

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

REVISION

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"). All recipients are required to submit Performance Progress Reports (PPRs) and Federal Financial Reports (FFRs) (SF-425) to adhere to the performance and financial monitoring requirements of 2 CFR 200. Prospective grant applicants can fill out and submit grant forms found on Grants.gov.

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.

Two of the largest agency grant programs are the University Nuclear Leadership Program (UNLP) and Minority Serving Institutions Grants Program (MSIG).

University Nuclear Leadership Program

The Omnibus Appropriations Act, 2009 (Public Law 111-8) established the Integrated University Program (IUP) between the Nuclear Regulatory Commission (NRC), Department of Energy (DOE), and the National Nuclear Security Administration (NNSA). In 2021 appropriation language, the program was renamed the University Nuclear Leadership Program (UNLP). The UNLP provides grants to academic institutions to support education in nuclear science and engineering, to develop a workforce capable of supporting the design, construction, operation, and regulation of nuclear facilities and the safe handling of nuclear materials. The UNLP funds scholarships, fellowships, faculty development opportunities and research and development. The NRC is required to collect information in the form of an educational or research performance progress report and student service agreement from the grantees for the purpose of monitoring the

performance of the grant award and for the purpose of tracking the students that are funded under the scholarship/fellowship grant awards.

NRC is requesting OMB approval for the information collections in the following three documents associated with UNLP:

1. Educational Performance Progress Report Guidance
2. Research Performance Progress Report Guidance
3. NRC Form 972, "NRC University Nuclear Leadership Program (UNLP) Service Agreement for Grant Fellowships and Scholarships to Colleges, Universities and Trade/Community Colleges"

#### Minority Serving Institutions Grants Program

The Minority Serving Institutions Grants Program (MSIG) funds minority serving programs and activities for the exchange and transfer of knowledge and skills relevant to nuclear safety, security, environmental protection, or any other STEM-related fields the Commission deems critical to its mission. MSIG provides assistance for minority serving programs and activities to include, but not limited to mentoring, leadership development, developmental learning, research and development, direct institutional subsidies, facilities and equipment acquisition, internships, fellowships, and scholarships. Minority Serving Institutions are also encouraged to apply for funding opportunities with the NRC's Nuclear Education Program for Scholarship and Fellowships, Faculty Development, Trade School and Community College Scholarships.

NRC is requesting OMB approval for the information collections in the following document associated with MSIG:

1. NRC Form 975, "NRC Minority Serving Institutions Grants Program (MSIGP) Service Agreement for Grant Fellowships, and Scholarships to Colleges, Universities and Trade/Community Colleges"

#### 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.

NRC is required under the UNLP program to track each student that receives federal funds, (statutory authority for the service agreement requirement: Atomic Energy Act of 1954, as amended, Section 243 [c]; 42 U.S.C. § 2015b). The service agreement will be used to obtain the students information such as; their contact information, major or degree program, estimated graduation date, and date that the school is providing the funds to the student. Grant staff will review/approve each agreement and enter the information into a database to track that each student fulfils the service requirements. If a student does not fulfil the requirements, NRC is required to either offer the student a waiver of federal funds received, or the student must repay the funds back to the NRC.

The agreements are approved by the school and by the NRC, and then the student is tracked until employment in a nuclear related job. Without the agreement, NRC will have no way to track the students to ensure the success of the grant program or be able to hold each student accountable for repayment of funds.

Guidance documents regarding the submission of technical progress reports are needed to assist the grantee on providing the correct information needed for the agency to evaluate the grant award for compliance, success and to prevent fraud, waste and abuse. The guidance document provides the required areas that should be represented in their progress reports.

## 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. In addition, a supplementary document detailing the NRC's grant and cooperative agreement provisions has been uploaded as an IC instrument in ROCIS.

### **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 (<https://iedison.nist.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 0693-0090. The system allows for Grantees to submit reports electronically via the Internet.

#### **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 Patent Counsel (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 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 Project Officer (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.

#### **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.

### **Service Agreement Forms**

In this renewal, the NRC staff has added two new forms for UNLP and MSIP to track each student that receives federal funds. The service agreement will be used to obtain the students information such as their contact information, major or degree program, estimated graduation date, and date that the school is providing the funds to the student.

The reporting/recordkeeping requirements imposed by the above NRC grant provisions annually affect from 1 to 100 recipients, depending upon the particular provision. The supplemental burden spreadsheet shows the number of respondents for each provision. 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.

Note that the NRC uses standard forms in the administration of this program. The SF 424, 424A, 424B and 424LLL are forms NRC require that each applicant submit when applying for a grant in response to NRC funding opportunity announcement (FOA).

The burdens associated with the requirements that are submitted on the Standard Forms (below) are not included in this collection. The NRC submitted, and received

approval for, a request to use these common forms. 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	4040-0013	10 minutes
<b>TOTAL</b>			<b>265 minutes (4.4 hours)</b>

### 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. In addition, the following electronic systems are used:

- Applicants are required to have and maintain an active account in System for Award Management (SAM).
- Applicants are required to submit application packages through Grants.gov.
- Grant recipients are required to submit monitoring reports (FFRs, PPRs and final reports) through FedConnect.<sup>1</sup>
- Grant recipients are required to have an Automated Standard Application for Payment (ASAP). ASAP is a recipient-initiated payment and information system.

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 currently 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

<sup>1</sup> FedConnect is a portal for entities to submit approved information collections to the NRC

is within the general scope of the grant or cooperative agreement. Less frequent technical progress reports remove 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 varies from OMB guidelines because grant recipients whose grants are longer than 3 years in duration must maintain records for the length of their grant, until closeout. A grantee receiving a four-year grant would maintain records for four years. This ensures that grantees have the required information for grant close out related to the full period of performance of the grant.

8. Consultation Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on September 7, 2023 (88 FR 61625). In addition, the following potential respondents were contacted as part of the consultation process via email:

1. University of Nevada, Reno
2. University of Texas, Austin
3. University of Tennessee
4. University of Maryland
5. Oregon State University

No comments were received in responses to these consultations.

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).

NRC Forms 972 and 975 are maintained in a system of records designated as NRC-5 and described at 87 FR 64262 (October 24, 2022).

11. Justification for Sensitive Questions

No sensitive personal information is required or requested.

12. Estimated Burden and Burden Hour Cost

The NRC staff estimates that there will be an average of 235 respondents to this information collection annually, based on a query of the database and staff knowledge. The number of grantees is expected to be 135 and in addition, there are 100 students who will be submitting service agreement forms. Reporting and recordkeeping costs have been estimated and are shown in the supplemental burden spreadsheet.

The total estimated cost for information collection requirements in this section is estimated to be 3,346.5 hours at a cost of \$970,485 (3,346.5 hours x \$290/hr.).

	Burden	Responses
Reporting	3,082	384
Recordkeeping	264.5	235
Total	3,346.5	619

The \$290 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 2022 (87 FR 37197, June 22, 2022).

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 \$31 (264.5 hours x 0.0004 x \$290).

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 and shown on the supplemental burden spreadsheet is \$200,680 (692 hours x \$290/hr.). 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 \$290/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 780.5 hours, from 4,127 hours to 3,346.5 hours. This change is due to the following:



The total number of respondents to this information collection increased from 176 respondents to 235 respondents. The number of grantees decreased from 176 to 135 due to a reduced allowance of extensions. There was an overall increase in respondents due to the addition of 100 students expected to fill out the new Service Agreement Forms. This information is based on a query of the database and staff knowledge.

As a result of the decrease in grantees, the burden hours for Reporting Program Technical Performance decreased by about 869 hours. The addition of the Service Agreement Forms (NRC Form 972, "NRC University Nuclear Leadership Program (UNLP) Service Agreement for Grant Fellowships and Scholarships to Colleges, Universities and Trade/Community Colleges" and NRC Form 975, "NRC Minority Serving Institutions Grants Program (MSIGP) Service Agreement for Grant Fellowships, and Scholarships to Colleges, Universities and Trade/Community Colleges") increased burden hours for reporting by 100 hours. Overall, the total number of burden hours for reporting decreased by a total of about 769 hours. In addition, the total number of recordkeeping hours decreased from 276 hours to 264.5 hours, a decrease of about 11.5 hours.

The overall burden cost has also decreased even though there was an increase in the NRC's standard fee recoverable rate for materials licensees from \$278 per hour to \$290 per hour, which is used to calculate burden cost.

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.