

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE

PAGE OF PAGES

1 | 3

2. AMENDMENT/MODIFICATION NO. M178	3. EFFECTIVE DATE See block 16C	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY CODE U.S. Department of Energy Brookhaven Site Office 53 Bell Avenue, Building 464 Upton, NY 11974-5000		7. ADMINISTERED BY (If other than Item 6) Code	

8. NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) Brookhaven Science Associates, LLC 25 Brookhaven Avenue Building 460 Upton, New York 11973-5000	(✓)	9.A. AMENDMENT OF SOLICITATION NO.
		9.B. DATED (SEE ITEM 11)
	X	10.A. MODIFICATION OF Contract/Order NO. DE-AC02-98CH10886
		10.B. DATED (SEE ITEM 13) 01/05/1998
CODE N/A	FACILITY CODE N/A	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning ___ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. **FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.** If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

N/A

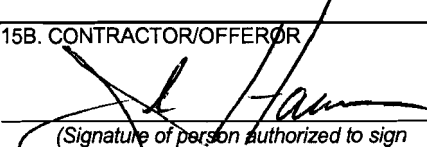
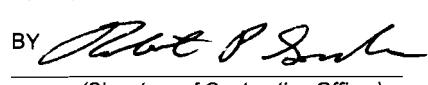
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Secretarial Direction and mutual agreement of the parties.
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section heading, including solicitation/contract subject matter where feasible.)

The purpose of this Modification is to Revise Part II Section I – Contract Clauses, Table of Contents; Revise Clause I.54, Submission of Transportation Documents; Add Clause I.56A, Indemnification Under Public Law 85-804 (APR 1984); Revise Clause I.104, Obligations of Funds; Revise Part III Section J – List of Documents, Exhibits and Other Attachments; Revise Appendix C, Special Financial Institution Account; Replace Appendix E, Key Personnel; Replace Appendix I, DOE Directives; and Replace Appendix L, Computation of Fee for FY 2006 and FY 2007 to indicate the fee determination for each year.

15A. NAME AND TITLE OF SIGNER (Type or print) John Hauser Chief Financial Officer		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Robert P. Gordon Contracting Officer	
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 2/13/08	16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)	16C. DATE SIGNED 2-13-08

Said contract, as modified previously, is hereby further modified as follows:

- 1. Part II, Section I – Contract Clauses, Table of Contents:** This section is updated to reflect the addition of Clause I.56A.
- 2. Clause I.54 – FAR 52.247-67 Submission of Transportation Documents for Audit (Feb 2006):** This clause has been revised to update the GSA address. Therefore, annotate the clause with the most current address as follows:

*U.S. General Services Administration
QMCA, Third Floor
Transportation and Property Management
Audit Branch
2200 Crystal Drive
Arlington, VA 22202*

- 3. Clause I.56A – FAR 52.250-1 Indemnification Under Public Law 85-804 (APR 1984) Alternate I (Apr 1984) (Deviation):** Clause I.56A is hereby added to this contract. The specific language is provided herein as an attachment.
- 4. Clause I.104 - OBLIGATION OF FUNDS:** The first sentence of paragraph (a) is revised to read as follows: "The amount presently obligated by the Government with respect to this Contract is \$4,562,603,649.82."
- 5.** The following is a history of the change in the obligated amount since the last M Modification that updated Clause I.104.

PRIOR OBLIGATION M175	\$ 4,494,535,568.87
INCREASE IN MOD A176	\$ 68,068,080.95
ADMINISTRATIVE CHANGE MOD A177	\$ <u>00.00</u>

CURRENT TOTAL OBLIGATION: \$4,562,603,649.82

- 6. Part III, List of Documents, Exhibits and Other Attachments, Section J, Table of Contents:** The Table of Contents is revised to reflect the change to **J.12, Appendix L**; the Computation of Fee for 2006 is now identified as "FY 2006 Mod M178," the Computation of Fee for 2007 is now identified as "FY 2007 Mod M178."
- 7. Attachment J.3, Appendix C, Special Financial Institution Account** – Appendix C was revised to add a "History of Amendments Page", after the title page. Therefore, replace the prior title page with the M178 title page and "History" page attached herein.

Attachment J.5, Appendix E, Key Personnel – The Key Personnel list identified in Modification M171 has been revised as follows:

- Dr. Ralph James was replaced with Dr. Creighton Wirick* and the title of the position was changed to Interim Associate Laboratory Director for Energy, Environment & National Security
- Michael Bebon, listed as Interim Assistant Laboratory Director for Environment, Safety and Health was replaced with Dr. Carol Parnell, who was named as the Assistant Laboratory Director for Environment, Safety and Health
- The asterisk after Dr. James Misewich was removed and the title was changed to Associate Laboratory Director for Basic Energy Sciences

Therefore, replace the prior list with the attached Key Personnel list, identified as Modification M178.

9. Attachment J.9, Appendix I – DOE Directives: The DOE Directives list identified as Modification M175 has been revised; replaced the prior version with the attached Appendix I, identified as Modification M178. The revisions are as follows:

- (a) Notice 206.5 – CRD - RESPONSE AND NOTIFICATION PROCEDURES FOR DATA BREACHES INVOLVING PERSONALLY IDENTIFIABLE INFORMATION – added.
- (b) Order 433.1A – MAINTENANCE MANAGEMENT PROGRAM FOR DOE NUCLEAR FACILITIES – added.
Cancels: Order 433.1.
- (c) Order 420.1B – FACILITY SAFETY – added.
Cancels: Order 420.1A.
- (d) Manual 470.4-4 Change 1 – INFORMATION SECURITY – Change 1 added.
- (e) Order 5560.1A – PRIORITIES AND ALLOCATIONS PROGRAM – removed.
- (f) Order 135.1 – BUDGET EXECUTION FUNDS DISTRIBUTION AND CONTROL – removed.
- (g) Manual 573.1-1 – MAIL SERVICES USER'S MANUAL – cancelled by Guide 573.1-1.

In addition, the date for Order 475.1 was corrected to 12/10/04.

10.Attachment J.12, Appendix L – Computation of Fee: This section has been revised to annotate the earned fee determination to Appendix L and to provide a history of the changes to the cover page, once the fee has been determined. Therefore, prior versions of the FY 2006 and FY 2007 Computation of Fee are replaced with the current annotated version identified as “FY 2006 Mod M178” and “FY 2007 Mod M178” attached herein.

Attachments:

Part II, Section I – Contract Clauses, Table of Contents
Clause I.56A - FAR 52.250-1 (Indemnification under PL 85-804)
Part III, Section J, List of Documents, Exhibits and Other Attachments, Table of Contents
Section J, Attachment J.3, Appendix C – Special Financial Institution Account (pages 1-2)
Section J, Attachment J.5, Appendix E – Key Personnel
Section J, Attachment J.9, Appendix I - DOE Directives
Section J, Attachment J.12, Appendix L – Computation of Fee FY 2006
Section J, Attachment J.12, Appendix L – Computation of Fee FY 2007

PART II

SECTION I

CONTRACT CLAUSES

TABLE OF CONTENTS

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.1	FAR 52.202-1	DEFINITIONS (JUL 2004)	I-1
I.2	FAR 52.203-3	GRATUITIES (APR 1984)	I-1
I.3	FAR 52.203-5	COVENANT AGAINST CONTINGENT FEES (APR 1984)	I-2
I.4	FAR 52.203-6	RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT (SEPT 2006)	I-3
I.5	FAR 52.203-7	ANTI-KICKBACK PROCEDURES (JUL 1995)	I-3
I.6	FAR 52.203-8	CANCELLATION, RESCISSION, AND RECOVERY OF FUNDS FOR ILLEGAL OR IMPROPER ACTIVITY (JAN 1997)	I-5
I.7	FAR 52.203-10	PRICE OR FEE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY (JAN 1997)	I-6
I.8	FAR 52.203-12	LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (SEPT 2007)	I-7
I.9	FAR 52.204-4	PRINTED OR COPIED DOUBLE-SIDED ON RECYCLED PAPER (AUG 2000)	I-12
I.9A	FAR 52.204-7	CENTRAL CONTRACTOR REGISTRATION (JUL 2006)	I-14
I.9B	FAR 52-204-9	PERSONAL IDENTITY VERIFICATION OF CONTRACTOR PERSONNEL (SEP 2007)	I-17

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.9C	FAR 52.208-8	REQUIRED SOURCES FOR HELIUM AND HELIUM USAGE DATA (APR 2002)	I-17
I.10	FAR 52.209-6	PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (SEPT 2006)	I-18
I.11	FAR 52.211-5	MATERIAL REQUIREMENTS (AUG 2000)	I-19
I.12	FAR 52.215-8	ORDER OF PRECEDENCE - UNIFORM CONTRACT FORMAT (OCT 1997)	I-20
I.13	FAR 52.215-12	SUBCONTRACTOR COST OR PRICING DATA (OCT 1997)	I-20
I.14	FAR 52.215-13	SUBCONTRACTOR COST OR PRICING DATA--MODIFICATIONS (OCT 1997)	I-21
I.14A	FAR 52.219-4	NOTICE OF PRICE EVALUATION FOR HUBZONE SMALL BUSINESS CONCERNS (JUL 2005)	I-22
I.15	FAR 52.219-8	UTILIZATION OF SMALL BUSINESS CONCERNS (MAY 2004)	I-23
I.16	FAR 52.219-9	SMALL BUSINESS SUBCONTRACTING PLAN (NOV 2007)	I-25
I.17	FAR 52.219-16	LIQUIDATED DAMAGES - SUB-CONTRACTING PLAN (JAN 1999)	I-33
I.18	FAR 52.219-25	SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM-DISADVANTAGED STATUS AND REPORTING (OCT 1999)	I-34
I.19	FAR 52.222-1	NOTICE TO THE GOVERNMENT OF LABOR DISPUTES (FEB 1997)	I-35
I.20	FAR 52.222-3	CONVICT LABOR (JUN 2003)	I-35
I.21	FAR 52.222-4	CONTRACT WORK HOURS AND SAFETY STANDARDS ACT - OVERTIME COMPENSATION (JUL 2005)	I-36

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.22	FAR 52.222-11	SUBCONTRACTS (LABOR STANDARDS) (JUL 2005)	I-37
I.23	FAR 52.222-21	PROHIBITION OF SEGREGATED FACILITIES (FEB 1999)	I-39
I.24	FAR 52.222-26	EQUAL OPPORTUNITY (MAR 2007)	I-39
I.25	FAR 52.222-29	NOTIFICATION OF VISA DENIAL (JUN 2003)	I-42
I.26	FAR 52.222-35	EQUAL OPPORTUNITY FOR SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS (SEPT 2006)	I-42
I.27	FAR 52.222-36	AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES (JUN 1998)	I-47
I.28	FAR 52.222-37	EMPLOYMENT REPORTS ON SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS (SEPT 2006)	I-49
I.28A	FAR 52.222-39	NOTIFICATION OF EMPLOYEE RIGHTS CONCERNING PAYMENT OF UNION DUES OR FESS (DEC 2004)	I-50
I.28B	FAR 52.222-50	COMBATING TRAFFICKING IN PERSONS (AUG 2007)	I-53
I.28C	FAR 52.223-3	HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA (JAN 1997) (ALT I JUL 1995)	I-55
I.29	FAR 52.223-5	POLLUTION PREVENTION AND RIGHT-TO-KNOW INFORMATION (AUG 2003) (ALTERNATE I)(AUG 2003)	I-57
I.29A	FAR 52.223-10	WASTE REDUCTION PROGRAM (AUG 2000)	I-58
I.29B	FAR 52.223-7	NOTICE OF RADIOACTIVE MATERIALS (JAN 1997)	I-58
I.29C	FAR 52.223-11	OZONE-DEPLETING SUBSTANCES (MAY 2001)	I-59

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.30	FAR 52.223-12	REFRIGERATION EQUIPMENT AND AIR CONDITIONERS (MAY 1995)	I-60
I.30A	FAR 52.223-14	TOXIC CHEMICAL RELEASE REPORTING (AUG 2003)	I-60
I.31	FAR 52.224-1	PRIVACY ACT NOTIFICATION (APR 1984)	I-62
I.32	FAR 52.224-2	PRIVACY ACT (APR 1984)	I-62
I.33	FAR 52.225-1	BUY AMERICAN ACT--SUPPLIES (JUN 2003) (DEVIATION)	I-63
I.33A	FAR 52.225-8	DUTY-FREE ENTRY (FEB 2000)	I-64
I.34	FAR 52.225-9	BUY AMERICAN ACT--CONSTRUCTION MATERIALS (JAN 2005)	I-67
I.35	FAR 52.225-13	RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (FEB 2006)	I-70
I.36	FAR 52.226-1	UTILIZATION OF INDIAN ORGANIZATIONS AND INDIAN-OWNED ECONOMIC ENTERPRISES (JUN 2000)	I-71
I.36A	FAR 52.227-10	FILING OF PATENT APPLICATIONS – CLASSIFIED SUBJECT MATTER (DEC 2007)	I-72
I.37	FAR 52.229-8	TAXES -- FOREIGN COST-REIMBURSEMENT CONTRACTS (MAR 1990)	I-73
I.38	FAR 52.230-2	COST ACCOUNTING STANDARDS (APR 1998)	I-74
I.39	FAR 52.230-6	ADMINISTRATION OF COST ACCOUNTING STANDARDS (APR 2005)	I-76
I.40	FAR 52.232-17	INTEREST (JUN 1996)	I-86
I.41		RESERVED	I-87
I.42	FAR 52.232-24	PROHIBITION OF ASSIGNMENT OF CLAIMS (JAN 1986)	I-87

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.43	FAR 52.233-1	DISPUTES (JULY 2002) (ALTERNATE I) (DEC 1991)	I-87
I.44	FAR 52.233-3	PROTEST AFTER AWARD (AUG 1996) (ALTERNATE I) (JUNE 1985)	I-89
I.44A	FAR 52.233-4	APPLICABLE LAW FOR BREACH OF CONTRACT CLAIM (OCT 2004)	I-90
I.45	FAR 52.236-8	OTHER CONTRACTS (APR 1984)	I-90
I.46	FAR 52.237-3	CONTINUITY OF SERVICES (JAN 1991)	I-90
I.47	FAR 52.242-1	NOTICE OF INTENT TO DISALLOW COSTS (APR 1984)	I-91
I.48	FAR 52.242-13	BANKRUPTCY (JUL 1995)	I-91
I.49	FAR 52.244-5	COMPETITION IN SUBCONTRACTING (DEC 1996)	I-92
I.50	FAR 52.244-6	SUBCONTRACTS FOR COMMERCIAL ITEMS (MAR 2007)	I-92
I.51	FAR 52.247-1	COMMERCIAL BILL OF LADING NOTATIONS (FEB 2006)	I-93
I.52	FAR 52.247-63	PREFERENCE FOR U.S. FLAG AIR CARRIERS (JUN 2003)	I-94
I.53	FAR 52.247-64	PREFERENCE FOR PRIVATELY OWNED U.S.-FLAG COMMERCIAL VESSELS (FEB 2006)	I-95
I.54	FAR 52.247-67	SUBMISSION OF TRANSPORTATION DOCUMENTS FOR AUDIT (FEB 2006)	I-97
I.55	FAR 52.249-6	TERMINATION (COST-REIMBURSEMENT) (MAY 2004); MODIFIED BY DEAR 970.4905-1	I-98
I.56	FAR 52.249-14	EXCUSABLE DELAYS (APR 1984)	I-103
I.56A	FAR 52.250-1	INDEMNIFICATION UNDER PUBLIC LAW 85-804 (APR 1984) ALTERNATE I (APR 1984) (DEVIATION)	I-104

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.57	FAR 52.251-1	GOVERNMENT SUPPLY SOURCES (APR 1984) (DEVIATION)	I-106
I.58	FAR 52.251-2	INTERAGENCY FLEET MANAGEMENT SYSTEM VEHICLES AND RELATED SERVICES (JAN 1991)	I-106
I.59	FAR 52.252-6	AUTHORIZED DEVIATIONS IN CLAUSES (APR 1984)	I-107
I.60	FAR 52.253-1	COMPUTER GENERATED FORMS (JAN 1991)	I-107
I.61	DEAR 952.203-70	WHISTLEBLOWER PROTECTION FOR CONTRACTOR EMPLOYEES (DEC 2000)	I-107
I.62	DEAR 952.204-2	SECURITY (MAY 2002)	I-108
I.63	DEAR 952.204-70	CLASSIFICATION/DECLASSIFICATION (SEPT 1997)	I-110
I.63A	DEAR 952.204-71	SENSITIVE FOREIGN NATIONS CONTROLS (APR 1994)	I-111
I.64	DEAR 952.204-75	PUBLIC AFFAIRS (DEC 2000)	I-112
I.65	DEAR 952.208-7	TAGGING OF LEASED VEHICLES (APR 1984)	I-113
I.66	DEAR 952.209-72	ORGANIZATIONAL CONFLICTS OF INTEREST (JUN 1997) (ALTERNATE I) (JUN 1997)	I-113
I.67	DEAR 952.211-71	PRIORITIES AND ALLOCATIONS (DOMESTIC ENERGY SUPPLIES) (ALTERNATE I) (JUN 1996)	I-116
I.68	DEAR 952.211-71	PRIORITIES AND ALLOCATIONS (ATOMIC ENERGY) (JUN 1996)	I-116
I.69	DEAR 952.215-70	KEY PERSONNEL (DEC 2000)	I-117
I.70	DEAR 952.217-70	ACQUISITION OF REAL PROPERTY (APR 1984)	I-117
I.71	DEAR 952.223-75	PRESERVATION OF INDIVIDUAL OCCUPATIONAL RADIATION EXPOSURE RECORDS (APR 1984)	I-118
I.72	DEAR 952.224-70	PAPERWORK REDUCTION ACT (APR 1994)	I-118

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.73	DEAR 952.226-74	DISPLACED EMPLOYEE HIRING PREFERENCE (JUN 1997)	I-118
I.73A	DEAR 952.242-70	TECHNICAL DIRECTION (DEC 2000)	I-119
I.73B	DEAR 952.235-71	RESEARCH MISCONDUCT (JUL 2005)	I-120
I.74	DEAR 952.250-70	NUCLEAR HAZARDS INDEMNITY AGREEMENT (JUN 1996)	I-124
I.74A	DEAR 952.250-70	NUCLEAR HAZARDS INDEMNITY AGREEMENT (OCT 2005)	I-128
I.75	DEAR 952.251-70	CONTRACTOR EMPLOYEE TRAVEL DISCOUNTS (DEC 2000)	I-133
I.76	DEAR 970.5203-1	MANAGEMENT CONTROLS (JUN 2007) (DEVIATION)	I-134
I.77	DEAR 970.5203-2	PERFORMANCE IMPROVEMENT AND COLLABORATION (MAY 2006)	I-135
I.78	DEAR 970.5203-3	CONTRACTOR'S ORGANIZATION (DEC 2000) (DEVIATION)	I-136
I.78A	DEAR 970.5204-1	COUNTERINTELLIGENCE (DEC 2000)	I-137
I.79	DEAR 970.5204-2	LAWS, REGULATIONS, AND DOE DIRECTIVES (DEC 2000) (DEVIATION)	I-137
I.80	DEAR 970.5204-3	ACCESS TO AND OWNERSHIP OF RECORDS (JUL 2005)	I-138
I.81	DEAR 970.5208-1	PRINTING (DEC 2000)	I-140
I.81A	DEAR 970.5211-1	WORK AUTHORIZATION (MAY 2007)	I-141
I.82	DEAR 970.5215-1	TOTAL AVAILABLE FEE: BASE FEE AMOUNT AND PERFORMANCE FEE AMOUNT (DEC 2000) (ALTERNATES II AND III) (DEC 2000)	I-142

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.83	DEAR 970.5215-3	CONDITIONAL PAYMENT OF FEE, PROFIT, AND OTHER INCENTIVES – FACILITY MANAGEMENT CONTRACTS (JAN 2004)	I-145
I.83A	DEAR 970.5217-1	WORK FOR OTHERS PROGRAM (NON-DOE FUNDED WORK) (JAN 2005)	I-153
I.84	DEAR 970.5222-1	COLLECTIVE BARGAINING AGREEMENTS - MANAGEMENT AND OPERATING CONTRACTS (DEC 2000)	I-155
I.85	DEAR 970.5222-2	OVERTIME MANAGEMENT (DEC 2000)	I-155
I.86	DEAR 970.5223-1	INTEGRATION OF ENVIRONMENT, SAFETY, AND HEALTH INTO WORK PLANNING AND EXECUTION (DEC 2000)	I-156
I.87	DEAR 970.5223-2	AFFIRMATIVE PROCUREMENT PROGRAM (MAR 2003)	I-159
I.88	DEAR 970.5223-4	WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES (DEC 2000)	I-160
I.88A	DEAR 970.5223-5	DOE MOTOR VEHICLE FLEET FUEL EFFICIENCY (OCT 2003)	I-161
I.89	DEAR 970.5226-1	DIVERSITY PLAN (DEC 2000)	I-161
I.89A	DEAR 970.5226-2	WORKFORCE RESTRUCTURING UNDER SECTION 3161 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993 (DEC 2000)	I-162
I.90	DEAR 970.5226-3	COMMUNITY COMMITMENT (DEC 2000)	I-162
I.91	DEAR 970.5227-2	RIGHTS IN DATA - TECHNOLOGY TRANSFER (DEVIATION JULY 2006 – AL 2006-10)	I-162
I.92	DEAR 970.5227-3	TECHNOLOGY TRANSFER MISSION (DEVIATION JULY 2006 – AL 2006-10; ALTERNATE I)	I-178
I.93	DEAR 970.5227-4	AUTHORIZATION AND CONSENT (AUG 2002)	I-191
I.94	DEAR 970.5227-5	NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (AUG 2002)	I-192

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.95	DEAR 970.5227-6	PATENT INDEMNITY - SUBCONTRACTS (DEC 2000)	I-192
I.96	DEAR 970.5227-8	REFUND OF ROYALTIES (AUG 2002)	I-193
I.97	DEAR 970.5227-10	PATENT RIGHTS - MANAGEMENT AND OPERATING CONTRACTS, NONPROFIT ORGANIZATION OR SMALL BUSINESS FIRM CONTRACTOR (AUG 2002)	I-194
I.98	DEAR 970.5228-1	INSURANCE--LITIGATION AND CLAIMS (MAR 2002) (DEVIATION)	I-208
I.99	DEAR 970.5229-1	STATE AND LOCAL TAXES (DEC 2000)	I-211
I.100	DEAR 970.5231-4	PREEXISTING CONDITIONS (DEC 2000) (DEVIATION)	I-212
I.101	DEAR 970.5232-1	REDUCTION OR SUSPENSION OF ADVANCE, PARTIAL, OR PROGRESS PAYMENTS (DEC 2000)	I-213
I.102	DEAR 970.5232-2	PAYMENTS AND ADVANCES (DEC 2000) (ALTERNATES II AND III) (DEC 2000) (DEVIATION)	I-213
I.103	DEAR 970.5232-3	ACCOUNTS, RECORDS, AND INSPECTION (JUN 2007)	I-217
I.104	DEAR 970.5232-4	OBLIGATION OF FUNDS (DEC 2000)	I-220
I.105	DEAR 970.5232-5	LIABILITY WITH RESPECT TO COST ACCOUNTING STANDARDS (DEC 2000)	I-222
I.106	DEAR 970.5232-6	WORK FOR OTHERS FUNDING AUTHORIZATION (DEC 2000)	I-222
I.107	DEAR 970.5232-7	FINANCIAL MANAGEMENT SYSTEM (DEC 2000)	I-223
I.108	DEAR 970.5232-8	INTEGRATED ACCOUNTING (DEC 2000)	I-223
I.109	DEAR 970.5235-1	FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER SPONSORING AGREEMENT (DEC 2000)	I-223

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.110	DEAR 970.5236-1	GOVERNMENT FACILITY SUBCONTRACT APPROVAL (DEC 2000) (DEVIATION)	I-224
I.111		RESERVED	I-224
I.112	DEAR 970.5242-1	PENALTIES FOR UNALLOWABLE COSTS (DEC 2000)	I-224
I.113	DEAR 970.5243-1	CHANGES (DEC 2000)	I-225
I.114	DEAR 970.5244-1	CONTRACTOR PURCHASING SYSTEM (MAY 2006) (includes modifications in final rule dated 3/31/06) (DEVIATION)	I-226
I.115	DEAR 970.5245-1	PROPERTY (DEC 2000) (ALTERNATE I)	I-232

**CLAUSE I.54 - FAR 52.247-67 -- SUBMISSION OF TRANSPORTATION DOCUMENTS
FOR AUDIT (FEB 2006)**

- (a) The Contractor shall submit to the address identified below, for prepayment audit, transportation documents on which the United States will assume freight charges that were paid
- (1) By the Contractor under a cost-reimbursement contract; and
 - (2) By a first-tier subcontractor under a cost-reimbursement subcontract thereunder.
- (b) Cost-reimbursement Contractors shall only submit for audit those bills of lading with freight shipment charges exceeding \$100. Bills under \$100 shall be retained on-site by the Contractor and made available for on-site audits. This exception only applies to freight shipment bills and is not intended to apply to bills and invoices for any other transportation services.
- (c) Contractors shall submit the above referenced transportation documents to—
- U.S. General Services Administration
QMCA, Third Floor
Transportation and Property Management
Audit Branch
2200 Crystal Drive
Arlington, VA 22202

CLAUSE I.56A - FAR 52.250-1 INDEMNIFICATION UNDER PUBLIC LAW 85-804 (APR 1984) ALTERNATE I (APR 1984) (DEVIATION)

- (a) "Contractor's principal officials," as used in this clause, means directors, officers, managers, superintendents, or other representatives supervising or directing –
- (1) All or substantially all of the Contractor's business;
 - (2) All or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed; or
 - (3) A separate and complete major industrial operation in connection with the performance of this contract.
- (b) Under Public Law 85-804 (50 U.S.C. 1431-1435) and Executive Order 10789, as amended, and regardless of any other provisions of this contract, the Government shall, subject to the limitations contained in the other paragraphs of this clause, indemnify the Contractor against --
- (1) Claims (including reasonable expenses of litigation or settlement) by third persons (including employees of the Contractor) for death; personal injury; or loss of, damage to, or loss of use of property;
 - (2) Loss of, damage to, or loss of use of Contractor property, excluding loss of profit; and
 - (3) Loss of, damage to, or loss of use of Government property, excluding loss of profit.
- (c) This indemnification applies only to the extent that the claim, loss, or damage (1) arises out of or results from a risk defined in this contract as unusually hazardous or nuclear and (2) is not compensated for by insurance or otherwise. Any such claim, loss, or damage, to the extent that it is within the deductible amounts of the Contractor's insurance, is not covered under this clause. If insurance coverage or other financial protection in effect on the date the approving official authorizes use of this clause is reduced, the Government's liability under this clause shall not increase as a result.
- (d) When the claim, loss, or damage is caused by willful misconduct or lack of good faith on the part of any of the Contractor's principal officials, the Contractor shall not be indemnified for --

- (1) Government claims against the Contractor (other than those arising through subrogation); or
 - (2) Loss or damage affecting the Contractor's property.
- (e) With the Contracting Officer's prior written approval, the Contractor may, in any subcontract under this contract, indemnify the subcontractor against any risk defined in this contract as unusually hazardous or nuclear. This indemnification shall provide, between the Contractor and the subcontractor, the same rights and duties, and the same provisions for notice, furnishing of evidence or proof, and Government settlement or defense of claims as this clause provides. The Contracting Officer may also approve indemnification of subcontractors at any lower tier, under the same terms and conditions. The Government shall indemnify the Contractor against liability to subcontractors incurred under subcontract provisions approved by the Contracting Officer.
- (f) The rights and obligations of the parties under this clause shall survive this contract's termination, expiration, or completion. The Government shall make no payment under this clause unless the agency head determines that the amount is just and reasonable. The Government may pay the Contractor or subcontractors, or may directly pay parties to whom the Contractor or subcontractors may be liable.
- (g) The Contractor shall --
- (1) Promptly notify the Contracting Officer of any claim or action against, or any loss by, the Contractor or any subcontractors that may be reasonably be expected to involve indemnification under this clause;
 - (2) Immediately furnish to the Government copies of all pertinent papers the Contractor receives;
 - (3) Furnish evidence or proof of any claim, loss, or damage covered by this clause in the manner and form the Government requires; and
 - (4) Comply with the Government's directions and execute any authorizations required in connection with settlement or defense of claims or actions.
- (h) The Government may direct, control, or assist in settling or defending any claim or action that may involve indemnification under this clause.

- (i) The cost of insurance (including self-insurance programs) covering a risk defined in this contract as unusually hazardous or nuclear shall not be reimbursed except to the extent that the Contracting Officer has required or approved this insurance. The Government's obligations under this clause are --
 - (1) Excepted from the release required under this contract's clause relating to allowable cost; and
 - (2) Not affected by this contract's Obligation of Funds clause.

- (j) The term "a risk defined in this contract as unusually hazardous or nuclear" as used in this clause means the risk of legal liability to third parties (including legal costs as defined in paragraph (jj) of Section 11 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §2014, notwithstanding the fact that the claim or suit may not arise under section 170 of said act) arising from actions or inactions in the course of the following work performed by the Contractor under this contract:
 - (1) Providing nuclear materials protection, control, and accounting (MPC&A) technical support to DOE in its participation in joint safeguards work under the Agreement Between the U.S. Department of Defense and the Russian Ministry for Atomic Energy Concerning Control, Accounting, and Physical Protection of Nuclear Materials, dated September 2, 1993, and any extension thereof.
 - (2) As requested or approved by the President of the United States, the Secretary of Energy, the Deputy Secretary of Energy, or the Under Secretary of Energy, providing assistance in MPC&A and other nonproliferation activities (including safeguards activities) outside the United States, other than the work identified in (1) above, provided that the request or approval referred to in this subparagraph specifically makes the indemnity provided by this clause applicable thereto.

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF SECTION/CLAUSE
PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS		
J.1		Appendix A - Advance Understandings on Human Resources
J.2		Appendix B - Performance Evaluation and Measurement Plan <ul style="list-style-type: none">• FY 2006 Mod M138• FY 2007 Mod M153• FY 2008 Mod M175
J.3		Appendix C - Special Financial Institution Account
J.4		Appendix D - Budget Program
J.5		Appendix E - Key Personnel
J.6		Appendix F - Reserved
J.7		Appendix G - Purchasing System Requirements
J.8		Appendix H - Small Business Subcontracting Plan <ul style="list-style-type: none">• FY 2006 Mod M144• FY 2007 Mod M159• FY 2008 Mod M175
J.9		Appendix I - DOE Directives/List B
J.10		Appendix J - Treaties and International Agreements/Waived Inventions
J.11		Appendix K - Reserved
J.12		Appendix L - Computation of Fee <ul style="list-style-type: none">• FY 2006 Mod M178• FY 2007 Mod M178• FY 2008 Mod M175
J.13		Appendix M - Contract Guidance for Preparation of Diversity Plan

U.S. Department of Energy
and
Brookhaven Science Associates, LLC

ATTACHMENT J.3
APPENDIX C
SPECIAL FINANCIAL INSTITUTION ACCOUNT

**Applicable to the Operation of
The Brookhaven National Laboratory**

Contract No. DE-AC02-98CH10886
Modification No. M178

APPENDIX C

SPECIAL FINANCIAL INSTITUTION ACCOUNT

History of Amendments

<u>Amendments</u>	<u>Dated</u>
Original Letter of Credit	December 22, 1997
Amendment to Agreement	April 3, 2003
Amendment to Agreement	April 8, 2004
Amendment to Agreement	September 29, 2004
Amendment to Agreement	November 30, 2007

U.S. Department of Energy
and
Brookhaven Science Associates, LLC

ATTACHMENT J.5

APPENDIX E

KEY PERSONNEL

**Applicable to the Operation of
The Brookhaven National Laboratory**

**Contract No. DE-AC02-98CH10886
Modification No. M178**

Appendix E **Key Personnel**

Pursuant to the clause entitled, "Key Personnel," the following positions are considered to be essential to work being performed.

<u>Name</u>	<u>Title</u>
Dr. Samuel Aronson	Director
Mr. Michael Bebon	Deputy Director for Operations
Dr. Doon Gibbs	Deputy Director for Science & Technology
Mr. Lanny Bates	Assistant Laboratory Director, Facilities & Operations
Dr. Steven Dierker	Associate Laboratory Director, Light Sources
Mr. Gregory Fess, J.D.	General Counsel
Mr. John Hauser	Assistant Laboratory Director, Finance
Dr. Fritz Henn	Associate Laboratory Director, Life Sciences
Mr. Leslie M. Hill	Director, Environmental Restoration Projects
Dr. J. Patrick Looney	Assistant Laboratory Director, Policy and Strategic Planning
Ms. Margaret Lynch	Assistant Laboratory Director, Community, Education, Government & Public Affairs
Dr. James Misewich	Associate Laboratory Director, Basic Energy Sciences
Dr. Carol Parnell	Assistant Laboratory Director, ES&H
Dr. Steven Vigdor	Associate Laboratory Director, Nuclear and Particle Physics
Dr. Creighton Wirick*	Interim Associate Laboratory Director, Energy Environment, & National Security

* Positions designated as "Interim" have not been officially approved as Key Personnel by DOE, but reflect the personnel functioning in the position.

Appendix I
Modification No. M178
Supplemental Agreement to
Contract No. DE-AC02-98CH10886

U.S. Department of Energy
and
Brookhaven Science Associates, LLC

ATTACHMENT J.9

APPENDIX I

DOE DIRECTIVES/LIST B

**Applicable to the Operation of
The Brookhaven National Laboratory**

**Contract No. DE-AC02-98CH10886
Modification No. M178**

APPENDIX I

DOE DIRECTIVES

There is no List A to this Appendix.

List B to this Appendix contains two parts as follows:

Part I: "Directives List"

This section contains a list of Directives that are considered by DOE as applicable to the BNL contract.

Part II: "Partial Deletions of Directives"

This section contains a list of Directives that were accepted and implemented by the previous contractor but have subsequently been revised by DOE to remove certain sections.

Appendix I - Part I

CRD=Contractor Requirements Document

DIRECTIVES LIST		
DATE	DOE DIRECTIVE NUMBER	SUBJECT TITLE
2/26/01	N 153.1	CONNECTIVITY TO ATMOSPHERIC RELEASE ADVISORY CAPABILITY
8/11/03	N 153.2	CRD - CONNECTIVITY TO NATIONAL ATMOSPHERIC RELEASE ADVISORY CENTER (NARAC)
10/02/00	N 203.1	CRD - SOFTWARE QUALITY ASSURANCE
11/1/99	N 205.2	CRD - FOREIGN NATIONAL ACCESS TO DOE CYBER SYSTEMS (Extended until 8/12/05 by DOE N 205.14 dated 8/12/04) (Extended until 9/30/06 by DOE N 205.16 dated 9/15/05)
11/23/99	N 205.3	CRD - PASSWORD GENERATION, PROTECTION, AND USE (Extended until 8/12/05 by DOE N 205.14 dated 8/12/04) (Extended until 9/30/06 by DOE N 205.16 dated 9/15/05)
2/11/04	N 205.8	CRD - CYBER SECURITY REQUIREMENTS FOR WIRELESS DEVICES AND INFORMATION SYSTEMS (Extended until 03/18/06 by DOE N 205.15 dated 3/18/05)
2/19/04	N 205.9	CRD – CERTIFICATION AND ACCREDITATION PROCESS FOR INFORMATION SYSTEMS INCLUDING NATIONAL SECURITY SYSTEMS (Extended until 03/18/06 by DOE N 205.15 dated 3/18/05)
2/19/04	N 205.10	CRD – CYBER SECURITY REQUIREMENTS FOR RISK MANAGEMENT (Extended until 03/18/06 by DOE N 205.15 dated 3/18/05)
2/19/04	N 205.11	CRD – SECURITY REQUIREMENTS FOR REMOTE ACCESS TO DOE AND APPLICABLE CONTRACTOR INFORMATION TECHNOLOGY SYSTEMS (Extended until 03/18/06 by DOE N 205.15 dated 3/18/05)
8/12/04	N 205.14	EXTENSION OF DOE DIRECTIVES (N 205.2 and N 205.3)
3/18/05	N 205.15	EXTENSION OF DOE DIRECTIVES – NOTICES 205.8, 205.9, 205.10, 205.11, 205.12
9/15/05	N 205.16	EXTENSION OF DOE DIRECTIVES (N 205.2 and N 205.3)
9/14/05	N 206.3	PERSONAL IDENTITY VERIFICATION (Extended until 03/22/07 by DOE N 251.67 dated 11/22/06)
10/9/07	N 206.5	CRD - RESPONSE AND NOTIFICATION PROCEDURES FOR DATA BREACHES INVOLVING PERSONALLY IDENTIFIABLE INFORMATION
7/6/04	N 251.58	EXTENSION OF DOE DIRECTIVES (O 471.1A, M 471.1-1, AND O 473.2)
7/7/05	N 251.64	EXTENSION OF DOE DIRECTIVES (O 471.1A, M 471.1-1 Change1, M 472.1-1B, O 473.2, and N 473.9)
1/25/07	O 110.3A	CRD - CONFERENCE MANAGEMENT
9/29/95	O 130.1	CRD - BUDGET FORMULATION PROCESS
1/13/04	O 142.1	CRD – CLASSIFIED VISITS INVOLVING FOREIGN NATIONALS
12/15/06	O 142.2A	CRD – VOLUNTARY OFFER SAFEGUARDS AGREEMENT AND ADDITIONAL PROTOCOL WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY
6/18/04	O 142.3	CRD – UNCLASSIFIED FOREIGN VISITS AND ASSIGNMENTS PROGRAM
11/2/05	O 151.1C	CRD - COMPREHENSIVE EMERGENCY MANAGEMENT SYSTEM

DIRECTIVES LIST		
DATE	DOE DIRECTIVE NUMBER	SUBJECT TITLE
6/27/07	O 153.1	CRD - DEPARTMENTAL RADIOLOGICAL EMERGENCY RESPONSE ASSETS
9/30/96	O 200.1	CRD - INFORMATION MANAGEMENT PROGRAM
1/7/05	O 203.1	LIMITED PERSONAL USE OF GOVERNMENT OFFICE EQUIPMENT INCLUDING INFORMATION TECHNOLOGY
12/4/06	O 205.1A	CRD – DEPARTMENT OF ENERGY CYBER SECURITY MANAGEMENT
4/17/06	M 205.1-3	TELECOMMUNICATIONS SECURITY MANUAL
3/8/07	M 205.1-4	CRD – NATIONAL SECURITY SYSTEM MANUAL
6/12/06	O 210.2	CRD – DOE CORPORATE OPERATING EXPERIENCE PROGRAM
3/22/01	O 221.1	CRD - REPORTING FRAUD, WASTE, AND ABUSE TO THE OFFICE OF INSPECTOR GENERAL
3/22/01	O 221.2	CRD - COOPERATION WITH THE OFFICE OF INSPECTOR GENERAL
11/26/97	O 225.1A	CRD - TYPE A AND B ACCIDENT INVESTIGATIONS
7/31/07	O 226.1A	CRD – IMPLEMENTATION OF DEPARTMENT OF ENERGY OVERSIGHT POLICY
3/19/04 9/9/04 6/12/07	M 231.1-1A Change 1 Change 2	CRD - ENVIRONMENT, SAFETY, AND HEALTH REPORTING MANUAL
8/19/03	M 231.1-2	CRD - OCCURRENCE REPORTING AND PROCESSING OF OPERATIONS INFORMATION
4/9/01 10/14/03	O 241.1A Change 1	CRD - SCIENTIFIC AND TECHNICAL INFORMATION MANAGEMENT
2/3/06	O 243.1	CRD - RECORDS MANAGEMENT PROGRAM
2/2/06	O 243.2	CRD - VITAL RECORDS
8/16/06	O 251.1B	CRD - DEPARTMENTAL DIRECTIVES PROGRAM
8/16/06	M 251.1-1B	CRD - DEPARTMENTAL DIRECTIVES PROGRAM MANUAL
11/19/99	O 252.1	CRD - TECHNICAL STANDARDS PROGRAM
9/30/96 5/8/98	O 350.1 Change 1	CRD - CONTRACTOR HUMAN RESOURCE MANAGEMENT PROGRAMS CRD - EMPLOYEE BENEFITS
10/29/03	O 350.2A	CRD - USE OF MANAGEMENT AND OPERATING OR OTHER FACILITY MANAGEMENT CONTRACTOR EMPLOYEES FOR SERVICES TO DOE IN THE WASHINGTON, D.C., AREA
4/21/05	O 412.1A	WORK AUTHORIZATION SYSTEM
4/18/02	O 413.1A	CRD - MANAGEMENT CONTROL PROGRAM
4/19/06	O 413.2B	CRD - LABORATORY DIRECTED RESEARCH AND DEVELOPMENT
7/28/06	O 413.3A	CRD - PROGRAM AND PROJECT MANAGEMENT FOR THE ACQUISITION OF CAPITAL ASSETS
03/28/03	M 413.3-1*	PROJECT MANAGEMENT FOR THE ACQUISITION OF CAPITAL ASSETS
6/17/05	O 414.1C	CRD - QUALITY ASSURANCE

DIRECTIVES LIST		
DATE	DOE DIRECTIVE NUMBER	SUBJECT TITLE
12/22/05	O 420.1B	CRD - FACILITY SAFETY
7/23/04	O 420.2B	CRD - SAFETY OF ACCELERATOR FACILITIES
3/13/03	O 425.1C	CRD - STARTUP AND RESTART OF NUCLEAR FACILITIES
09/24/03	O 430.1B	CRD – REAL PROPERTY ASSET MANAGEMENT
4/15/02	O 430.2A	CRD - DEPARTMENTAL ENERGY AND UTILITIES MANAGEMENT
2/13/07	O 433.1A	CRD - MAINTENANCE MANAGEMENT PROGRAM FOR DOE NUCLEAR FACILITIES
7/9/99 8/28/01	O 435.1 Change 1	CRD - RADIOACTIVE WASTE MANAGEMENT
7/9/99 6/19/01	M 435.1-1 Change 1	RADIOACTIVE WASTE MANAGEMENT MANUAL
11/27/02 11/19/06	O 440.2B Change 1	CRD - AVIATION MANAGEMENT AND SAFETY
6/6/01	O 442.1A	CRD - DEPARTMENT OF ENERGY EMPLOYEE CONCERNS PRG.
11/16/06	M 442.1-1	CRD - DIFFERING PROFESSIONAL OPINIONS MANUAL FOR TECHNICAL ISSUES INVOLVING ENVIRONMENT, SAFETY, AND HEALTH
5/15/00	O 443.1	PROTECTION OF HUMAN SUBJECTS
1/15/03 1/3/07	O 450.1 Change 3	CRD – ENVIRONMENTAL PROTECTION PROGRAM
8/2/04	P 450.7	DOE ENVIRONMENT, SAFETY AND HEALTH GOALS
11/1/06	M 450.4-1	INTEGRATED SAFETY MANAGEMENT SYSTEM MANUAL
7/15/03	P 455.1	USE OF RISK-BASED END STATES
4/4/03	O 460.1B	CRD - PACKAGING AND TRANSPORTATION SAFETY
12/22/04	O 460.2A	CRD - DEPARTMENTAL MATERIALS TRANSPORTATION AND PACKAGING MANAGEMENT
9/23/02	M 460.2-1	CRD – RADIOACTIVE MATERIAL TRANSPORTATION PRACTICES MANUAL
10/31/02	O 470.2B	CRD - INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE PROGRAM
10/18/04	O 470.3	DESIGN BASIS THREAT POLICY (CLASSIFIED)
8/26/05 3/7/06	M 470.4-1 Change 1	CRD – SAFEGUARDS AND SECURITY PROGRAM PLANNING & MANAGEMENT
8/26/05 3/7/06	M 470.4-2 Change 1	CRD – PHYSICAL PROTECTION
8/26/05 3/7/06	M 470.4-3 Change 1	CRD – PROTECTIVE FORCE
8/26/05 6/29/07	M 470.4-4 Change 1	CRD – INFORMATION SECURITY

DIRECTIVES LIST		
DATE	DOE DIRECTIVE NUMBER	SUBJECT TITLE
8/26/05	M 470.4-5	CRD – PERSONNEL SECURITY
8/26/05 8/14/06	M 470.4-6 Change 1	CRD – NUCLEAR MATERIAL CONTROL AND ACCOUNTABILITY
6/30/00	O 471.1A	CRD - IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION (Extended until 06/30/05 by DOE N 251.58 dated 7/6/04) (Extended until 07/7/06 by DOE N 251.64 dated 7/7/05)
6/30/00 10/23/01	M 471.1-1 Change 1	IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION MANUAL (Extended until 06/30/05 by DOE N 251.58 dated 7/6/04) (Extended until 07/7/06 by DOE N 251.64 dated 7/7/05)
4/9/03	O 471.3	CRD - IDENTIFYING AND PROTECTING OFFICIAL USE ONLY INFORMATION
4/9/03	M 471.3-1	CRD - MANUAL FOR IDENTIFYING AND PROTECTING OFFICIAL USE ONLY INFORMATION
8/28/07	M 475.1-1B	CRD – MANUAL FOR IDENTIFYING CLASSIFIED INFORMATION
12/10/04	O 475.1	COUNTERINTELLIGENCE PROGRAM
8/28/07	O 475.2	CRD – IDENTIFYING CLASSIFIED INFORMATION
1/03/01 9/28/01	M 481.1-1A Change 1	REIMBURSABLE WORK FOR NON-FEDERAL SPONSORED PROCESS MANUAL
1/12/01	O 482.1	CRD - DOE FACILITIES TECHNOLOGY PARTNERING PROGRAMS
1/12/01	O 483.1	CRD - DOE COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS
1/12/01	M 483.1-1	DOE COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS
8/17/06	O 484.1	CRD - Reimbursable Work for the Department of Homeland Security
11/3/04	O 522.1	CRD - PRICING OF DEPARTMENTAL MATERIALS AND SERVICES
1/6/03	O 534.1B	CRD - ACCOUNTING
8/19/03	O 551.1B	CRD - OFFICIAL FOREIGN TRAVEL
12/7/05	O 580.1	CRD – DEPARTMENT OF ENERGY PROPERTY MANAGEMENT PROGRAM
5/2/01	P 141.1	DEPARTMENT OF ENERGY MANAGEMENT OF CULTURAL RESOURCES
5/8/01	P 205.1	DEPARTMENTAL CYBER SECURITY MANAGEMENT POLICY
6/10/00	P 413.1	PROGRAM AND PROJECT MANAGEMENT POLICY FOR THE PLANNING, PROGRAMMING, BUDGETING, AND ACQUISITION OF CAPITAL ASSETS
5/15/00	P 443.1	PROTECTION OF HUMAN SUBJECTS
9/15/05	P 456.1	SECRETARIAL POLICY STATEMENT ON NANOSCALE SAFETY
5/08/01	P 470.1	INTEGRATED SAFEGUARDS AND SECURITY MANAGEMENT POLICY
5/20/02	P 580.1	MANAGEMENT POLICY FOR PLANNING, PROGRAMMING, BUDGETING, OPERATION, MAINTENANCE AND DISPOSAL OF REAL PROPERTY

DIRECTIVES LIST		
DATE	DOE DIRECTIVE NUMBER	SUBJECT TITLE
11/12/92	1450.4	CONSENSUAL LISTENING-IN TO OR RECORDING TELEPHONE/RADIO CONVERSATIONS
2/8/90 6/5/90 1/7/93	5400.5* Change 1 Change 2	RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT
7/9/90 5/18/92 10/23/01	5480.19 Change 1 Change 2	CONDUCT OF OPERATIONS REQUIREMENTS FOR DOE FACILITIES
11/15/94	5480.20A	PERSONNEL SELECTION, QUALIFICATION AND TRAINING REQUIREMENTS FOR DOE NUCLEAR FACILITIES
8/1/80	5610.2	CONTROL OF WEAPON DATA
5/26/94	5660.1B	MANAGEMENT OF NUCLEAR MATERIALS

Appendix I - Part II

PARTIAL DELETIONS OF DIRECTIVES				
DATE	DOE DIRECTIVE NUMBER	SUBJECT TITLE	DELETION DIRECTIVE DATE	SECTIONS DELETED
03/28/03	M 413.3-1	PROJECT MANAGEMENT FOR THE ACQUISITION OF CAPITAL ASSETS	O 413.3A 7/28/06	Chapters 1 through 3
2/8/90 6/5/90 1/7/93	5400.5 Change 1 Change 2	RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT	O 231.1 9/30/95 Change 1 10/26/95	Chapter II: Para 1a(3) (a)

U.S. Department of Energy
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ATTACHMENT J.12

APPENDIX L

COMPUTATION OF FEE
FY 2006

Applicable to the Operation of
The Brookhaven National Laboratory

Contract No. DE-AC02-98CH10886

History of Changes

Modification M178 – Fee annotated to Appendix L

Modification M159 – Fee determined

Modification M138 – Fee calculation established

APPENDIX L FY 2006 FEE COMPUTATION FEE BASIS

For FY2006, the performance measure model has one class of performance measures in Appendix B of the Prime Contract that is directly associated with fee (fee bearing). This reflects the approved FY2006 Performance Goals, Objectives, Measures and Targets for Science & Technology and Management and Operations. The FY2006 fee structure is in consonance with the following guidelines:

1. The maximum fee is to be in consonance with fees paid for the operation of similar FFRDC laboratories and will have a single tier structure;
2. While there are no current integrated subcontractor(s), the fees for integrated subcontractor(s), when and if they are again added to the BSA management structure, are included in the total fee set forth in Section B.3 for FY04 through the first quarter of FY08;
3. The fee structure is to be based on individual Target outcomes and their associated weights as determined separately;
4. The Performance Goal of Science and Technology will act as a “gate,” in that a final Grade of C (1.8) or above is required; there will be no fee if either Performance Goal outcome is D (1.0) or below.

Maximum Fee

The maximum fee that BSA can earn under this matrix for FY 2006 is established at \$7,400,000, if the performance goal for Science & Technology is scored 4.1 or above and Management and Operations is scored 3.1 or above. The scoring process is described in Appendix B.

Fee Matrix (Table 1)

Appendix B of the Prime Contract describes the scoring system for BSA’s performance. The “Percent S&T Fee Earned” from Appendix B is multiplied by the “M&O Fee multiple” from Appendix B to arrive at the total earned fee percentage. That percentage is then multiplied by the total available fee to arrive at BSA’s earned fee. See Fee Matrix below.

Table 1								
Overall Fee Determination								
Percent S&T Fee Earned from Appendix B, Table C.		M&O Fee Multiplier from Appendix B, Table C.		Overall Earned Performance-Based Fee		Maximum Performance Fee		Earned Fee
94%	X	95%	=	89%	X	\$7,400,000	=	\$6,586,000

U.S. Department of Energy
and
Brookhaven Science Associates, LLC

ATTACHMENT J.12

APPENDIX L

COMPUTATION OF FEE
FY 2007

Applicable to the Operation of
The Brookhaven National Laboratory

Contract No. DE-AC02-98CH10886

History of Changes

Modification M178 – Fee determined and annotated to Appendix L

Modification M153 – Fee calculation established

**APPENDIX L
FY 2007 FEE COMPUTATION
FEE BASIS**

For FY2007, the performance measure model has one class of performance measures in Appendix B of the Prime Contract that is directly associated with fee (fee bearing). This reflects the approved FY2007 Performance Goals, Objectives, Measures and Targets for Science & Technology and Management and Operations. The FY2007 fee structure is in consonance with the following guidelines:

1. The maximum fee is to be in consonance with fees paid for the operation of similar FFRDC laboratories and will have a single tier structure;
2. While there are no current integrated subcontractor(s), the fees for integrated subcontractor(s), when and if they are again added to the BSA management structure, are included in the total fee set forth in Section B.3 for FY04 through the first quarter of FY08;
3. The fee structure is to be based on individual Target outcomes and their associated weights as determined separately;
4. The Performance Goal of Science and Technology will act as a “gate,” in that a final Grade of C (1.8) or above is required; there will be no fee if either Performance Goal outcome is D (1.0) or below.

Maximum Fee

The maximum fee that BSA can earn under this matrix for FY 2007 is established at \$7,400,000, if the performance goal for Science & Technology is scored 4.1 or above and Management and Operations is scored 3.1 or above. The scoring process is described in Appendix B.

Fee Matrix (Table 1)

Appendix B of the Prime Contract describes the scoring system for BSA’s performance. The “Percent S&T Fee Earned” from Appendix B is multiplied by the “M&O Fee multiple” from Appendix B to arrive at the total earned fee percentage. That percentage is then multiplied by the total available fee to arrive at BSA’s earned fee. See Fee Matrix below.

Table 1								
Overall Fee Determination								
Percent S&T Fee Earned from Appendix B, Table C.		M&O Fee Multiplier from Appendix B, Table C.		Overall Earned Performance-Based Fee		Maximum Performance Fee		Earned Fee
94%	X	100%	=	94%	X	\$7,400,000	=	\$6,956,000