Department of Energy
Washington, DC 20585

DATE: July 24, 2020

MEMORANDUM FOR DISTRIBUTION

FROM: CONNER PROCHASKA
CHIEF COMMERCIALIZATION OFFICER
DIRECTOR, OFFICE OF TECHNOLOGY TRANSITIONS

SUBJECT: GUIDANCE FOR COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS (CRADA) FINAL REPORTS

This memorandum and appendix address the Office of Inspector General recommendation #5 resulting from its March 2018 audit: "Follow-up on Cooperative Research and Development Agreements at National Laboratories" (DOE-OIG-18-22), that the U.S. Department of Energy (DOE) clarify the guidance regarding the sufficiency and timing of final CRADA reports, involving DOE and NNSA Laboratories and Facilities (DOE Labs). The DOE CRADA Order, DOE 483.1B, requires a CRADA Final Report for each CRADA upon completion or termination, and provides direction regarding time-limited protection of information generated under the CRADA.

Through this memorandum and appendix, DOE provides guidance to help ensure complete and timely Final Reports for all CRADA projects performed by DOE Labs are prepared for, and timely submitted to, the Office of Science and Technical Information (OSTI). CRADA Final Reports are to be produced in compliance with all relevant statutory, regulatory and directive requirements set forth for publication of the results of work at the DOE Labs, including those referenced in DOE O 241.1B and it's referenced Orders. The attached template has been developed by OTT in consultation with DOE field and program offices to assist the DOE Labs in drafting CRADA Final Reports. CRADAs will set forth that the Parties agree to produce a final report upon completion or termination of the CRADA and provide to DOE Office of Scientific and Technical Information

(OSTI), per the CRADA Order. As a deliverable, it must be completed prior to the CRADA's end date. DOE Lab staff producing CRADA Final Reports must be mindful of the importance of timely submittal of reports and appropriate handling of content that may be subject to CRADA protected information, export controlled information, and other restrictions, as applicable.

Comprehensive and consistent reporting of CRADA research results enables full use by the research and development community, U.S. industry, and the general public. Since the reports are often the only product of the DOE and taxpayer investment, efforts to ensure availability of appropriate substance shall be viewed as a direct and integral part of the work. The goal of this guidance is to ensure that technology transfer activities are transparent and utilized broadly, as required by Order.[1] DOE plans periodic review of the effectiveness of this guidance, to ensure these goals are being achieved. As deemed appropriate, DOE will update the CRADA Order.

DISTRIBUTION:

Site/Field Office Managers
Laboratory Operations Board
Technology Transfer Working Group
Technology Transfer Policy Board
Office of Scientific and Technical Information

[1] DOE O 241.1B Chg 1 (Admin Chg), Scientific and Technical Information Management

Appendix A. Sample CRADA Final Report Template

Cooperative Research and Development Agreement Final Report

Report Date:

In accordance with Requirements set forth in the terms of the CRADA, this document is the CRADA Final Report, including a list of Subject Inventions. It is to be forwarded to the DOE Office of Scientific and Technical Information upon completion or termination of the CRADA, as part of the commitment to the public to demonstrate results of federally funded research.

Parties to the Agreement:

CRADA number:

CRADA Title:

Responsible Technical Contact at DOE Lab:

Name and Email Address of POC at Company:

Sponsoring DOE Program Office(s):

Joint Work Statement Funding Table showing DOE funding commitment:

Executive Summary of CRADA Work: Includes a discussion of 1) how the research adds to the understanding of the area investigated; 2) the technical effectiveness of the materials, methods or techniques investigated or demonstrated, and their economic feasibility, if known; and 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.

Summary of Research Results:

- INCLUDE, IF APPLICABLE: "This product contains Protected CRADA Information, which was produced on [DATE] under CRADA No. [##-####] and is not to be further

disclosed for a period of [up to and not to exceed] five (5) years from the date it was produced except as expressly provided for in the CRADA."

- Summarize project activities for the entire period of performance, including original hypotheses, approaches used, problems encountered, any departure from planned methodology, and an assessment of their impact on the project results. Incorporate technical data, *e.g.* facts, figures, analyses, and assumptions used during the life of the project to support the technical conclusions of the work. It is acceptable to incorporate the technical data by reference to other publicly available sources, such as a publications or other reports, but not websites. Provide a comparison of the actual accomplishments with the goals and objectives of the project. Where possible, the summary should cover each task listed in the Statement of Work (SOW) and should note any deviations from the project plan, or lack of technical data.
- Provide a detailed list of all subject inventions, to include patent applications, copyrights, and trademarks. Patents and patent applications are to include the title and inventor(s) names. When copyright is asserted, the Government license should be included on the cover page of the Final Report.
- Identify products, potential applications, and technology transfer activities developed under the CRADA, including those completed and anticipated at the time of the report. These include, but are not limited to: 1) publications (provide journal name, volume, issue, Digital Object Identifier), conference papers, or other public releases of results; 2) networks or collaborations fostered; 3) technologies/techniques/methodologies; 4) intellectual property, to include subject inventions, published patent applications, copyright applications, copyrights, trademark applications, and trademarks; and 5) other products that reflect the results of the project, such as commercial products, internet sites, data or databases, physical collections, audio or video, software, models, educational aid or curricula, and instruments or equipment.

Note: Recommended characteristics of Scientific and Technical Information reports can be found at https://www.osti.gov/stip/attributes