



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

June 9, 2016

Ms. Cicely Harpe  
Augusta Technical College  
3200 Augusta Tech Drive  
Augusta, GA 30906-8243

VIA Electronic Mail  
[charpe@augustatech.edu](mailto:charpe@augustatech.edu)

SUBJECT: GRANT NO: NRC-HQ-84-16-G-0002

Dear Ms. Harpe:

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 Augusta Technical College (hereinafter referred to as the "Grantee" or "Recipient"), the sum of \$150,000.00 to provide support for "Augusta Technical College Nuclear Engineering Technology Workforce (NETwork) Scholars Program" 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.

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 - ADMIN001

SUNSI REVIEW COMPLETE

JUN 14 2016

ADM002

# 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-0002		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) AUGUSTA TECHNICAL COLLEGE FOUNDATION INC 3200 AUGUSTA TECH DR AUGUSTA GA 309068243				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) Cicely Harpe, 706-771-4149, charpe@augustatech.edu			
8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.							
10. RESEARCH, PROJECT OR PROGRAM TITLE AUGUSTA TECHNICAL COLLEGE NUCLEAR ENGINEERING TECHNOLOGY WORKFORCE (NETWORK) SCHOLARS PROGRAM							
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		\$0.00					
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	
See Schedule							
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: 079361192</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 "State Technical College of Missouri (STC) Nuclear Education Trade School Scholarships", 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:        | \$0.00   |
| 4. Activity Title:             | State Technical College of Missouri (STC)<br>Nuclear Education Trade School Scholarships |
| 5. NRC Project Officer:        | Nancy Hebron-Isreal  |
| 6. DUNS No.:                   | 077139723  |

**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>
<b>Total</b>	<b>\$75,000.00</b>	<b>\$75,000.00</b>	<b>\$150,000.00</b>

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

1. The total estimated amount of this Award is \$150,000.00 for the two year period.
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**

### **Trade School and Community College Scholarship Program**

This project will directly address the recent Nuclear Energy Institute (NEI) report from 2012 that projected 39% of the nuclear energy workforce will be eligible to retire by 2016. Receiving this award will allow State Technical College of Missouri (STC) to offer scholarships to qualified recipients and assist in providing qualified technicians to the nuclear energy workforce. Scholarships will give students increased opportunity to complete an education that prepares them for a career in nuclear technology that supports the operation and regulation of nuclear facilities and the safe handling of nuclear materials. The nuclear industry has high standards in the areas of integrity and personal accountability. STC students acquire these standards while completing our program. The funding this project provides will be utilized by students to become the kind of qualified nuclear power industry personnel that the nuclear industry is in need of. In addition to providing more trained individuals to the industry, the project will also enhance STC's marketing and recruiting efforts to attract qualified and diverse potential applicants.

**Number and Size of Scholarships:** STC is requesting funds in the amount of \$150,000 to provide scholarships to approximately 15 students. Each student would receive up to \$10,000 for tuition and fees. STC is not asking for any indirect costs to be funded. 100% of the funds will be applied directly to offset student tuition and fees.

**Project Administration or Management Structure:** STC is an accredited two-year state college that awards associate of applied science degrees. STC has a complete and experienced infrastructure for administering grants and scholarships. STC currently administers publicly and privately funded grants. The management structure for this grant will consist of: Dennis Ruffner (PI), Nuclear Technology Department Chair/Instructor; Jenny Jacobs, Chief Financial Officer; Aaron Kliethermes, Assistant Dean of Extended Programs; and Becky Whithaus, Director of Financial Aid. Ruffner (PI) will have primary managerial responsibility for the project and provide the scholarship selection committee with additional information about applicants based on student/instructor contact and scholarship selection criteria. Jacobs will monitor disbursement of funds. Kliethermes will oversee all marketing and recruiting for the project and Nuclear Technology program. Ruffner, Kliethermes, and Whithaus will manage the administering of the scholarship program within the NRC and STC guidelines. In addition, all members of the committee will complete, review, and submit reports required by the NRC.

**Schedule of Tuition and Fees:** The following table describes the tuition and fees that apply to Nuclear Technology degree program options (2015-2016). The Advanced Technology Center (ATC), a cooperative educational facility in Mexico, Missouri, is where both State Technical College of Missouri (STC) and Moberly Area Community College (MACC) are located. By agreement, MACC provides the general education physics and chemistry curriculum to the Nuclear Technology students. STC provides the remaining general education curriculum and core curriculum related to this project. The table reflects each institution's tuition and fee rates (2015-2016). The total cost of tuition and fees for one year is based on the typical courses taken by a first year Nuclear Technology (any program option) student.

**ONE YEAR TUITION AND FEES (PER STUDENT) FOR NUCLEAR TECHNOLOGY**

	Tuition & Fees In State	Tuition & Fees Out of State	Credits Year One*	Total Cost In State	Total Cost Out of State
MACC	\$153.00	\$204.00	5	\$765	\$1,020
STC	\$195.75	\$355.50	36	\$7,047	\$12,798
<b>TOTALS</b>			<b>41</b>	<b>\$7,812</b>	<b>\$13,818</b>

\*Credits could vary depending on course scheduling and student transfer credit.

**Recruitment and Marketing Efforts:** State Technical College of Missouri uses three full-time Admissions Representatives (recruiters) to do general recruiting for all 35 programs and options for all five campus locations. The Admissions Representatives work closely with the Department Chair to continuously improve recruiting efforts. In August 2015, the college hired Dennis Ruffner, Nuclear Technology Department Chair/Instructor. He has extensive nuclear energy background and is an asset in expanding and improving our recruiting efforts for Nuclear Technology. Ruffner has been traveling with the College's out-of-state Nuclear Technology focused Admissions Representative to participate in recruiting events. Face-to-face college career fairs, classroom trips, and visits to nuclear power plants are also aiding recruitment and retention efforts. These efforts are supplemented by general radio and print advertisements such as recruiting brochures and nuclear program flyers. The Nuclear Technology program produced a marketing video of the state-of-the-art fluid flow loop trainer used in instruction. We believe we are the only educational institution using this equipment in an instructional environment. These marketing materials are used at all recruiting and marketing events. In efforts to increase the diversity of the student population, we are attending recruiting events where we actively focus on attracting women, minorities, and persons with disabilities to consider a career in the nuclear energy workforce. Minority and female recruiting is also a regular discussion topic at the semiannual program advisory council meetings.

**Applicant Selection:** To be admitted to the Nuclear Technology program, a student must attend an Information Session. By requiring attendance of a session, we have experienced increased success in receiving applications from students who are capable of completing the program and are truly interested in a career in the nuclear industry. Applicants for this scholarship must be an existing STC Nuclear Technology degree student or be eligible for acceptance into one of the Nuclear Technology degree program options. Prospective students/applicants may apply for the scholarship once their application for the degree program has been accepted by the STC Office of Admissions, but will not be awarded the scholarship until final acceptance into STC's Nuclear Technology program. Scholarship awards will be competitive and based on academic success and a willingness to work in the nuclear industry for a minimum of one year following graduation. All academic records, high school and college transcripts, will be reviewed to determine academic merit for this scholarship. Priority consideration is given to second year full-time students in the Nuclear Technology program who have at least a 3.0 cumulative GPA. The total amount of money a recipient can be awarded through this scholarship program cannot exceed \$10,000 in a two year period.

Students receiving this scholarship must be employed in the nuclear industry within six months following graduation. To ensure compliance with this guideline, the application criteria will include submission of a signed Trade School and Community College Scholarship Program Service Agreement.

Funding in the amount of \$150,000 would provide a four semester scholarship not to exceed \$10,000 in a two year period to approximately 15 nuclear technology students. The project could, however, serve more Nuclear Technology students depending on actual student demographics, academic success, financial aid available, etc. The proposed funding amount will provide financial aid to a minimum of 15 students and could provide up to 25 awards. The program currently has a maximum enrollment of 80 students and an 84% retention rate between first and second year students compared to the overall institutional rate of 79%.

The project will be promoted throughout the year by the Office of Admission, Nuclear Technology program faculty and staff, Financial Aid Office and Office of Development via recruiting visits, Nuclear Technology Information Sessions, Nuclear Technology classroom and labs, Financial Aid presentations, and the college website. Applying for the scholarship is convenient for prospective students. They can apply online and all scholarship criteria and requirements will be available online or in paper form. All students are encouraged to review the website for deadlines and requirements.

Evaluation: STC currently utilizes many avenues to evaluate the effectiveness of attracting, preparing, and retaining individuals in nuclear careers. The program's student demographic, retention, graduation, and placement is reviewed annually by the Chief Academic Officer, Assistant Dean of Extended Programs, and Nuclear Technology Department Chair/Instructor through an extensive annual program review process. Student demographic information is raw data that is compared on a five year average to evaluate the diversity of the student population. Based on data collected, marketing and recruiting efforts are customized to maximize effectiveness. In recent academic years, a portion of the College's entire marketing budget was dedicated to targeting potential nuclear technology students. We hope to increase interest and enrollment in the program by dedicating these financial resources. Students are effectively prepared for careers in the field due to curriculum that is 75% exclusive technical training and 25% general education. Students are well-rounded upon completion of the program because they receive necessary mathematics, technical writing, and communication skills along with specialized nuclear training. Retention rates are measured each semester and maintained or improved by providing student support services that include: academic early alert referral process, Academic Grade, Job Readiness Score, and Attendance (AJA @ STC), counseling, utilizing student cohorts, requiring internships, and direct contact with program faculty and staff. High graduation and placement rates are a key priority since our college mission is; "To prepare students for profitable employment and a life of learning". STC Career Services tracks all graduate's placement upon graduation as well as changes in employment throughout their careers. The objective is to capture lifetime career service data on the Nuclear Technology graduates. This is accomplished partly by collecting formal employment surveys sent to all graduates 180 days after graduation. The responses and data received are kept in a database and used for statistical purposes to report to NRC as related to this project.

Strategic Plan: These scholarships will aid in educating our potential student population about the need for a clean energy source, such as nuclear. Utility companies are hiring employees with a high fundamental knowledge base. As the job demand continues to rise and the current workforce continues to age, STC job placement rates in the nuclear energy and other nuclear related fields will continue to increase.

STC's involvement as a sub-grantee of the Make It In America Grant through the United States Department of Labor, was a conscious effort to participate in an innovative approach to be part of a national strategic plan to accelerate job creation and encourage business investment in the

United States. The college employs industry experts to educate students outside the Nuclear Technology program about nuclear energy culture and its impact on other careers. This benefits students that could be employed by a vendor of a nuclear energy company or as a subcontractor at a nuclear power plant.

STC partners with the University of Missouri Research Reactor (MURR) team as an additional integral element of a strategic plan to improve the nuclear energy workforce shortage. This partnership and the Nuclear Technology two-year degree program have been in existence since 2004. The initial funding for the program came through a Department of Energy grant titled Innovation in Nuclear Infrastructure and Education program.

Partnerships with industry leaders that support the program have been successful. One example is our participation in The Nuclear Energy Technology Workforce (NETWork) Center, housed at MURR. NETWork was established through a Department of Labor grant and provides online access to leading edge curriculum that supplements what is already being used.

Industry Promotions: A four credit hour internship is built into the curriculum of both program options. This internship gives the student the opportunity to work at a nuclear power plant, research reactor, hazardous waste removal company, and/or government agencies. Students are selected for internship based on the student's academic performance and the internship location's selection process. Approximately 10 internship locations proudly display a STC Nuclear Technology program banner year-round as a marketing tool to build interest in the program. Nuclear expertise and existing relationships with utility partners were recently utilized to add additional internship location sites.

Many of the nuclear power plants outside the state of Missouri and the one in Missouri have regular contact with program faculty and staff which allows them to play a vital role in the success of the program and its students. Nearly one half of the students enrolled in the program are from Illinois. This high percentage of out-of-state students amplifies the impact that the STC nuclear program and this project have on the nationwide nuclear energy workforce shortage.

Each fall semester a Nuclear Option Review Day is held for current students to allow time to interact with a panel of industry professionals with a general Q&A session and then break out in the respective program options for more of a one-on-one exchange about the typical work day and type of training needed. This exchange allows employers to learn about the students in the program and watch them progress into highly qualified graduates.

During their professional skills training, students participate in "mock" interviews, which are conducted by nuclear industry professionals. The students are critiqued and given immediate feedback that include suggestions on how to improve their interview techniques.

In the summer of each year, just prior to their internship, selected second year students attend the annual Health Physics Forum. During the conference, students are given the opportunity to meet nearly every Radiation Protection Manager in the nation.

General Description - Nuclear Technology Degree Program: The program core curriculum is designed to follow training requirement guidelines established by the Nuclear Uniform Curriculum Program (NUCP) and supported by Nuclear Energy Institute (NEI), the Institute of



Nuclear Power Operations (INPO), and many nuclear utility companies. The curriculum is aligned with the objectives of the INPO National Academy for Nuclear Training (NANT) document and the ACAD 08-006 Uniform Curriculum Guide for Technician, Maintenance, and Non-licensed Operations Personnel Associate Degree Program.

Students receive advisement and mentoring as needed throughout the program. STC is unique in the manner it transcripts three grades for every student in every class. The "Academic Grade" shows the academic merit of the student and what level of knowledge and skills they have obtained throughout the program. A "Job Readiness" score provides employers the ability to see how job ready the student is for employment. This helps to hold the student accountable for the skills needed in the nuclear industry to be successful. An "Attendance" percentage is given for each class to show the student's attendance records and habits. An academic early alert referral process is in place to allow instructors both technical and general education to refer students on academic grade, job readiness, attendance, and other unacceptable behaviors to the college intervention team. The team members are: student's department chair, student's academic advisor, counselors, Associate Dean of Student Affairs, Academic Records Office, Financial Aid Office, Business Office, and a member of Academic Affairs leadership. This team works with each referral to determine the student's needs to be successful in the program including developing student remediation plans to aid students who may need additional assistance. Remediation plans are created jointly between the student, instructors, and department chair. Each student meets at least once per semester with their academic advisor to schedule the next semester classes and discuss other advising items.

The classes are kept small to provide ample lab time and allow instructors to work one-on-one with students who may need additional assistance. Instructors are also available outside of class to assist with questions and projects.

The program is sustainable, and growing in number of students enrolled. Recently hired experienced faculty and staff have worked diligently to expand degree options curriculum that help recruit and retain students with a goal of having a career in nuclear energy. Industry support and collaboration with nuclear energy related organizations has been the key to successful recruitment. The nuclear industry has been proactive in assisting in recruitment and marketing as has partner institutions such as the University of Missouri Research Reactor (MURR). Faculty and staff will continue working to increase the number of valuable relationships within the nuclear industry.

**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 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.