

**FINANCIAL ASSISTANCE
FUNDING OPPORTUNITY ANNOUNCEMENT**



**U. S. Department of Energy
Idaho Operations Office**

**Nuclear Energy University Programs
General Scientific Infrastructure Support
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Section I - FUNDING OPPORTUNITY DESCRIPTION

DESCRIPTION

The mission of the Department of Energy's Office of Nuclear Energy (DOE-NE) is to lead the investment in the development and exploration of advanced nuclear science and technology. DOE-NE promotes nuclear power as a resource capable of meeting the Nation's energy, environmental, and national security needs by resolving technical and regulatory barriers through research, development, and demonstration.

The goal of the NE University Programs (NEUP) is to support outstanding, cutting-edge, and innovative research at U.S. universities through the following:

- ◆ Administering NEUP research and development (R&D) awards to support DOE-NE's goal of integrating R&D at universities, national laboratories, and industry to revitalize nuclear education and support DOE-NE's programs;
- ◆ Attracting the brightest students to the nuclear professions and supporting the Nation's intellectual capital in nuclear engineering and relevant nuclear science, such as health physics, nuclear materials science, radiochemistry, nuclear energy policy, and applied nuclear physics;
- ◆ Improving university and college infrastructures for conducting R&D and educating students; and
- ◆ Supporting DOE-NE's goal of facilitating the transfer of knowledge from an aging nuclear workforce to the next generation of workers.

The development of nuclear energy-related infrastructure and basic capabilities in the university and college community is necessary to promote R&D that supports nuclear science and engineering (NS&E), DOE-NE's mission, and the Nation's nuclear energy challenges. Accordingly, we intend to enable the education and training of nuclear scientists, engineers, and policy-makers, in graduate and undergraduate study and two-year programs, as well as R&D that is relevant to the Department and the nuclear energy industry in general.

This Funding Opportunity Announcement (FOA) is seeking proposals for equipment and instrumentation infrastructure to support nuclear energy-related engineering and science teaching and research laboratories.

The infrastructure requested by a university should be individual, discrete, and definable items or capabilities that will support, maintain, or enhance the university's or college's capacity to attract and teach high quality students interested in nuclear energy-related studies; build the university's or college's NS&E basic research or education capabilities; or enhance the university's or college's capability to perform R&D that is relevant to DOE-NE's R&D mission.

All equipment and instrumentation and associated facility upgrades requests that support nuclear energy-related R&D or education are welcomed. This includes, but is not limited to, equipment and instrumentation for specialized facilities, classrooms and laboratories, and non-reactor NS&E research. Infrastructure requests that support the sharing and use of equipment and instrumentation by multiple campuses of a university or multiple universities are encouraged. Equipment and associated upgrades specifically for research reactors are the subject of a separate FOA (DE-FOA-0000322).

Constraints:

Due to funding availability, responses to this FOA are not to include hiring or other human capital costs, or the operation and maintenance of equipment.

Each University is allowed to submit one financial assistance grant application to this FOA in accordance with the requirements set forth in this announcement. The single response may include multiple pieces of equipment that are needed to support the University's nuclear energy related capabilities. DOE-NE reserves the right to limit the number of awards based on the availability of funds or to partially fund a request.

Requests made under this FOA may include the purchase, set-up, and vendor installation costs for equipment and instrumentation, as well as building modifications that immediately support the installation and operation of the equipment given the university matches partial funding (see II.D). Non-standard installation costs for equipment and instrumentation that are beyond the vendor's standard installation cost are not included in this FOA and are the responsibility of the university.

Institution-specific costs, not specific to the equipment or instrumentation, are the responsibility of the university. For example, if a vendor needs to meet safety and health requirements to access the campus or a facility, then these costs are the responsibility of the university.

Section II - AWARD INFORMATION

A. TYPE OF AWARD INSTRUMENT

DOE-NE will award grants under this funding opportunity announcement.

B. ESTIMATED FUNDING

Approximately \$7.5 million is expected to be available in fiscal year (FY) 2010 for infrastructure requests under this announcement. If additional funds become available later in FY 2010, DOE-NE will award additional applications submitted under this request from universities and colleges in accordance with the application review and evaluation process outlined in this announcement.

C. EXPECTED NUMBER OF GRANTS

While the number of awards will vary depending on project size and funding availability, DOE-NE anticipates making approximately 25 grants under this announcement.

D. ANTICIPATED AWARD SIZE

DOE-NE anticipates the awards will consist of up to a \$250,000 base with an addition \$50,000 for installation or supportive facility upgrades if University provides matching funds. If requested levels of funding exceed these amounts, the applicant must document and provide justification for the additional funds.

There is no minimum amount for an individual grant made under this announcement.

E. PERIOD OF PERFORMANCE

DOE-NE anticipates making awards that will run for up to one (1) year.

F. TYPE OF APPLICATION

DOE-NE will accept only new proposals under this announcement.

Section III - ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS

Eligibility for award is limited to U.S. universities, colleges, community colleges, and trade schools. Minority institutions such as historically black colleges and universities and/or minority serving institutions are encouraged to apply.

B. COST MATCHING

Cost matching is encouraged but not required with an additional \$50,000 available if the applying university provides a matching amount. The matching funds are to be used for installation and facility upgrades that are *directly* supportive of the equipment purchased through the award.

It is required that university contributions to this award be actual financial support and not support or funds that could be construed to be “in-kind”. Applicants must indicate that the matching support being proposed is a cash commitment.

The matching cash contribution must have been generated in response to this announcement. Universities should not include contributions in their applications which were not a direct result of this announcement. *Any violation of this intent may give DOE cause to withdraw its funds.*

At the time the proposal is submitted, the applicant must provide firm funding commitment letters from all contributing university elements regarding funds to match DOE’s contribution of up to \$50,000. If more than one university element will provide funds, this information should be summarized in a table format. The commitment letter(s), which indicate the amount and nature of the matching funds, should be included as an attachment to the application. Letters must be signed by a person authorized to commit the expenditure of funds by the entity and be provided in a PDF format. Save this information in a portable document format (pdf) file named “FCL” and attach to the Other Attachment Files.

Section IV - APPLICATION AND SUBMISSION INFORMATION

A. ADDRESS TO DOWNLOAD APPLICATION PACKAGE

Application forms and instructions are available at **Grants.gov**. To access these materials, go to <http://www.grants.gov>, select "Apply for Grants," and then select "Download Application Package." Enter the CFDA and/or the funding opportunity number located on the cover of this announcement and then follow the prompts to download the application package.

B. LETTER OF INTENT AND PRE-APPLICATIONS

Letter of Intent Requested Letters of Intent are not required.

Pre-application Pre-applications are not required.

C. CONTENT AND FORM OF APPLICATION

You must complete the mandatory forms and any applicable optional forms (e.g., SF-LLL- Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below. Files that are attached to the forms must be in Adobe Portable Document Format (PDF) unless otherwise specified in this announcement.

1. SF 424 - Application for Federal Assistance

Complete this form first to populate data in other forms. Complete all required fields in accordance with the pop-up instructions on the form. To activate the instructions, turn on the "Help Mode" (Icon with the pointer and question mark at the top of the form). The list of certifications and assurances referenced in Field 21 can be found on the DOE Financial Assistance Forms Page at http://management.energy.gov/business_doe/business_forms.htm under Certifications and Assurances.

2. Other Attachments Form

Submit the following files with your application and attach them to the Other Attachments Form. Click on "Add Mandatory Other Attachment" to attach the Project Narrative. Click on "Add Optional Other Attachment," to attach the other files.

Project Narrative File - Mandatory Other Attachment

The project narrative must not exceed 8 pages, including cover page, table of contents, charts, graphs, maps, photographs, and other pictorial presentations, when printed using standard 8.5" by 11" paper with 1 inch margins (top, bottom, left, and right) single spaced. EVALUATORS WILL REVIEW ONLY THE NUMBER OF PAGES SPECIFIED IN THE PRECEDING SENTENCE. The font must not be smaller than 11 point. Do not include any Internet addresses (URLs) that provide information necessary to review the application. See Part VIII.D of this FOA for instructions on how to mark proprietary application information. Save the information in a single file named "Project.pdf," and click on "Add Mandatory Other Attachment" to attach.

The project narrative for General Scientific Infrastructure must include:

Project Description. This section should provide a clear, concise statement of the specific objectives/aims of the proposed project in five sections: Application, List of Equipment and Instrumentation, Utilization, Timetable for Implementation, and any Cost Matching, if applicable. Describe the application and utilization with respect to NE mission alignment and cost sharing for the requested equipment and instrumentation, if applicable. Quantify, when appropriate, the past and planned application and utilization.

Section A: Application

Briefly describe the NS&E program(s) at your school; if you do not have a current program, describe your plans to establish such a program. Provide a narrative that describes how your application will further NS&E R&D and education. Discuss the proposed objectives and goals for use of the equipment. Discuss how the request enables the institution's learning mission; and how the request fills current infrastructure gaps and/or complements existing infrastructure capabilities.

Section B: List of Equipment and Instrumentation

Itemize the requested equipment and instrumentation including, as available specifications such as type, size, and other key attributes. A description of quality significant requirements must be provided for each piece of equipment that has quality significant requirements that must be met. Identify the facilities (e.g., office, laboratory, computer, etc.) and, if appropriate, indicate their capacities, pertinent capabilities, relative proximity, and extent of availability to the project. Describe only those resources that are directly applicable to the proposed work. Provide any information describing the other resources available to the project such as machine and electronics shops.

Section C: Utilization

Provide a narrative that describes how your application will allow for student and faculty usage, both within the institution and by other entities or institutions. Provide a measure of the amount of use expected for the requested equipment and instrumentation. If there is a preexisting capability, provide a description of how readily accessible and/or currently utilized the resource is by other entities or institutions.

Section D: Timetable

This section should outline as a function of time, all the important activities or phases of the project.

Section E: Cost Matching

Describe the amount of cost matching being provided by the University and purpose for which it will be used. (Financial Commitment letters are required as described in Section III.B).

Project Summary/Abstract File

The project summary/abstract must contain a summary of the proposed activity suitable for dissemination to the public. It should be a self-contained document that identifies the name of the applicant, the project director/principal investigator(s), the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (i.e., benefits, outcomes), and major participants (for collaborative projects). This document must not include any proprietary or sensitive business information as the Department may make it available to the public. The project summary must not exceed one (1) page when printed using standard 8.5" by 11" paper with 1" margins (top, bottom, left and right) [select single or double spaced] with font no smaller than 11 point. Save this information in a file named "Summary.pdf," and click on "Add Optional Other Attachment" to attach.

SF 424 A Excel, Budget Information - Non-Construction Programs File

You must provide a budget for each sub-grant area of support requested covering the project period (12 months). Use the SF 424 A Excel, "Budget Information - Non Construction Programs" form on the DOE Financial Assistance Forms Page at http://management.energy.gov/business_doe/business_forms.htm.

You may request funds under any of the Object Class Categories as long as the item and amount are necessary to perform the proposed work, meet all the criteria for allowability under the applicable Federal cost principles, and are not prohibited by the funding restrictions in this announcement (See PART IV, G). Save the information in a single file named "SF424A.xls," and click on "Add Optional Other Attachment" to attach.

Budget Justification File

You must justify the costs proposed in each Object Class Category/Cost Classification category (e.g., provide a list of equipment/instrumentation and cost of each item; itemize the purchase cost; setup cost, and vendor installation cost for each piece of equipment/instrumentation, identify proposed subaward and cost of each subaward; list general categories of supplies and amount for each category; and provide any other information you wish to support your budget). Provide the name of your cognizant/oversight agency, if you have one, and the name and phone number of the individual responsible for negotiating your indirect rates. Save the budget justification information in a single file named "Budget.pdf," and click on "Add Optional Other Attachment" to attach.

Awardee Points of Contact (POC) Data Input Sheet

Applicants must complete a POC Data Input Sheet for each sub-grant area. See Attachment B for fillable Excel document. Save the information in a file named "POC.xls" click on "Add Optional Other Attachment" to attach.

Principal Investigator and Team Qualifications (one page)

Describe the capabilities and qualifications of the Principal Investigator and proposal team to accomplish the proposed work for each sub-grant area. Save the information in a file named "PIT.doc" click on "Add

Optional Other Attachment” to attach.

Current and Pending Support

Identify funding that is pending or has been awarded, for similar activities related to nuclear infrastructure/ curriculum within the last three years. Please identify by source and amount requested/awarded. Save the information in a file named “NE Support.doc” click on “Add Optional Other Attachment” to attach.

3. SF-LLL Disclosure of Lobbying Activities

If applicable, complete SF- LLL. Applicability: If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the grant/cooperative agreement, you must complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying."

Summary of Required Forms/Files

Your application must include the following documents:

Name of Document	Format	File Name
Application for Federal Assistance – SF424	Form	N/A
Other Attachments Form Attach the following files to this form:	Form	N/A
Project Narrative File	PDF	Project.pdf
Project Summary/Abstract File	PDF	Summary.pdf
SF 424A File - Budget Information for Non-Construction Programs	Excel	SF424A.xls
Budget Justification File	PDF	Budget.pdf
SF-LLL Disclosure of Lobbying Activities, if applicable.	Form	N/A
Completed Awardee Point of Contact Data Sheet (see Appendix B)	PDF	POC.pdf
Financial Commitment Letter(s)	PDF	FCL.pdf
Principal Investigator and Other Team Qualifications	Word	PIT.doc
Current and Pending NE Support	Word	NE Support.doc

D. SUBMISSIONS FROM SUCCESSFUL APPLICANTS

If selected for award, DOE reserves the right to request additional or clarifying information for any reason deemed necessary, including, but not limited to:

- Indirect cost information;
- Other budget information;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5); and
- Representation of Limited Rights Data and Restricted Software, if applicable.

E. SUBMISSION DATES AND TIMES

1. **Pre-application Due Date** Pre-applications are not required.
2. **Application Due Date**

Applications Due Date 8:00 PM EST

Applications must be received by 4/27/2010, not later than 8:00 PM Eastern Time. You are encouraged to transmit your application well before the deadline. APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED OR CONSIDERED FOR AWARD.

F. INTERGOVERNMENTAL REVIEW

This program is not subject to Executive Order 12372 - Intergovernmental Review of Federal Programs.

G. FUNDING RESTRICTIONS

Cost Principles. Costs must be allowable in accordance with the applicable Federal cost principles referenced in 10 CFR part 600. The cost principles for commercial organization are in FAR Part 31.

Pre-award Costs. Recipients may charge to an award resulting from this announcement pre-award costs that were incurred within the ninety (90) calendar-day period immediately preceding the effective date of the award, if the costs are allowable in accordance with the applicable Federal cost principles referenced in 10 CFR part 600. Recipients must obtain the prior approval of the contracting officer for any pre-award costs that are for periods greater than this 90 day calendar period.

Pre-award costs are incurred at the applicant's risk. DOE-NE is under no obligation to reimburse such costs if for any reason the applicant does not receive an award or if the award is made for a lesser amount than the applicant expected.

H. OTHER SUBMISSION AND REGISTRATION REQUIREMENTS

1. Where to Submit

APPLICATIONS MUST BE SUBMITTED THROUGH GRANTS.GOV TO BE CONSIDERED FOR AWARD. Submit electronic applications through the “Apply for Grants” function at www.Grants.gov. If you have problems completing the registration process or submitting your application, call Grants.gov at 1-800-518-4726 or send an email to support@grants.gov.

2. Registration Process

You must COMPLETE the one-time registration process (all steps) before you can submit your first application through Grants.gov (See www.grants.gov/GetStarted). **We recommend that you start this process at least three weeks before the application due date.** It may take 21 days or more to complete the entire process. Use the Grants.gov Organizational Registration Checklists at <http://www.grants.gov/assets/OrganizationRegCheck.pdf> to guide you through the process. **IMPORTANT:** During the CCR registration process, you will be asked to designate an E-Business Point of Contact (EBIZ POC). The EBIZ POC must obtain a special password called “Marketing Partner identification Number” (MPIN). When you have completed the process, you should call the Grants.gov Helpdesk at 1-800-518-4726 to verify that you have completed the final step (i.e., Grants.gov registration).

3. Application Receipt Notices

After an application is submitted, the Authorized Organization Representative (AOR) will receive a series of four e-mails. It is extremely important that the AOR watch for and save each of the emails. It may take up to two (2) business days from application submission to receipt of email Number 2. The titles of the four e-mails are:

Number 1 - Grants.gov Submission Receipt Number
Number 2 - Grants.gov Submission Validation Receipt for Application Number
Number 3 - Grants.gov Grantor Agency Retrieval Receipt for Application Number
Number 4 - Grants.gov Agency Tracking Number Assignment for Application Number

Section V - APPLICATION REVIEW INFORMATION

A. CRITERIA

1. Initial Review Criteria

Application Award Eligibility Prior to a comprehensive merit evaluation, DOE will perform an initial review to determine that (1) the applicant is eligible for an award; (2) the information required by the announcement has been submitted; (3) all mandatory requirements are satisfied; and (4) the proposed project is responsive to the objectives of the funding opportunity announcement.

2. Merit Review Criteria

The evaluation criteria and weights are provided below.

General Scientific Infrastructure

Rating criteria for this area include demonstrations of increasing or enhancing research or teaching capabilities.

1. (50%) Potential of the requested equipment, instrumentation, modification or service to improve or expand the research and training capabilities;
2. (20%) Adequacy of the number and qualifications of key persons developing and carrying out the project, and the qualification of project personnel assessing project results and disseminating findings.
2. (20%) Amount of student and faculty usage of the capabilities, and the amount and variety of research and/or services actually provided by the facility; and
3. (10%) Reasonableness of the proposed costs of the equipment or instrumentation to achieve the proposed objectives. (*Current vendor quotations for the specific equipment or service are required prior to award.*)

3. Other Selection Factors

Program Policy Factors The evaluation criteria and weights are provided in the rating criteria section above. In accordance with the evaluation criteria and available funding, DOE-NE will make the final selection of awards with DOE-NE program and NEUP and its Technical Integration Office participation in the selection process. The selection official may also consider the following program policy factors in the selection process:

- Degree to which proposed project optimizes use of available DOE funding to achieve NEUP goals and objectives.
- Application selection may optimize appropriate mix of projects to achieve NEUP goals and objectives.
- Reasonableness of proposed costs and other Cost/Budget considerations.
- Existing NS&E Program, or realistic plan to establish NS&E program.
- Minority institutions that submit a competitive application.

B. REVIEW AND SELECTION PROCESS

1. Merit Review

Applications Subject to Merit Review Applications that pass the initial review will be subjected to a merit review in accordance with the guidance provided in the "Department of Energy Merit Review Guide for Financial Assistance." This guide is available under Financial Assistance, Regulations and Guidance at <http://www.management.energy.gov/documents/meritrev.pdf>.

2. Selection

Selection Official Consideration The Selection Official will consider the merit review recommendation, program policy factors, and the amount of funds available.

3. Discussions and Award

Government Discussions with Applicant The Government may enter into discussions with a selected applicant for any reason deemed necessary, including but not limited to: (1) the budget is not appropriate or reasonable for the requirement; (2) only a portion of the application is selected for award; (3) the Government needs additional information to determine that the recipient is capable of complying with the requirements in 10 CFR part 600; and/or (4) special terms and conditions are required. Failure to resolve satisfactorily the issues identified by the Government will preclude award to the applicant.

C. ANTICIPATED NOTICE OF SELECTION AND AWARD DATES

Selection and Award Date DOE anticipates notifying applicants selected for award by 06/08/2010 and making awards by 07/20/2010.

Section VI - AWARD ADMINISTRATION INFORMATION

A. AWARD NOTICES

1. Notice of Selection

Selected Applicants Notification DOE-NE will notify applicants selected for award. This notice of selection is not an authorization to begin performance. (See Section IV.G with respect to the allowability of pre-award costs.)

Non-selected Notification Organizations whose applications have not been selected will be advised as promptly as possible. This notice will explain why the application was not selected.

2. Notice of Award

A Notice of Financial Assistance Award or Assistance Agreement issued by the contracting officer is the authorizing award document. It normally includes either as an attachment or by reference: (1) Special Terms and Conditions; (2) Applicable program regulations, if any; (3) Application as approved by DOE-NE; (4) DOE assistance regulations at 10 CFR part 600; (5) National Policy Assurances To Be Incorporated As Award Terms; (6) Budget Summary; and (7) Federal Assistance Reporting Checklist, which identifies the reporting requirements.

B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS**1. Administrative Requirements**

The administrative requirements for DOE grants and cooperative agreements are contained in 10 CFR part 600 (See: <http://ecfr.gpoaccess.gov>). Grants and cooperative agreements made to universities, non-profits and other entities subject to Office of Management and Budget (OMB) Circular A-110 are subject to the Research Terms and Conditions located on the National Science Foundation web site at <http://www.nsf.gov/bfa/dias/policy/rtc/index.jsp>.

2. Special Terms and Conditions and National Policy Requirements

Special Terms and Conditions and National Policy Requirements. The DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements are located at http://management.energy.gov/business_doe/business_forms.htm.

The National Policy Assurances To Be Incorporated As Award Terms are located at DOE http://management.energy.gov/business_doe/business_forms.htm.

Intellectual Property Provisions. The standard DOE financial assistance intellectual property provisions applicable to the various types of recipients are located at http://www.gc.doe.gov/financial_assistance_awards.htm.

C. REPORTING

Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to the award agreement. See attached Reporting Requirements Checklist under Appendix A.

Section VII - QUESTIONS/AGENCY CONTACTS**A. QUESTIONS**

Questions regarding the content of the announcement must be submitted through the FedConnect portal. You must register with FedConnect to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the FOA as possible to have the benefit of all responses. More information is available at <http://www.fedconnect.net>. DOE-NE will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the website.

Questions relating to the registration process or the submittal process must be directed to FedConnect at support@fedconnect.net. Questions relating to how an application form works must be directed to Grants.gov at 1-800-518-4726 or support@grants.gov. DOE cannot answer these questions.

B. AGENCY CONTACT

Name:	Layne Isom
E-mail:	isomla@id.doe.gov
FAX:	208-526-5548
Telephone:	208-526-5633

Section VIII - OTHER INFORMATION

A. MODIFICATIONS

Notices of any modifications to this announcement will be posted on FedConnect. You can receive an email when a modification or an announcement message is posted by registering with FedConnect as an interested party for this FOA. It is recommended that you register as soon after release of the FOA as possible to ensure you receive timely notice of any modifications or other announcements. More information is available at <http://www.fedconnect.net>.

B. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE

DOE reserves the right, without qualification, to reject any or all applications received in response to this announcement and to select any application, in whole or in part, as a basis for negotiation and/or award.

C. COMMITMENT OF PUBLIC FUNDS

The Contracting Officer is the only individual who can make awards or commit the Government to the expenditure of public funds. A commitment by other than the Contracting Officer, either explicit or implied, is invalid.

D. PROPRIETARY APPLICATION INFORMATION

Patentable ideas, trade secrets, proprietary or confidential commercial or financial information, disclosure of which may harm the applicant, should be included in an application only when such information is necessary to convey an understanding of the proposed project. The use and disclosure of such data may be restricted, provided the applicant includes the following legend on the first page of the project narrative and specifies the pages of the application which are to be restricted:

"The data contained in pages [*Insert pages*] of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government's right to use or disclose data obtained without restriction from any source, including the applicant."

To protect such data, each line or paragraph on the pages containing such data must be specifically identified and marked with a legend similar to the following:

"The following contains proprietary information that (name of applicant) requests not be released to persons outside the Government, except for purposes of review and evaluation."

E. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL

In conducting the merit review evaluation, the Government may seek the advice of qualified non-Federal personnel as reviewers. For this FOA, the Government intends to use NEUP personnel as part of the merit review team. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The applicant, by submitting its application, consents to the use of non-Federal reviewers/administrators. Non-Federal reviewers must sign conflict of interest and non-disclosure agreements prior to reviewing an application. Non-Federal personnel conducting administrative activities must sign a non-disclosure agreement.

F. INTELLECTUAL PROPERTY DEVELOPED UNDER THIS PROGRAM

Patent Rights. The government will have certain statutory rights in an invention that is conceived or first actually reduced to practice under a DOE award. 42 U.S.C. 5908 provides that title to such inventions

vests in the United States, except where 35 U.S.C. 202 provides otherwise for nonprofit organizations or small business firms. However, the Secretary of Energy may waive all or any part of the rights of the United States subject to certain conditions. (See "Notice of Right to Request Patent Waiver" in paragraph G below.)

Rights in Technical Data. Normally, the government has unlimited rights in technical data created under a DOE agreement. Delivery or third party licensing of proprietary software or data developed solely at private expense will not normally be required except as specifically negotiated in a particular agreement to satisfy DOE's own needs or to insure the commercialization of technology developed under a DOE agreement.

G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER

Applicants may request a waiver http://www.gc.doe.gov/documents/gc62_advance.pdf of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of an agreement as a result of this announcement, in advance of or within 30 days after the effective date of the award. Even if such advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver of the rights of the United States in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the award. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784 <http://www.gc.doe.gov/documents/patwaivclau.pdf>.

Domestic small businesses and domestic nonprofit organizations will receive the patent rights clause at 37 CFR 401.14, i.e., the implementation of the Bayh-Dole Act. This clause permits domestic small business and domestic nonprofit organizations to retain title to subject inventions. Therefore, small businesses and nonprofit organizations do not need to request a waiver.

H. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES

Eligible activities under this program include those which describe and promote the understanding of scientific and technical aspects of specific energy technologies, but not those which encourage or support political activities such as the collection and dissemination of information related to potential, planned or pending legislation.

Section IX - APPENDICES/REFERENCE MATERIAL

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Appendix A: Sample Reporting Requirements Checklist

Appendix B: Awardee Points of Contact Data Input Sheet