



DATE: June 27, 2005
TO: Procurement Directors
FROM: Office of Procurement and Assistance Policy, ME-61
Office of Procurement and Assistance Management

SUBJECT: Financial Assistance Letter Number 2005-03 – Eligibility Determination Required by Section 2306 of the Energy Policy Act

SUMMARY: This Policy Flash distributes Financial Assistance Letter (FAL) No. 2005-03 - Eligibility Determination Required by Section 2306 of the Energy Policy Act.

POLICY FLASH 2005-39

This FAL updates and simplifies the requirements in FAL 96-02 and supplements the guidance in 10 CFR 600, Subpart F, entitled "Eligibility Determination for Certain Financial Assistance Programs – General Statement of Policy." Subpart F implements the requirements of section 2306 of the Energy Policy Act (EPACT) of 1992.

The major changes to the previous guidance are:

- The eligibility requirements are no longer applicable to awards that are equal to or less than \$100,000. Therefore, the EPACT Representation form for awards under \$100,000 has been eliminated.
- The HCA can now rely upon available information in making a determination that a foreign-owned parent company satisfies the reciprocity requirements of 20 CFR 600.502(b)(2). If the HCA is unable to make a determination based on available information, he/she may seek the assistance of the U.S. Trade Representative through the Office of the Assistant General Counsel for Technology Transfer and Intellectual Property.

Questions concerning this Policy Flash should be directed to Trudy Wood at (202) 287-1336.



Michael P. Fischetti, Acting Director
Office of Procurement and
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Attachment