

FINAL SUPPORTING STATEMENT  
FOR  
GRANT AND COOPERATIVE AGREEMENT PROVISIONS  
(3150-0107)

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Extension with Burden Update

Description of Information Collection

The 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 Division of Contracts (DC) is responsible for awarding grants and cooperative agreements for the Agency. DC collects information from recipients of grants and cooperative agreements (referred hereafter as "recipients") in order to administer these programs.

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 NRC general provisions (as described below) 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 administer grant and cooperative agreement programs.

Dispute Review Procedure

A recipients 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 (NRC 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, project-related information. Further, this provision allows the Commission to review the final draft of a journal article before publication, if applicable. Recipients are required to submit semiannual reports to the NRC beginning six months after the project start date and by no later than 30 days after each 6-month period. A final report is due no later than 30 days after the project expiration date. The recipients submit the reports electronically on [www.grants.gov](http://www.grants.gov).

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.

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 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. No other method exists to secure the information required under this provision.

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 Project Officer (NRC PO), 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.

*Notice and Assistance Regarding Patent and Copyright Infringement*

This provision 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. No other method exists to obtain the required information.

*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. No other method exists to obtain these requests.

*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 grant provisions annually affect from approximately 1 to 140 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 legal counsel, in some instances. 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

There are no legal obstacles to reducing the burden associated with this information collection. NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. The NRC requires respondents to submit all (100%) of their applications and financial and technical performance reports in electronic format on [www.grants.gov](http://www.grants.gov). Information submitted under other provisions is not required to be in electronic format and is generally submitted in hard copy. The NRC estimates that the overall percentage of responses that are submitted electronically is 90%.

4. Effort to Identify Duplication and to Use Similar Information

No sources of similar information are available. There is no duplication of requirements. NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections. 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.

Most provisions (Dispute Review Procedure, Patent Rights, Reporting of Royalties, Changes in Principal Investigator or Technical Objectives, Notice and Assistance Regarding Patent and Copyright Infringement, Suspension or Termination for Cause, Termination for Convenience and Audits) require information only in 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. Less frequent reporting of technical progress and financial status removes an

effective mechanism needed to monitor grant/cooperative agreement performance and initiate appropriate remedial action to protect the interests of the Government.

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 on April 7, 2008 (73 FR 18822). No comments were received.

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, award/cooperative agreement disputes, or termination would be sensitive from a legal perspective. Certain cost information, (e.g., salaries, indirect cost rates, and fee) would be sensitive from a corporate perspective. All sensitive information is properly filed and safeguarded against improper disclosure. This is the NRC Grant Officer'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 3,153 hours, for a cost of \$750,414 (3,153 x \$238/hr). Recordkeeping burden is estimated to be 228 hours, for a cost of \$54,264 (228 x \$238/hr). The total burden for this collection is estimated to be 3,381 hours at a cost of \$804,678 (3,381 hours X \$238/HR). See attached Tables 1 and 2.

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 recordkeeping storage cost has been estimated to be equal to .0004 percent of the recordkeeping burden. Therefore, the recordkeeping storage cost is estimated to be \$22 (228 recordkeeping hours x \$238 x .0004).

14. Estimated Annualized Cost to Federal Government

The cost to the NRC attributable to the provisions discussed in this supporting statement is \$163,268 (686 hours x \$238/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 \$238/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 has increased by 2,221 hours, from 1,160 hours to 3,381 hours. This change is due to a number of factors:

1. The total number of grant/cooperative agreement respondents increased from 60 to 140 respondents due to the increase in the NRC's budget appropriation for the financial assistance program. As a result, the number of respondents for Reporting Program Technical Performance has increased from 60 to 140 and the number of respondents for Procurement Standards has increased from 20 to 30.
2. The previous submission for this collection assumed that Reporting Program Technical Performance would be submitted one time per year. The current submission has correctly calculated that there will be two submissions per year, as these reports are submitted every 6 months. This is not a change in the requirement for grantees, but represents a correction of NRC's calculations for this requirement.
3. Finally, NRC removed burden for requirements that are submitted on Standard Forms. The burden for these requirements is covered under other OMB clearances. Previously, NRC included the burden for these requirements under Reporting Program Technical Performance. The current submission has removed 4.4 hours burden from this requirement, based on the burden associated with these forms:

Standard Form #	Title	OMB clearance #	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>

As a result of the above three changes, the total number of burden hours for reporting increased by a total of 2,098 hours. Reporting Program Technical Performance increased from 900 hours of reporting burden (60 respondents x 1 annual response x 15 hours = 900 hours) to 2,968 hours of reporting burden (140 respondents x 2 annual responses x 10.6 hours = 2,968 hours), an increase of 2,068 hours. Procurement Standards increased from 60 hours (20 respondents x 1 annual response x 3 hours = 60 hours) to 90 hours (30 respondents x 1 annual response x 3 hours = 90 hours), an increase of 30 hours.

In addition, the number of recordkeeping hours increased by 123 hours. Reporting Program Technical Performance increased from 90 hours of recordkeeping burden (60 recordkeepers x 1.5 hours = 90 hours) to 210 recordkeeping hours (140 recordkeepers x 1.5 hours = 210 hours), an increase of 120 hours. Procurement Standards increased from 6 hours (20 recordkeepers x 0.3 hours = 6 hours) to 9 hours (30 recordkeepers x 0.3 hours = 9 hours), an increase of 3 hours.

There also has been an increase in cost due to the increase in the NRC's standard fee recoverable rate for materials licensees from \$157 per hour to \$238 per hour.

16. Publication for Statistical use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The OMB clearance expiration date is displayed.

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.

TABLE 1  
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 @\$238/HR</b>
Dispute Review Procedure	1	1	1	15	15	\$3,570
Reporting Program Tech. Performance	140	2	280	10.6	2,968	\$706,384
Patent Rights	1	1	1	10	10	\$2,380
Reporting of Royalties	1	1	1	5	5	\$1,190
Changes in Principal Investigator or Technical	1	1	1	10	10	\$2,380
Notice and Assistance Regarding Patent and Copyright Infringement	1	1	1	10	10	\$2,380
Procurement Standards	30	1	30	3	90	\$21,420
Suspension or Termination for Cause	1	1	1	20	20	\$4,760
Termination for Convenience for Cause	1	1	1	20	20	\$4,760
Travel	1	1	1	5	5	\$1,190
<b>TOTAL</b>	<b>140</b>		<b>318</b>		<b>3,153</b>	<b>\$750,414</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.



TABLE 2  
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 @\$238/HR</b>
Dispute Review Procedure	1	1	1	\$238
Reporting Program Tech. Performance	140	1.5	210	\$49,980
Patent Rights	1	1	1	\$238
Reporting of Royalties **				
Changes in Principal Investigator or Technical	1	1	1	\$238
Notice and Assistance Regarding Patent and Copyright Infringement	1	1	1	\$238
Procurement Standards	30	0.3	9	\$2,142
Suspension or Termination for Cause	1	2	2	\$476
Termination for Convenience	1	2	2	\$476
Travel	1	0.5	0.5	\$119
<b>TOTAL</b>	<b>140</b>		<b>228</b>	<b>\$54,264</b>

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

TOTAL BURDEN: 3,381 (3,153 reporting hours plus 228 recordkeeping hours)  
TOTAL RESPONDENTS: 140  
TOTAL RESPONSES: 458 (318 responses plus 140 recordkeepers)

TABLE 3  
GRANT/COOPERATIVE AGREEMENT PROVISIONS GOVERNMENT COST

<b>Section</b>	<b>No. of Respondents</b>	<b>Responses per Respondent</b>	<b>Number of Responses</b>	<b>Burden Hours per Response</b>	<b>Total Annual Burden Hours</b>	<b>Total Annual Cost @\$238/HR</b>
Dispute Review Procedure	1	1	1	25	25	\$5,950
Reporting Program Tech. Performance	140	2	280	2	560	\$133,280
Patent Rights	1	1	1	10	10	\$2,380
Reporting of Royalties	1	1	1	3	3	\$714
Changes in Principal Investigator or Technical Objectives	1	1	1	10	10	\$2,380
Notice and Assistance Regarding Patent and Copyright Infringement	1	1	1	10	10	\$2,380
Procurement Standards	30	1	30	0.9	27	\$6,426
Suspension or Termination for Cause	1	1	1	20	20	\$4,760
Termination for Convenience	1	1	1	20	20	\$4,760
Travel	1	1	1	0.5	0.5	\$119
<b>TOTAL</b>	<b>140</b>		<b>318</b>		<b>686</b>	<b>\$163,268</b>