



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 1, 2014

Dr. Richard Coe  
Thomas Edison State College  
101 West State Street  
Trenton, NJ 08608

VIA Electronic Mail  
[rcoe@tesc.edu](mailto:rcoe@tesc.edu)

SUBJECT: GRANT NO: NRC-HQ-84-14-G-0009

Dear Dr. Coe:

Pursuant to the authority contained in the Federal Grant and Cooperative Grantee Act of 1977 and the Atomic Energy Act of 1954, the Nuclear Regulatory Commission (NRC) hereby awards to the Thomas Edison State College (hereinafter referred to as the "Grantee" or "Recipient"), the sum of \$194,872.00 to provide support for "Thomas Edison State College's Scholarship Program for Qualified Students Matriculated in Nuclear Energy Engineering, Electronics Systems Engineering Technology, and Radiation Protections Baccalaureate Degree Programs" entitled "Program Description."

This award is effective as of the date of this letter and shall apply to expenditures made by the Grantee furtherance of program objectives during the period beginning with the effective date of August 1, 2014 and ending July 31, 2016.

This award is made to the Recipient on condition that the funds will be administered in accordance with the terms and conditions as set forth in Attachment A (the Schedule); Attachment B (the Program Description); and Attachment C (the Standard Provisions); all of which have been agreed to by your organization. In addition your grant application proposes \$340,960.00 in cost share. Please ensure your cost share conforms to the provisions in 2 CFR 215, and is reported on the semi-annual Federal Financial Report.

Please ensure individuals selected as beneficiaries of support under this grant meet the legal requirements consistent with recent Supreme Court Decisions including *Fisher*, *Gratz*, and *Grutter*.

Please sign the enclosed grant to acknowledge your receipt of the award, and return as a pdf file to Ms. Gordana Zuber by email at [gordana.zuber@nrc.gov](mailto:gordana.zuber@nrc.gov).

Sincerely yours,

*Erika Eam*

Erika Eam  
Grants Officer  
Resources & Grants Team  
Acquisition Management Division (AMD)

Attachments:

Attachment A – Schedule

Attachment B – Program Description

Attachment C – Standard Terms and Conditions

ACKNOWLEDGED:

Thomas Edison State College

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# Grant and Cooperative Agreement

CHOOSE ONE:

- ☐ COOPERATIVE AGREEMENT
- ☒ GRANT

CHOOSE ONE: ☒ EDUCATION ☐ FACILITIES ☐ RESEARCH ☐ SDCR ☐ TRAINING

1. GRANT/COOPERATIVE AGREEMENT NUMBER NRC-HQ-84-14-G-0009		2. SUPPLEMENT NUMBER		3. EFFECTIVE DATE 08/01/2014		4. COMPLETION DATE	
5. ISSUED TO NAME/ADDRESS OF RECIPIENT (No., Street, City/County, State, Zip) THOMAS EDISON STATE COLLEGE 101 W STATE ST TRENTON NJ 086081101				6. ISSUED BY U.S. NRC - HQ Mailing Address: Acquisition Management Division Mail Stop: 3WFN-05-C64MP Washington DC 20555-0001			
7. TAXPAYER IDENTIFICATION NO. (TIN)				9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (Name & Phone) Richard P. Coe, Ph.D. Email: rcoe@tesc.edu; Phone: 609-984-1130			
8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.							
10. RESEARCH, PROJECT OR PROGRAM TITLE Thomas Edison State College's Scholarship Program in Nuclear Energy Engineering, Electronic Systems Engineering Technology, and Radiation Protections Baccalaureate Degree Programs							
11. PURPOSE See Schedule							
12. PERIOD OF PERFORMANCE (Approximately) 08/01/2014 through 07/31/2016							
13A.		AWARD HISTORY		13B.		FUNDING HISTORY	
PREVIOUS		\$0.00		PREVIOUS		\$0.00	
THIS ACTION		\$194,872.00		THIS ACTION		\$194,872.00	
CASH SHARE		\$0.00		TOTAL		\$194,872.00	
NON-CASH SHARE		\$0.00					
RECIPIENT SHARE		\$340,960.00					
TOTAL		\$194,872.00					
14. ACCOUNTING AND APPROPRIATION DATA 2014-X0200-IUPMRU-84-84D002-51-K-164-T8458-4110							
PURCHASE REQUEST NO.		JOB ORDER NO.		AMOUNT		STATUS	
OCHCO-14-0217							
15. POINTS OF CONTACT							
	NAME	MAIL STOP	TELEPHONE	E-MAIL ADDRESS			
TECHNICAL OFFICER	NANCY V. HEBRON-ISREAL	3WFN/3A12	301-287-0718	Nancy.Hebron-Isreal@nrc.gov			
NEGOTIATOR							
ADMINISTRATOR	GORDANA ZUBER		301-287-0900	gordana.zuber@nrc.gov			
PAYMENTS							
16. THIS AWARD IS MADE UNDER THE AUTHORITY OF: Pursuant to Section 31b and 141b of the Atomic Energy Act of 1954, as amended							
17. APPLICABLE STATEMENT(S), IF CHECKED: <input checked="" type="checkbox"/> NO CHANGE IS MADE TO EXISTING PROVISIONS <input type="checkbox"/> FDP TERMS AND CONDITIONS AND THE AGENCY-SPECIFIC REQUIREMENTS APPLY TO THIS GRANT				18. APPLICABLE ENCLOSURE(S), IF CHECKED: <input type="checkbox"/> PROVISIONS <input type="checkbox"/> SPECIAL CONDITIONS <input type="checkbox"/> REQUIRED PUBLICATIONS AND REPORTS			
UNITED STATES OF AMERICA				COOPERATIVE AGREEMENT RECIPIENT			
CONTRACTING/GRANT OFFICER ERIKA EAM <i>Erika Eam</i>		DATE 07/29/2014		AUTHORIZED REPRESENTATIVE		DATE	

# Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	<p>CFDA Number: 77.008</p> <p>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).</p> <p>Payment:</p> <p style="padding-left: 40px;">ASAP GRANT FUNDS REIMBURSEMENT SYS</p> <p style="padding-left: 40px;">US TREASURY</p> <p>Period of Performance: 08/01/2014 to 07/31/2016</p> <p>NRC-HQ-84-14-FOA-0003</p>				

**ATTACHMENT A - SCHEDULE****A.1 PURPOSE OF GRANT**

The purpose of this Grant is to provide support to the "Thomas Edison State College's Scholarship Program for Qualified Students Matriculated in Nuclear Energy Engineering, Electronics Systems Engineering Technology, and Radiation Protections Baccalaureate Degree Programs" as described in Attachment B entitled "Program Description."

**A.2 PERIOD OF GRANT**

1. The effective date of this Grant is August 1, 2014. The estimated completion date of this Grant is July 31, 2016.
2. Funds obligated hereunder are available for program expenditures for the estimated period: August 1, 2014 – July 31, 2016.

**A. GENERAL**

- |                                |   |
|--------------------------------|---|
| 1. Total Estimated NRC Amount: | \$194,872.00  |
| 2. Total Obligated Amount:     | \$194,872.00  |
| 3. Cost-Sharing Amount:        | \$340,960.00  |
| 4. Activity Title:             | Thomas Edison State College's Scholarship Program for Qualified Students Matriculated in Nuclear Energy Engineering, Electronics Systems Engineering Technology, and Radiation Protections Baccalaureate Programs |
| 5. NRC Project Officer:        | Nancy Hebron-Isreal   |
| 6. DUNS No.:                   | 054531850   |

**A.3 BUDGET**

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

Category	Year 1	Year 2	Total
Personnel	\$4,500.00	\$4,635.00	\$9,135.00
Fringe Benefits	\$2,283.00	\$2,352.00	\$4,635.00
Other (Scholarship)	\$90,000.00	\$90,000.00	\$180,000.00
Indirect Charges	\$534.00	\$559.00	\$1,093.00
Total	\$97,317.00	\$97,546.00	\$194,863.00

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

1. The total estimated amount of this Award is \$535,832.00 inclusive of a cost share for the two year period.

2. NRC hereby obligates the amount of \$194,872.00 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**

### **PROJECT DESCRIPTION**

#### **Proposed Program and Institutional Capacity/Ability to Conduct the Program**

Thomas Edison State College (College) seeks funding from the NRC to establish and administer a two-year scholarship program that will award 25 - \$2,000 scholarships, and 10 - \$4,000 scholarships per year, based on need and academic performance to qualified College matriculated students in the Nuclear Energy Engineering Technology, Electronics Systems Engineering Technology, and Radiation Protection baccalaureate degree programs. As the College provides flexible, high-quality, collegiate learning opportunities for self-directed adults, its transfer policy and acceptance of nuclear industry/military assessed training enables many learners to transfer 60-80 credits toward a degree. This creates the need for smaller scholarships of shorter duration, especially since the students are often already working in the nuclear field, such as military or commercial facilities and national laboratories, or are attending community college programs linked to the industry by NUCP or RCNET. In addition, the College's tuition rate is much more affordable, and costs significantly less, than other institutions of higher education throughout the country. The College's Scholarship Committee (Committee) will include a representative from the School of Applied Science and Technology, and will administer the scholarship application, screening, and awards process, upon receipt of the grant award.

In pursuit of its mission to protect people and the environment from radiation hazards, the NRC and the entire nuclear energy community recognize a direct link between training, education, and the safe operation of nuclear facilities. The College is globally recognized for its academic expertise in the nuclear energy field and for providing flexible, affordable, high-quality, collegiate learning opportunities for self-directed adults. The College is a partnering institution in the GoArmyEd and Navy College programs and the U.S. Department of Veteran Affairs has selected it as a participating institution in the Yellow Ribbon GI Education Enhancement Program. The College has a history of success in producing numerous graduates from the School of Applied Science and Technology (School) who have gone on to work in a variety of nuclear-energy-related positions in the commercial nuclear, U.S. Department of Energy, vendor, regulatory, and medical sectors.

Having achieved the prestigious six-year, ETAC – ABET accreditation of Bachelor of Science in Nuclear Engineering Technology degree program, the College is well positioned to meet the needs of students planning to enter and/or advance in a rapidly changing nuclear energy industry. For this degree program, the College has developed new courses, upgraded existing courses, and created a capstone assessment examination modeled on the nuclear industry protocol. These changes assure that the curriculum meets the educational and career needs of students who work in the nuclear energy field where they must possess technical currency, practical knowledge, and applied skills if they are to meet the increased workplace demands.

The College is applying for the two-year scholarship grant to assist students matriculated in the Nuclear Energy Engineering Technology, Electronics Engineering Technology, and Radiation Protection degree programs. The scholarships will assist qualified, high-potential, students from the following areas:

- Active-duty Navy Nuclear students, other Military Service members, and veterans
- Graduates of the Nuclear Energy Institute (NEI) Nuclear Uniform Curriculum Program (NUCP) from 28 active Community College partners
- Graduates of our non-ABET accredited Nuclear Engineering Technology program who now wish to upgrade their degree status in order to graduate from an ABET-accredited Nuclear Energy Engineering Technology degree program.

### **Recruitment/Marketing Activities**

The College will actively recruit a large and diverse pool of scholarship applicants and will market the scholarship program using the following strategies:

- Marketing the program to the College's military learners through its Office of Military and Veteran Education and through its regional military managers located nationwide
- Marketing the program and recruiting students through articulation agreements with NEI-curriculum community college partners
- Direct marketing/recruitment efforts to employees at the nation's 104 nuclear power plants
- Direct marketing efforts at the American Nuclear Society's Conference on Nuclear Training and Education (CONTE)
- Marketing/recruitment efforts at the Center of Energy Workforce Development Annual Summit and regional meetings
- Prominent placement of scholarship program information on the College's scholarship program webpage, on the School's webpage, and in various College publications.

### **Scholarship Selection Process, Management Structure, and Student Support**

Richard P. Coe, Ph.D., Assistant Dean, School of Applied Science and Technology, is the Principal Investigator. He will coordinate the marketing, administration, and evaluation of this Scholarship Program, and will work closely with the Committee and the College's Advisement, Special Services, and Financial Aid Offices to ensure successful implementation of the Scholarship Program. The Chair of the Committee will post the approved scholarship application and amounts on the College's scholarship website, along with a statement of the following eligibility criteria:

- Have a 3.0 GPA at the time of application
- Maintain a course load of at least 12 credit hours per semester
- Be matriculated in the College's baccalaureate program in a nuclear/nuclear-related field
- Have applied for federal and state (NJ residents only) financial aid through the FAFSA and the College's Financial Aid Application
- Be willing to accept and sign the NRC's Service Agreement.

During the scholarship selection period, the Committee will acknowledge the receipt of all applications, will screen applications against the eligibility criteria, and will select the scholarship recipients. At the conclusion of the selection period, the Chair of the Committee will send award notification letters and acceptance letters to all scholarship selectees, and will provide a list of selectees and amounts awarded to the College's Office of Financial Aid, Controller's Office, Office of Development, and the NRC. The College's Scholarship Program does not discriminate based on religion, race, ethnicity, gender, sexual orientation, age, socio-economic status, marital status, or disability, and the College will work diligently to promote the participation of minorities, women, and people with disabilities in this program.

Through its Retention Alert Management System, the College's Academic Advisement Department will interact with individual scholarship recipients to monitor their academic progress and maximize retention and graduation rates. Once a case is opened through the system, a dedicated advisement team member will initiate contact and begin interacting with the individual scholarship recipient on a regular basis. The system provides an ongoing record of each interaction between the staff member and student, will send e-mail reminders about future contacts in order to review progress, and will automatically send alerts to advisement staff members about any issues for which the student may need further help or guidance. The College's Office of Special Services is also committed to providing additional assistance to scholarship recipients with special academic needs, and the Office of Alumni Affairs and the School of Applied Science and Technology mentors and staff will provide career guidance, support, and information to scholarship participants and graduates.

### **Evaluation Plan**

The College constantly assesses the performance of students and curriculum using learning outcomes that are reviewed by industry advisory committee, continuous improvement committee, and staff. This is accomplished through mentor surveys, and assessment rubric elements that align to ABET criteria and programmatic degree outcomes. The scholarship recipients will be tracked with surveys assessing professional applications of knowledge and skills at graduation and at 12 months and 36 months thereafter. The evaluation will measure the impact of the scholarship program by determining that the scholarship was very important in enabling recipients to earn a baccalaureate degree in a timely manner; that the College's student support and academic advisement systems were instrumental in enabling them to continue the pursuit of their baccalaureate degree; that scholarship recipients earned their baccalaureate degrees in less time than students without scholarship assistance; and that because of this scholarship program, the School was able to achieve a 1-2% increase in enrollments in 2014 and a 2-3% increase in 2015. This will be measured using college enrollment data compiled by the College's Division of Planning and Research. In addition, the College will track scholarship recipients at the time of their graduation, and at 12 months and 36 months thereafter, to assess the program's impact on their professional careers in the nuclear industry and to ensure that they have fulfilled the obligations of their service agreements.

### **Schedule of Tuition, Fees, and Other Pertinent Costs**

The College offers four basic tuition plans for its students, and a variety of tuition plans for those associated with the military. The **Comprehensive Tuition Plan** allows students to pay one, convenient tuition each that covers up to 36 credits in College courses, prior learning assessments, and credit transfer evaluations for courses taken at other regionally accredited institutions that can be applied to a College degree. In 2013-2014, the Comprehensive Tuition Plan costs \$5,700 for New Jersey residents and \$8,395 for out-of-state residents. In the **Enrolled Options Plan**, students pay the Annual Enrollment Tuition and the Technology Services Fee, entitling him/her to a full-year of College services, including academic advisement and program planning. The **Per Credit Tuition** enables students to register and pay for course tuition on a per-credit basis directly after they apply and are accepted into a degree program. Many of the College's more than 7,000 active-duty military and veteran students use the **Military and Veteran Tuition Structure**. In these cases, students pay a \$250 per-credit rate based on contracted agreements with each branch of the military.

The College's website and Prospectus provide charts for learners to determine the optimal tuition plans as referenced in the attached "Guide to Tuition and Fees." The College works hard to keep its tuition and fees affordable, and the costs are often much less than for comparable programs throughout the country. Yet, even these relatively low costs present significant



financial challenges to many prospective students and have an impact on their ability to complete their baccalaureate degrees in a timely manner. The College's Scholarship Program will most certainly make a positive difference in this regard and will enable Nuclear Energy Engineering, Electronics Systems Engineering, and Radiation Protection students to fully focus on their education and completion of degrees.

### **Integrated Strategic and Regional Strategic Plan**

In 2010, the College proposed a two-year plan to establish a nationwide program to provide the nuclear-energy workforce with easier access to a technical four-year degree that is ABET accredited. Part of that plan included establishing articulation partnerships with the NEI Community College NUCP consortium. The School has developed custom articulation agreements with NUCP Community College/Nuclear Utility Partnerships that offer Associate of Science Degrees in Nuclear Maintenance Technology, Nuclear Technology, Engineering Technology, Radiation Protection Technology, Power Plant Technology, Energy Systems Technology, Energy Production Technology, Health Physics Technology, and Quality Control.

*Currently, 28 community colleges partner with commercial utility sites in implementation of the national Nuclear Uniform Curriculum Program (NUCP). The NUCP is designed under the INPO ACAD 08-006 and was created to promote nuclear industry workforce development activities and to increase the efficiency in the qualification and production of new nuclear workers. Nuclear industry standards have increased in rigor, and many areas of nuclear energy employment and advancement now require a four-year technical degree. The program intends that commercial utilities and their educational college partners develop and offer technical associate degree programs. In addition to the NUCP, the College has also partnered with the Regional Center for Nuclear Educations and Training, aligning both curricula to ensure that the various associate degrees will easily transfer into the College's B.S. in Nuclear Engineering, Energy Systems, Technical Studies and Radiation Protection Technology degree programs.*

The College has also evaluated for academic credit nuclear job qualification training at all 102 US operating plants that have training INPO accredited. Qualified site personnel who have completed INPO training can transfer evaluated credits to completed degree requirements related to technical baccalaureate study at the College. The College recognizes military training that it or the American Council on Education has assessed for college level credits, such as Navy Nuclear Power School, toward degree requirements. In addition, the College has evaluated selected vendor training in radiation protection and safety for academic credit. Students who participate in these training programs will be eligible to apply this credit toward their degree requirements. The College's transfer policy and acceptance of nuclear industry/military assessed training enables many learners to transfer 60-80 credits toward a degree. This creates needs for small scholarships of shorter durations. The students attracted usually work in the nuclear field, such as military commercial facilities & national laboratories, or attending community college programs linked to the industry by NUCP or RCNET.

### **Program Sustainability/Institutional Support**

As the only senior public institutions of higher education in New Jersey designed exclusively for adults, the College has pioneered the use of the latest technology to provide flexible, comprehensive, and high-quality Nuclear Energy Engineering Technology Electronic System Technology, and Radiation Protection degree programs. Its BSAST in Nuclear Energy Engineering Technology was recently accredited by ABET, and its BSAST in Electronics Systems Engineering Technology is in application for accreditation. With the increasing demands to replace current nuclear energy workers who will be retiring, plans for new plant

construction, and the increasing need for quality, workforce ready graduates, the College is fully committed to building its nuclear sector degree programs, expanding its student body from the 650 now enrolled in its Nuclear Engineering Program, and providing essential scholarship support for its students who seek an alternative to traditional on-campus degree programs with their cost and time-in-classroom demands. It will display its commitment to sustainability by continuing to offer additional scholarship opportunities funded or endowed by non-federal entities in which students enrolled in its Nuclear Program can apply. The College recently signed a cooperative agreement with the U.S. Department of Energy's Nuclear Energy University Program (NEUP) – the only college or university in New Jersey to do so – so that its students can apply for scholarship support. In addition, the College has committed the resources of its Director of Corporate and Foundation Relations to work with the School in building additional corporate partnerships and scholarship support for its students both now and in the future. The College also demonstrates its institutional support and match for this effort by providing the funding for key personnel to help implement a successful NRC scholarship program initiative, while building new nuclear sector programs, including a Master of Science in Applied Science and Technology in Nuclear Energy Technology Management and BSAST in Radiation Protection/Health Physics during the timeframe of this grant.

#### **Arrangements with Other Non-Federal Entities That Provide Leveraged Funding**

The College's Corporate Choice Program develops partnerships that enable organizations to develop their human capital, enhance staff development, recruitment, and retention programs, and maximize organizational tuition assistance programs. The College has existing Corporate Choice partnerships with the Entergy Corporation and the Public Service Enterprise Group that provide their employees with a pathway to a degree in the Nuclear Energy Engineering Technology, Electronics Systems Engineering Technology, and Radiation Protection programs.

#### **Service Agreement Requirement**

The College will require all scholarship recipients to accept the NRC service agreement terms and sign a service agreement that requires them to serve 6-months in nuclear-related employment for each full or partial year of scholarship support. The service agreements will be signed by all recipients, the College's Program Coordinator, and the NRC. The Program Coordinator will discuss the responsibilities of this agreement with students on an ongoing basis, and will conduct evaluations at ongoing intervals following student graduation in order to monitor compliance with their service agreements.

**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 CRF 220, 2 CRF 225, and 2 CRF 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/a133.html>[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.

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).

**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.
- 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](mailto: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 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 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 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:

**Scholarship Awards**

1. How many 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 B.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 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.
4. How many students, supported by NRC funding, are continuing on to Graduate School in a field related to the nuclear industry?
  - a. Response is the number of students, 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 there under, 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 etseq), 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 InVictims Protection Act Of 2000 (as amended by the Trafficking Victims Protection Reauthorization Act of 2003)**

Section 106(g) of the Trafficking InVictims 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)).

### **Award Term**

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.SAM.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.
- 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.