

APPROVED

COMMITTEE ON OVERSIGHT OF THE
DEPARTMENT OF ENERGY LABORATORIES

July 16, 2009

TO THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

1. **CONFIRMATION OF APPOINTMENT OF A. PAUL ALIVISATOS AS
INTERIM DIRECTOR, LAWRENCE BERKELEY NATIONAL LABORATORY**

The Committee recommends confirmation of the appointment of A. Paul Alivisatos as Interim Laboratory Director, Lawrence Berkeley National Laboratory. This interim appointment was made pursuant to Standing Order 100.2 (e), and approved by President Yudof on January 21, 2009.

The University has requested Department of Energy's approval of the total compensation and the appointment of the Interim Laboratory Director. DOE has approved the appointment but its approval of the compensation is still pending. As provided under the University's contract with DOE, any compensation amount approved by the Regents that is over the compensation amount approved by DOE will be paid from the fee earned under the contract.

2. **AUTHORIZATION TO APPROVE AND EXECUTE MODIFICATION TO THE
DEPARTMENT OF ENERGY CONTRACT FOR THE LAWRENCE BERKELEY
NATIONAL LABORATORY AS A RESULT OF CHANGES TO THE FEDERAL
ACQUISITION REGULATIONS AND THE DEPARTMENT OF ENERGY
ACQUISITION REGULATIONS**

The Committee recommends that the President be authorized to execute a modification to the provisions of Lawrence Berkeley National Laboratory contract DE-AC02-05CH11231 in order to incorporate clause updates and one clause deletion.

3. **RESOLUTION REGARDING ACCESS TO CLASSIFIED INFORMATION FOR
INDIVIDUAL REGENTS**

The President recommends that the Regents adopt the following resolution pertaining to the University's respective Department of Defense and Department of Energy Facility Security Clearances, as follows:

WHEREAS, current Department of Defense and Department of Energy Regulations contain a provision making it mandatory that the Chairman of the Board, Chief Executive Officer, and those other officers and officials who are to have access to classified information meet the personnel clearance requirements established for a contractor's facility clearance; and

WHEREAS, said Regulations permit the exclusion from the personnel clearance requirements of certain members of the Board of Regents, provided that this action is recorded in the University Regents' Board Minutes;

NOW, THEREFORE, BE IT DECLARED that the Chairman of the Board, at least an official quorum of the Board of Regents, and the Chief Executive Officer at the present time do possess, or will be processed for, the required security clearance; and

BE IT RESOLVED that in the future, when any individual enters upon any duties as Chairman of the Board, as a replacement for one of the cleared quorum of the Board, or as the Chief Executive Officer, such individual shall immediately make application for the required security clearance; and

BE IT RESOLVED FURTHER that the following members of the Board of Regents shall not require, shall not have, and shall be effectively excluded from access to all classified information in the possession of the Corporation and that the following members do not occupy a position that would enable them to affect adversely Corporate policies or practices in the performance of classified contracts for the Department of Defense, U.S. Department of Energy or contracts with other Federal User Agencies of the National Industrial Security Program:

<u>NAME</u>	<u>TITLE</u>
Jesse Bernal	Regent
Hadi Makarechian	Regent
Yolanda Nunn Gorman	Regent