

Questions posted May 10, 2010

QUESTION 1: We heard on the recent DOE/NETL webcast that the Phase II application renewal will be completely confidential. So, does this mean we do not need the following paragraph, which was necessary during Phase I:

The data contained in pages XX to XX 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.

Will all content from the main narrative be considered confidential and sensitive information which is not released to the public or other companies?

ANSWER: No. The Notice of Restriction on Disclosure and Use of Data should be employed in preparing the Renewal Application as outlined in the instructions found in the award letter.

In these instructions one will find that while the submission is kept confidential, certain details about Phase II projects (if selected and awarded) are required for issuance of the required public notifications and thus may be published on the Internet and linked to www.recovery.gov. For this reason, the marking of data is important to prevent unintended disclosure to the public or use by the Government for any purpose other than renewal application evaluation.

Please be advised that Renewal Applications may be publicly releaseable under the Freedom of Information Act (FOIA) in the event a request is presented. Under such circumstances, DOE will request the Applicant to thoroughly review their Renewal Application files and redact information that is proprietary, confidential, trade secret, and/or business sensitive in nature. The redacted version will be released under FOIA.

QUESTION 2: If the answer to question (1) is yes, does this also apply to all Appendices, including the Topical Report. Guidelines in Cooperative Agreement signed during Phase I indicate the following:

..technical reports must also not contain any Limited Rights Data (such as trade secret, proprietary or business sensitive information), classified information, information subject to export control classification, or other information not subject to release. Such information must be submitted in a separate hard-copy appendix to the electronic technical and topical reports

Does the above instruction apply only for the final Topical report, due at the completion of Phase I or does it also apply to the Topical Report - Draft, which accompanies the

Phase II application? In other words, will information in the topical.pdf file in the Appendix be held confidential?

ANSWER: As the answer to question 1 was No, appendices should also be marked as outlined above.

A bit of clarification regarding the Final Topical Report and the Draft Topical Report: Applicants should follow the guidance cited for the Final Topical Report (submission of separate hard-copy appendix to the electronic report). However, since the renewal application must be submitted in fully electronic format - any data desired to be protected in the Draft Topical Report should also carry the markings indicated above.