

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

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| 1. GRANT/AGREEMENT NO. NRC-HQ-13-G-38-0028 | 2. MODIFICATION NO. | 3. PERIOD OF PERFORMANCE FROM: 08/01/2013 TO: 07/31/2017 | 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: 847205572 NAICS: 611310 | 7. RECIPIENT NAME, ADDRESS, and EMAIL ADDRESS Texas Engineering Experiment Station 400 Harvey Mitchell Parkway South Suite 400 College Station, TX 77845-4375 Email: pmcconal@tamus.edu | |

8. PROJECT TITLE:
TAMU Nuclear Engineering Graduate Fellowship Program

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| 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 Texas Engineering Experiment Station Dr. Eric Schneider Dr. Jean C. Ragusa, 335 Zachry Engineering Center College Station, TX 77843 - 3133 Email: jean.ragusa@tamu.edu Ph: (979)-862-2033 |
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| 12. NRC PROGRAM OFFICE (NAME and ADDRESS) NRC Attn: Nancy Hebron-Isreal Office of Chief Human Capital Officer MS:03A12; Phone: (301)287-0718 11545 Rockville Pike Rockville, Maryland 20852 Email: Nancy.Hebron-Isreal@nrc.gov | 13. ACCOUNTING and APPROPRIATION DATA APPN. NO: 31X0200 B&R NO: 2013-84-51-K-164 JOB CODE: T8458 BOC NO: 4110 OFFICE ID NO: HR-13-174 FAMIS: GB0291 | 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") |
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|--------------------------|--------------|-----------------------------|--------------|
| 15. NRC OBLIGATION FUNDS | | 16. TOTAL FUNDING AGREEMENT | |
| THIS ACTION | \$400,000.00 | NRC | \$400,000.00 |
| PREVIOUS OBLIGATION | _____ | RECIPIENT | \$19,000.00 |
| TOTAL | \$400,000.00 | TOTAL | \$419,000.00 |

This action provides funds for Fiscal Year 2013 in the amount of \$400,000.00

17. NRC ISSUING OFFICE (NAME, ADDRESS and EMAIL ADDRESS)

U.S. Nuclear Regulatory Commission
Div. of Contracts
Washington, DC 20555
Mailstop: 3WPN-05-C64M
Attn: Gordana Zuber, Email: gordana.zuber@nrc.gov

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| 18. Signature Not Required | 19. NRC CONTRACTING OFFICER <i>Erika Eam</i> 08/01/2013 (Signature) _____ (Date) NAME (TYPED) <u>Erika Eam</u> TITLE <u>Grants Officer</u> TELEPHONE NO. <u>301-287-0954</u> |
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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.

ATTACHMENT A - SCHEDULE

A.1 PURPOSE OF GRANT

The purpose of this Grant is to provide support to the "TAMU Nuclear Engineering Graduate Fellowship Program" as described in Attachment B entitled "Program Description."

A.2 PERIOD OF GRANT

1. The effective date of this Grant is August 1, 2013. The estimated completion date of this Grant is July 31, 2017.
2. Funds obligated hereunder are available for program expenditures for the estimated period: August 1, 2013 – July 31, 2017.

A. GENERAL

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| 1. Total Estimated NRC Amount: | \$400,000.00 |
| 2. Total Obligated Amount: | \$400,000.00 |
| 3. Cost-Sharing Amount: | \$19,000.00 |
| 4. Activity Title: | TAMU Nuclear Engineering Graduate Fellowship Program |
| 5. NRC Project Officer: | Nancy Hebron-Israel |
| 6. DUNS No.: | 847205572 |

B. SPECIFIC

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|-------------------|------------------|
| RFPA No.: | HR-13-174 |
| FAIMIS: | GR0291 |
| Job Code: | T8458 |
| BOC: | 4110 |
| B&R Number: | 2013-84-51-K-164 |
| Appropriation #: | 31X0200 |
| Amount Obligated: | \$400,000.00 |

A.3 BUDGET

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

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| Personnel | \$262,784.00 |
| Fringe Benefit | \$ 29,092.00 |
| Travel | \$ 8,320.00 |
| Supplies | \$ 1,980.00 |
| Tuition | \$ 73,650.00 |
| Total Direct Costs | \$375,826.00 |
| Indirect Costs | \$ 24,174.00 |
| Total | \$400,000.00 |

A.4 AMOUNT OF AWARD AND PAYMENT PROCEDURES

1. The total estimated amount of this Award is \$419,000.00 for a four year period, inclusive of cost share.
2. NRC hereby obligates the amount of \$400,000.00 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 Grants 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. Overview of the Proposed Graduate Fellowship Program

The Department of Nuclear Engineering at Texas A&M University (TAMU) proposes to continue the four-year Texas Nuclear Engineering Graduate Fellowship Program, established under sponsorship of the U.S. NRC in Fall 2009. This program will provide two fellowships per year for students pursuing Ph.D. or M.S. degrees in Nuclear Engineering and Health Physics within the Department of Nuclear Engineering at TAMU (over the course of 4 years, 8 fellows will be selected). The fellowships will cover tuition, fees, stipends, support for travel to professional conferences (e.g., ANS meetings, ANS student conferences), and some small amount for textbook supplies. The fellowship program has an integrated structure that promotes the fellowship recipients' academic and professional success from recruitment to employment in the nuclear sector.

2. Quality and Diversity of the Nuclear Engineering Department at Texas A&M University

The Department of Nuclear Engineering at TAMU is the largest in the country with 323 undergraduate students and 140 graduate students as of fall 2012. The Department offers the Master of Science, Master of Engineering, and Doctor of Philosophy degrees in Nuclear Engineering. At the master level, students can choose the standard Nuclear Engineering track or start a specialization in either Nuclear Materials or Nuclear Nonproliferation. The quality of the program is reflected in the quality of the students, the faculty and the opportunities that the department offers. The department currently has 18 tenured/tenure-track faculty, making it one of the largest and most diverse faculty in the nation among nuclear engineering departments. Statistics on diversity for fall 2012 reveal that 37.4% of the undergraduate and graduate students were of Black, Hispanic, Asian American, American Indian, International, and Other origins. Twenty seven percent of the total was female. The fall 2012 MS students included 17 female (19.8%) and 69 male, and Ph.D. students were 2 female (3.6%) and 54 male. Regarding race, the graduate student population in fall 2012 was 61.3% White, 2.9% Black, 7.9% Hispanic, 2.9% Asian, 24.3% International (race not declared), and 0.7% unknown. The international percentage is smaller than in many other departments because American citizenship is often required for participation in the department's funded research. The faculty's research expertise covers accelerators, aerosols, computational transport, fission systems engineering, health physics, heat transfer and fluid flow (interphase transport phenomena; CFD; two-phase flow PIV experimental measurement), nuclear materials management, reactor physics, and reactor analysis. Research opportunities are varied with emphasis on nuclear fuels, solid/ion interactions, particle transport, multi physics simulations, reactor safety, design of advanced

nuclear reactors, thermal hydraulics, computational fluid dynamics, reactor kinetics and control, nuclear safeguards and nonproliferation, and most areas of health physics.

3. Graduate Fellowship: Program Elements and Evaluation Plan

The Graduate Fellowship Program will continue to have an integrated structure that promotes the fellowship recipients' academic and professional success from recruitment through employment in the nuclear sector. The following program elements and their metrics have been defined.

3.1. Recruitment program: The recruitment program will focus on attracting a high-quality, diverse body of students to nuclear engineering graduate studies at TAMU. The Fellowships are advertised via the departmental website, email, and networking. Potential graduate students who take advantage of paid campus visits (the "graduate invitational") through the existing recruitment program are informed of the fellowship opportunity. Over the past years, prospective students from UC Berkeley, Michigan, Penn State, U of Illinois, NC State, and other highly ranked schools have participated in our graduate invitational. Some of the invitees subsequently chose to attend TAMU under sponsorship of this fellowship program. The best students are frequently recruited out-of-state by other Nuclear Engineering schools with substantial financial support. The graduate fellowship program is a valuable opportunity for an intensive recruitment effort at the above-named schools. Due to the multi-year nature of the program, outreach can be made to undergraduate students before they are applying to graduate schools (e.g., during faculty seminars at these schools, during informal contacts with prospective students via e-mail or at ANS meetings). The research flexibility provided by the fellowship is another strong appeal to students who have a particular project in mind that is not currently funded through any faculty member. Fellowship support enables these students to commence their research upon arrival on campus and eliminate the first year of departmental service. In the past 4 years, the fellowship program fostered student creativity and allowed for student-initiated research ideas that were not connected to a currently funded project. For instance, the fellowship program enabled several prior recipients to perform novel research during their fellowship period and resulted in successful contributions to research publications, research proposals, and other fellowship applications.

Metrics for the recruitment program: number of fellowship applications, quality of applications, diversity of applicants, applicant's institution of origin.

3.2. Fellowship recipient selection process: The selection process will be conducted in a manner to ensure that recipients will be successful in their academic careers and contribute towards the goals of the fellowship program. The Graduate Affairs Committee (GAC) works with the Scholarship & Fellowship Committee (S&FC) to select the recipients of the Fellowship awards. The S&FC is led by the PI of this proposal, Dr. Ragusa, who is also in charge of the current programs that ends in Summer 2013. In the Department, the GAC maintains responsibility to review all applicants for admission to the graduate program and to decide their admission status and the level of funding to be offered to each accepted applicant. Normally, the GAC ranks the students based on this review and makes recommendations to the Department Head for admission and support. Thus, it is only natural that this experienced group of faculty members be used to provide advice to the PI and the S&FC on applicants worthy of a fellowship award. Upon further deliberations, the S&FC makes fellowships awards to the students. If declined by the students (typically because they decide to attend another graduate program), the fellowship is then offered to the next-highest ranked candidate (over the last 4 years, there has never been a shortage of highly motivated, academically outstanding

applicants meeting the U.S. NRC requirements). To distinguish between the top-ranked candidates, consideration can be given to students (i) with prior work experience at a nuclear-related employer or a stated desire to work in the nuclear sector, (ii) with prior undergraduate research experience, (iii) with active participation in student chapters such as American Nuclear Society, Health Physics Societies, or Institute for Nuclear Materials Management. Note: under-represented students are encouraged to apply and actively recruited. For instance, one of the current recipients of the fellowship attended an HBCU institution for their undergraduate studies. However, ethnic origin and gender will not be among the selection criteria as this has raised claims of discrimination at other state universities.

Metrics for the fellowship recipient selection process: quality of fellowship recipients, number of fellowship offers made/accepted.

3.3. Retention program: The TAMU Department of Nuclear Engineering has the infrastructure to provide graduate fellowship recipients with a high-quality, motivating academic career. The recipients are assigned a mutually-agreed upon faculty advisor to provide academic and research advising. Technical research areas are a primary criterion for deciding the match. At the academic level, the advisor helps the student form a degree plan for coursework. The advisor serves as the research advisor to work with the student on pursuit of a graduate degree. The Graduate Fellowship Program PI will monitor the student's academic progress and post-graduation employment plans to confirm compliance with fellowship requirements. The PI will also provide professional mentoring complementary to that provided by the advisor.

At the professional level, depending on the project, the advisor may be able to have the student perform the research with or for professionals. Interaction on the research level frequently leads to future employment opportunities. Opportunities for travel to student and professional conferences will also be available.

Metrics for the retention program: percentage of fellowship recipients who successfully complete the NRC program, length of employment at first employer, length of career in the nuclear sector. Mechanisms used for evaluation: graduate student exit surveys, alumni surveys, presently conducted as part of accreditation processes, surveys of fellowship recipient employers, solicitation of employer input, such as from the TAMU Department of Nuclear Engineering Advisory Board. If a student continues on to further graduate studies, the student will be tracked to ensure that the service requirement is satisfied after completion of graduate school.

3.4. Student preparation for, and employment in, nuclear careers: The coursework and research at TAMU provides students with a solid technical background for successful nuclear careers. The employers and alumni will be surveyed after graduation with regard to what part of the TAMU education could be improved to increase employee preparedness. With the varied sources of potential employers, this fellowship program broadly benefits the nuclear sector, including the power industry, regulation, homeland security, national laboratories, radiological health engineering, medicine and other areas. The Department of Nuclear Engineering has established strong ties with the national laboratories and regularly sends graduate students to the laboratories for summer internships. Many of these interns accept permanent employment offers from the laboratories. The graduate fellowship recipients have ample opportunities to interact with potential employers (interaction with the Department's Advisory Council twice a year, career fairs that attract large numbers of nuclear employers are held on campus each semester, faculty members frequently receive notices of available positions from alumni and

colleagues, summer internships at national labs and industry, weekly outside speaker at departmental seminar).

Metrics for employment program: number of employment offers per fellowship recipient, employment sectors that students enter (industry, regulation, etc.), success of student in completing service requirement, employer and alumni feedback with regards to their perceived degree of preparation for employment.

3.5. Plans for sustainability: Students who receive a fellowship under this program are typically funded for one year, pending satisfactory academic and research performance. Beyond year 1, funding is continued either through research support that a faculty member obtains or through another fellowship avenue (as a safety net, it has been proposed that fellowship support can be pursued beyond year 1 under this program; however, such a situation is extremely unlikely and has not yet occurred with the ongoing program). We stress that this fellowship program will not be used to entice students to TAMU with only one year of support or to meet a particular faculty member's objectives, as the program would not be sustainable. Sponsors for sustained funding of the graduate fellowship program include typical research partners (industry, national laboratory, DOE, NRC, ...) and other fellowship programs. With the current program, fellowship support during the first year is typically used to promote new ideas and generated new results that yields a new avenue for subsequent funding.

3.6. Management and Administrative Structure: The management and administrative structure at TAMU is capable of administering the Graduate Fellowship Program in a fair manner with accountability to the students and the sponsor. Regular reporting to the NRC will ensure information exchange for evaluation of the Fellowship Program by the program sponsor.

Principle Investigator : The Principal Investigator (PI) will be Dr. Jean Ragusa, Associate Professor in the Department of Nuclear Engineering and Chair of the Scholarship and Fellowship Committee (S&FC). The PI is also the current administrator for the current fellowship program that ends in Summer 2013 and will continue to assume the following duties for the new program: (i) overall responsibility for the administration of the institution's award within the Department of Nuclear Engineering, (ii) management of the project, (iii) leadership in the graduate fellowship recipient recruitment process, (iv) participation in the graduate fellowship recipient selection process, (v) conduct of interactions with the NRC.

Departmental Graduate Affairs Committee (GAC) and Scholarship and Fellowship Committee (S&FC): The GAC will conduct the fellowship recipient screening and recommendation to the S&FC for final selection process. Both committees report to the Department Head and the faculty at large. Due to the heavy workload associated with graduate admission for such a large department, the S&FC takes over the selection process after first screening by the GAC and can devote more time in the ranking of the top candidates for final fellowship award.

4. Costs for Fellowship Recipients: The budget justification includes details of costs for fellowship recipients. These are summarized for the typical fellowship recipient for the 2013-2014 academic year: tuition and fees (\$8,544 and exempt of overhead charges); stipend (\$2,350/mo = \$28,200); Books and supplies (\$200); health insurance (\$2,905); travel to conference (\$1090). Including 8% overhead, the total is about \$44,000/student during year 1 (subsequent years are slightly higher due to tuition, fees, and salary escalation).

5. Service Requirements for Fellowship Recipients: Fellows will comply with eligibility requirements. They will sign a service agreement to serve six months in nuclear-related employment for each full or partial year of academic support.

6. Institutional Support for the Graduate Fellowship Program

The Graduate Fellowship Program complements the long-term goals of TAMU's Department of Nuclear Engineering. The department's graduate program was ranked fourth in 2008 among PhD-granting schools (behind University of Michigan, MIT and University of Madison-Wisconsin) and strives to raise the level of competition with the higher-ranked schools. To attain greater national visibility and technical leadership, the tenured/tenure-track faculty is rapidly expanding. Since 2004, eight new faculty hires have added the areas of severe accidents, fuel cycles and fuel fabrication, materials under extreme conditions, space nuclear, multiphysics simulations, and radiation transport modeling to the department's research portfolio. With strength and depth in many areas, the department views this fellowship program as an ongoing opportunity to recruit *the best* graduate students who will take advantage of its vast and varied expertise in a manner that is best suited for student education. The following forms of institutional support will be provided to the program:

1. Recruiting staff (assistant to the graduate coordinator, communication specialist) within the department will assist in promoting the program to the student pool.
2. The Scholarship/Fellowship Committee will conduct the final recipient selection process, in close collaboration with the Graduate Affairs Committee.
3. Academic faculty will provide thesis and dissertation research advising and monitor student progress.
4. The chair of the Scholarship/Fellowship Committee will keep up-to-date records of service agreements, research publications from fellows, employment upon graduation, ...

7. Fellowships as an Integrated Element of a State Strategic Plan

These fellowships have also been integrated in the State of Texas strategic plan for providing the nuclear workforce in the state for the 21st century. As a coordinated effort in the State of Texas necessary to meet the anticipated workforce demands associated with the building of new nuclear stations, the Nuclear Power Institute (NPI) was established by the Board of Regents of the Texas A&M University System in December 2007. The NPI has brought together eleven institutions from across the State and three utilities with the objectives of producing the required 2-year and 4-year technologist degrees as well as those BS-degreed engineers required to operate and maintain these plants. The TAMU Department of Nuclear Engineering plays a key role in these activities, serving as a focus for a number of the tasks by coordinating the overall efforts, supplying educational materials to other institutions, serving as liaison between the institutions and the utilities, etc.

These careers include positions in the utilities operating these plants as well as in the regulatory bodies responsible for these plants. In recent years, a large percentage of our MSNE graduates and several PhD students have been finding employment among nuclear utilities and vendors outside of the state. The fellowship program would enable a focused recruiting effort for Texas residents who would be more likely to remain in the state after graduation. The Texas A&M University system includes Prairie View A&M University, an HBCU (Historically Black College and University) institution, and Kingsville A&M University, with a large Hispanic student population. Substantial financial support from the graduate fellowship program provides a strong

motivation for the top students from these schools to matriculate at the College Station campus and become leaders in the nuclear workforce within their home state. One of the current recipients of the fellowship previously attended an HBCU institution.

8. Leveraged Funding

The participation of in-state nuclear organizations has been and will continue to be leveraged to extend educational opportunities under this project. The South Texas Project and Comanche Peak nuclear power stations have been granting requests for plant tours from TAMU nuclear engineering course instructors (typically during the graduate "design course" taken by all M.S. students). Our partner utilities cover costs for hosting tours of their reactor sites. One plant staff member is needed for every 5 visitors. The utilities have been providing numerous staff-days of manpower per plant tour for tours in which graduate students participate. Organizations bear the costs for staff travel to campus for guest lectures and other events. Summer internship costs are covered by the partners.

The TAMU Department of Nuclear Engineering will provide computers (desktop and access to departmental computational clusters), will supplement additional travel funds to ANS conferences, as needed, and will grant access to its vast research infrastructure (under appropriate supervision). These facilities include: two nuclear reactors (a 1 MW TRIGA reactor and an AGN-201 low-power reactor), thermal hydraulics and reactor safety laboratories, seven accelerators, fuel fabrication facilities, two laboratories studying multi-phase flow phenomena, and outstanding computing facilities.

**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

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

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, and 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 2 CFR 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 (<https://www.sam.gov/portal/public/SAM/>).

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.

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 and the per diem rates set forth at: 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).

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.

- o 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 semi-annual basis for the periods ending March 31 and September 30, 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 the Chief Human Capital Officer (OCHCO) 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 31st is due by April 30th, or any portion thereof. The submission for the six month period ending September 30th is due by October 31st 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 OCHCO grant awards, in addition to the customary performance progress report requested on the SF-PPR, SF-PPR-B, and SF-PPR-E forms, OCHCO requires the following metrics to be reported on by the awardees as follows:

Fellowship Awards

1. How many graduate students have been sponsored by NRC funding?
 - a. Response is the number of students, for this reporting period and cumulative to the grant.
2. How many students, supported by NRC funding, have received M.S. or equivalent degrees?
 - a. Response is the number of students, for this reporting period and cumulative to the grant.
3. How many students, supported by NRC funding, have received Ph.D. or equivalent degrees?
 - a. Response is the number of students, for this reporting period and cumulative to the grant.
4. How many students, supported by NRC funding, have accepted a job and are employed in the nuclear industry?
 - a. Response is the number of students, for this reporting period and cumulative to the grant.
5. How many items have students produced, for example, Professional Journal articles, publications, patents, or conference reports?
 - a. Response is the type and number of items, for this reporting period and cumulative to the grant.

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, 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 <https://www.sam.gov/portal/public/SAM/>

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.

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.