



# Nuclear Plant Siting Feasibility Study Program

## Application & Program Guidelines

### State of Nebraska

Revised June 2022 | 1.1

*This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.*

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# OVERVIEW & CONTACT INFORMATION

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GRANT SCHEDULE	
Application Due Date	TBD
Anticipated Award Date	TBD
Contract Term End	TBD

*The Nuclear Plant Siting Feasibility Study Program is authorized and further described within Nebraska Legislative Bill 1014, § 47 (Neb. Leg., 107<sup>th</sup> Leg. 2d Sess.).*

## Application Portal and Grants Management System

To administer the Nuclear Plant Siting Feasibility Study Program (NPSFSP), the Nebraska Department of Economic Development (DED) uses a grants management system (GMS), AmpliFund. The GMS User Guides, with instructions for accessing and using the system to apply or implement a NPSFSP grant, and other resources are available on DED's website, <http://opportunity.nebraska.gov/amplifund/>.

For technical assistance using the GMS, contact the AmpliFund support team at [support@amplifund.zendesk.com](mailto:support@amplifund.zendesk.com). For assistance on DED's business processes in the GMS, email the DED Research team at [support@dednebraska.zendesk.com](mailto:support@dednebraska.zendesk.com).

# 1 INTRODUCTION

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The Nebraska Legislature passed, and the Governor signed, Legislative Bill 1014 during the 2022 Legislative Session for an Act relating to appropriating funds allocated to the State of Nebraska from the Federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021. In Section 47 of that Act, the Nebraska Department of Economic Development (DED) was appropriated \$1,000,000 for the Fiscal Year 2022-23 to provide funds to a political subdivision that owns or operates a nuclear power plant in Nebraska to conduct feasibility studies. The purpose of the grant program outlined in Section 47 of LB1042 is to fund a feasibility study conducted by a qualifying political subdivision to assess (1) siting options for new advanced nuclear reactors throughout Nebraska and (2) existing electric generation facilities based on key compatibility assets for such advanced nuclear reactors.

DED may make an application available to political subdivisions operating nuclear power plants in Nebraska if it is determined that the State may compliantly use the federal funds appropriated in this manner as required by State and Federal statutes and regulations. See below for further discussion under part 2 Eligibility.

When available, the Application & Program Guidelines, grant schedule and other documents, will be found at the forthcoming NPSFSP webpage on DED's website, [opportunity.nebraska.gov](https://opportunity.nebraska.gov) or by contacting the NPSFSP Program Coordinator.

GMS User Guides, with instructions for accessing and using the system to apply for and implement a NPSFSP grant, and other resources are available on DED's AmpliFund Resource page, <https://opportunity.nebraska.gov/programs/amplifund/>.

## 2 ELIGIBILITY

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The NPSFSP Program and any awards made thereunder are proposed to be funded with federal funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund (CSFRF) pursuant to the American Rescue Plan Act of 2021 (ARPA). As such, all funds must be used in compliance with section 602(c) of the Social Security Act, 42 U.S.C. § 802(c), 31 C.F.R. Part 35, the U.S. Department of the Treasury regulations implementing that section, all relevant Treasury guidance, and the Coronavirus State Fiscal Recovery Fund Award Terms and Conditions.

### 2.1 Eligible Use

Pursuant to 42 U.S.C. § 802(c)(1)(D) awards made by the Nuclear Plant Siting Feasibility Study Program to make necessary investments in water, sewer, or broadband infrastructure. In its guidance document *Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule*, on Pages 37, Treasury writes that Recipients may undertake projects eligible under EPA's Drinking Water State Revolving Fund (DWSRF) and encourages recipients to review the EPA handbook for the DWSRF for a full list of eligibilities. In Treasury's *Coronavirus State and Local Fiscal Recovery Funds Final Rule: Frequently Asked Questions* guidance, the agency indicated as follows:

### **6.10. May recipients use funds for pre-project development for eligible water, sewer, and broadband projects?**

Yes. To determine whether funds can be used on pre-project development for an eligible water or sewer project, recipients should consult whether the pre-project development use or cost is eligible under the Drinking Water and Clean Water State Revolving Funds (DWSRF and CWSRF, respectively). Generally, the CWSRF and DWSRF often allow for pre-project development costs that are tied to an eligible project, as well as those that are reasonably expected to lead to a project. For example, the DWSRF allows for planning and evaluations uses, as well as numerous pre-project development costs, including costs associated with obtaining project authorization, planning and design, and project start-up like training and warranty for equipment. Likewise, the CWSRF allows for broad pre-project development, including planning and assessment activities, such as cost and effectiveness analyses, water/energy audits and conservation plans, and capital improvement plans.

### **6.11. May funds be used to support energy or electrification infrastructure that would be used to power new water treatment plants and wastewater systems?**

The EPA's Overview of Clean Water State Revolving Fund Eligibilities describes eligible energy-related projects. This includes a "[p]ro rata share of capital costs of offsite clean energy facilities that provide power to a treatment works." Thus, SLFRF funds may be used to finance the generation and delivery of clean power to a wastewater system or a water treatment plant on a pro-rata basis. If the wastewater system or water treatment plant is the sole user of the clean energy, the full cost would be considered an eligible use of funds. If the clean energy provider provides power to other entities, only the proportionate share used by the water treatment plant or wastewater system would be an eligible use of funds.

The DWSRF handbook includes in its list of "eligible costs" costs which include actual pre-construction (planning and design, feasibility studies, etc.) costs. The grant to be provided under the Nuclear Plant Siting Feasibility Study Program will be, at least partially "the pro rata share of capital costs of offsite clean energy facilities that provide power to a treatment works. It will provide for the preconstruction feasibility study as well as applicable planning and design costs as indicated in LB1014. According to the EPA's *FACT SHEET: Clean Power Plan - Opportunities for Nuclear Power*, "EPA expects nuclear power to be a key partner in achieving the goals of the CPP. States can use new nuclear generation to help meet their Clean Power Plan goals. This includes new nuclear reactors that come on-line, including those under construction, and existing facilities that expand their capacity (uprates)."

## **2.2 Eligible Applicants**

Eligible Applicants are political subdivisions in Nebraska that operate nuclear power plants.

## 3 GRANT AND MATCHING AMOUNTS

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A grant of \$1,000,000 will be awarded. No cash match will be required.

## 4 APPLICATION REVIEW & APPROVAL PROCESS

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The grant application for this program shall consist of a letter of intent including at minimum:

**Applicant's Organizational Overview.** Applicant must demonstrate that the organization is a political subdivision that operates a nuclear power plant in Nebraska.

**Applicant's Work Plan.** Applicant's letter of intent must provide a work plan for the feasibility study and which details how the study meets the requirements outlined in Section 47 of LB1014. In addition, the letter of intent must outline a justification for how this grant qualifies under the federal ARPA guidelines.

**Applicant's Budget.** Letter of intent should detail estimated costs for the feasibility study demonstrating that no more than \$1 million of the costs are to be covered by the grant.

### 4.1 Application Technical Assistance

Application will be submitted electronically, through DED's GMS. DED will receive automatic notification of the submissions.

The user guides referenced in **bold** can be found at DED's GMS help center: <https://opportunity.nebraska.gov/programs/amplifund/>.

#### 4.1.1 Account Management

If you do not already have an applicant account, you will need to register for one (see **Registering for the Applicant Portal** user guide). You will need to add your staff as users to your organizational account (see **How to Add Users**). If you have hired an entity to apply on your behalf ("External User"), please follow the **External Users Guide** when setting up the account. It is best practice for the applicant organization to create an AmpliFund account, adding your External User as a user in your organization.

#### 4.1.2 Application Sections

To successfully apply, you will need to complete all required fields and sections of the applications. DED's GMS support site will provide program-specific user guides and general user guides and help videos on applying as application date approaches.

# 5 GUIDELINES & AWARD MANAGEMENT

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## 5.1 Award Overview

Once DED approves an application for an award, DED will issue a letter indicating as such to the Awardee. Along with the letter will be an organization questionnaire that the Awardee must complete fully and return to DED. Upon receipt of the organization questionnaire, DED will prepare and deliver to the Awardee a NPSFSP Program Grant Award Agreement for review and signature. This process typically happens within 30-45 days of DED's receiving the fully completed organizational questionnaire.

Awardees must review, sign, and submit the NPSFSP Grant Award Agreement and meet any required special conditions items before issuance of the first disbursement. Award agreements are issued for a performance period that will extend from the agreement start date until December 31, 2026. All funds awarded must be obligated to eligible uses by July 1, 2024 and if so obligated, expended by the Awardee by December 31, 2026. Funds not obligated by July 1, 2024 will be returned to DED for transfer as required under LB1024. Obligated funds not expended by December 31, 2026 must be returned to DED for return to Treasury. For the purposes of the award, "obligation" means orders placed for property and services, contracts and subawards made, and similar transactions that require payment. Further instructions or other requirements about the award agreement may be provided to Awardees along with the NOA or by other written communication or notice.

## 5.2 Account Setup

Following DED's issuance of the application approval letter, the Awardee will receive a GMS-generated email from AmpliFund Administrator, [no-reply@gotomygrants.com](mailto:no-reply@gotomygrants.com), indicating that the Awardee has an award and prompting you to log-in. There will be a user guide with instructions on how to log-in, based on whether or not your organization has an account. This email is sent to the Account Owner, which is typically the Primary Contact as identified within the Application. Awardees should check their spam or junk mail folder as email settings may direct this system-generated email there. If the Primary Contact's information is no longer valid, the links in the email are expired, or the email is not received within 30 days of letter of approval, the Awardee should contact the NPSFSP Coordinator.

### 5.2.1 Log-in

The application portal is distinct from the award management side of the GMS, i.e., the URL used to apply for your grant is different from the URL you will use for checking the status of and managing your grant. To manage your grant, always go to: <https://ne.amplifund.com> using a supported browser: Google Chrome, Mozilla Firefox, or Microsoft Edge. To set-up your grant, please follow **What to Do When you Receive a Grant** guide on DED's GMS help center: <https://opportunity.nebraska.gov/programs/amplifund/>.

### 5.2.2 Add Users to your Account

Once the Awardee's Primary Contact sets up their user account, the option to add other users to help manage the grant becomes available, as does the ability to be assigned or assign tasks to complete various steps of grant implementation (e.g., sign contract, submit completed ACH form,

submit payment request, etc.). Please follow the **How to Add Users** guide on DED's GMS help center.

### 5.2.3 Identify Awardee Grant Manager

After adding users to your account, the Awardee needs to identify a Grant Manager. This person will receive notifications ("tasks") requiring action for implementation of the grant.

NOTE: The Awardee Grant Manager is the primary point of contact for all grant-related matters. All DED and GMS automated emails are directed to the Grant Manager.

## 5.3 Award Agreement and Award Disbursement Process

Following DED's letter of approval, DED issues via DocuSign an electronic copy of the NPSFSP Award Agreement. Unless otherwise directed, the agreement and any special conditions are available within the GMS, under Tools > Documents. The NPSFSP Award Agreement is entered into between DED and the Awardee. If the Awardee is an organization or other legal entity, an authorized representative of the Awardee must sign the contract.

The Awardee must review, sign, date, and return the agreement via DocuSign to accept NPSFSP awards. DED signs the contract after it is signed by the Awardee. Upon full execution of the agreement and the meeting of any required conditions specified in the contract, the Awardee may submit the First Payment Request.

### 5.3.1 Payment Request and Disbursement Process Overview

Upon DED's approval of payment requests, DED will disburse grant funds on a reimbursement basis up to the full amount of the grant. Funds are transferred electronically to the account designated on the State of Nebraska ACH Enrollment Form which must be submitted with the signed contract.

At any time, following the execution of the agreement and the meeting of special conditions of the agreement, the Awardee may submit payment requests. An email from AmpliFund Administrator will give notice to the Awardee Grant Manager that DED has approved the request for processing of payment. Upon subsequent processing, the email address(s) listed on the Awardee's ACH form receives notice.

Awardees can find detailed instructions for how to submit payment requests in the user guides located on DED's GMS help center, <https://opportunity.nebraska.gov/programs/amplifund/>. Payment of the reimbursement is subject to Awardee's submission of compliance materials (e.g., paid invoices, cancelled checks, etc.) for review and approval by DED.

The timing of the final disbursement request depends on the Awardee's ability to document expenditure of funds as required in the agreement but should be submitted to DED on or before the end of the contract term.



## 5.4 Compliance & Reporting Requirements

Once the grant awards are made, Awardees will be subject to applicable state and federal statutes and regulations which govern the use of the award funds. The following is a general overview of compliance and reporting requirements. It should not be considered an exhaustive review of all compliance and reporting requirements. In all instances, Awardees should review the statutes and regulations and agreement terms and conditions applicable to Awardee's use of their award.

### 5.4.1 Uniform Administrative Requirements

The NPSFSP grant awards are generally subject to the requirements set forth in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (the "Uniform Guidance"). Awardees should review the Uniform Guidance requirements applicable to Applicant's use of federal funds, and federally funded projects. Awardees should consider how and whether certain aspects of the Uniform Guidance apply. The following provides a general summary of compliance responsibilities under applicable federal statutes and regulations, including the Uniform Guidance, as described in 2020 OMB guidance. Note that the descriptions below are only general summaries, and all Awardees are advised to carefully review the Uniform Guidance requirements, any additional regulatory and statutory requirements applicable to the program, and the terms and conditions of the NPSFSP Award Agreement.

**Allowable Activities.** Each Awardee should review program requirements, including Treasury's Final Rule (31 C.F.R. Part 35) and the Awardee's Award Terms and Conditions, to determine and record eligible uses of funds. Per 2 CFR 200.303, Awardees must develop and implement effective internal controls to ensure that funding decisions under the award constitute eligible uses of funds, and document determinations.

**Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a Awardee is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Awardees must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

Funds may be, but are not required to be, used along with other funding sources for a given project. Note that funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs.

Treasury's Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonable proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed, or not in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

**Eligibility.** Under this program, if applicable, Awardees are responsible for ensuring funds are used for eligible purposes. Generally, Awardees must develop and implement policies and procedures, and record retention, to determine and monitor implementation of criteria for determining the

eligibility of beneficiaries and/or subrecipients. Awardees will need to maintain procedures for obtaining information evidencing a given beneficiary, subrecipient, or contractor's eligibility including a valid SAM.gov registration. Implementing risk-based due diligence for eligibility determinations is a best practice to augment Awardee's existing controls.

**Equipment and Real Property Management.** Any purchase of equipment or real property with NPSFSP funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D. Equipment and real property acquired under this program must be used for the originally authorized purpose. Consistent with 2 CFR 200.311 and 2 CFR 200.313, any equipment or real property acquired using NPSFSP funds shall vest in the non-Federal entity. Any acquisition and maintenance of equipment or real property must also be in compliance with relevant laws and regulations.

**Period of Performance.** Generally, unless otherwise limited by this program, funds must be used for costs incurred by the Awardee during the period that begins March 3, 2021 and ends on December 31, 2024. Award funds expended for the financial obligations incurred by December 31, 2024, must be expended by December 31, 2026.

**Procurement, Suspension & Debarment.** Awardees are responsible for ensuring that any procurement using award funds, or payments under procurement contracts using such funds are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. The Uniform Guidance establishes in 2 CFR 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320, which allows for non-competitive procurements only in circumstances where at least one of the conditions below is true: the item is below the micro-purchase threshold; the item is only available from a single source; the public exigency or emergency will not permit a delay from publicizing a competitive solicitation; or after solicitation of a number of sources, competition is determined inadequate. Awardees must have and use documented procurement procedures that are consistent with the standards outlined in 2 CFR 200.317 through 2 CFR 200.320. The Uniform Guidance requires an infrastructure for competitive bidding and contractor oversight, including maintaining written standards of conduct and prohibitions on dealing with suspended or debarred parties. Awardees must ensure adherence to all applicable local, State, and federal procurement laws and regulations.

**Program Income.** Generally, program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards and principal and interest on loans made with Federal award funds. Program income does not include interest earned on advances of Federal funds, rebates, credits, discounts, or interest on rebates, credits, or discounts. Awardees of NPSFSP funds should calculate, document, and record the organization's program income. Additional controls that Awardees should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records. The Uniform Guidance outlines the requirements that pertain to program income at 2 CFR 200.307. Treasury intends to provide additional guidance regarding program income and the application of 2 CFR 200.307(e)(1), including with respect to lending programs.

**SAM.gov Requirements.** Awardees are required to have an active registration with the System for Award Management (SAM) (<https://www.sam.gov>).

**Recordkeeping Requirements.** Generally, Awardees must maintain records and financial documents for five years after all funds have been expended or returned. Treasury may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats. Awardees must agree to provide or make available such records to the State of Nebraska, Nebraska Department of Economic Development, and the U.S. Department of Treasury upon request, and to any authorized oversight body, including but not limited to the Government Accountability Office (“GAO”), Treasury’s Office of Inspector General (“OIG”), and the Pandemic Relief Accountability Committee (“PRAC”).

**Single Audit Requirements.** Generally, Awardees that expend more than \$750,000.00 in federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements. Awardees may also refer to the Office of Management and Budget (OMB) Compliance Supplements for audits of federal funds and related guidance and the Federal Audit Clearinghouse to see examples and single audit submissions.

**Civil Rights Compliance.** Awardees are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of the funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and Treasury’s implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department’s implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

**Davis-Bacon Act.** While the Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with award funds from the SLFRF program, except for certain SLFRF-funded construction projects undertaken by the District of Columbia, when undertaking capital expenditures, Treasury encourages awardees to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages awardees to prioritize in their procurements, employers with high labor standards and to prioritize employers without

recent violations of federal and state labor and employment laws. Additional standards may be applicable based on state statutes and award agreement terms and conditions.

**NEPA Applicability.** The National Environmental Policy Act (NEPA) does not apply to Treasury's administration of the SLFRF program, although projects supported with SLFRF funds may still be subject to NEPA review if they are also funded by other federal financial assistance programs.

To carry out any compliance responsibilities DED will collect and review information from Awardees to ascertain their compliance with the applicable requirements before and after providing financial assistance. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from Awardees (see 28 CFR 42.406). DED may request that Awardees submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status.

## 5.5 Reporting Requirements

All Awardees must complete financial, performance, and compliance reporting as required by their NPSFSP Award Agreement. Expenditures may be reported on a cash or accrual basis, as long as the methodology is disclosed and consistently applied. Reporting must be consistent with the definition of expenditures pursuant to 2 CFR 200.1. Awardees should appropriately maintain accounting records for compiling and reporting accurate, compliant financial data, in accordance with appropriate accounting standards and principles. In addition, where appropriate, Awardees must establish controls to ensure completion and timely submission of all mandatory financial, performance, and/or compliance reporting. Awardee shall provide a copy of the results of their annual single audit or a programs specific audit when applicable.

Awardees can find detailed instructions for how to submit reporting requirements in the user guides located on DED's GMS help center, <https://opportunity.nebraska.gov/programs/amplifund/>.