bumpass 8/19/11 (Signature) (Date) NAME (TYPED) Sheila Bumpass TITLE Contracting Officer TELEPHONE NO. 301-492-3484					
20. PAYMENT INFORMATION  Payment will be made through the Automated Standard Application for Payment (ASAP.gov) unless the recipient has failed to comply with the program objectives, award conditions, Federal reporting requirements or other conditions specified in 2 CFR 215 (OMB Circular A110).							
21. Attached is a copy of the "NRC General Provisions for Grants and Cooperative Agreements Awarded to Non-Government Recipients. Acceptance of these terms and conditions is acknowledged when Federal funds are used on this project.							
22. ORDER OF PRECEDENCE In the event of a conflict between the recipient's proposal and this award, the terms of the Award shall prevail.							
23. By this award, the Recipient certifies that payment of any audit-related debt will not reduce the level of performance of any Federal Program.							

**TEMPLATE - ADM001**

**SUNSI REVIEW COMPLETE**

**ADM002**

## **ATTACHMENT A - SCHEDULE**

### **A.1 PURPOSE OF GRANT**

The purpose of this Grant is to provide support to the "Onondaga Community College –Building Academic Pathways to Careers in Nuclear Engineering Technology and Beyond Program" as described in Attachment B entitled "Program Description."

### **A.2 PERIOD OF GRANT**

1. The effective date of this Grant is August 22, 2011. The estimated completion date of this Grant is August 31, 2013.
2. Funds obligated hereunder are available for program expenditures for the estimated period: August 22, 2011 – August 31, 2013.

#### **A. GENERAL**

- |                                |  |
|--------------------------------|--|
| 1. Total Estimated NRC Amount: | \$161,377.00   |
| 2. Total Obligated Amount:     | \$161,377.00   |
| 3. Cost-Sharing Amount:        | \$146,679.00   |
| 4. Activity Title:             | Course Modules in Non-Destructive<br>Evaluation of Reactor Systems Program |
| 5. NRC Project Officer:        | Tanya Parwani-Jaimes   |
| 6. DUNS No.:                   | 053723334  |

#### **B. SPECIFIC**

- |                   |                  |
|-------------------|------------------|
| RFPA No.:         | HR-11-251        |
| FAIMIS:           | GR0063           |
| Job Code:         | T8453            |
| BOC:              | 4110             |
| B&R Number:       | 2011-84-51-K-134 |
| Appropriation #:  | 31X0200          |
| Amount Obligated: | \$161,377.00     |

### **A.3 BUDGET**

Revisions to the budget shall be made in accordance with Revision of Grant Budget in accordance with 2 CFR 215.25.

#### **Year 1**

Total Direct Charges	\$149,424.00
Indirect Charges	<u>\$ 11,953.00</u>
<b>Yearly Total</b>	<b>\$161,377.00</b>

#### **A.4 AMOUNT OF AWARD AND PAYMENT PROCEDURES**

1. The total estimated amount of this Award is \$161,377.00 for the one year period.
2. NRC hereby obligates the amount of \$161,377.00 for program expenditures during the period set forth above and in support of the Budget above. The Grantee will be given written notice by the Contracting Officer when additional funds will be added. NRC is not obligated to reimburse the Grantee for the expenditure of amounts in excess of the total obligated amount.
3. Payment shall be made to the Grantee in accordance with procedures set forth in the Automated Standard Application For Payments (ASAP) Procedures set forth below.

#### **Attachment B – Program Description**

##### **(1) POTENTIAL FOR SUPPORTING OR ADVANCING THE NUCLEAR SAFETY, NUCLEAR SECURITY, OR NUCLEAR ENVIRONMENTAL PROTECTIONS EDUCATIONAL INFRASTRUCTURE (30 points)**

###### **Project Goal to Support NET Curricula**

Onondaga Community College (Onondaga) is pleased to submit this proposal to the U. S. Nuclear Regulatory Commission to fund the development of an A.A.S. in Nuclear Engineering Technology with a focus in electrical instrumentation. If funded, Onondaga will be the only community college in New York State (NYS) to offer a Nuclear Engineering Technology (NET) A.A.S. degree program, potentially serving the workforce development needs of the nuclear industry across the state. According to the Nuclear Energy Institute (NEI), Westchester Community College in downstate New York is the only other college in the State University of New York (SUNY) system that offers a similar degree - an A.A.S. in Energy Systems, where students can concentrate on a specialty area or energy elective that includes a nuclear power option. Constellation Energy Nuclear Group, LLC, notes in a Spring 2010 presentation that there are only two programs in the Northeast (including: New York, Eastern Pennsylvania, New Jersey, and Delaware) that offer educational programs in the technical area of instrumentation and control. As well, NEI states, "Careers in nuclear energy offer challenging work with competitive salaries and benefits. The industry needs engineers, technicians, craft workers and other professionals in positions ranging from entry-level to mid-career and those with military training and service." Given current and projected workforce demand and the identified gap in available educational programming, Onondaga is stepping up to meet the need for a NET program in NYS.

Over two years ago, Onondaga began discussions with a regional nuclear energy provider, Constellation Energy Nuclear Group, LLC, regarding the need to strengthen the pipeline of qualified workers in Central New York, replacing workers who are approaching retirement age and addressing increased workforce demand. As one representative from Constellation explained, "...our skilled craft and trade workforce pipeline has diminished to a trickle... [and] upwards of 60% of our existing workforce is eligible to retire within the next five to ten years." Central New York workforce investment boards, in partnership with economic development agencies and employers, have identified the energy and environmental industry sector as one of

the region's high-growth sectors. The concentration of employers in the region, combined with the sector's potential for future growth, makes the energy industry sector critical to the economic vitality of the region. However, employers have identified a need to expand the pipeline of workers with the skills and experience necessary to support current operations and to facilitate future growth.

As a community college focused on meeting the workforce education and training needs of the region, Onondaga will develop a two-year degree program, collaborating with its primary industry partner, Constellation Energy Nuclear Group, LLC (CENG) and Nine Mile Point Nuclear Station, LLC (NMP), which also includes the R. E. Ginna Nuclear Power Plant, LLC, in Ontario, New York, to develop rigorous curriculum fully aligned with the NEI Nuclear Uniform Curriculum Program (NUCP). As the project progresses, Entergy Nuclear will be brought in as a secondary partner per the NUCP guidelines.

### Need for the Project

An assessment of the workforce demand for nuclear engineering technicians, along with an analysis of the capacity for Onondaga to offer a NET program, has led the College to a better understanding of the critical need for a two-year program and how Onondaga can help to alleviate this workforce shortage, helping to ensure the safe operation of the nuclear energy infrastructure in NYS. Key indicators used to determine the need for a NET program at

Onondaga include the following:

- According to NEI, about half of the nuclear industry's workforce will be eligible to retire during the next 10 years; the nuclear industry employment distribution by age shows that since 2003, the majority of the workforce is in the age range of 38-57 years and because of this aging workforce there will not be enough skilled workers to fill these jobs;
- Nuclear energy generates the greatest amount of electricity in NYS at 32.1%; nationally, the demand for energy will grow 28% by the year 2035 and this demand will be met by building new nuclear power plants (Nuclear Energy in New York Fact Sheet, NEI, June 2010);
- Given the size of the nuclear industry in NYS, maintaining an educated workforce is paramount to the safety of its residents: NYS is home to six nuclear reactors with an additional reactor in the design phase in Oswego (note: CENG owns Nine Mile Point 1 and 2 and Ginna; Entergy owns the James A. FitzPatrick Nuclear Power Plant and Indian Point 2 and 3); there are a total of ten reactors within a six-hour drive from Central New York; two reactors in the state recently received licensure for an additional 20 years of operation;
- Each nuclear reactor in NYS employs about 450-500 personnel of which 35% to 45% will be lost due to retirement or other attrition in the next five to ten years; of these 1,700 employees are at three reactor sites operated by CENG, Onondaga's nuclear industry partner;
- Currently, there is no targeted Nuclear Engineering Technology program (or educational pipeline) available in Central New York or across the state to meet the education and training needs of the nuclear industry;

- Craft project shortages include instrumentation and control technicians and electrical maintenance technicians and can be met, in part, through existing programs at Onondaga;
- Mechanical, electrical, and physical science programs are likely to be tapped for coursework and are existing programs of Onondaga;
- Two-year degree candidates are preferred by employers in the nuclear industry;
- According to NEI, the nuclear industry has a specific interest in recruiting persons with military training and service into nuclear technology programs and Onondaga has a significant veteran population on its campus and provides many services for student veterans to ensure their successful completion of a college degree.

### Project Justification and Safety

Project justification in advancing the educational infrastructure needed to allow the United States to safely advance its nuclear energy initiatives has been made clear in a report from the Task Force on Diversifying the New York State Economy Through Industry - Higher Education Partnerships (December 2009). According to this report, NYS is a leading producer of nuclear and hydroelectric power, currently producing 445.2 trillion BTUs of nuclear energy at its six reactor sites. There is growth potential in the energy industry in the state however both NYS and the nation face a shortage of engineers and other workers associated with nuclear energy production. To address this problem, the Task Force recommends that colleges "actively seek partnerships" with nuclear power producers to develop nuclear-related education and training programs to "stimulate innovation in energy technologies."

Compliance with safety concerns will also be addressed through the development of NET curriculum that is fully aligned with the NEI NUCP. In close consultation with its industry partner, CENG, Onondaga will hire experts in the field to serve as consultants in the design of the program. Professionals working in the industry will also be hired as adjunct faculty to teach the nuclear discipline specific courses. A summer internship component will provide students with experiential learning opportunities that will allow them to develop the education and skills needed to prepare them for entry into the workforce, including safety measures.

### Institutional Long-Range Goals

Establishing a NET degree program at Onondaga fits in well with the institution's long-range goals to develop and offer educational programs that meet industry needs in the region whereby students can be employed upon graduation. The A.A.S. in Nuclear Engineering Technology degree program will initially be designed to offer a set of core courses with a specific technical focus in instrumentation and control. The College has established and will maintain a positive working relationship with CENG in order to keep abreast of workforce demands and to tap into industry expertise. As the workforce demand for other technical areas increases, Onondaga will react swiftly to develop curricula for those technical focus areas. As well, upon implementation of the NET program, Onondaga intends to apply for additional funding through the NRC via its Trade School and Community College Scholarship Grant and Faculty Development Grant opportunities.

## Identification of Problems or Opportunities

As with all new degree programs offered at a community college, there will be problems and/or opportunities that arise and must be addressed. The most significant problem that could arise on the Onondaga campus is space constraints: if the College has a large number of students interested in the program, more lab space will be needed for the electrical technology courses. Additional concerns, which are not necessarily problems, include: (1) the identification of students who are interested in the nuclear industry; traditional-aged students may not be aware of the professional opportunities in this industry but this can be addressed through adequate awareness of the workforce demand and proper marketing of the program, and (2) the academic preparation of students; the NET program is math and science intensive and many community college students require developmental work in English and mathematics; appropriate supports will need to be put in place to assure students can successfully complete all required coursework. Onondaga sees as possible opportunities: (1) the need for continuing education and training for the adult and/or displaced worker population, and (2) adult workers who are interested in pursuing a second career.

## (2) PROPOSED APPROACH AND COLLABORATIVE LINKAGES

### Soundness of the Proposed Approach & Linkages

Onondaga has a well-defined approach and the necessary collaborative linkages in place to successfully deliver its proposed project, entitled "*Building Academic Pathways to Careers in Nuclear Engineering Technology and Beyond*." In order to meet the growing demand for skilled workers in the nuclear industry, Onondaga will establish a two-year Nuclear Engineering Technology A.A.S. degree program that will provide the knowledge and skills needed for students to work as entry level technicians upon graduation or further a successful career in the nuclear industry. As part of the proposed project, Onondaga will partner with CENG and NMP to assure the development of rigorous core curriculum courses, to assist with on-site course instruction, and to provide internship opportunities. Onondaga will also partner and consult with regional four-year universities, including the L.C. Smith College of Engineering and Computer Science at Syracuse University, Rochester Institute of Technology, and SUNY Oswego, to develop a career pathway that allows students to continue with their baccalaureate and postgraduate education in engineering upon successful completion of the NET program.

According to NEI (Nuclear Uniform Curriculum Summit, February 2010), specific practices must be put in place to assure a sound approach to the development of a NET program that meets regional workforce needs and industry-wide standards as well as assures the safety of the nation. Many of the practices identified by NEI are currently in place or will be instituted in an effort to build a successful NET program at Onondaga. These practices include, but are not limited to: (1) establishing industry-college collaborations to develop strategies to increase the talent pool; (2) establishing a Regional Advisory Board to include grant principal investigators, faculty, and key community sectors such as industry/employers, secondary and postsecondary education, Workforce Investment Boards, workforce development organizations, and more; (3) conducting a regional program gap analysis; (4) assuring compliance with ACAD-08-006 for curriculum development; (5) establishing articulation agreements between two- and four-year institutions; (6) piloting best practices; (7) providing graduates with NUCP certification by the National Academy for Nuclear Training; and (8) conducting career awareness activities. Having an established and strong partnership with CENG/NMP, Onondaga will have access to the expertise and resources needed to develop a strong academic NET program. The grant funded project performance period, extending for two years from March 1, 2011 to February 28,

2013, will provide adequate time to network with educational institutions that have already developed NET programs. Through its partnership with CENG, Onondaga will look specifically to the College of Southern Maryland (CSM) to learn about best practices.

Onondaga maintains strong Electrical Technology and Engineering Science programs, which will enhance and support the development of a new NET program with a technical focus in electrical instrumentation. Onondaga's NET program will be a two-year undergraduate A.A.S. degree program. Program capacity will be set at 24 students per year with a Fall 2013 program start date. The two-year program will require all students to participate in an intensive summer internship experience at an industry partner reactor site. Upon graduation from the NET program, students meeting certification requirements will receive a workforce certificate issued by CENG and the National Academy for Nuclear Training.

### Program Objectives

The mission of Onondaga's NET program will be to provide students with the necessary knowledge and skills to be able to gain an entry-level position in the nuclear power industry. Graduates may also transfer to upper division schools in programs in engineering or other related fields. Student learning outcomes will be based on the NEI NUCP. Overall, successful students will be able to: (1) demonstrate an understanding of the fundamentals of nuclear energy; (2) explain the principles and describe the components associated with various plant systems; (3) explain the principles associated with instrumentation and control; and (4) describe system precautions and limitations and identify any hazards associated with the system.

### Program Methodology

The NET program will require the completion of 64 credits over two years, including an internship component, with 20 credits in liberal arts and 44 credits related to core curriculum with a focus in electrical instrumentation. Courses will provide students with a solid foundation in science, math, and the basic principles of nuclear technology, as well as the theory and practice needed to work in the field. Onondaga currently offers many courses that will be required as part of the NET program, including physics, chemistry, mathematics, electrical, mechanical, and computer engineering technology. Four new core courses specific to nuclear energy will be developed by nuclear engineering experts and will use grant funds to support their development. These courses will include, but not be limited to, topics focusing on mathematics for technicians, fundamental concepts in nuclear technology, instrumentation, nuclear science, and safety. Core courses will supplement existing courses to create a new program, meeting the NUCP guidelines. Given the specific student learning outcomes required for this degree, there are no elective courses built into the curriculum. Innovation instruction will be provided through hands-on experiential learning opportunities via student internships at selected nuclear industry sites.

### Course and Program Evaluation

Assessment measures for all NET courses will be developed by faculty in conjunction with each course. NET program assessment measures will include: (1) graduate surveys at six months post-graduation; (2) employer surveys at six months post-graduation; (3) feedback from the College's Program Advisory Board that consists of local professionals and employers; and (4) feedback from the Regional Advisory Board established for the grant-funded project.

### Project Timetable and Benchmarks

Benchmarks for development of Onondaga's NET program are outlined in the table below and

will be used to inform process evaluation to assure the project remains on task and project deliverables are met.

Timeline of Proposed Activities During Two-Year Period of Performance			
Year & Quarter	Performance Period	Grant Activities	Person Responsible
Y1/Q1	5/31/11 – 3/1/11	Establish Regional Advisory Board and set meeting dates for grant period Hire curriculum development consultants Conduct NUCP gap analysis Develop NET lab space Order lab equipment for course NET XX2 Visit College of Southern Maryland Attend CEWD conferences and workshops (ongoing over 2-year period)	McColgin  McColgin McColgin, Lyon Lyon Lyon, Sunser Wall, Lyon, McColgin Lyon & other faculty
Y1/Q2	6/1/11 – 8/31/11	Complete course content for NET XX1 Review and approve curriculum Complete lab installation NET XX2 Submit semi-annual report to NRC Hold meeting of Regional Advisory Board	Lyon McColgin, Sunser Lyon, Sunser McColgin, Sunser All
Y1/Q3	9/1/11 – 11/30/11	Begin pilot course NET XX1 Complete course content for NET XX2 Review and approve curriculum Develop career awareness/recruitment plan for new students Visit College of Southern Maryland Meet with CENG/NMP to plan internships	Lyon Lyon McColgin, Sunser Sunser Wall, Lyon, Sunser McColgin, Sunser, Wall
Y1/Q4	12/1/11 – 2/29/12	Complete pilot course NET XX1 Begin pilot course NET XX2 Hold meeting of Regional Advisory Board Begin establishing articulation agreements with four-year institutions Submit semi-annual report to NRC	Lyon Lyon All McColgin McColgin, Sunser
Y2/Q1	3/1/12 – 5/31/12	Complete pilot course NET XX2 Complete course content for NET XX3 Review and approve curriculum Order lab equipment for NET XX3 & XX4 Develop program marketing plan Visit College of Southern Maryland	Lyon Lyon McColgin, Sunser Lyon, Sunser McColgin, Sunser Wall, Lyon, McColgin
Y2/Q2	6/1/12 – 8/31/12	Complete lab installation NET XX3 & XX4 Complete course content for NET XX4 Review and approve curriculum Submit program proposal to internal Curriculum Committee Hold meeting of Regional Advisory Board Submit semi-annual report to NRC	Lyon, Sunser Lyon McColgin, Sunser Lyon, Sunser All McColgin, Sunser
Y2/Q3	9/1/12 – 11/30/12	Submit program proposal to SUNY Begin pilot course NET XX3 Visit College of Southern Maryland	McColgin, Sunser Lyon Wall, Lyon, Sunser
Y2/Q4	12/1/12 – 2/29/13	Complete pilot course NET XX3 Begin pilot course NET XX4 Hold meeting of Regional Advisory Board Submit semi-annual/final report to NRC	Lyon Lyon All McColgin, Sunser



## Dissemination Plan

Dissemination of information to the campus and community at-large will be a joint effort of the principal investigators, Onondaga's Office of Public Affairs, Grants Office, and partners on the Regional Advisory Board. Onondaga benefits tremendously from its Office of Public Affairs, which is staffed with professionals who work effortlessly to promote the College and its programs. The Office of Public Affairs has well-established relationships with all media outlets in the area and mechanisms are currently in place to assure effective communications on a campus, community, statewide, and national level. The NET project will be announced to the community through traditional news releases, highlighting the grant award, funding agency, project goals, and regional workforce shortage issues. To reach students and employees, Public Affairs will utilize the College website; the College is also linked to Facebook, Twitter, Flickr, and YouTube and these social media outlets will be used as needed to promote and report on grant activities. Other avenues for raising awareness with prospective students include the New York State Career Zone website, communiqués with area high school counselors, and college open houses. Receipt of a grant award and project results will also be shared with national trade publications such as the Community College Times and Community College Week, providing recognition to NRC for its support of grant activities. The principal investigators will be responsible for making presentations to the Onondaga Board of Trustees, the Regional Advisory Board, Workforce Investment Boards and other workforce development organizations in Onondaga and Oswego counties, and at state and national conferences.

## Collaborative Partnerships & Linkages

Onondaga's industry partners, CENG and NMP, are fully committed to the successful development and implementation of the NET program (refer to attached joint Letter of Commitment). As a measure of good faith and support, Constellation has pledged \$100,000 in cash as a leveraged resource in support of Onondaga's program - \$50,000 is committed by the CENG corporate office in Maryland and \$50,000 is committed by NMP located in New York. CENG and NMP will provide other support needed to meet project deliverables, including technical and instructional support, and have already forged a relationship between Onondaga and the College of Southern Maryland to share curriculum and best practices. CENG is confident that Onondaga has the infrastructure and the capacity to support the rigorous program demanded by the nuclear industry.

Four-year educational institutions in support of a new NET program at Onondaga include the L.C. Smith College of Engineering and Computer Science at Syracuse University (SU), Rochester Institute of Technology (RIT), and SUNY Oswego (refer to attached Letters of Support). Mr. James E. Rzepkowski, Director of Workforce Development at Constellation, advised that CENG is actively working with SU and RIT to develop nuclear concentrations within their existing engineering disciplines at the four-year level. Onondaga's working relationships with these institutions will help to more effectively build the educational pipeline needed to meet workforce demand and will build upon articulation agreements already in place or establish new agreements in support of the NET program.

Additional letters of support are included from the North American Young Generation in Nuclear and the Workforce Development Board of Oswego County. Note: a letter of support was not available from CNY Works at time of application although, as the Workforce Investment Board in Onondaga County, CNY Works is in full support of this application.

**Attachment C – Standard Terms and Conditions**  
**The Nuclear Regulatory Commission's**  
**Standard Terms and Conditions for U.S. Nongovernmental Grantees**

**Preface**

This award is based on the application submitted to, and as approved by, the Nuclear Regulatory Commission (NRC) under the authorization 42 USC 2051(b) pursuant to section 31b and 141b of the Atomic Energy Act of 1954, as amended, and is subject to the terms and conditions incorporated either directly or by reference in the following:

- Grant program legislation and program regulation cited in this Notice of Grant Award.
- Restrictions on the expenditure of Federal funds in appropriation acts, to the extent those restrictions are pertinent to the award.
- Code of Federal Regulations/Regulatory Requirements - 2 CFR 215 Uniform Administrative Requirements For Grants And Agreements With Institutions Of Higher Education, Hospitals, And Other Non-Profit Organizations (OMB Circulars), as applicable.

To assist with finding additional guidance for selected items of cost as required in 2 CFR 220, 2 CFR 225, and 2 CFR 230 this URL to the Office of Management and Budget Cost Circulars is included for reference to:

A-21 (now 2 CFR 220)  
A-87 (now 2 CFR 225)  
A-122 (now 2 CFR 230)  
A-102:

[http://www.whitehouse.gov/omb/circulars\\_index-ffm](http://www.whitehouse.gov/omb/circulars_index-ffm)

Any inconsistency or conflict in terms and conditions specified in the award will be resolved according to the following order of precedence: public laws, regulations, applicable notices published in the Federal Register, Executive Orders (EOs), Office of Management and Budget (OMB) Circulars, the Nuclear Regulatory Commission's (NRC) Mandatory Standard Provisions, special award conditions, and standard award conditions.

**Certifications and Representations:** These terms incorporate the certifications and representations required by statute, executive order, or regulation that were submitted with the SF424B application through Grants.gov.

**I. Mandatory General Requirements**

The order of these requirements does not make one requirement more important than any other requirement.

**1. Applicability of 2 CFR Part 215**

a. All provisions of 2 CFR Part 215 and all Standard Provisions attached to this grant/cooperative agreement are applicable to the Grantee and to sub-recipients which meet the definition of "Grantee" in Part 215, unless a section specifically excludes a sub-recipient from coverage. The Grantee and any sub-recipients must, in addition to the assurances made as part of the application, comply and require each of its sub-awardees employed in the completion

of the project to comply with Subpart C of 2 CFR 215 and include this term in lower-tier (subaward) covered transactions.

b. Grantees must comply with monitoring procedures and audit requirements in accordance with OMB Circular A-133. <

[http://www.whitehouse.gov/omb/circulars/a133\\_compliance/08/08toc.aspx](http://www.whitehouse.gov/omb/circulars/a133_compliance/08/08toc.aspx) >

## **2. Award Package**

### **§ 215.41 Grantee responsibilities.**

The Grantee is obligated to conduct such project oversight as may be appropriate, to manage the funds with prudence, and to comply with the provisions outlined in 2 CFR 215.41. Within this framework, the Principal Investigator (PI) named on the award face page, Block 11, is responsible for the scientific or technical direction of the project and for preparation of the project performance reports. This award is funded on a cost reimbursement basis not to exceed the amount awarded as indicated on the face page, Block 16., and is subject to a refund of unexpended funds to NRC.

The standards contained in this section do not relieve the Grantee of the contractual responsibilities arising under its contract(s). The Grantee is the responsible authority, without recourse to the NRC, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of an award or other agreement. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of statute are to be referred to such Federal, State or local authority as may have proper jurisdiction.

### **Subgrants**

#### **Appendix A to Part 215—Contract Provisions**

Sub-recipients, sub-awardees, and contractors have no relationship with NRC under the terms of this grant/cooperative agreement. All required NRC approvals must be directed through the Grantee to NRC. See 2 CFR 215 and 215.41.

### **Nondiscrimination**

(This provision is applicable when work under the grant/cooperative agreement is performed in the U.S. or when employees are recruited in the U.S.)

No U.S. citizen or legal resident shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by this award on the basis of race, color, national origin, age, religion, handicap, or sex. The Grantee agrees to comply with the non-discrimination requirements below:

Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d et seq)

Title IX of the Education Amendments of 1972 (20 USC §§ 1681 et seq)

Section 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794)

The Age Discrimination Act of 1975, as amended (42 USC §§ 6101 et seq)

The Americans with Disabilities Act of 1990 (42 USC §§ 12101 et seq)

Parts II and III of EO 11246 as amended by EO 11375 and 12086.

EO 13166, "Improving Access to Services for Persons with Limited English Proficiency."

Any other applicable non-discrimination law(s).

Generally, Title VI of the Civil Rights Act of 1964, 42 USC § 2000e et seq, provides that it shall be an unlawful employment practice for an employer to discharge any individual or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. However, Title VI, 42 USC § 2000e-1(a), expressly exempts from the prohibition against discrimination on the basis of religion, a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

#### **Modifications/Prior Approval**

NRC's prior written approval may be required before a Grantee makes certain budget modifications or undertakes particular activities. If NRC approval is required for changes in the grant or cooperative agreement, it must be requested of, and obtained from, the NRC Grants Officer in advance of the change or obligation of funds. All requests for NRC prior approval should be made, in writing (which includes submission by e-mail), to the designated Grants Specialist and Program Office no later than 30 days before the proposed change. The request must be signed by both the PI and the authorized organizational official. Failure to obtain prior approval, when required, from the NRC Grants Officer may result in the disallowance of costs, or other enforcement action within NRC's authority.

#### **Lobbying Restrictions**

The Grantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

The Grantee shall comply with provisions of 31 USC § 1352. This provision generally prohibits the use of Federal funds for lobbying in the Executive or Legislative Branches of the Federal Government in connection with the award, and requires disclosure of the use of non-Federal funds for lobbying.

The Grantee receiving in excess of \$100,000 in Federal funding shall submit a completed Standard Form (SF) LLL, "Disclosure of Lobbying Activities," regarding the use of non-Federal funds for lobbying within 30 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The Grantee must submit the SF-LLL, including those received from sub-recipients, contractors, and subcontractors, to the Grants Officer.

#### **§ 215.13 Debarment And Suspension.**

The Grantee agrees to notify the Grants Officer immediately upon learning that it or any of its principals:

(1) Are presently excluded or disqualified from covered transactions by any Federal department or agency;

(2) Have been convicted within the preceding three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or

destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;

(3) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b); and

(4) Have had one or more public transactions (Federal, State, or local) terminated for cause or default within the preceding three years.

b. The Grantee agrees that, unless authorized by the Grants Officer, it will not knowingly enter into any subgrant or contracts under this grant/cooperative agreement with a person or entity that is included on the Excluded Parties List System (<http://epls.arnet.gov>).

The Grantee further agrees to include the following provision in any subgrant or contracts entered into under this award:

'Debarment, Suspension, Ineligibility, and Voluntary Exclusion

The Grantee certifies that neither it nor its principals is presently excluded or disqualified from participation in this transaction by any Federal department or agency. The policies and procedures applicable to debarment, suspension, and ineligibility under NRC-financed transactions are set forth in 2 CFR Part 180.'

#### **Drug-Free Workplace**

The Grantee must be in compliance with The Federal Drug Free Workplace Act of 1988. The policies and procedures applicable to violations of these requirements are set forth in 41 USC 702.

#### **Implementation of E.O. 13224 -- Executive Order On Terrorist Financing**

The Grantee is reminded that U.S. Executive Orders and U.S. law prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the Grantee to ensure compliance with these Executive Orders and laws. This provision must be included in all contracts/sub-awards issued under this grant/cooperative agreement.

Award Grantees must comply with Executive Order 13224, Blocking Property and Prohibiting Transactions with Persons who Commit, Threaten to Commit, or Support Terrorism. Information about this Executive Order can be found at: [www.fas.org/irp/offdocs/eo/eo-13224.htm](http://www.fas.org/irp/offdocs/eo/eo-13224.htm).

#### **Procurement Standards. § 215.40-48**

Sections 215.41 through 215.48 set forth standards for use by Grantees in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement standards or requirements shall be imposed by the Federal awarding agencies upon Grantees, unless specifically required by Federal statute or executive order or approved by OMB.

**Travel**

Travel must be in accordance with the Grantee's Travel Regulations or the US Government Travel Policy and Regulations at: [www.gsa.gov/federaltravelregulation](http://www.gsa.gov/federaltravelregulation) and the per diem rates set forth at: [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem), absent Grantee's travel regulation. Travel costs for the grant must be consistent with provisions as established in Appendix A to 2 CFR 220 (J.53). All other travel, domestic or international, must not increase the total estimated award amount.

**Domestic Travel:**

Domestic travel is an appropriate charge to this award and prior authorization for specific trips are not required, if the trip is identified in the Grantee's approved program description and approved budget. Domestic trips not stated in the approved budget require the written prior approval of the Grants Officer, and must not increase the total estimated award amount.

All common carrier travel reimbursable hereunder shall be via the least expensive class rates consistent with achieving the objective of the travel and in accordance with the Grantee's policies and practices. Travel by first-class travel is not authorized unless prior approval is obtained from the Grants Officer.

**International Travel:**

**International travel requires PRIOR written approval by the Project Officer and the Grants Officer, even if the international travel is stated in the approved program description and the approved budget.**

The Grantee shall comply with the provisions of the Fly American Act (49 USC 40118) as implemented through 41 CFR 301-10.131 through 301-10.143.

**Property and Equipment Management Standards**

Property and equipment standards of this award shall follow provisions as established in 2 CFR 215.30-37.

**Procurement Standards**

Procurement standards of this award shall follow provisions as established in 2 CFR 215.40-48

**Intangible and Intellectual Property**

Intangible and intellectual property of this award shall generally follow provisions established in 2 CFR 215.36.

**Inventions Report** - The Bayh-Dole Act (P.L. 96-517) affords Grantees the right to elect and retain title to inventions they develop with funding under an NRC grant award ("subject inventions"). In accepting an award, the Grantee agrees to comply with applicable NRC policies, the Bayh-Dole Act, and its Government-wide implementing regulations found at Title 37, Code of Federal Regulations (CFR) Part 401. A significant part of the regulations require that the Grantee report all subject inventions to the awarding agency (NRC) as well as include an acknowledgement of federal support in any patents. NRC participates in the trans-government Interagency Edison system (<http://www.iedison.gov>) and expects NRC funding Grantees to use this system to comply with Bayh-Dole and related intellectual property reporting requirements. The system allows for Grantees to submit reports electronically via the Internet. In addition, the invention must be reported in continuation applications (competing or non-competing).

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**Patent Notification Procedures-** Pursuant to EO 12889, NRC is required to notify the owner of any valid patent covering technology whenever the NRC or its financial assistance Grantees, without making a patent search, knows (or has demonstrable reasonable grounds to know) that technology covered by a valid United States patent has been or will be used without a license from the owner. To ensure proper notification, if the Grantee uses or has used patented technology under this award without license or permission from the owner, the Grantee must notify the Grants Officer. This notice does not necessarily mean that the Government authorizes and consents to any copyright or patent infringement occurring under the financial assistance.

**Data, Databases, and Software** - The rights to any work produced or purchased under a NRC federal financial assistance award are determined by 2 CFR 215.36. Such works may include data, databases or software. The Grantee owns any work produced or purchased under a NRC federal financial assistance award subject to NRC's right to obtain, reproduce, publish or otherwise use the work or authorize others to receive, reproduce, publish or otherwise use the data for Government purposes.

**Copyright** - The Grantee may copyright any work produced under a NRC federal financial assistance award subject to NRC's royalty-free nonexclusive and irrevocable right to reproduce, publish or otherwise use the work or authorize others to do so for Government purposes. Works jointly authored by NRC and Grantee employees may be copyrighted but only the part authored by the Grantee is protected because, under 17 USC § 105, works produced by Government employees are not copyrightable in the United States. On occasion, NRC may ask the Grantee to transfer to NRC its copyright in a particular work when NRC is undertaking the primary dissemination of the work. Ownership of copyright by the Government through assignment is permitted under 17 USC § 105.

**Records Retention and Access Requirements** for records of the Grantee shall follow established provisions in 2 CFR 215.53.

**Organizational Prior Approval System**

In order to carry out its responsibilities for monitoring project performance and for adhering to award terms and conditions, each Grantee organization shall have a system to ensure that appropriate authorized officials provide necessary organizational reviews and approvals in advance of any action that would result in either the performance or modification of an NRC supported activity where prior approvals are required, including the obligation or expenditure of funds where the governing cost principles either prescribe conditions or require approvals.

The Grantee shall designate an appropriate official or officials to review and approve the actions requiring NRC prior approval. Preferably, the authorized official(s) should be the same official(s) who sign(s) or countersign(s) those types of requests that require prior approval by NRC. The authorized organization official(s) shall not be the principal investigator or any official having direct responsibility for the actual conduct of the project, or a subordinate of such individual.

**Conflict Of Interest Standards** for this award shall follow OCOI requirements set forth in Section 170A of the Atomic Energy Act of 1954, as amended, and provisions set forth at 2 CFR 215.42 Codes of Conduct.

**Dispute Review Procedures**

a. Any request for review of a notice of termination or other adverse decision should be addressed to the Grants Officer. It must be postmarked or transmitted electronically no later than 30 days after the postmarked date of such termination or adverse decision from the Grants Officer.

b. The request for review must contain a full statement of the Grantee's position and the pertinent facts and reasons in support of such position.

c. The Grants Officer will promptly acknowledge receipt of the request for review and shall forward it to the Director, Office of Administration, who shall appoint an intra-agency Appeal Board to review a grantee appeal of an agency action, if required, which will consist of the program office director, the Deputy Director of Office of Administration, and the Office of General Counsel.

d. Pending resolution of the request for review, the NRC may withhold or defer payments under the award during the review proceedings.

e. The review committee will request the Grants Officer who issued the notice of termination or adverse action to provide copies of all relevant background materials and documents. The committee may, at its discretion, invite representatives of the Grantee and the NRC program office to discuss pertinent issues and to submit such additional information as it deems appropriate. The chairman of the review committee will insure that all review activities or proceedings are adequately documented.

f. Based on its review, the committee will prepare its recommendation to the Director, Office of Administration, who will advise the parties concerned of his/her decision.

**Termination and Enforcement.** Termination of this award by default or by mutual consent shall follow provisions as established in 2 CFR 215.60-62.

### **Monitoring and Reporting § 215.50-53**

a. Grantee Financial Management systems must comply with the established provisions in 2 CFR 215.21

- Payment – 2 CFR 215.22
- Cost Share – 2 CFR 215.23
- Program Income – 2 CFR 215.24
  - Earned program income, if any, shall be added to funds committed to the project by the NRC and Grantee and used to further eligible project or program objectives or deducted from the total project cost allowable cost as directed by the Grants Officer or the terms and conditions of award.
- Budget Revision – 2 CFR 215.25
  - The Grantee is required to report deviations from the approved budget and program descriptions in accordance with 2 CFR 215.25, and request prior written approval from the Program Officer and the Grants Officer.
  - The Grantee is not authorized to rebudget between direct costs and indirect costs without written approval of the Grants Officer.
  - The Grantee is authorized to transfer funds among direct cost categories up to a cumulative 10 percent of the total approved budget. The Grantee is not allowed



to transfer funds if the transfer would cause any Federal appropriation to be used for purposes other than those consistent with the original intent of the appropriation.

- o Allowable Costs – 2 CFR 215.27

#### **b. Federal Financial Reports**

The Grantee shall submit a "Federal Financial Report" (SF-425) on a quarterly basis for the periods ending March 31, June 30, September 30, and December 31, or any portion thereof, unless otherwise specified in a special award condition. Reports are due no later than 30 days following the end of each reporting period. A final SF-425 is due within 90 days after expiration of the award. The report should be submitted electronically to:

Grants FFR@NRC.GOV. *(NOTE: There is an underscore between Grants and FFR).*

#### **Period of Availability of Funds 2 CFR § 215.28**

a. Where a funding period is specified, a Grantee may charge to the grant only allowable costs resulting from obligations incurred during the funding period and any pre-award costs authorized by the NRC.

b. Unless otherwise authorized in 2 CFR 215.25(e)(2) or a special award condition, any extension of the award period can only be authorized by the Grants Officer in writing. Verbal or written assurances of funding from other than the Grants Officer shall not constitute authority to obligate funds for programmatic activities beyond the expiration date.

c. The NRC has no obligation to provide any additional prospective or incremental funding. Any modification of the award to increase funding and to extend the period of performance is at the sole discretion of the NRC.

d. Requests for extensions to the period of performance should be sent to the Grants Officer at least 30 days prior to the grant/cooperative agreement expiration date. Any request for extension after the expiration date may not be honored.

#### **Automated Standard Application For Payments (ASAP) Procedures**

Unless otherwise provided for in the award document, payments under this award will be made using the Department of Treasury's Automated Standard Application for Payment (ASAP) system < <http://www.fms.treas.gov/asap/> >. Under the ASAP system, payments are made through preauthorized electronic funds transfers, in accordance with the requirements of the Debt Collection Improvement Act of 1996. In order to receive payments under ASAP, Grantees are required to enroll with the Department of Treasury, Financial Management Service, and Regional Financial Centers, which allows them to use the on-line method of withdrawing funds from their ASAP established accounts. The following information will be required to make withdrawals under ASAP: (1) ASAP account number – the award number found on the cover sheet of the award; (2) Agency Location Code (ALC) – 31000001; and Region Code. Grantees enrolled in the ASAP system do not need to submit a "Request for Advance or Reimbursement" (SF-270), for payments relating to their award.

#### **Audit Requirements**

Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996, as implemented by OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

<http://www.whitehouse.gov/omb/circulars/a133/a133.html> Grantees are subject to the provisions of OMB Circular A-133 if they expend \$500,000 or more in a year in Federal awards.

The Form SF-SAC and the Single Audit Reporting packages for fiscal periods ending on or after January 1, 2008 must be submitted online.

1. Create your online report ID at <http://harvester.census.gov/fac/collect/ddeindex.html>
2. Complete the Form SF-SAC
3. Upload the Single Audit
4. Certify the Submission
5. Click "Submit."

Organizations expending less than \$500,000 a year are not required to have an annual audit for that year but must make their grant-related records available to NRC or other designated officials for review or audit.

### **III. Programmatic Requirements**

#### **Performance (Technical) Reports**

a. The Grantee shall submit performance (technical) reports electronically to the NRC Project Officer and Grants Officer on a semi-annual basis unless otherwise authorized by the Grants Officer. Performance reports should be sent to the Program Officer at the email address indicated in Block 12 of the Notice of Award, and to Grants Officer at:

Grants\_PPR.Resource@NRC.GOV. **(NOTE: There is an underscore between Grants and PPR).**

b. Unless otherwise specified in the award provisions, performance (technical) reports shall contain brief information as prescribed in the applicable uniform administrative requirements 2 CFR §215.51 which are incorporated in the award.

c. The Office of Human Resources requires the submission of the semi-annual progress report on the SF-PPR, SF-PPR-B, and the SF-PPR-E forms. The submission for the six month period ending March 31<sup>st</sup> is due by April 30<sup>th</sup>, or any portion thereof. The submission for the six month period ending September 30<sup>th</sup> is due by October 31<sup>st</sup> or any portion thereof.

d. Grant Performance Metrics:

The Office of Management and Budget requires all Federal Agencies providing funding for educational scholarships and fellowships as well as other educational related funding to report on specific metrics. These metrics are part of the Academic Competitiveness Council's (ACC) 2007 report and specifically relates to Science, Technology, Engineering, and Mathematics (STEM) curricula.

As part of the FY 2010 HR grant awards, in addition to the customary performance progress report requested on the SF-PPR, SF-PPR-B, and SF-PPR-E forms, HR requires the following metrics to be reported on by the awardees as follows:

## **Curriculum Development Awards**

1. Overall number of new courses developed in NRC designated STEM areas;
2. Number of students enrolled in new STEM courses;
3. Number of these enrolled students retained in STEM major.

### **Unsatisfactory Performance**

Failure to perform the work in accordance with the terms of the award and maintain at least a satisfactory performance rating or equivalent evaluation may result in designation of the Grantee as high risk and assignment of special award conditions or other further action as specified in the standard term and condition entitled "Termination."

Failure to comply with any or all of the provisions of the award may have a negative impact on future funding by NRC and may be considered grounds for any or all of the following actions: establishment of an accounts receivable, withholding of payments under any NRC award, changing the method of payment from advance to reimbursement only, or the imposition of other special award conditions, suspension of any NRC active awards, and termination of any NRC award.

### **Other Federal Awards With Similar Programmatic Activities**

The Grantee shall immediately provide written notification to the NRC Project Officer and the Grants Officer in the event that, subsequent to receipt of the NRC award, other financial assistance is received to support or fund any portion of the program description incorporated into the NRC award. NRC will not pay for costs that are funded by other sources.

### **Prohibition Against Assignment By The Grantee**

The Grantee shall not transfer, pledge, mortgage, or otherwise assign the award, or any interest therein, or any claim arising thereunder, to any party or parties, banks, trust companies, or other financing or financial institutions without the express written approval of the Grants Officer.

### **Site Visits**

The NRC, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the NRC on the premises of the Grantee or contractor under an award, the Grantee shall provide and shall require his/her contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representative in the performance of their duties. All site visits and evaluations shall be performed in such a manner as will not unduly delay the work.

## **IV. Miscellaneous Requirements**

### **Criminal and Prohibited Activities**

- a. The Program Fraud Civil Remedies Act (31 USC §§ 3801-3812), provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the Federal government for money (including money representing grant/cooperative agreements, loans, or other benefits.)
- b. False statements (18 USC § 287), provides that whoever makes or presents any false, fictitious, or fraudulent statements, representations, or claims against the United States shall

be subject to imprisonment of not more than five years and shall be subject to a fine in the amount provided by 18 USC § 287.

- c. False Claims Act (31 USC 3729 et seq), provides that suits under this Act can be brought by the government, or a person on behalf of the government, for false claims under federal assistance programs.
- d. Copeland "Anti-Kickback" Act (18 USC § 874), prohibits a person or organization engaged in a federally supported project from enticing an employee working on the project from giving up a part of his compensation under an employment contract.

#### **American-Made Equipment And Products**

Grantees are hereby notified that they are encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this award.

#### **Increasing Seat Belt Use in the United States**

Pursuant to EO 13043, Grantees should encourage employees and contractors to enforce on-the-job seat belt policies and programs when operating company-owned, rented or personally-owned vehicle.

#### **Federal Leadership of Reducing Text Messaging While Driving**

Pursuant to EO 13513, Grantees should encourage employees, sub-awardees, and contractors to adopt and enforce policies that ban text messaging while driving company-owned, rented vehicles or privately owned vehicles when on official Government business or when performing any work for or on behalf of the Federal Government.

#### **Federal Employee Expenses**

Federal agencies are generally barred from accepting funds from a Grantee to pay transportation, travel, or other expenses for any Federal employee unless specifically approved in the terms of the award. Use of award funds (Federal or non-Federal) or the Grantee's provision of in-kind goods or services, for the purposes of transportation, travel, or any other expenses for any Federal employee may raise appropriation augmentation issues. In addition, NRC policy prohibits the acceptance of gifts, including travel payments for Federal employees, from Grantees or applicants regardless of the source.

#### **Minority Serving Institutions (MSIs) Initiative**

Pursuant to EOs 13256, 13230, and 13270, NRC is strongly committed to broadening the participation of MSIs in its financial assistance program. NRC's goals include achieving full participation of MSIs in order to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. NRC encourages all applicants and Grantees to include meaningful participations of MSIs. Institutions eligible to be considered MSIs are listed on the Department of Education website:  
<http://www.ed.gov/about/offices/list/ocr/edlite-minorityinst.html>

#### **Research Misconduct**

Scientific or research misconduct refers to the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. It does not include honest errors or differences of opinions. The Grantee organization has the primary responsibility to investigate allegations and provide reports to the Federal Government. Funds expended on an activity that is determined to be invalid or unreliable because of scientific

misconduct may result in a disallowance of costs for which the institution may be liable for repayment to the awarding agency. The Office of Science and Technology Policy at the White House published in the Federal Register on December 6, 2000, a final policy that addressed research misconduct. The policy was developed by the National Science and Technology Council (65 FR 76260). The NRC requires that any allegation be submitted to the Grants Officer, who will also notify the OIG of such allegation. Generally, the Grantee organization shall investigate the allegation and submit its findings to the Grants Officer. The NRC may accept the Grantee's findings or proceed with its own investigation. The Grants Officer shall inform the Grantee of the NRC's final determination.

#### **Publications, Videos, and Acknowledgment of Sponsorship**

Publication of the results or findings of a research project in appropriate professional journals and production of video or other media is encouraged as an important method of recording and reporting scientific information. It is also a constructive means to expand access to federally funded research. The Grantee is required to submit a copy to the NRC and when releasing information related to a funded project include a statement that the project or effort undertaken was or is sponsored by the NRC. The Grantee is also responsible for assuring that every publication of material (including Internet sites and videos) based on or developed under an award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer:

"This [report/video] was prepared by [Grantee name] under award [number] from [name of operating unit], Nuclear Regulatory Commission. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the view of the [name of operating unit] or the US Nuclear Regulatory Commission."

#### **Trafficking In Victims Protection Act Of 2000 (as amended by the Trafficking Victims Protection Reauthorization Act of 2003)**

Section 106(g) of the Trafficking In Victims Protection Act Of 2000 (as amended as amended, directs on a government-wide basis that:

"any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement." (22 U.S.C. § 7104(g)).

#### **Executive Compensation Reporting**

2 CFR 170.220 directs agencies to include the following text to each grant award to a non-federal entity if the total funding is \$25,000 or more in Federal funding.

Reporting Subawards and Executive Compensation.

a. *Reporting of first-tier subawards.*

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. *Reporting Total Compensation of Recipient Executives.*

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <http://www.ccr.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

*c. Reporting of Total Compensation of Subrecipient Executives.*

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>. )

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year ( *i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

*d. Exemptions*

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards,

and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

*e. Definitions.* For purposes of this award term:

1. *Entity* means all of the following, as defined in 2 CFR part 25:

- i. A Governmental organization, which is a State; local government, or Indian tribe;
- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. \_\_\_\_ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

i. *Salary and bonus*.

ii. *Awards of stock, stock options, and stock appreciation rights*. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. *Earnings for services under non-equity incentive plans*. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

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iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.