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Department of Energy
Assistance Regulation

No. 2001-04
Date 10/25/2001

FINANCIAL ASSISTANCE LETTER

This Financial Assistance Letter is issued under the authority of the Procurement Executives of DOE and NNSA

Subject: Management of Report Deliverables

When is this Financial Assistance Letter (FAL) Effective?

This FAL is effective 10 business days from the date of issuance.

When does this FAL Expire?

This FAL remains in effect until superseded or canceled. This FAL supersedes FAL 98-02, dated April 17, 1998, and cancels the following DOE reporting forms:

DOE F 4600.3 - Federal Assistance Milestone Plan;
DOE F 4600.3A - Milestone Log; and
DOE F 4600.5 - Federal Assistance Summary Report.

Who is the Point of Contact?

Contact Trudy Wood of the Office of Procurement and Assistance Policy at (202) 586-5625, or by e-mail at trudy.wood@pr.doe.gov.

Please visit our website at www.pr.doe.gov/fahhome.html for information on Financial Assistance Letters and other policy issues.

What is the Purpose of this FAL?

This FAL provides DOE Contracting Officers, Project Officers, and financial assistance personnel guidance regarding the establishment and enforcement of reporting requirements. The purpose of the FAL is to ensure that: 1) awards contain the minimum requirements necessary to report technical and financial performance and closeout the award; 2) DOE takes vigorous and effective actions to obtain overdue deliverables; and 3) DOE completes its transition to an electronic scientific and technical report management system.

What is the Background?

In 1999, Congress passed the Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106-107). This law requires Federal agencies to implement common application and reporting systems and common electronic processes. DOE is committed to working with other agencies to implement this act and will amend this guidance as soon as the common Federal reporting formats and procedures are finalized. In the meantime, DOE must complete the initiative it started in 1997 to transition from a paper based scientific and technical report management system to an electronic system. The new DOE Energy Link System (E-Link) will allow the Department to more efficiently comply with the statutory data dissemination requirements in the Atomic Energy Act of 1954 (Pub. L.83-703), the Federal Non Nuclear Energy Research and Development Act of 1974 (Pub. L. 93-577), and the Department of Energy Organization Act (Pub. L. 95-91).

Therefore, the FAL revises some reporting requirements and cancels certain performance reporting forms that were developed in the early 1980s before desktop computers were widely used. These forms are burdensome and do not always provide sufficient information to assess status. In order to promote a more uniform approach across DOE and eliminate unnecessary, burdensome reporting, this FAL provides three special reporting provisions for cooperative agreements, a revised Federal Assistance Reporting Checklist (DOE F 4600.2), and a special grant provision for the electronic submission of scientific/technical reports. In addition, it updates and clarifies the requirements in FAL 98-02 regarding the management of financial assistance report deliverables.

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Guidance Included in this Financial Assistance Letter

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A. Federal Assistance Reporting Checklist (DOE F. 4600.2)

B. Reporting Provisions for Cooperative Agreements

C. Model Letter on Scientific and Technical Reporting

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I. Pre-Award Responsibilities

A. DOE Project Officer

The DOE Project Officer is responsible for specifying the required management and scientific/technical reports on the Federal Assistance Reporting Checklist (DOE F 4600.2) and including this checklist in the Procurement Request Package. A copy of the revised Checklist is provided as Attachment A to this FAL. The Checklist is also available at the Department's Directives, Regulations, Policies, and Standards Portal at http://www.directives.doe.gov.

Project Officers should consider the scope, complexity, duration of the project, and program legislation, when establishing reporting requirements, and identify any special reporting requirements in the block, entitled "Special Instructions."

1. Research, Development, Demonstration, and Other Scientific/Technical Awards: RD&D and other scientific/technical awards should generally require periodic Progress Reports, Special Status Reports, and a final Scientific/Technical Report.

   a. Progress Reports: Progress Reports are management reports which provide information on project status. These reports are used by the DOE Project Officer to monitor the project and to provide early recognition of potential problem areas. These reports should not be sent to the Office of Scientific and Technical Information (OSTI), since any preliminary results may be incomplete or misleading. If the award requires a final Scientific/Technical Report, no Progress Report is required at the end of the final year. The frequency of these reports should be the minimum needed to monitor performance. Examples of reporting requirements for typical projects are:

      i. Basic research grants: Generally, these awards would require an annual Progress Report, a final Scientific/Technical Report, and Special Status Reports on an as needed basis.

      ii. Technology development grants: Generally, these awards would require an annual or semi-annual Progress Report, a final Scientific/Technical Report, and Special Status Reports on an as needed basis.

      iii. Large cooperative agreements: Generally, these awards would require quarterly Progress Reports, a final Scientific/Technical Report, and Special Status Reports on an as needed basis.

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b. Scientific/Technical Reporting: Scientific/technical reports and products provide the results of scientific and technical studies, investigations that relate to research, development, demonstration, and other specialized areas such as environmental and health protection and waste management. These reports/products must be accompanied by the appropriate DOE Form 241, "Announcement of Department of Energy Scientific and Technical Information."

i. Generally, the DOE Project Officer would request only a final Scientific/Technical Report.

ii. While the DOE Project Officer may require a Scientific/Technical Report at the end of a phase, he/she should not require annual reports. Progress Reports provide sufficient information to monitor progress.

c. Special Status Reports: Special Status Reports provide notice of problems, delays, or adverse conditions which materially impair the recipient's ability to meet the objectives of the award or have a significant favorable impact on the project.

2. Non-R&D Awards: A Non-R&D award should generally require only periodic Progress Reports and Special Status Reports. A final Progress Report is usually sufficient to determine whether the objectives of a non-R&D project have been accomplished.

B. DOE Contracting Officer:

The DOE Contracting Officer is responsible for:

1. Incorporating an appropriate Federal Assistance Reporting Checklist (DOE F 4200.2) in the award. This includes:

a. Ensuring that the DOE Project Officer selected the minimum management and scientific/technical reports necessary to monitor progress and report results.

b. Specifying the financial reporting requirements.

c. Specifying closeout reporting requirements.

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2. Assessing a prospective award recipient's past performance to determine whether the recipient has a history of poor programmatic performance, is financially unstable, has inadequate management systems, or has not complied with the terms of previous awards, including providing the required reports. To determine whether the recipient has submitted the required reports, Contracting Officers should review (1) local report tracking systems to identify delinquent reports; (2) the Procurement and Assistance Data System to review overage closeout actions, and/or (3) the Department's E-Link System to identify reports received.

   a. If serious or numerous performance deficiencies are found, the Contracting Officer should deny the award, unless law, regulation, or evaluation/selection criteria dictate otherwise.

   b. When denial of an award based on past performance is not deemed appropriate, the Contracting Officer should include special award conditions in the award (e.g., use a reimbursement payment method rather than advance funding and establish milestone payments associated with the progress of the work, or set aside a portion of the award funding until deliverables are received; require more frequent financial or progress reporting than otherwise required under the program or allowed by 10 CFR 600). See 10 CFR 600.114.

3. Incorporating the following special provision in new or renewal grants that require scientific/technical/ reports:

SUBMISSION OF SCIENTIFIC/TECHNICAL REPORTS

Electronic Submission: Scientific/technical reports must be submitted electronically via the DOE Energy Link System (E-Link) with the appropriate DOE Form 241 (See Federal Assistance Reporting Checklist, DOE F 4600.2). E-Link will allow you to complete the DOE F 241 online and then upload your report. It can be accessed at http://www.osti.gov/elink-2413.

DOE Form 241.3, "U.S. Department of Energy (DOE), Announcement of Scientific and Technical Information (STI)": This form and instructions are available on E-Link. If there is any patentable material, protected data, or SBIR/STTR data in the report, the recipient must, consistent with the data protection provisions of the grant, clearly identify patentable or protected data on each page of the report, identify such material on the cover of the report, and mark the appropriate blocks in Section K of the DOE F 241.3. Other than patentable material, protected data, or SBIR / STTR data, reports must not contain any proprietary data (limited rights data), classified information,

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information subject to export control classification, or other information not subject to release. Protected data is specific technical data, first produced in the performance of the award, that is protected from public release for a period of time by the terms of the award agreement.

Electronic Format: Reports must be submitted in the ADOBE PORTABLE DOCUMENT FORMAT (PDF) and be one integrated PDF file that contains all text, tables, diagrams, photographs, schematic, graphs, and charts. E-Link can provide more details about converting a file to PDF. Materials, such as prints, videos, and books, that are essential to the report but cannot be submitted electronically, should be sent to the Contracting Officer at the address listed in Block 12 of the Notice of Financial Assistance Award.

4. Incorporating the special reporting provisions contained in Attachment B - Reporting Provisions for Cooperative Agreements in new or renewal cooperative agreements. While these provisions may be modified for unique requirements, the intent is to have uniform DOE reporting requirements for cooperative agreements.

5. Negotiating other terms and conditions when a prospective recipient is unable to comply with the requirement to submit scientific/technical reports in a PDF format via the E-Link system (e.g., recipient may submit the report on a diskette or a CD-ROM or use one of the following acceptable formats: PDF image or regular (normal), TIFFG4, HTML, SGML, XML, Word, WordPerfect, and Postscript).

6. Until such time as the report is submitted, the recipient and the Contracting Officer may agree that the report can include proprietary data (limited rights data), classified information, or information subject to export control classification.

7. Including the following notice in all new and renewal financial assistance awards to ensure that recipients are aware that the failure to comply with reporting requirements is a material noncompliance under the terms of the award:

REPORTING

Failure to comply with the reporting requirements contained in this award will be considered a material noncompliance with the terms of the award. Noncompliance may result in a withholding of future payments, suspension or termination of the current award, and withholding of future awards. A willful failure to perform, a history of failure to perform, or of unsatisfactory performance of this and/or other financial assistance awards, may also result in a debarment action to preclude future awards by Federal agencies.

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II. Post Award Administration

A. **Responsibilities**: Generally, the DOE Project Officer is responsible for monitoring Progress Reports and Special Status Reports and the Contracting Officer is responsible for monitoring the receipt of other reports.

1. The Contracting Officer must ensure that these roles are clearly understood and that the DOE Project Officer understands his/her responsibilities for monitoring the receipt of reports and the required follow-up actions.

2. Contracting Officers and DOE Project Officers should keep each other informed if reports are not received.

3. Each Contracting Activity must establish procedures that ensure reports are received and that Scientific/Technical Reports are sent to OSTI. Contracting Activities are encouraged to send reminders to appropriate recipient officials a few weeks before a reporting period ends. This will prevent reporting delinquencies due to mere oversight on the part of the recipient and so reduce the need for follow-up action.

B. **Procedures for Overdue Reports**

1. Immediate follow-up action: When a report has not been received by the terms of the award, the Contracting Officer should contact the recipient by telephone or electronic mail to advise of the delinquency.

2. First Letter: If a report is overdue by 30 days, the Contracting Officer must send a letter to the recipient notifying it of the delinquency and requesting the report. This letter may be sent electronically. The letter must state that, if the report cannot be submitted promptly, the recipient should explain the reason and state the date by which DOE will receive the report.

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3. Second Letter: If neither a report nor an acceptable explanation for not submitting it is received from the recipient within 30 days of the date of the first letter, the Contracting Officer must send (by certified mail, return receipt requested) a written notice of noncompliance, as required by 10 CFR 600.24. Among other things, this notice must state what enforcement action will be taken if the report is not received within 30 days (e.g., suspension or termination of the award if still active, withholding of any additional funds for the project, etc.). Enforcement actions are set forth in 10 CFR 600.162 and 600.243.

4. Funds Cutoff: If neither the report nor an acceptable explanation is received within 30 days of the second letter, no additional funds shall be awarded for the project while the report remains overdue and the award, if still active, shall be suspended. The suspension notice must set a final date by which the report must be received. If the report or an acceptable explanation is not received by that date, the suspension shall be converted into a termination. (See 10 CFR 600.25 Suspension and termination)

5. Final Reports: If a final report has not been obtained after taking all the actions set forth above, the Contracting Officer may annotate the award file noting the performance noncompliance, withhold any monies not previously paid, and proceed to close out. The apparent willful failure of the recipient to perform according to the terms of the award shall be reported immediately to the Department's debarment and suspension official (i.e., the Director, Procurement and Assistance Management, DOE) with a recommendation to consider debarment of the recipient

6. Waivers and Extensions: If at any time the recipient provides an acceptable explanation of why the overdue report cannot be submitted promptly, the reporting requirement may be waived or a new due date set. Further extensions of the due date should also be given if justified. However, if, without an acceptable explanation, the recipient fails to submit a report once overdue by a new due date, the funds cutoff action in paragraph II.B.4. shall be taken without the delay of further warning letters. Any letter setting a new due date shall advise the recipient of this and the possibility of additional or even more severe enforcement actions.

7. Additional Actions: The requirements of this section do not preclude additional actions, as explained in Paragraph, II.D.

C. **Waiver of Requirements and Extension of Due Dates**:

When a report is overdue, the only acceptable reasons for waiving the reporting requirement or setting a new due date shall be that: 1) the report cannot be furnished in a timely manner for reasons legitimately beyond the control of the recipient; or 2) the purposes for which the report is to be used will be accomplished through other means. The recipient must be informed or reminded of this policy in the first letter sent when a report becomes overdue or in the notice of payment withholding.

D. **Additional Enforcement Actions**:

In addition to the actions required by this FAL, other actions that may be appropriate should be considered, such as:

1. Converting to a reimbursement method of payment if the conditions are met for using this payment method. (See 10 CFR 600.122(n)).

2. Withholding any additional awards for the project or program (See 10 CFR 600.162).

3. Making a site visit to determine whether the recipient is violating other terms of the award or performing an audit of the award.

4. Awarding no discretionary funds while the report is overdue for all or some of the other eligible projects or activities conducted by the recipient.

5. Consulting with the legal counsel to consider legal action for recovery of funds and other legal remedies that may be available.

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III. Electronic Submission of Scientific/Technical Reports - Existing Awards

A. Responsibility: While Contracting Officers are not required to revise existing awards to include the new electronic reporting requirements, they should send the model letter provided in Attachment C - Model Letter On Scientific and Technical Reporting, to the appropriate recipient official of active awards that require scientific/technical reports. This letter encourages recipients to submit their scientific/technical reports electronically via the DOE Energy Link System (E-Link).

B. E-Link: Contracting personnel should contact OSTI, if they have questions relating to E-Link and request training on the new system.

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DOE F 4600.2
(10/01)
All Other Editions are Obsolete

U.S. Department of Energy
FEDERAL ASSISTANCE REPORTING CHECKLIST

For instructions see FAL Management of Report Deliverables

1. Identification Number:	2. Program/Project Title:
3. Recipient:	

4. Reporting Requirements:	Frequency	No. of Copies	Addressees
MANAGEMENT REPORTING			
☐ Progress Report			
☐ Special Status Report (see Special Instructions)			
SCIENTIFIC/TECHNICAL REPORTING (Reports/Products must be submitted with appropriate DOE F 241. The 241 forms are available at www.osti.gov/elink.)			
Report/Product — Form			
☐ Final Scientific/Technical Report — DOE F 241.3			
☐ Conference papers/proceedings* — DOE F 241.3			
☐ Software/Manual — DOE F 241.4			
☐ Other (see special instructions) — DOE F 241.3			
** Scientific and technical conferences only*			
FINANCIAL REPORTING			
☐ SF-269, Financial Status Report			
☐ SF- 269A, Financial Status Report (Short Form)			
☐ SF-272, Federal Cash Transactions Report			
CLOSEOUT REPORTING			
☐ Final Invention and Patent Report			
☐ Property Certification			
☐ Other (see Special Instructions)			
OTHER REPORTING			
☐ Other (see Special Instructions)			

FREQUENCY CODES AND DUE DATES:

- A - Within 5 calendar days after events or as specified.
- F - Final; 90 calendar days after expiration or termination of the award.
- Y - Yearly; 90 days after the end of the reporting period.
- S - Semiannually; within 30 days after end of reporting period.
- Q - Quarterly; within 30 days after end of the reporting period.

5. Special Instructions:

Special Status Report: Provides notice of problems, delays, or adverse conditions, which materially impair the awardee's ability to meet the objectives of the award or developments that have a significant favorable impact on the project. The report must include the remedial action to be taken to correct or resolve any problem or adverse condition.

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REPORTING PROVISIONS FOR COOPERATIVE AGREEMENTS

I. Progress Report

A. *Requirement.* Unless otherwise specified in the award, the awardee must submit periodic Progress Reports to the addresses and in accordance with the frequency listed on the DOE Federal Assistance Reporting Checklist (DOE F 4600.2), as follows:

1. Progress Reports are due 30 days after the reporting period. A final Progress Report is due 90 days after the expiration or termination of the award. If the award requires a final Scientific/Technical Report, a Progress Report is not required at the end of the final year.

2. For continuation awards, the Progress Report (required in paragraph 1.a.1) is due 90 days before the end of the budget period. Failure to submit a timely report may delay the processing of the continuation award.

A. *Content.* The Progress Report must provide a concise narrative assessment of the status of work and include the following information and any other information identified under Special Instructions on the Federal Assistance Reporting Checklist:

1. The DOE award number and name of the awardee.

2. The project title and name of the project director/principal investigator.

3. Date of report and period covered by the report.

4. A comparison of the actual accomplishments with the goals and objectives established for the period and reasons why the established goals were not met.

5. Results of work to date. (This section should not contain any proprietary or classified data, or other information not subject to public release. If such information is important to reporting progress, do not include the information, but include a note in the report advising the reader to contact the Principal Investigator or the Project Director for further information.)

6. Cost and schedule status. Cost Status - show approved budget by budget period and actual costs incurred. If cost sharing is required break out by DOE share, awardee share, and total costs. Schedule Status - list milestones, anticipated completion dates and actual completion dates. Awardees may use project management software, such as Microsoft Project, to measure and report cost and schedule status.

7. Any changes in approach or aims and reasons for change.

8. Actual or anticipated problems or delays and actions taken or planned to resolve them.

9. Any absence or changes of key personnel or changes in consortium/teaming arrangement.

10. A description of any technology transfer activities accomplished during this reporting period, such as:

    A. Journal publications (list journal name, volume, issue); conference papers; or other public releases of results. Attach or send copies of public releases to the DOE Project Office)

    B. Web site or other Internet sites that reflect the results of this project

II. Special Status Report.

The awardee must report the following events to the DOE Project Officer as soon as possible after they occur:

1. Problems, delays, or adverse conditions which materially impair the awardee's ability to meet the objectives of the award. The report must include the remedial action to be taken to correct or resolve the problem/conditions.

2. Developments that have a significant favorable impact on the project.

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III. Scientific/Technical Reporting *(used only when a Scientific/Technical Report is required, primarily R&D projects).*

A. *Requirement.* Awardees must submit final Scientific/Technical Reports/products within 90 days after the expiration of the award to the Internet address listed on the DOE Federal Assistance Reporting Checklist. All scientific/technical reporting must comply with the requirements in paragraphs c, d, e, and f of this provision and any special instructions identified on the Federal Assistance Reporting Checklist (DOE F 4600.2).

B. *Final Technical Report.* The final report must:

1. Identify the DOE award number; name of awardee; project title; name of project director/principal investigator; and consortium/teaming members;

2. Display prominently on the cover of the report any authorized distribution limitation notices, such as patentable material or protected data. Reports delivered without such notices may be deemed to have been furnished with unlimited rights, and the Government assumes no liability for the disclosure, use or reproduction of such reports.

3. Provide an executive summary, which includes a discussion of 1) how the research adds to the understanding of the area investigated; 2) the technical effectiveness and economic feasibility of the methods or techniques investigated or demonstrated; or 3) how the project is otherwise of benefit to the public. The discussion should be a minimum of one paragraph and written in terms understandable by an educated layman;

4. Provide a comparison of the actual accomplishments with the goals and objectives of the project;

5. Summarize project activities for the entire period of funding, including original hypotheses, approaches used, problems encountered and departure from planned methodology, and an assessment of their impact on the project results. Include, where applicable, facts, figures, analyses, and assumptions used during the life of the project to support the conclusions;

6. Identify products developed under the award and technology transfer activities, such as:

   a. Journal publications (list journal name, volume, issue); conference papers; or other public releases of results. If not provided previously, attach or send copies of any public releases to the DOE Project Officer;

   b. Web site or other Internet sites that reflect the results of this project;

   c. Other products (e.g., software, data bases, inventions); and

   d. Patent applications, licensing agreements.

7. For projects involving computer modeling, provide the following information with the final report:

   a. Model description, key assumptions, version, source and intended use;

   b. Performance criteria for the model related to the intended use;

   c. Test results to demonstrate the model performance criteria were met (e.g., code verification/validation, sensitivity analyses, history matching with lab or field data, as appropriate);

   d. Theory behind the model, expressed in non-mathematical terms;

   e. Mathematics to be used, including formulas and calculation methods;

   f. Whether or not the theory and mathematical algorithms were peer reviewed, and, if so, include a summary of theoretical strengths and weaknesses;

   g. Hardware requirements; and

   h. Documentation (e.g., users guide, model code).

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C. *Electronic Submission.* All technical/scientific reports must be submitted electronically via the DOE Energy Link System (E-Link) accessed at **http://www.osti.gov/elink-2413.**

D. *Electronic Format.* Reports must be submitted in the ADOBE PORTABLE DOCUMENT FORMAT (PDF) and be one integrated PDF file that contains all text, tables, diagrams, photographs, schematic, graphs, and charts. E-Link can provide more details about converting a file to PDF. Materials, such as prints, videos, and books, that are essential to the report but cannot be submitted electronically, should be sent to the Contracting Officer at the address listed in Block 12 of the Notice of Financial Assistance Award.

E. *Submittal Form.* The awardee must submit the appropriate DOE Form 241 with each scientific/technical deliverable required under the award (see Federal Assistance Reporting Checklist, DOE F 4600.2).

1. *Scientific/Technical Reports.* Each report must be accompanied by a completed electronic version of DOE Form 241.3, "U.S. Department of Energy (DOE), Announcement of Scientific and Technical Information (STI)". You can complete the DOE F 241.3 online, upload the report, and submit. If there is any patentable material or protected data in the report, the awardee must, consistent with the data protection provisions of the award, clearly identify patentable or protected data on each page of the report, identify such material on the cover of the report, and mark the appropriate block in Section K of the DOE F 241.3. Other than patentable material or protected data, reports must not contain any proprietary data (limited rights data), classified information, information subject to export control classification, or other information not subject to release. Protected data is specific technical data, first produced in the performance of the award, that is protected from public release for a period of time by the terms of the award agreement.

2. *Software.* Each software deliverable and its manual must be accompanied by a completed DOE Form 241.4 "Announcement of U.S. Department of Energy Computer Software." The form and instructions are available on E-Link.

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F. *Acknowledgment of Support and Disclaimer.* The awardee is responsible for assuring that an acknowledgment of support and a disclaimer are included on any publication based on or developed under this project.

1. Acknowledgment: Include the following or a similar acknowledgment of support: "This material is based upon work supported by the U S. Department of Energy under Award No. (DOE award number)."

2. Disclaimer: Every publication of material based on or developed under this award, except scientific articles or papers appearing in scientific, technical or professional journals, must contain the following disclaimer:

   "Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of Energy."

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MODEL LETTER

Awardee Name and Address

SUBJECT: Scientific and Technical Reporting

Dear Financial Assistance Recipient:

In order to provide access to the scientific and technical information produced under contracts and financial assistance awards more efficiently, the Department of Energy (DOE) is transitioning to an electronic system that can ensure timely and high-quality processing and distribution of these products.

As part of this effort, we are encouraging our research and development recipients to use the new simplified DOE announcement form for financial assistance recipients (DOE F 241.3) and to submit the form and the scientific /technical report electronically via the DOE Energy Link System (E-Link), http://www.osti.gov/elink-2413. E-Link will allow you to complete the announcement form (DOE F 241.3) online and then upload and submit the report. If reports are submitted electronically, they must be in the ADOBE PORTABLE DOCUMENT FORMAT (PDF) and be in a single integrated file containing all text, tables, diagrams, graphs, and charts. Information on software for converting files to PDF format is available on E-Link.

If you submit your report via the E-Link system you do not need to submit paper copies of the report. This should help reduce your workload and eliminate copying and mailing costs.

We would like to thank you in advance for helping us modernize the management of our scientific and technical products. If you have questions on using E-Link, please contact Lynn Davis, Office of Scientific and Technical Information, at (865) 241-6435 or send to 241user@osti.gov.

Sincerely,

Contracting Officer

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