



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

June 9, 2016

Dr. Mike Opp  
Dakota County Technical College  
1300 145<sup>th</sup> Street East  
Rosemount, MN 55068-2932

VIA Electronic Mail  
[mike.opp@dctc.edu](mailto:mike.opp@dctc.edu)

SUBJECT: GRANT NO: NRC-HQ-84-16-G-0001

Dear Dr. Opp:

Pursuant to the authority contained in the Federal Grant and Cooperative Agreement Act of 1977, as amended, and the Atomic Energy Act of 1954, as amended, the Nuclear Regulatory Commission (NRC) hereby awards to Dakota County Technical College (hereinafter referred to as the "Grantee" or "Recipient"), the sum of \$150,000.00 to provide support for the "Nuclear Energy Technician Scholarship Program at Dakota County Technical College" entitled "Program Description."

This award is effective July 1, 2016 and shall apply to expenditures made by the Recipient furtherance of program objectives during the period beginning with the effective date of July 1, 2016 and ending June 30, 2018.

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 \$43,168.00 in cost share. Please ensure your cost share conforms to the provisions in 2 CFR 200, and is reported on the semi-annual Federal Financial Report.

Based on the pre-award compliance review conducted by NRC's Small Business and Civil Rights Office (SBCR), your institution is placed in a periodic status pending resolution of concerns raised during the review. Within 60 days, SBCR will conduct a periodic review to ensure compliance with applicable Civil Rights statutes. Your cooperation with SBCR is essential. The continued eligibility of Federal financial assistance is conditioned upon compliance with anti-discrimination regulations.

Please ensure individuals selected as beneficiaries of support under this grant meet the legal requirements consistent with 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. Erika Eam by email at [Erika.Eam@nrc.gov](mailto:Erika.Eam@nrc.gov).

Attachments:

Attachment A – Schedule  
Attachment B – Program Description  
Attachment C – Standard Terms and Condition

Sincerely yours,

*Erika Eam*

Erika Eam  
Grants Officer  
Resources & Grants Team  
Acquisition Management Division

TEMPLATE - ADMIN

SUNSI REVIEW COMPLETE

JUN 14 2016

ADM302

# Grant and Cooperative Agreement

CHOOSE ONE:

- ☐ COOPERATIVE AGREEMENT
- ☒ GRANT

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

1. GRANT/COOPERATIVE AGREEMENT NUMBER NRC-HQ-84-16-G-0001		2. SUPPLEMENT NUMBER		3. EFFECTIVE DATE 07/01/2016		4. COMPLETION DATE	
5. ISSUED TO NAME/ADDRESS OF RECIPIENT (No., Street, City/County, State, Zip) MINNESOTA STATE COLLEGES AND UNIVERSITIES DBA DAKOTA COUNTY TECHNICAL COLLEGE 1300 145TH STE E ROSEMOUNT MN 55068-2932				6. ISSUED BY US NRC - HQ Mailing Address: ACQUISITION MANAGEMENT DIVISION MAIL STOP TWFN-5E03 WASHINGTON DC 20555-0001			
7. TAXPAYER IDENTIFICATION NO. (TIN)				9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (Name & Phone) Dr. Mike Opp, mike.opp@dctc.edu, 651-423-8319 Dr. Ron Erickson, ron.erickson@dctc.edu, 651-432-8232			
8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.							
10. RESEARCH, PROJECT OR PROGRAM TITLE NUCLEAR ENERGY TECHNICIAN SCHOLARSHIP PROGRAM AT DAKOTA COUNTY TECHNICAL COLLEGE							
11. PURPOSE See Schedule							
12. PERIOD OF PERFORMANCE (Approximately) 07/01/2016 through 06/30/2018							
13A.		AWARD HISTORY		13B.		FUNDING HISTORY	
PREVIOUS		\$0.00		PREVIOUS		\$0.00	
THIS ACTION		\$150,000.00		THIS ACTION		\$150,000.00	
CASH SHARE		\$0.00		TOTAL		\$150,000.00	
NON-CASH SHARE		\$0.00					
RECIPIENT SHARE		\$43,168.00					
TOTAL		\$150,000.00					
14. ACCOUNTING AND APPROPRIATION DATA 2016-X0200-IUPMRU-84-84D002-52-S-164-T8458-4110							
PURCHASE REQUEST NO.		JOB ORDER NO.		AMOUNT		STATUS	
OCHCO-16-0168							
15. POINTS OF CONTACT							
	NAME	MAIL STOP	TELEPHONE	E-MAIL ADDRESS			
TECHNICAL OFFICER	NANCY V. HEBRON-ISREAL		301-287-0718	Nancy.Hebron-Isreal@nrc.gov			
NEGOTIATOR							
ADMINISTRATOR	ERIKA EAM		301-415-8180	Erika.Eam@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 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 06/09/2016		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>DUNS Number: 176616118</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 200.</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: 07/01/2016 to 06/30/2018</p>				

## ATTACHMENT A - SCHEDULE

### A.1 PURPOSE OF GRANT

The purpose of this Grant is to provide support to the "Nuclear Energy Technician Scholarship Program at Dakota County Technical College", as described in Attachment B, entitled "Program Description".

### A.2 PERIOD OF GRANT

1. The effective date of this Grant is July 1, 2016. The estimated completion date of this Grant is June 30, 2018.
2. Funds obligated hereunder are available for program expenditures for the estimated period: July 1, 2016 – June 30, 2018.

### A. GENERAL

1. Total Estimated NRC Amount: \$150,000.00
2. Total Obligated Amount: \$150,000.00
3. Cost-Sharing Amount: \$43,168.00
4. Activity Title: Nuclear Energy Technician Scholarship Program at Dakota County Technical College
5. NRC Project Officer: Nancy Hebron-Isreal
6. DUNS No.: 176616118

### A.3 BUDGET

Revisions to the budget shall be made in accordance with Revision of Grant Budget in accordance with 2 CFR § 200.308.

Category	Year 1	Year 2	Total
Other (scholarship/tuition)	<u>\$75,000.00</u>	<u>\$75,000.00</u>	<u>\$150,000.00</u>
Total Direct Charges	<u>\$75,000.00</u>	<u>\$75,000.00</u>	<u>\$150,000.00</u>
Total	<u>\$75,000.00</u>	<u>\$75,000.00</u>	<u>\$150,000.00</u>

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

1. The total estimated amount of this Award is \$193,168.00 for the two year period; inclusive of \$43,168.00 in cost share.
2. NRC hereby obligates the amount of \$150,000.00 for program expenditures during the period set forth above and in support of the Budget above. 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 Recipient in accordance with procedures set forth in the Automated Standard Application for Payments (ASAP) Procedures set forth below.

## ATTACHMENT B - PROJECT DESCRIPTION

### 1. Proposed Program Description

**Applicant Information:** Dakota County Technical College (DCTC) is a public, two-year technical college that is a member of the Minnesota State Colleges and Universities system (MnSCU). The MnSCU system is the largest single provider of higher education in the state of Minnesota and the fifth largest system of colleges in the United States. DCTC's main campus is based in Rosemount, Minnesota, within the greater Minneapolis/St. Paul metropolitan area. We provide college-level education to enable our graduates to be wholly equipped to advance their chosen careers in an increasingly challenging global economy.

DCTC has a full-year equivalent enrollment of 2,065 students and 4,916 non-credit/Workforce Training students. DCTC's students are 43 percent female and 57 percent male. Students of color represent 21 percent of the student body. 46.4 percent of students are between the age of 18-25 years old and 52.3 percent are older than 25. DCTC delivers more than 50 academic programs with a range of A.A.S., A.S., diploma and certificate options. Ninety-two percent of DCTC graduates find jobs in their field within 12 months of graduation.

**Program Information:** The Energy Technical Specialist A.A.S. Degree at DCTC trains students in the field of energy technology. Due to the increasing age of the current energy workforce and the growth of the renewable energy industry, it is estimated that there will be a great demand for skilled workers in the energy industry. The Energy Technical Specialist degree conveys the skills and knowledge necessary to be successful in both traditional and renewable energy fields. The degree program prepares students for work (primarily as technicians) in the following industries: coal-fired electric power generation, natural gas distribution, ethanol production, biodiesel production, wind turbine maintenance or solar energy.

Partnering with Xcel Energy and St. Cloud Technical and Community College, DCTC also offers additional training as nuclear energy maintenance technicians. It is the goal to have the graduates of the program to meet the Nuclear Energy Institutes (NEI) standards. These graduates will have the skills and knowledge necessary to obtain entry-level employment in the nuclear energy industry. This program utilizes the Nuclear Uniform Curriculum Program Guide (NUCP), which was developed as part of an industry-wide workforce strategy to standardize curriculum and increase efficiency of new and qualified nuclear workers focused on maintenance and non-licensed operators.

A core element of the Nuclear Energy Technician program is DCTC's collaboration with Xcel Energy. Xcel Energy, a national public utility company based in Minneapolis, Minnesota, provides Engineering Support Personnel and Power Generation Systems training materials that support DCTC's curriculum. DCTC students also participate in capstone internships and job shadowing at Xcel Energy's Prairie Island Nuclear Generating Plant in nearby Red Wing, Minnesota. Xcel Energy nuclear technology professionals, along with DCTC faculty, serve as program instructors. Program graduates of the Nuclear Energy Technician program are fully prepared to enter the workforce as:

1. Non-licensed operators
2. Maintenance technicians (electrical, mechanical)

Since the program began in 2010, 67 students have enrolled in academic coursework toward an Energy Technical Specialist degree. Twenty-nine (29) of those students pursued coursework in nuclear energy. 93% of students completing an Energy Technical Specialist degree at DCTC have found employment in the local workforce.

**Scholarship Details:** Dakota County Technical College requests a grant from the Nuclear Regulatory Commission's Trade School and Community College Scholarship program to provide scholarships to 12 students enrolling in the Nuclear Energy Technician program over a two-year grant period. Students will receive \$2,500 each semester (for four semesters), for a total of \$10,000 per student.

**Project Management Structure**

Name & Title	Organization & Department	Responsibility
Dr. Mike Opp VP of Academic & Student Affairs	Dakota County Technical College	Principal Investigator
Dr. Ronald Erickson Dean of Transportation and Industry	Dakota County Technical College	Co-PI
Duane Ness Instructor	Dakota County Technical College	Key Personnel
Larry Callaway Instructor	Dakota County Technical College	Key Personnel
Tom Wadley Maintenance Training Supervisor	Xcel Energy	Key Personnel

**Schedule of Student Tuition, Fees and Pertinent Costs**

The total cost for a student to complete the Nuclear Energy Technician program at DCTC is \$39,588, which includes tuition, fees and cost of living. Each student accepted into program will receive \$2,500 scholarship to help cover tuition, fees & pertinent costs for fall semester 2016; each successful student will receive an additional \$2,500 scholarship for spring semester 2017, fall semester 2017, and spring semester 2018.

DCTC commits to providing scholarships to 12 students in the Nuclear Technician program with each student receiving up to \$10,000 in scholarship funds.

**2. Recruitment and Marketing Activities**

The Nuclear Energy Technician Scholarship Project will be geared to attract and enroll academically prepared students with consideration shown to underrepresented populations across a broad range of cultural, social, ethnic, economic and educational backgrounds. DCTC recruitment efforts will focus on populations traditionally underrepresented in technical fields.

DCTC's ongoing recruitment activities include weekly campus visits as well as regular recruiter visits to local middle and high schools, college and career fairs, community events, and area WorkForce Centers. DCTC is exceptionally proactive when informing area K-12 institutions of emerging opportunities in technical fields. DCTC instructors regularly meet with their counterparts in area high schools to exchange ideas and create or renew numerous articulation agreements. This best practice will be carried on by faculty in the Nuclear Technician program, allowing high school juniors and seniors to earn college credit for appropriate, completed coursework when they apply for admission to DCTC.

DCTC, through other technical education activities, will promote the scholarship program. Examples of outreach opportunities include summer workshops through the Minnesota Energy Center, Teens Experiencing Technical Education, and other STEM and technology-related programming.

Additionally, the DCTC Marketing and Communications department will play major role in promoting the scholarships available for the Nuclear Technician program. Coordinated marketing efforts will include:

1. Professionally produced promotional materials, including brochures, posters, postcards, flyers, targeted e-mails, media releases, newspaper columns and feature articles
2. Social media communications via Twitter, Facebook, YouTube and faculty blogs
3. Award-winning DCTC Web site, which generates 36,000 unique hits monthly, will feature Nuclear Technician Scholarship Project landing page with all pertinent scholarship, program and contact information
4. Nuclear Technician info booths at college open houses

### ***Selection of Nuclear Technician Scholars***

Scholarship recipients will be required to meet the following selection criteria:

1. Be United States citizen, national, or lawful permanent resident at time of application
2. Be enrolled full-time (at least 12 credits per semester) at DCTC and be declared Nuclear Technician program major
3. Demonstrate academic ability or potential as determined by: (a) minimum grade point average of 3.0 (b) letter of recommendation from teacher/faculty member or employer (c) scores from Accuplacer placement examination (d) personal interview with project team
4. Demonstrate financial need as defined by U.S. Department of Education requirements for financial aid

The DCTC Office of Scholarships and Financial Aid will create a list of eligible student applicants that the project team will utilize during process of selecting and notifying Nuclear Technician scholarship awardees.

### **3. Evaluation Plan**

Evaluation of the Nuclear Technician Scholarship Project will focus on ongoing collection and analysis of data addressing project effectiveness and student outcomes. Multiple measures for each category are listed in table below. An Advisory Committee has been formed with experts from DCTC, St. Cloud Technical and Community College (the sister program of DCTC's Nuclear Energy Technician program) and Xcel Energy to streamline, enhance and direct the evaluation process. An annual summary evaluation report will be produced, identifying best practices and lessons learned throughout the project. This document will inform presentations at project team meetings, regular faculty in-service events and advisory committee meetings

<b>Measures of Project Effectiveness</b>	<b>Outcome Measures for Scholars</b>
Number of scholarships awarded	Fall-to-fall retention rate
Number of scholars from underrepresented groups	Cumulative GPA
Number of faculty & student mentors identified	Level of student satisfaction with Nuclear Technician program
Attendance at scholar cohort meetings	Level of student satisfaction with quality and availability of academic and nonacademic support
Number of partners involved in student recruitment efforts	Level of student engagement with Nuclear Technician program
Timeliness of all required reports	Training Advisory Committee assessments

Instructors will solicit feedback Nuclear Technician scholars via a mid-semester reporting form. The project's Principal Investigator or Co-PI will review forms and discuss reported problems with the Advisory Committee. Scholars encountering nonacademic problems will be connected as necessary to existing support services, including counseling and financial aid services. The Principal Investigator or Co-PI will maintain e-mail contact with all scholars throughout the academic year, sending reminders of upcoming meetings and activities related to the program. The Principal Investigator will review progress of all scholars, recommending interventions where needed. Interventions will involve a scheduled consultation and an assessment in any or all of the following areas: (a) basic skills (b) tutoring (c) study skills (d) learning styles inventory (e) career interest inventory (f) learning disabilities.

#### **4. Scholarships as part of Strategic Plan**

##### ***Program Alignment with Statewide Plan***

DCTC is a member of both the Minnesota Energy Consortium and the Minnesota Energy Center. The Energy Consortium began in 2005 as an industry group assembled to guide colleges in preparation of a skilled workforce for the future technician needs of the energy industry. The Energy Center is the association of colleges and universities working together to build awareness of career opportunities in the Energy fields, and develop and support programming to meet future employment needs. These groups have guided the development of the Nuclear Technician programs in Minnesota.

As our colleges work together to build awareness of education and career opportunities, a key element is having resources available to meet the financial challenges of students. This scholarship program will be integral to those efforts by offering support to students who would otherwise be unable to attend college. Reducing the financial barriers enables the impacted students to better engage in their educational pursuits and ultimately promotes stronger outcomes for each of these participants.

If the scholarship grant is awarded to DCTC, the Energy Center and Energy Consortium will use their resources to promote the grant and encourage participation in the Nuclear Energy Technician scholarship program. The Minnesota Energy Center has a comprehensive outreach plan that reaches all parts of the State. The Center organizes awareness activities for Careers in Energy through the month of October. The Center provides Energy Education for Educators workshops for high school Science teachers in June and provides an Energy Science trailer to middle and high schools throughout the state. The Center will use all of these activities to promote access to the nuclear technician program and the scholarship opportunities.

Beginning in fall 2016, The Minnesota Energy Center will launch the first high school Legacy program targeting economically disadvantaged youth in the Twin Cities urban core. The Legacy program model prepares youth for college and careers by focusing on character development, financial literacy, health and wellness, life skills, academic excellence and emotional intelligence. Based on a successful model from Phoenix, AZ, the Legacy program will promote participation of females and minorities in these fields.

##### ***Program Alignment with DCTC Strategic Plan***

Scholarships to support students entering and completing the Nuclear Energy Technician program directly align with and support DCTC's current strategic plan. Specifically, the scholarship program addresses the following strategic directions and corresponding goals:

<b>Strategic Direction 1:</b> Cultivate dynamic educational experiences that evolve with market demands.
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Goal 1.1 – Expand access to college services	Providing scholarships increases access and affordability for students
Goal 1.3 – Contribute to students' transitions from college to career and lifelong success	DCTC's partnership with Xcel Energy is building a workforce pipeline and ensuring work place connections are made
Goal 1.4 – Ensure each academic program meets the needs of the workforce and the demands of the global market	The Advisory Committee ensures program curriculum and the student experience aligns with the needs of the workforce and prepares students for immediate employment
<b>Strategic Direction 2:</b> Advance technical education through partnerships and alliances with external stakeholders.	
Goal 2.2 – Strengthen and further develop partnerships with business and industry at the local, national and international level.	DCTC partners with Xcel Energy to provide real-world experiences for students, support curriculum development, and will serve on the advisory committee
Goal 2.3 – Continue collaborative efforts with a full range of education partners	DCTC collaborates with St. Cloud Technical and Community College to provide Nuclear Energy Technician training at their two locations. Together with Xcel Energy, the three entities make up the Advisory Committee and ensure successful nuclear energy education is available in Minnesota

**5. Non-Federal Support** (state any arrangements with non-federal entities for support such as cost-sharing or in-kind – including written agreement or letter with application)

Dakota County Technical College will provide a total of \$21,150 in in-kind support to the project. This support is tied to the PI, Co-PI and other key personnel's time commitment to the project.

**6. Scholarship Student Service Agreements**

Students that participate in the Nuclear Energy Technician Scholarship program will be required to accept and sign the service agreement terms as defined in the FOA, prior to receiving a scholarship. Students will agree to serve six months in nuclear-related employment for each full or partial year of academic support.

## ATTACHMENT C – STANDARD TERMS AND CONDITIONS

### The Nuclear Regulatory Commission's Standard Terms and Conditions for U.S. Nongovernmental Recipients

#### Preface

This award is based on the application submitted to, and as approved by, the Nuclear Regulatory Commission (NRC) under the authorization 42 U.S.C. § 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 grant or cooperative agreement. The following also apply:

- 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 Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

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 (E.O.), Office of Management and Budget (OMB) Circulars, the NRC's 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 200**

All provisions of 2 CFR Part 200 and all Standard Provisions attached to this grant/cooperative agreement are applicable to the Recipient and to sub-recipients which meet the definition of "Recipient" in 2 Part §200.86, unless a section specifically excludes a sub-recipient from coverage. The Recipient 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 D of 2 CFR Part 200 and include this term in lower-tier (sub-award) covered transactions.

Recipients must comply with monitoring procedures and audit requirements in accordance with 2 CFR Part 200, Subpart F—AUDIT REQUIREMENTS.

##### **2. Award Package**

The Recipient is obligated to conduct project oversight as may be appropriate, to manage the funds with prudence, and to comply with the provisions outlined in 2 CFR Part 200. Within this framework, the Principal Investigator (PI) named on the award face page, 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, and is subject to a refund of unexpended grant funds to the NRC.

The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements related to its grant award. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any financial or fiduciary responsibilities or obligations arising under its grant, including sub-contracts and sub-awards, or any other contractual or financial obligation. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction. See 2 CFR § 200.318(k), General Procurement Standards.

### **Subawards**

Appendix II to Part 200 Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

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 Recipient to NRC. See 2 CFR § 200.318.

### **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 Recipient agrees to comply with the non-discrimination requirements below:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.), which prohibits discrimination on the grounds of race, color, or national origin in any program or activity receiving federal financial assistance.
- Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.), which prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance.
- The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), which prohibits discrimination on the basis of age in any program receiving federal financial assistance.
- The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.), which prohibits recipients from discriminating on the basis of disability in employment (Title I); State and local government services (Title II); and places of public accommodation and commercial facilities (Title III).
- Parts II and III of E.O. 11246, as amended by E.O. 11375, 11478, 12086, 12107, 13279, 13665, and 13672, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year, from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin and requires that government contractors take

affirmative action to ensure that equal opportunity is provided in all aspects of their employment.

- E.O. 13166, "Improving Access to Services for Persons with Limited English Proficiency," which clarifies that national origin discrimination under Title VI includes discrimination on the basis of limited English proficiency (LEP) and requires that the recipient take reasonable steps to ensure that LEP persons have meaningful access to programs and activities.
- Any other applicable non-discrimination law(s).

Generally, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 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 VII, 42 U.S.C. § 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 Recipient 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 and obtained from the NRC Grants Officer in advance of the change or obligation of funds. All requests for NRC prior approval, including requests for extensions to the period of performance, must be made, in writing (which includes submission by e-mail), to the designated Grants Officer at least 30 days before the proposed change. The request must be signed by 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 Recipient will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

The Recipient will comply with provisions of 31 U.S.C § 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 Recipient shall submit a completed "Certification Regarding Lobbying" form, regardless of dollar value.

If applicable, the Recipient receiving in excess of \$100,000.00 in Federal funding shall submit a completed Standard Form (SF-LLL), "Disclosure of Lobbying Activities" for any persons engaged in lobbying activities, as discussed at 31 U.S. Code § 1352 – Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions. The form concerns 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. If the

Recipient must submit the SF-LLL, including those received from sub-recipients, contractors, and subcontractors, to the Grants Officer.

**Debarment And Suspension –** (See 2 CFR Part 180; 2 CFR § 200.205; 2 CFR § 200.113; and 2 CFR Part 200, Appendix II.)

The Recipient 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 the recipient's 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); or
- (4) Have had one or more public transactions (Federal, State, or local) terminated for cause or default within the preceding three years.
- (5) The Recipient agrees that, unless authorized by the Grants Officer, it will not knowingly enter into any subaward or contracts under this grant/cooperative agreement with a person or entity that is not included on the System for Award Management (SAM) (<https://www.sam.gov>).

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

**Debarment, Suspension, Ineligibility, and Voluntary Exclusion**

The Recipient 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 2 CFR Part 180 and 2 CFR Part 200.

**Drug-Free Workplace**

The Recipient 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 U.S.C. §§ 8101-8106.

**Implementation of E.O.13224 – Executive Order on Terrorist Financing**

The Recipient 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 Recipient 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.

The Recipient must comply with E.O. 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:

Implementation of Executive Order 13224 Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism amended by E.O. 13268, 13284, and 13372.

**Procurement Standards - 2 CFR §§ 200.318-200.326**

Sections 200.318 - 200.326 set forth standards for use by Recipients 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 will be imposed by the Federal awarding agencies upon Recipients, unless specifically required by Federal statute, executive order, or approved by OMB.

**Travel and Transportation**

Travel must be in accordance with the Recipient's Travel Regulations or the U.S. Government Travel Policy and Regulations at: <http://www.gsa.gov/portal/category/21222> and the per diem rates set forth at: <http://www.gsa.gov/portal/content/104877>, absent Recipient's travel regulations. Travel and transportation costs for the grant must be consistent with provisions as established in 2 CFR § 200.473-474.

All other travel, domestic or international, must not increase the total estimated award amount for the grant.

**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 Recipient'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 for the grant.

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 Recipient's policies and practices. Travel by first-class travel is not authorized unless prior approval is obtained, in writing, 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 Recipient will comply with the provisions of the Fly America Act (49 U.S.C 40118), as implemented at 41 CFR §§ 301-10.131 through 301-10.143.

**Property Standards**

Property standards of this award shall follow provisions as established 2 CFR §§ 200.310-200.316.

**Intangible Property**

Intangible and intellectual property of this award shall generally follow provisions established in 2 CFR § 200.315.

**Inventions Report** - The Bayh-Dole Act (P.L. 96-517) affords Recipients 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 Recipient 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 Recipient report all subject inventions to the awarding agency (NRC) as well as include an acknowledgement of federal support in any patents.

**Patent Notification Procedures** - If the NRC or its Recipients, 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, E.O.12889 requires NRC to notify the owner. If the Recipient uses or has used patented technology under this award without license or permission from the owner, the Recipient must notify the Grants Officer. This notice does not imply 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, such as data, databases or software are determined by Subpart D of 2 CFR Part 200. The Recipient 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 Recipient 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 Recipient employees may be copyrighted, but only the part authored by the Recipient is protected because, under 17 U.S.C. § 105, works produced by Government employees are not copyrightable in the United States. On occasion, NRC may ask the Recipient 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 U.S.C. § 105.

**Record Retention and Access**

Recipient shall follow established provisions in 2 CFR §§ 200.333-337.

### **Conflict Of Interest**

Conflict of Interest standards for this award will follow the Organizational Conflict of Interest (OCOI) requirements set forth in Section 170A of the Atomic Energy Act of 1954, as amended, and provisions set forth at 2 CFR § 200.112, Conflict of Interest.

### **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 Recipient'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 Acquisition Management Division, unless otherwise delegated, who shall appoint an intra-agency Appeal Board to review a recipient 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 Recipient 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.

### **Remedies for Noncompliance**

Termination of this award will follow provisions as established and described above in "Dispute Review Process" in 2 CFR §§ 200.338-342.

### **Performance and Financial Monitoring and Reporting - 2 CFR §§ 200.327-329**

Recipient Financial Management systems must comply with the provisions in 2 CFR § 200.302.

- Payment – 2 CFR § 200.305
- Cost Share or Matching – 2 CFR § 200.306
  - Recipients are to be careful with providing excessive cost share or match since at the end of the grant, if the identified match has not been provided, then a portion of the federal share may be required to be returned to the Government.
- Program Income – 2 CFR § 200.307
  - Earned program income, if any, will be added to funds committed to the project by the NRC and Recipient and used to further eligible project or program objectives or be deducted from the total project cost for the grant, as directed by the Grants Officer or indicated in the terms and conditions of the award.



- Revision of Budget and Program Plans – 2 CFR § 200.308
  - The Recipient is required to report deviations from the approved budget and program descriptions in accordance with – 2 CFR § 200.308(b) and request prior written approval from the Project Officer and the Grants Officer.
  - The Recipient is not authorized to re-budget between direct costs and indirect costs without written prior approval of the Grants Officer.
  - The Recipient is authorized to transfer funds among direct cost categories up to a cumulative 10 percent of the total approved budget. The Recipient 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 §§ 200.403.
- See section 2 CFR §§ 200.330-332 for Subrecipient Monitoring and Management.

### **FEDERAL FINANCIAL REPORTS**

Federal Financial Reports (SF-425) are semi-annually, for the periods ending March 31 and September 30. Reports are due within 30 calendar days following the end of the reporting period and must be emailed to the Project Officer at the email addressed indicated in the Notice of Award, and to the Grants Officer at:

Grants\_FFR.Resource@nrc.gov. (NOTE: *There is an underscore between Grants and FFR in the email address.*) The SF-425 form and instructions are available at the following URL: [http://www.whitehouse.gov/omb/grants\\_forms/](http://www.whitehouse.gov/omb/grants_forms/).

### **PERFORMANCE PROGRESS REPORTS**

The performance (technical) reports indicated below are subject to 2 CFR §200.328.

#### **Trade Schools and Community College Scholarships**

Performance reports must be submitted semi-annually, for the periods ending March 31 and September 30, or any portion thereof, regardless of the award date. Reports are due within 30 days following the end of each reporting period and must be emailed to the Project Officer at the email addressed indicated in the Notice of Award, and to the Grants Officer at: Grants\_PPR.Resource@nrc.gov. (NOTE: *There is an underscore between Grants and PPR in the email address.*)

**Final Reports** - The Recipient is required to submit final reports, both Financial (SF-425) and Performance (SF-PPR, SF-PPR-B, SF-PPR-E) within 90 days of the grant expiration. In addition to these reports, a final SF-428, Tangible property report, is also required, if applicable. The final PPR (for Scholarship, Fellowship, and Trade School and Community College Scholarship awards) must include the names of all students with up to date contact information (mailing address, telephone/cell phone, email address). The reports must be emailed to the Project Officer at the email addressed indicated in the Notice of Award, and to the Grants Officer at:

Grants\_FFR.Resource@nrc.gov and Grants\_PPR.Resource@nrc.gov. (NOTE: *There is an underscore between Grants and FFR and Grants and PPR in the email addresses.*)

**Period of Performance – 2 CFR § 200.309**

The recipient may charge to the Federal award only allowable costs incurred during the period of performance and any costs incurred before the NRC or pass-through entity made the Federal award that was authorized by the NRC or pass through entity.

Unless otherwise authorized in 2 CFR Part 200 or by special award condition, any extension of the award period can only be authorized by the Grants Officer in writing. Assurances of funding from other than the Grants Officer shall not constitute authority to obligate funds for programmatic activities beyond the expiration date.

The NRC Grant Officer may authorize a no cost extension of the period of performance. The recipient must submit a no cost extension request no less than 30 days prior to the award end date. Any request for a no cost extension after the grant has expired will not be approved. However, the NRC has no obligation to provide any additional prospective or incremental funding. Any modification of the award to increase funding and/or to extend the period of performance is at the sole discretion of the NRC.

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

Unless otherwise stated, Recipient payments are made using the Department of Treasury's Automated Standard Application for Payment (ASAP) system, [ASAP.gov](http://ASAP.gov), through preauthorized electronic funds transfers. To receive payments, Recipients 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 is required to make ASAP withdrawals: (1) ASAP account number – the award number found on the cover sheet of the award; (2) Agency Location Code (ALC) – 31000001; and Region Code. Recipients enrolled in the ASAP system do not need to submit a "Request for Advance or Reimbursement" (SF-270).

**II. Audit Requirements****Audits**

Organization-wide or program-specific audits are performed in accordance with the Single Audit Act of 1996, as amended, and as implemented by 2 CFR Part 200, Subpart F—AUDIT REQUIREMENTS. Recipients are subject to the provisions of this subpart if they expend \$750,000 or more in a year in Federal awards. See 2 CFR 2 CFR § 200.501.

The Form SF-SAC and the Single Audit Reporting packages for fiscal periods ending on or after January 1, 2008 are submitted online, as follows:

1. Create the recipient's 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; and
5. Click "Submit."

Organizations expending less than \$750,000 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**

The recipient is responsible for providing documentation to the NRC that tracks each student's progress in achievement of the academic program for which federal funds were provided. This includes: (1) ensuring the service agreement is signed by the student prior to providing support; (2) providing the NRC with student contact information upon student entry into the program, upon completion or withdrawal from the program, and upon request by the NRC; and (3) monitoring the student's fulfillment of the service agreement for the duration of the award. The NRC shall be notified immediately if a student is not fulfilling the academic program or the service agreement.

#### **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 OMB requirements indicated above (for metric reporting), the recipient shall address the following questions and submit responses with the required progress reports:

#### **Trade School and Community College Scholarship Metrics:**

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 certification or are licensed in their field of study?
  - 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 procured employment in the nuclear industry?
  - a. Response is the number of students, for this reporting period and cumulative to the grant.

As part of the PPR, include the following information for each student support under this award:

1. Student Name
2. Years of Support
3. Cumulative Support in Dollars
4. Estimated Graduation Date
5. Status
6. Up to date student contact information (mailing address, telephone/cell phone, email address) for students no longer participating in the program, i.e. transferred programs, graduated, withdrew, etc.
7. Up to date student contract information, for all students at time of grant expiration, i.e. Final PPR.

Examples of status could be:

"Employed in Nuclear Industry", if so, where;  
"Looking for employment", if so, how long;  
"Deferred due to continuing education", if so, what degree;  
"Employed by Non-Nuclear", if so, where; and  
"Dropped out of program"

#### **Unsatisfactory Performance**

Failure to perform the work in accordance with the terms of the award and maintain at least a satisfactory performance rating may result in designation of the Recipient as high risk and the assignment of special award conditions. Further action may be required as specified in the standard term and condition entitled "Remedies for Noncompliance."

Failure to comply with the award provisions may result in a negative impact on future NRC funding. In addition, the Grants Officer may withhold payments; change the method of payment from advance to reimbursement; impose special award conditions; suspend or terminate the grant.

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

The Recipient will immediately notify the Project Officer and the Grants Officer in writing if after award, other financial assistance is received to support or fund any portion of the program description stated in the NRC award. NRC will not pay for costs that are funded by other sources.

#### **Prohibition Against Assignment By The Recipient**

The Recipient will not transfer, pledge, mortgage, or otherwise assign the award, or any interest to the award, or any claim arising under the award, to any party, banks, trust companies, or other financing or financial institutions without the written approval of the Grants Officer.

#### **Site Visits**

The NRC, through authorized representatives, has the right to make site visits to review project accomplishments and management control systems and to provide technical assistance as required. If any site visit is made by the NRC on the premises of the Recipient or contractor under an award, the Recipient shall provide and shall require his/her contractors to provide reasonable access to all facilities and provide necessary assistance for the safety and convenience of the Government representative in the performance of his/her official duties.

### **IV. Additional Requirements**

#### **Criminal and Prohibited Activities**

The Program Fraud Civil Remedies Act (31 U.S.C. §§ 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).

False statements (18 U.S.C. § 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.

False Claims Act (31 U.S.C. § 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.

Copeland "Anti-Kickback" Act (18 U.S.C. § 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**

Recipients are encouraged to purchase American-made equipment and products with funding provided under this award.

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

E.O. 13043, amended by E.O. 13652, requires Recipients to 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**

E.O. 13513 requires Recipients to 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 barred from accepting funds from a Recipient 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 Recipient'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 Recipients or applicants regardless of the source.

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

Pursuant to E.O.s 13230 and 13270, amended by E.O. 13316 and 13385, 13532, 13592, 13555, 13515, and 13621, 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 Recipients 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 Recipient 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 Recipient organization shall investigate the allegation and submit its findings to the Grants Officer. The NRC may accept the Recipient's findings or proceed with its own investigation. The Grants Officer shall inform the Recipient 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 Recipient 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 Recipient 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 [Recipient name] under award [number] from [name of operating unit], Nuclear Regulatory Commission. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the view of the [name of operating unit] or the US Nuclear Regulatory Commission."

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

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

"...any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the recipient or any subrecipient, 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." (See 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 \$25,000.00 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 \$25,000.00 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 \$300,000.00, 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 \$10,000.00.