

Approved

COMMITTEE ON OVERSIGHT OF THE DEPARTMENT OF ENERGY LABORATORIES
July 19, 2007

TO THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

The Committee presents the following from its meeting of July 19, 2007

**A. AUTHORIZATION FOR APPROVAL OF CONTRACT CLOSEOUT
AUTHORITY FOR CONTRACT W-7405-ENG-48 FOR THE OPERATION OF
LAWRENCE LIVERMORE NATIONAL LABORATORY BETWEEN
SEPTEMBER 2, 1952 AND SEPTEMBER 30, 2007**

The Committee recommends that the President be authorized to take such actions as may be required to perform a termination of contract W-7405-ENG-48 for the management and operation of the Lawrence Livermore National Laboratory between September 2, 1952 and September 30, 2007, including but not limited to execution of amendments and revisions of the contract during closeout, agreements to transfer obligations, and entering into final settlements of any outstanding claims by or against the University; provided however, nothing in this action authorizes the President to make any changes to the University of California retirement program.

**B. APPOINTMENTS TO THE EXECUTIVE COMMITTEE OF THE BOARD OF
GOVERNORS OF LAWRENCE LIVERMORE NATIONAL SECURITY, LLC,
AND INDEMNIFICATION OF APPOINTEES**

The Committee recommends approval of the appointments of Executive Vice President Bruce B. Darling and Mr. William R. Frazer as permanent Governors of the Executive Committee of the Board of Governors of the limited liability company known as Lawrence Livermore National Security, LLC (LLNS); and that (1) these two individuals be indemnified against claims and liabilities that may arise in the course and scope of their service as Governors to the same extent as is permitted by California law and University policy, and (2) the President be authorized to negotiate appropriate compensation for Mr. Frazer's service, not to exceed \$60,000 per annum, and to issue any terms of appointment necessary to implement the appointments and such indemnifications.

C. AUTHORIZATION TO APPROVE AND EXECUTE MODIFICATION TO THE DEPARTMENT OF ENERGY CONTRACT FOR THE LAWRENCE BERKELEY NATIONAL LABORATORY TO AMEND CLAUSE

The Committee recommends that the President be authorized to execute a modification to the provisions of LBNL contract DE-AC02-05CH11231 in order to modify *Clause F.2 Award Term Incentive (Special)*.

D. APPROVAL OF RESOLUTION TO EXCLUDE ACCESS TO CLASSIFIED INFORMATION FOR A REGENT

The Committee recommends the adoption of 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 member 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 does not occupy a position that would enable him 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:

NAME
Benjamin Allen

TITLE
Regent