DEPARTMENT OF EDUCATION

Applications for New Awards; Equity Assistance Centers

AGENCY: Office of Elementary and Secondary Education, Department of Education

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2022 for the Equity Assistance Centers, Assistance Listing Number 84.004D. This notice relates to the approved information collection under OMB control number 1894-0006.

DATES:
Applications Available: February 15, 2022

Deadline for Intergovernmental Review: July 15, 2022.

ADDRESS: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the Federal Register on December 27, 2021 (86 FR 73264) and available at www.federalregister.gov/d/2021-27979. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in SAM.gov a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at https://www2.ed.gov/about/offices/list/oho/docs/unique-entity-identifier-transition-fact-sheet.pdf.

FOR FURTHER INFORMATION CONTACT:

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Equity Assistance Centers (EAC) program is authorized under title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c—2000c–2, 2000c–5, and the implementing regulations in 34 CFR part 270. This program awards grants through cooperative agreements “to operate regional EACs that provide technical assistance (including training) at the request of school boards and other responsible governmental agencies in the preparation, adoption, and implementation of plans for the desegregation of public schools”—which in this context means plans for equity (including desegregation based on race, national origin, sex, and religion)—“in the development of effective methods of coping with special educational problems occasioned by desegregation.” This term is defined in 34 CFR 270.7 to mean “those issues that arise in classrooms, schools, and communities in the course of desegregation efforts based on race, national origin, sex, or religion.” 34 CFR 270 additionally creates the term “Desegregation assistance”, defined as “the provision of technical assistance (including training) in the areas of race, sex, national origin, and religion desegregation of public elementary and secondary schools” to describe the technical assistance services provided under this program. Desegregation assistance, per 34 CFR 270.4, “may include, among other activities: (1) Dissemination of information regarding effective methods of coping with special educational problems occasioned by desegregation; (2) assistance and advice in coping with these problems; and (3) training designed to improve the ability of teachers, supervisors, counselors, parents, community members, community organizations, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation.” A project must provide technical assistance in all four of the desegregation assistance areas: Race, sex, national origin, and religion desegregation (34 CFR 270.4). For example, EACs provide critical support to public schools, upon request by school boards and other responsible governmental entities in their geographic region, in developing effective strategies to ensure all students have a full opportunity to participate in educational programs. This may include assisting schools in fostering positive and safe learning environments that meet all students’ needs, and that are free of bullying and violence related to race, color, national origin, sex, or religion. When requested, EACs may provide technical assistance only to students enrolled in public schools, parents of those students, public school personnel, community organizations, and other community members (34 CFR 270.3).

Previously known as the Desegregation Assistance Centers program, the EAC program is authorized under the Civil Rights Act of 1964 and has provided comprehensive training and advisory services on desegregation issues to States, school districts, and schools since the mid-1960s. Through the grants funded through this notice, the EAC program will continue to advance the Department’s priorities to promote equity in student access to educational resources and opportunities.
In 2016, the Department reduced the number of EAC geographic regions from ten to four. The four EACs have experienced a steady increase in demand for services each year since this reorganization. In FY 2017, EACs provided targeted and intensive assistance to 20 State educational agencies (SEAs) and 48 local educational agencies (LEAs) in 33 States and territories. In FY 2020, EACs provided targeted and intensive assistance to 36 SEAs and 196 LEAs in 49 States and territories. This growth may be attributable to several factors, including increased awareness of the EAC services among potential clients (e.g., SEAs, LEAs), recent increases in public interest in issues related to discrimination, and desegregation-related issues caused or exacerbated by the COVID–19 pandemic and conditions necessitated by it (e.g., instances of online bullying related to race or ethnicity as a result of an increase in virtual instruction during the pandemic).

To ensure that new EAC grantees adequately respond to this increase in demand for services, applicants should have expert knowledge of Federal statutory requirements, regulations, and policies related to desegregating public schools by race, sex, national origin, and religion.

When addressing the selection criteria in the NIA, eligible applicants are encouraged to:

- Demonstrate their proven ability to manage personnel, resources, and budgets to adequately respond to a high volume of technical assistance requests;
- Describe how they will consider the unique and diverse local and cultural needs of communities within their regions (e.g., taking into account differences in the racial, ethnic, or religious diversity of the student populations in rural communities, communities with newcomer families, communities with high instances of languages other than English spoken in the home, Tribal communities) and consider appropriate staffing and partnerships that can assist the EAC in meeting diverse regional needs; and
- Demonstrate their experience delivering technical assistance and training, informed by relevant data, that have resulted in documented improvements in creating more equitable learning environments for students;
- Demonstrate their experience developing evidence-based practices that mitigate impacts of segregation based on race, religion, national origin, and sex in public schools, and their intersection with many other areas of important educational equity work, including socioeconomic status and disability, among others. Therefore, to improve the effectiveness of collaborative efforts across technical assistance providers to create more equitable learning environments responsive to a comprehensive range of student needs, the Department encourages applicants to include in their proposed plans for networks of professional partnerships approaches for collaboration with agencies and organizations that reflect the broader intersectional nature of educational equity work.

The EAC program awards four grants, one for each geographical region. Each geographical region is comprised of, on average, 14 States and Territories. Given the large geographic size of each region, the skill and technological capacity to provide effective remote technical assistance and training are critical to the success of each EAC grantee. The Department encourages each applicant to propose a comprehensive plan to efficiently deliver effective remote technical assistance and training to clients that comply with applicable legal requirements for accessibility, including those required under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

We encourage applicants to describe a project design for service delivery informed by research or evaluation findings that demonstrates a rationale (as defined in this notice), explaining how the project is likely to improve or achieve relevant and expected outcomes (e.g., via a logic model, as defined in this notice). In developing their rationales, applicants should consider research and evaluation findings regarding best practices for addressing desegregation based on sex, race, religion, and national origin. Applicants should also consider research and evaluation findings related to adult learning principles and strategies for their work when training school administrators, teachers, staff, and parents. Additionally, applicants should explain when addressing the project design selection criteria how they will examine the sources of inequities related to race, religion, national origin, and sex in public schools, and their intersection with many other areas of important educational equity work, including socioeconomic status and disability, among others. Finally, applicants should describe how they will incorporate evidence-based practices and resources when proposing plans for technical assistance providers. In FY 2017, EACs (e.g., Comprehensive Centers, Regional Educational Laboratories) and professional organizations that can improve the effectiveness of their desegregation efforts, particularly in the applicant’s EAC region.

The Department recognizes that developing effective methods of coping with special educational problems occasioned by desegregation based on race, religion, national origin, and sex in public schools may also intersect with many other areas of important educational equity work, including socioeconomic status and disability, among others. Therefore, to improve the effectiveness of collaborative efforts across technical assistance providers to create more equitable learning environments responsive to a comprehensive range of student needs, the Department encourages applicants to include in their proposed plans for networks of professional partnerships approaches for collaboration with agencies and organizations that reflect the broader intersectional nature of educational equity work.

The EAC program awards four grants, one for each geographical region. Each geographical region is comprised of, on average, 14 States and Territories. Given the large geographic size of each region, the skill and technological capacity to provide effective remote technical assistance and training are critical to the success of each EAC grantee. The Department encourages each applicant to propose a comprehensive plan to efficiently deliver effective remote technical assistance and training to clients that comply with applicable legal requirements for accessibility, including those required under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

We encourage applicants to describe a project design for service delivery informed by research or evaluation findings that demonstrates a rationale (as defined in this notice), explaining how the project is likely to improve or achieve relevant and expected outcomes (e.g., via a logic model, as defined in this notice). In developing their rationales, applicants should consider research and evaluation findings regarding best practices for addressing desegregation based on sex, race, religion, and national origin. Applicants should also consider research and evaluation findings related to adult learning principles and strategies for their work when training school administrators, teachers, staff, and parents. Additionally, applicants should explain when addressing the project design selection criteria how they will examine the sources of inequities related to race, religion, national origin, and sex in public schools, and their intersection with many other areas of important educational equity work, including socioeconomic status and disability, among others. Finally, applicants should describe how they will incorporate evidence-based practices and resources when proposing plans for technical assistance providers.
including the use of technology-based resources, for receiving ongoing and timely input on the needs of its clients and potential clients, and the usefulness of its services. Each grantee must also describe how it will continuously cultivate relationships with agencies and partners that are knowledgeable about the desegregation-related needs in its EAC region.

**Priority:** Under this competition we are particularly interested in applications that address the following priority:

**Invitational Priority:** For FY 2022 and any subsequent year in which the Department makes awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) the Department does not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

**Promoting Equity Through Diverse Partnerships.**

Projects designed to promote educational equity and adequacy in resources and opportunity for underserved students in elementary school, middle school, and high school settings and which are implemented by or in partnership with one or more of the following entities:

(a) Historically Black colleges and universities, defined as colleges and universities that meet the criteria in 34 CFR 608.2.

(b) Tribal colleges and universities, as defined in section 316(b)(3) of the Higher Education Act of 1965, as amended (HEA).

(c) Minority-serving institutions, defined as institutions that are eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA.

**Definitions:** For the convenience of applicants, the Department highlights the following definitions for this competition. We include definitions of the following terms from the EAC program regulations in 34 CFR 270.7:

- **Desegregation assistance**
- **Desegregation assistance areas**
- **English learner**
- **Equity Assistance Center**
- **National origin desegregation**
- **Public school**
- **Race desegregation**
- **Religion desegregation**
- **Responsible governmental agency**
- **School board**
- **Sex desegregation**
- **Special educational problems occasioned by desegregation**

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Requirements, Cost Principles, and Audit Requirements for Federal Awards...
in 2 CFR part 200, as adopted and amended as regulations of the
Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR
part 270.
Note: The regulations in 34 CFR part 86 apply to institutions of higher
education only.

II. Award Information

  Type of Award: Cooperative
agreement.

  Estimated Available Funds: The
Administration has requested
$6,575,000 for this program for FY 2022,
of which we intend to use an estimated
$6,500,000 for awards under this
competition. The actual level of
funding, if any, depends on final
congressional action. However, the
Department is inviting applications to
allow enough time to complete the grant
process before the end of the current
fiscal year, if Congress appropriates
funds for this program.

  Estimated Range of Awards:
$1,400,000–$1,700,000.

  Estimated Average Size of Awards:
$1,625,000.

  Maximum Award: The Department
will not make an award exceeding
$1,700,000 for a single budget period of
12 months. Under 34 CFR 75.104(b), the
Secretary may reject without
consideration or evaluation any
application that proposes a project
funding level that exceeds the stated
maximum award amount.

  Estimated Number of Awards: 4.
Note: The Department is not bound by
any estimates in this notice.

  Project Period: Up to 60 months.

III. Eligibility Information

  1. Eligible Applicants: To be
considered for an award under this
competition, an applicant must be:
(a) A public agency (other than a State
educational agency or a school board);
(b) A private, non-profit organization;
or
(c) A consortium comprised entirely
of agencies or organizations described in
clauses (a) or (b).

  Note: If applying as a consortium,
applicants should refer to 34 CFR
75.127–75.129 for information about
group applications.

  If you are a nonprofit organization,
under 34 CFR 75.51, you may
demonstrate your nonprofit status by
providing: (1) Proof that the Internal
Revenue Service currently recognizes
the applicant as an organization to
which contributions are tax deductible
under section 501(c)(3) of the Internal
Revenue Code; (2) a statement from a
State taxing body or the State attorney
general certifying that the organization
is a nonprofit organization operating
within the State and that no part of its
net earnings may lawfully benefit any
private shareholder or individual; (3) a
certified copy of the applicant’s
certificate of incorporation or similar
document if it clearly establishes the
nonprofit status of the applicant; or (4)
any item described above if that item
applies to a State or national parent
organization, together with a statement
by the State or parent organization that
the applicant is a local nonprofit
affiliate.

  2. a. Cost Sharing or Matching: This
program does not require cost sharing or
matching.
b. Indirect Cost Rate Information: This
program uses an unrestricted indirect
cost rate. For more information
regarding indirect costs, or to obtain a
negotiated indirect cost rate, please see
www2.ed.gov/about/offices/list/ocfo/
intro.html.
c. Administrative Cost Limitation:
This program does not include any
program-specific limitation on
administrative expenses. All
administrative expenses must be
reasonable and necessary and conform
to Cost Principles described in 2 CFR
part 200 subpart E of the Uniform
Guidance.

  3. Subgrantees: A grantee under this
competition may not award subgrants to
to entities to directly carry out project
activities described in its application.

  4. Geographical Regions: One EAC
will be funded under this grant program
in each of four geographical regions, in
accordance with 34 CFR 270.5 and
270.20. One award will be made in each
region to the highest-ranking proposal
from that region. If an applicant wishes
to apply to serve more than one region,
the applicant must submit a separate
application for each region it wishes to
serve.

  Note: The Department intends to
create four separate funding slates, one
for each geographic region. The
Department anticipates funding a single
EAC in each geographic region.

  The geographic regions served by the
EACs are:

    Region I: Connecticut, Delaware,
Kentucky, Maine, Maryland,
Massachusetts, New Hampshire, New
Jersey, New York, Pennsylvania, Puerto
Rico, Rhode Island, Vermont, Virgin
Islands, West Virginia.

    Region II: Alabama, Arkansas, District
of Columbia, Florida, Georgia,
Louisiana, Mississippi, North Carolina,
South Carolina, Tennessee, Texas,
Virginia.

    Region III: Illinois, Indiana, Iowa,
Kansas, Michigan, Minnesota, Missouri,
Nebraska, North Dakota, Ohio,
Oklahoma, South Dakota, Wisconsin.

    Region IV: Alaska, American Samoa,
Arizona, California, Colorado,
Commonwealth of the Northern Mariana
Islands, Guam, Hawaii, Idaho, Montana,
Nevada, New Mexico, Oregon, Utah,
Washington, Wyoming.

IV. Application and Submission
Information

  1. Application Submission
Instructions: Applicants are required to
follow the Common Instructions for
Applicants to Department of Education
Discretionary Grant Programs,
published in the Federal Register
on December 27, 2021 (86 FR 73264) and
available at www.federalregister.gov/d/2021-
27979, which contain
requirements and information on how to
submit an application. Please note that
these Common Instructions supersede
the version published on February 13,
2019, and, in part, describe the
transition from the requirement to
register in SAM.gov a DUNS number to
the implementation of the UEI. More
information on the phase-out of DUNS
numbers is available at https://
www2.ed.gov/about/offices/list/ocfo/docs/unique-entity-identifier-transition-
fact-sheet.pdf.

  2. Submission of Proprietary
Information: Given the types of projects
that may be proposed in applications for
the EAC program, your application may
include business information that you
consider proprietary. In 34 CFR 5.11 we
define “business information” and
describe the process we use in
determining whether any of that
information is proprietary and, thus,
protected from disclosure under
Exemption 4 of the Freedom of
Information Act (5 U.S.C. 552, as
amended).

  Because the Department plans to
make successful applications available
to the public, you may wish to request
confidentiality of business information.

  Consistent with Executive Order
12600, please designate in your
application any information that you
believe is exempt from disclosure under
Exemption 4. In the appropriate
Appendix section of your application,
under “Other Attachments Form,”
please list the page number or numbers
on which we can find this information.
For additional information please see 34
CFR 5.11(c).

  3. Intergovernmental Review: This
program is subject to Executive Order
12372 and the regulations in 34 CFR
part 75.

  4. Funding Restrictions: The
Department references regulations
outlining funding restrictions in the
Applicable Regulations section of this notice.

5. Recommended Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. The Department recommends that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

V. Application Review Information

1. Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210. The maximum score for addressing all of these criteria is 100 points. The maximum score for addressing each criterion is indicated in parentheses.

(a) Quality of the project design. (Up to 65 points)

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services. (Up to 15 points)

(ii) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services. (Up to 10 points)

(iii) The extent to which the proposed project demonstrates a rationale (as defined in this notice). (Up to 10 points)

(iv) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives. (Up to 10 points)

(v) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (Up to 10 points)

(vi) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate. (Up to 10 points)

(b) Quality of project personnel. (Up to 20 points)

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (Up to 10 points)

(3) In addition, the Secretary considers the qualifications, including relevant training and experience, of key project personnel. (Up to 10 points)

(c) Adequacy of resources. (Up to 15 points)

(1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The extent to which the technical assistance services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources. (Up to 10 points)

(ii) The extent to which the budget is adequate to support the proposed project. (Up to 5 points)

2. Review and Selection Process: The Department reminds potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of an applicant in carrying out a previous award, such as the applicant’s use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. Risk Assessment and Special Conditions: Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose special conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. Integrity and Performance System: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) the Department must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that is a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, and all the other Federal funds you receive exceed $10,000,000.
5. In General: In accordance with the Office of Management and Budget’s guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);
(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);
(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and
(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectively the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. Award Notices: If your application is successful, the Department notifies your U.S. Representative and U.S. Senators and sends you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the Applicable Regulations section of this notice.

We reference the regulations outlining the terms and conditions of an award in the Applicable Regulations section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Open Licensing Requirements: Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. Reporting: (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.110. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. Performance Measures: For purposes of Department reporting under 34 CFR 75.110, we have established the following performance measures for the EAC program:

Measure 1: The percentage of clients reporting an increase in awareness of knowledge resulting from technical assistance provided.

Measure 2: The percentage of clients who report changes in practices or policies related to providing students with a full opportunity for participation in all educational programs regardless of their sex, race, religion, and national origin.

Measure 3: The percentage of clients reporting an increase in capacity resulting from technical assistance provided.

Measure 4: The percentage of technical assistance requests received from organizations that were accepted during the performance period.

Measure 5: The percentage of clients willing to request additional technical assistance or refer another organization to an EAC for technical assistance during the performance period.

Measure 6: The percentage of clients who report that outcomes, as documented in memoranda of understanding with EACs, were met as a result of the technical assistance provided.

Note: Measure 6 is a new performance measure for this program. The Department removed the measure on the percentage of technical assistance requests received from new (not previously served by the EAC) organizations during the performance period.

All grantees will be expected to submit, as part of their annual and final performance reports, quantitative data documenting their progress with regard to these performance measures.

Project-Specific Performance Measures: An applicant may propose measures specific to that applicant’s proposed project. If an applicant chooses to propose such project-specific measures, the application must provide the following information as directed under 34 CFR 75.110(b): How each proposed measure would accurately measure the performance of the project and how the proposed measure would be consistent with the performance measures established for this program.

6. Continuation Awards: In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee’s approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under FURTHER INFORMATION CONTACT, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department may provide the requestor with an accessible format that may include Rich Text Format (RTF) or
DEPARTMENT OF ENERGY

Notice of Intent and Request for Information Regarding Establishment of a Civil Nuclear Credit Program

AGENCY: Office of Nuclear Energy, Department of Energy.

ACTION: Notice of intent (NOI); request for information (RFI).

SUMMARY: The Infrastructure Investment and Jobs Act (IIJA or the Act) directs the Secretary of Energy (Secretary) to establish a Civil Nuclear Credit (CNC) Program to evaluate and certify nuclear reactors that are projected to cease operations due to economic factors and to allocate credits to selected certified nuclear reactors via a sealed bid process. The U.S. Department of Energy (DOE or the Department) is issuing this NOI to notify interested parties of DOE’s intent to solicit applications for certification of nuclear reactors for eligibility to submit of sealed bids for CNC Program credits from nuclear reactor owners or operators that are at risk of ceasing operations due to economic factors and intent to request sealed bids from certified reactors for allocation of available credits. The NOI provides an opportunity for interested parties to submit to the Department a non-binding notice of their interest in submitting a confidential application for the CNC Program. The Department also seeks input from all stakeholders through this RFI regarding the establishment of a CNC Program including the application, certification, and selection processes.

DATES: Written comments and information are requested on or before March 17, 2022. The Department intends to develop initial draft guidance for the certification applications during the NOI/RFI comment period. It is strongly preferred that respondents comment on issues affecting certification directly via the email address below by March 8, 2022. Comments relating to the certification received after this date may not be included guidance development.

ADDRESSES: Interested parties may submit comments by any of the following methods:
1. Email: rfi-cnc@nuclear.energy.gov (Strongly Preferred). Submit electronic comments in Microsoft Word or PDF file format and avoid the use of special characters or any form of encryption. Please include “Response to RFI” in the subject line.
2. Online: www.regulations.gov. Submit all electronic public comments to www.regulations.gov. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: All submissions received must include the agency name for this RFI. No facsimiles (faxes) will be accepted. Any information that may be business proprietary and exempt by law from public disclosure should be submitted as described in Section IX.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, DOE has found it necessary to make temporary modifications to the comment submission process in light of the ongoing COVID–19 pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Office of Nuclear Energy staff at (202) 586–6231 to discuss the need for alternative arrangements. Once the COVID–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

FOR FURTHER INFORMATION CONTACT: Requests for additional information may be sent to: rfi-cnc@nuclear.energy.gov. Questions about the NOI may be addressed to Alden Allen at (208–526–7093). Questions about the RFI may be addressed to Kelly Lefler at (202–586–6231).

SUPPLEMENTARY INFORMATION:

I. Background

Advancing U.S. clean energy, energy security, and economic competitiveness enabled by reliable electricity generation is a priority of the Administration. As energy markets and economic circumstances continue to shift, multiple zero-emission nuclear generation assets are at risk for early closure, and several have already closed prematurely due to economic circumstances. Such closures have resulted in increased air pollution in communities, including disadvantaged communities, where fossil generation has replaced lost nuclear generation, materially impeded the national goal of carbon pollution-free electricity by 2035, and cost the nation thousands of high-quality union jobs. Further closures threaten to exacerbate these issues. Congress has appropriated funds to be allocated by DOE, using a credit allocation process, to certified nuclear reactors to prevent closure of carbon-free nuclear generation due to economic factors. DOE intends to execute the CNC Program in a manner that maximizes its contribution to the national objectives of clean energy generation, energy security and stability, and economic competitiveness.

The IIJA directs the Secretary to certify operating nuclear reactors under the CNC Program based on determinations that each reactor is projected to cease operations due to economic factors, that cessation of operations would result in a projected increase in air pollutants, and that the U.S. Nuclear Regulatory Commission (NRC) has reasonable assurance that the reactor will continue to operate safely. Congress has appropriated $6 billion to fund credits awarded under the CNC Program and has authorized the Secretary to obligate up to $1.2 billion in Fiscal Year 2022. Amounts in excess of $1.2 billion required to fund awarded credits for subsequent fiscal years can be disbursed subject to the availability of funds.

As required by the Act, the Secretary will certify those reactors that meet the criteria for CNC Program eligibility, establish a process for submittal of sealed bids from certified reactors, and allocate credits to selected certified reactors, noting certain priority