

DRAFT SUPPORTING TATEMENT  
FOR  
GRANT AND COOPERATIVE AGREEMENT PROVISIONS  
(3150-0107)

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EXTENSION

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) provides financial assistance through issuance of grants and cooperative agreements. This funding supports research, as well as symposia and conferences, training and associated curricula, disciplines pertaining to nuclear safety, security, or environmental protection and other areas that the Commission determines to be critical to the NRC's mission. NRC also provides funding to support a broad range of innovative programs and activities to strengthen the academic excellence and infrastructure capacity of minority serving institutions by educating and training their students and faculty. NRC provides financial assistance to accredited U.S. institutions of higher education to support education in nuclear science, engineering, health physics, and nuclear-related trades for students and faculty members. This supports the development of a workforce capable of the design, construction, operation, and regulation of nuclear facilities and the safe handling of nuclear materials.

The NRC collects information from recipients of grants and cooperative agreements (referred hereafter as "recipients") such as Technical Progress Reports, Inventions (including Patent and Copyright) Reports, Reporting of Royalties, and changes in Principal Investigator or Technical Objectives.

The NRC collects this information in order to track recipients' progress or ascertain if the work being performed is within the general scope of the grant or cooperative agreement, and to protect the rights of the parties under the grant or cooperative agreement.

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection of Information

NRC collects this information to ensure that the Government's rights are protected, the agency adheres to public laws, the work proceeds on schedule, and that disputes, if any, are settled between the Government and the recipients.

2. Agency Use of Information

NRC collects this information from recipients in accordance with the Terms and Conditions/General Provisions for grants and cooperative agreements awarded to institutions of higher education and other nonprofit institutions as part of the grant/cooperative agreement provisions in NRC's awards. The information collected is used by the NRC for administration of the grant and cooperative agreement programs. The NRC Terms and Conditions referencing information collections as well as the subject matter being collected are described below:

#### Dispute Review Procedure

A recipient who wants a committee review of a notice of an adverse action taken by the Commission must submit a request for review to an NRC Grants Officer (GO) no later than 30 days after the postmarked date of such notice. The NRC committee reviews the facts in the request and, where appropriate, provides a forum for the recipients and program personnel to discuss the issues. The NRC committee uses the information submitted and prepares a recommendation to the Director, Office of Administration, who decides the particular matter. There is no other method to secure this information from a recipient.

#### Reporting Program Technical Performance

This provision is to apprise the NRC of the recipient's progress under the grant or cooperative agreement. Recipients are required to submit technical performance reports to document their performance and to indicate any problems, if applicable. The recipients must submit progress reports describing in detail the activities that have occurred during the reporting period that correspond with the goals and objectives identified in the narrative, as well as, providing specific, performance metric information for educational related grants. Further, this provision allows the Commission to review the final draft of a journal article before publication, if applicable. Recipients are required to submit these reports to the NRC on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof, unless otherwise specified in a special award condition. Reports are due no later than 30 days following the end of each reporting period. The recipients submit the reports electronically through email and FedConnect.net. There is no other method to secure this information from recipients

#### Patent Rights (Small Business Firms or Non-Profit Organizations, July, 1981)

This provision is required to protect against public disclosure of information related to inventions or discoveries that would adversely affect the patent interests of the NRC or the recipients. Recipients must submit information on any invention or discovery, which may be patentable for the Government to determine whether the public interest and the equities of the recipients are served in deciding whether to file a patent application. The Government must also obtain information concerning title and rights that may result under a patent application, when determining the disposition of an invention or discovery. NRC participates in the trans-government Interagency Edison system (<http://www.iedison.gov>) and expects NRC funding Grantees to use this system to comply with Bayh-Dole and related intellectual property reporting requirements. Information collections in the Interagency Edison system are covered by OMB 0925-0002. The system allows for Grantees to submit reports electronically via the Internet. Recipients are required to send one copy of the information to the NRC GO who reviews the material to make the above determinations in consultation with the NRC attorney. There are no other methods to secure this information from recipients.

#### Notice and Assistance Regarding Patent and Copyright Infringement

This provision also requires the recipients to provide the Commission with all evidence and information known should any claim or suit arise against the Government of any alleged patent or copyright infringement under grant/cooperative agreement performance. This requirement is important since it protects the rights and interests of the Government. The recipients shall provide this evidence and information in one copy to the NRC GO, who in consultation with NRC PC, reviews the material to decide the best course of action to protect the Government's interests. There is no other method to secure this information from recipients.

#### Reporting of Royalties

The requirements of this provision make clear that the Government may contest the enforceability, validity, and/or title of any patent under which a royalty or payment is made. The provision is also necessary in that it allows the Commission, thorough review of the information supplied by the recipients, to ascertain the patents or basis on which royalties are to be paid. The recipients agree to report in writing (one copy) to the NRC Patent Counsel (NRC PC) stipulating the amount of royalties or other payments made in connection with performance under the grant or cooperative agreement. There is no other method to secure this information from recipients.

#### Changes in Principal Investigator or Technical Objectives

This provision requires recipients to obtain approval from the NRC GO to make changes to: (1) the stated objective of the grant/cooperative agreement, (2) the level of effort of the Principal Investigator, or (3) the phenomenon under study. The recipients must submit one copy of the request to the NRC GO, who in consultation with the NRC Contracting Officer Representative (NRC COR), reviews the request before approving or disapproving the proposed change. There is no other method of obtaining the requested information other than following the instructions in this provision.

#### Procurement Standards

This provision sets rules for the recipients to follow if a contract(s) is awarded under the grant or cooperative agreement. The Government seeks to ensure that these contracts are awarded competitively, where possible and that negotiated prices are reasonable. This provision stipulates circumstances when the recipients must submit requests (one copy) to the NRC GO for approval. The NRC GO reviews each request and decides which course of action is in the Government's best interest. There is no other method to secure this information from recipients.

#### Suspension or Termination for Cause

This provision protects the Government's interests by stating that it has the unilateral right to terminate or suspend the grant/cooperative agreement when the recipients fail to comply with the terms and conditions of the grant/cooperative agreement. If the grant/cooperative agreement is terminated, the recipients are required to conduct an accounting of funds expended to ascertain the amount of funds to deobligate or return from the grant/cooperative

agreement to the Government. The NRC GO advises the recipients by letter of the nature of the problem. The recipients must respond to the NRC GO (one copy) within 30 days of the Government letter identifying plans to correct the deficiencies in performance. The recipients shall also send one copy to the Principal Investigator (PI) and one copy to the NRC PO. The NRC GO, in consultation with the NRC PO, must decide the course of action to follow (suspend, terminate or continue grant/cooperative agreement performance). No other method exists outside the aegis of this provision to collect the needed information.

#### Termination for Convenience

This provision requires the recipients to document a request to terminate the grant/cooperative agreement and to submit the request and one copy to the NRC GO and one copy to the NRC PO and PI. The Commission then has a written record to respond to and challenge if it is in its best interest. The NRC GO, in consultation with the NRC PO and PI, will come to an understanding with the recipients as to whether to terminate the grant/cooperative agreement or not. No other method exists to secure this needed information.

#### Travel

This provision requires explicit approval by the NRC GO prior to foreign travel, regardless of its inclusion in the approved award budget. No other method exists to secure this needed information.

The reporting/recordkeeping requirements imposed by the above NRC grant provisions annually affect from 1 to 178 recipients, depending upon the particular provision. Table 1 shows the number of respondents for each provision. The information collection requirements do not involve surveys. Recipients are required to send reports and information to the NRC in accordance with award requirements. All information is collected under the above-cited provisions. As indicated previously, the information is submitted to the NRC GO, with copies to the NRC PO and, in some instances, to legal counsel. In all cases, it is the responsibility of the NRC GO to review the information and decide on the best course of action to follow.

### 3. Reduction of Burden through Information Technology

The NRC has issued [Guidance for Electronic Submissions to the NRC](#) which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. It is estimated that approximately 100% of the responses are filed electronically.

4. Effort to Identify Duplication and to Use Similar Information

No sources of similar information are available. There is no duplication of requirements. These provisions are not used in any other legal instrument for agency use other than for grants and cooperative agreements.

5. Effort to Reduce Small Business Burden

The agency grant/cooperative agreement program does not affect small businesses.

6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

If the requested information is not collected or is collected less frequently, the agency could not adequately track recipients' progress or ascertain if the work being performed is within the general scope of the grant or cooperative agreement. Less frequent technical progress reports removes an effective mechanism needed to monitor grant/cooperative agreement performance which can enable appropriate remedial action to protect the interests of the Government.

Most other provisions (Dispute Review Procedure, Inventions (including Patent and Copyright) Reporting, Reporting of Royalties, Changes in Principal Investigator or Technical Objectives, Suspension or Termination and Enforcement) require information only when applicable under specific, limited circumstances defined in the provision. The information is necessary to protect the rights of the parties under the grant or cooperative agreement in those situations.

7. Circumstances Which Justify Variation From OMB Guidelines

This information collection does not vary from OMB Guidelines.

8. Consultation Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package has been published In the *Federal Register*.

9. Payment or Gifts to Respondents

None.

10. Confidentiality of the Information

Confidential and proprietary information is protected in accordance with NRC regulations under 10 CFR 9.17(a) and 10 CFR 2.390(b).

11. Justification for Sensitive Questions

Information related to litigation, claims, patent, or copyright infringement, inventions, grant/cooperative agreement disputes, or termination would be sensitive from a legal perspective. Certain cost information, (e.g., salaries and indirect cost rates) would be sensitive from a corporate perspective. All

sensitive information is properly filed and safeguarded against improper disclosure. This is the NRC GO's responsibility. No sensitive personal information is required or requested.

12. Estimated Burden and Burden Hour Cost

Table 1 represents the reporting burden and Table 2 represents the recordkeeping burden estimates for each provision. Such burden estimates were derived from experience as to the approximate number of recipients affected by each particular provision and the approximate number of hours that recipients would have to expend to comply with the requirements of the provisions.

Reporting burden is estimated to be 3,851 hours, for a cost of \$1,070,578.00 (3,851 x \$278/hr). Recordkeeping burden is estimated to be 276 hours, for a cost of \$76,728 (276 x \$278 hr). The total burden for this collection is estimated to be 4,127 hours (3,851 reporting hours plus 276 recordkeeping hours) at a cost of \$1,147,306 (4,127 hours X \$278/hr). See Tables 1 and 2.

The \$278 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019 (84 FR 22331, May 17, 2019).

13. Estimate of Other Additional Costs

NRC has determined that the records storage cost is roughly proportional to the recordkeeping burden cost. Based on a typical clearance, the records storage cost has been determined to be equal to 0.0004 percent of the recordkeeping burden cost. Therefore, the records storage cost for this clearance is \$8,532 ( $\$76,728 \times 0.0004 \times \$278$ ).

14. Estimated Annualized Cost to Federal Government

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

The cost to the NRC attributable to the provisions discussed in this supporting statement is \$224,068 (806 hours x \$278/hr.). Table 3 presents such cost by provision. The cost to the Government for each provision was derived from experience as to the approximate number of hours the grant specialist expends in ensuring that recipients comply with a particular provision. The hours were then multiplied by \$267/hour (standard fee recoverable rate for materials licensees) to arrive at the approximate cost to the Government.

15. Reason for Change in Burden or Cost

The overall burden (reporting and recordkeeping) has decreased by 46 hours, from 4,173 hours to 4,127 hours. This change is due to the following:

- i. The total number of grant/cooperative agreement respondents decreased from 178 respondents to 176 respondents due to a decrease in the number of active financial assistance awards. As a result, the number of respondents (recipients) required to submit Program Technical Performance reports have decreased from 178 to 176.
- ii. Reporting Program Technical Performance is required biannually, resulting in a decrease in the total number of responses from 356 (178 respondents reporting 2 times per year) to 352 (176 respondents reporting 2 times per year).

As a result of the above changes, the total number of burden hours for reporting decreased by a total of 42 hours. The specific changes (decreases in burden hours) are as follows:

The burden for Reporting Program Technical Performance decreased from 3,774 hours (178 respondents x 2 annual responses x 10.6 burden hours) to 3,731 hours (176 respondents x 2 annual responses x 10.6 burden hours), a decrease of 42 hours.

In addition, the total number of recordkeeping hours decreased from 279 hours to 276 hours, a decrease of 3 hours.

There has been an increase in burden cost due to the increase in the NRC's standard fee recoverable rate for materials licensees from \$267 per hour to \$278 per hour, which is used to calculate burden cost.

Finally, the burdens associated with the requirements that are submitted on the Standard Forms (below) are not included in this collection. The burden for these requirements is covered under other OMB clearances.

Standard Form Number	Title	OMB Clearance Number	Burden Per Form
SF 424	Application for Federal Financial Assistance	4040-0004	60 minutes
SF 424A	Budget Information	4040-0006	180 minutes
SF 424B	Assurances	4040-0007	15 minutes
SF LLL	Disclosure of Lobbying Activities	0348-0046	10 minutes
<b>TOTAL</b>			<b>265 minutes (4.4 hours)</b>

16. Publication for Statistical use

Not applicable.

17. Reason for Not Displaying the Expiration Date

Not applicable.

18. Exceptions to the Certification Statement

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in this collection of information.



**ESTIMATED ANNUAL REPORTING BURDEN TABLE  
GRANT/COOPERATIVE AGREEMENT PROVISIONS**

<b>Provision</b>	<b>No. of Respondents<sup>1</sup></b>	<b>Responses per Respondent</b>	<b>Total Number of Responses</b>	<b>Burden Hours per Response</b>	<b>Total Annual Burden Hours</b>	<b>Total Annual Cost @\$278/HR</b>
Dispute Review Procedure	0	0	0	15	0	0
Reporting Program Tech. Performance	176	2	352	10.6	3,731	\$1,037,218
Patent Rights	0	0	0	10	0	0
Reporting of Royalties	0	0	0	5	0	0
Changes in Principal Investigator or Technical Objectives	10	1	10	10	100	\$27,800
Notice and Assistance Regarding Patent and Copyright Infringement	0	0	0	10	0	0
Procurement Standards	0	0	0	3	0	0
Suspension or Termination for Cause	0	0	0	20	0	0
Termination for Convenience	0	0	0	20	0	0
Travel (Foreign)	4	1	4	5	20	\$5,560
<b>TOTAL</b>	<b>176</b>		<b>366</b>		<b>3,851</b>	<b>\$1,070,578</b>

<sup>1</sup>This term represents those nonprofit organizations, universities, other institutions of higher education, professional societies and state and local governments to which the Agency has awarded grants and cooperative agreements. There were 176 FY20 NRC Grants and Cooperative Agreements which were active as of April 01, 2020. Totals for the number of grants required to report on the listed provisions were derived from NRC historical data.

**ESTIMATED ANNUAL RECORDKEEPING BURDEN TABLE  
GRANT/COOPERATIVE AGREEMENT PROVISIONS**

<b>Section</b>	<b>No. of Recordkeepers</b>	<b>Burden Hours per Recordkeeper</b>	<b>Total Annual Burden Hours</b>	<b>Total Annual Cost @\$278/HR</b>
Dispute Review Procedure	0	0	0	0
Reporting Program Tech. Performance	176	1.5	264	\$73,392
Patent Rights	0	1	0	0
Reporting of Royalties **				
Changes in Principal Investigator or Technical Objectives	10	1	10	\$2,780
Notice and Assistance Regarding Patent and Copyright Infringement	0	1	0	0
Procurement Standards	0	0.3	0	0
Suspension or Termination for Cause	0	2	0	0
Termination for Convenience	0	2	0	0
Travel (Foreign)	4	0.5	2	\$556
<b>TOTAL</b>	<b>176</b>		<b>276</b>	<b>\$76,728</b>

\*\* Grantees maintain royalty and financial records as a part of the normal course of doing business.

TOTAL BURDEN: 4,127 (3,851 reporting hours plus 276 recordkeeping hours)  
TOTAL RESPONDENTS: 176  
RESPONSES: 542 (366 responses plus 176 recordkeepers)

GRANT/COOPERATIVE AGREEMENT  
PROVISIONS GOVERNMENT COST

Section	No. of Respondents	Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Burden Hours	Total Annual Cost @\$278/HR
Dispute Review Procedure	0	0	0	25	0	0
Reporting Program Tech. Performance	176	2	352	2	704	\$195,712
Patent Rights	0	0	0	10	0	0
Reporting of Royalties	0	0	0	3	0	0
Changes in Principal Investigator or Technical Objectives	10	1	10	10	100	\$27,800
Notice and Assistance Regarding Patent and Copyright Infringement	0	0	0	10	0	0
Procurement Standards	0	0	0	0.9	0	0
Suspension or Termination for Cause	0	0	0	20	0	0
Termination for Convenience	0	0	0	20	0	0
Travel (Foreign)	4	1	4	0.5	2	\$556
TOTAL	176		366			\$224,068