

# THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

September 18, 1997

A Special Meeting of The Regents of the University of California was held on the above date at UCSF - Laurel Heights, San Francisco.

Present: Regents Atkinson, Davies, del Junco, Gonzales, Johnson, Khachigian, Lee, Levin, Montoya, Nakashima, Preuss, and Soderquist (12)

In attendance: Faculty Representatives Dorr and Weiss, Secretary Trivette, General Counsel Holst, Treasurer Small, Provost King, Senior Vice President Kennedy, Vice Presidents Darling and Gomes, Chancellors Carnesale, Dynes, Greenwood, and Orbach, Laboratory Directors Hecker, Shank, and Tarter, and Recording Secretary Bryan

The meeting convened at 5:30 p.m. with Chairman del Junco presiding.

## 1. **READING OF NOTICE**

For the record, it was confirmed that notice was given in compliance with the Bylaws and Standing Orders for a Special Meeting of the Board of Regents, for this date and time, for the purpose of considering the Report of the Joint Meeting of the Committee on Oversight of the Department of Energy Laboratories and the Committee on Finance.

## 2. **REPORT OF THE JOINT MEETING OF THE COMMITTEE ON OVERSIGHT OF THE DEPARTMENT OF ENERGY LABORATORIES AND THE COMMITTEE ON FINANCE**

### A. *Approval of Contracts for Operation of Los Alamos National Laboratory, Lawrence Berkeley National Laboratory, and Lawrence Livermore National Laboratory and Certification of the Addenda to the Supplemental Environmental Impact Report for Operation of Lawrence Berkeley National Laboratory and the Environmental Impact Report for Operation of Lawrence Livermore National Laboratory*

The Committee on Oversight of the Department of Energy Laboratories recommended that the President be authorized to approve and the Officers of The Regents be authorized to execute an extension of the contracts for the management of the Los Alamos National Laboratory, W-7405-ENG-36, the Lawrence Berkeley National Laboratory, DE-AC03-76SF00098, and the Lawrence Livermore National Laboratory, W-7405-ENG-48, for a five-year term, ending on September 30, 2002, with an option to extend to September 30, 2007, said contract providing that The Regents is responsible for

modification of the prime contract, except for funding modifications which may be executed by the President, and that the President is responsible for modification of appendices to the contract.

The Committee further recommended that:

- (1) The Regents consider the Addendum to the Supplemental Environmental Impact Report (SEIR) for the contract between the United States Department of Energy and The Regents of the University of California for operation and management of the Lawrence Berkeley National Laboratory and adopt the Findings.
- (2) The Regents consider the Addendum to the 1992 Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the contract between the United States Department of Energy and The Regents of the University of California for operation and management of the Lawrence Livermore National Laboratory and adopt the Findings.

[The Addendum to the Supplemental Environmental Impact Report and Findings for the Lawrence Berkeley National Laboratory, the Addendum to the 1992 Environmental Impact Statement/Environmental Impact Report and Findings for the Lawrence Livermore National Laboratory, and the background and all attachments to this item were mailed to all Regents in advance of the meeting, and copies are on file in the Office of the Secretary.]

B. ***Compensation for Oversight and Management and Authorization to Accept Obligations of Funds for Major Contracts, Department of Energy Laboratories***

Subject to approval by the Committee on Oversight of the Department of Energy Laboratories of the recommended extension of the Department of Energy (DOE) contracts for the operation of Los Alamos National Laboratory, Lawrence Berkeley National Laboratory, and Lawrence Livermore National Laboratory (including the certification of the respective environmental impact reports for the latter two laboratories), the Committee on Finance recommended that:

- (1) The provisions in the contracts for the annual contract administrative compensation for the University be approved for the period through September 30, 1998, and annually thereafter for the term of the contract which expires on September 30, 2002, as follows:
  - a. \$11.0 million - fixed payment of University-incurred indirect costs;

- b. \$14.0 million - contingency reserve/program performance fee for defrayal of unreimbursed Laboratory operating expenses and/or University-directed research and development at or for the DOE Laboratories;
  - c. \$4.5 million (subject to audit for allowability of costs actually incurred) - direct funding for the UC Laboratory Administration Office.
- (2) The President be authorized to accept and the Secretary be authorized to execute modifications to the contracts for the purpose of increasing or decreasing the total amount of DOE funds obligated for all purposes under the contracts through September 30, 2002, in amounts approximating the following:
- a. Contract W-7405-ENG-36, Los Alamos National Laboratory, a total of \$7.3 billion;
  - b. Contract DE-AC03-76SF00098, Lawrence Berkeley National Laboratory, a total of \$1.6 billion;
  - c. Contract W-7405-ENG-48, Lawrence Livermore National Laboratory, a total of \$5.6 billion.

Provided further that said above amounts may be increased by 25 percent, respectively, consistent with the resolution adopted by The Regents on September 20, 1968.

Upon motion duly made and seconded, the recommendations were approved.

[At this point, Regent McClymond joined the meeting.]

3. **STATEMENTS OF THE CHAIRMAN AND THE PRESIDENT CONCERNING THE ISSUE OF BENEFITS FOR DOMESTIC PARTNERS**

Chairman del Junco noted that any Regent may request that an item be placed on the agenda. He announced that in consideration of a request from the Governor, he had decided to place the domestic partners item on the agenda for a vote of the Regents at the November 1997 meeting. President Atkinson noted that he believed that decision was in the best interests of the University. He reported that he would not implement the domestic partners benefits until the Board had acted on the matter and provided clear direction.

The meeting adjourned at 5:35 p.m.

Attest:

Secretary