

The Regents of the University of California

**COMMITTEE ON OVERSIGHT OF THE
DEPARTMENT OF ENERGY LABORATORIES**

March 18, 2004

The Committee on Oversight of the Department of Energy Laboratories met on the above date at UCSF–Laurel Heights, San Francisco.

Members present: Regents Dynes, Marcus, Montoya, Moores, Preuss, and Seigler; Advisory members Ornellas and Blumenthal

In attendance: Regent Murray, Regents-designate Anderson and Novack, Faculty Representative Pitts, Secretary Trivette, General Counsel Holst, Treasurer Russ, Provost King, Senior Vice Presidents Darling and Mullinix, Vice Presidents Broome, Drake, and Foley, Chancellor Tomlinson-Keasey, Executive Vice Chancellor Gray representing Chancellor Berdahl, and Recording Secretary Bryan

The meeting convened at 1:40 p.m. with Committee Chair Preuss presiding.

1. **APPROVAL OF MINUTES OF PREVIOUS MEETING**

Upon motion duly made and seconded, the minutes of the meeting of November 20, 2003 were approved.

2. **NATIONAL SEARCH FOR LABORATORY DIRECTOR FOR LAWRENCE BERKELEY NATIONAL LABORATORY**

President Dynes recalled that Director Shank had announced his intention to step down by the end of the year as Director of the Lawrence Berkeley National Laboratory. He commented that Director Shank had done a superb job during the last 15 years and that the laboratory had blossomed under his leadership. A national search has begun for his replacement.

Vice President Foley reported that an advertisement for the position had been placed in the national media. In conformance with Regental procedures, the search committee will include five Regents – Connerly, Hopkinson, Johnson, Preuss, and Seigler. A screening committee, which will be chaired by retired Senior Vice President Frazer, will encourage the nomination of outstanding candidates. Nominations will be presented to the search committee in April, with the interviewing of candidates to take place in early May.

Vice President Foley noted that the search is being accelerated because a decision concerning the award of a management contract for the Lawrence Berkeley laboratory is expected by the end of the year. It is hoped that the new director will be prepared to become actively involved in the preparations for that eventuality.

3. **UPDATE ON COMPETITION SCHEDULE FOR THE DOE LABORATORIES**

Vice President Foley recalled that in January he had reported on recent federal legislation requiring that the management of the Berkeley, Livermore, and Los Alamos national laboratories would be opened to competition. The Department of Energy's timetable is to make the award by the end of the year for the Berkeley laboratory and by September 2005 for the Los Alamos laboratory. The date for the Livermore laboratory has not yet been announced.

Consistent with the authority granted by The Regents in January to President Dynes, preparations have begun for the University's potential competition for the contracts, although no commitment to compete has been made. Individuals and teams to lead the process have been identified, and outside professional assistance has been sought. Discussions are continuing with potential industrial partners. The required consultations with the Regents will take place before any final agreement on partnering is executed. Due to the sensitive nature of the discussions and the competitive nature of the process, Mr. Foley declined to discuss further details about potential partners.

Vice President Foley reported that in February, The Regents of the University of Texas had authorized its president to take actions with respect to a competition at Los Alamos similar to the actions approved by the UC Regents in January. Based on public statements, it appears that the University of Texas is seeking to engage an industrial partner in its contract bid.

Mr. Foley believed that the Department of Energy would announce in April its precise timetable for putting the Lawrence Berkeley contract out to bid. DOE has formed a source selection board and appointed a source selection official for that competition. It is expected that the competition for the Los Alamos laboratory contract will begin soon after the competition for the Berkeley laboratory management formally commences. He believed that it was conceivable that the competition for all three laboratories could run concurrently.

4. **UPDATE FROM THE ACADEMIC COUNCIL SPECIAL COMMITTEE ON THE NATIONAL LABORATORIES**

Faculty Representative Blumenthal, Chair of the Academic Council's Special Committee on the National Laboratories, commented that the committee has two roles. One is to interface with laboratory management and provide it with an opportunity to get a faculty perspective on issues faced by the University as it contemplates competing for the laboratories' management contracts. He emphasized that the faculty does not view a competition for management of the Lawrence Berkeley laboratory, which is not involved in classified research and is aligned with the Berkeley campus, as controversial. The second role of the special committee is to provide background information to UC faculty and others and determine the opinion of the faculty with regard to the upcoming competition. The decision on whether to compete for the contracts for the Livermore and Los Alamos laboratories is a decision of The Regents.

Professor Blumenthal reported that the special committee is writing a series of background papers to inform faculty about the laboratories. Five of the expected 12 to 15 papers will be placed on the internet in the next week. A series of town hall meetings will take place on campuses during April. The Los Angeles, Santa Barbara, and San Diego campuses have scheduled such meetings, and the Davis and Berkeley campuses also may do so. He called the Board's attention to the town hall meeting scheduled at UCLA on April 6 and encouraged Regents to attend. The meeting's presenters will include Professor Gregg Herken, a historian from UC Merced and author of "Brotherhood of the Bomb," who will present background material on the laboratories. Professor Dan Mitchell, a member of the Anderson School of Business at UCLA, will provide financial information about the University's management of the laboratories. Former Provost Bill Frazer will present a position in favor of the University's competing to retain management of the laboratories, and Professor Walter Kohn, a Nobel Laureate from UCSB, will present arguments against the continued management. The presentation will be taped and made available.

Finally, Faculty Representative Blumenthal reported that a survey of faculty opinion is planned for May, the results of which should be available for presentation at the May Regents meeting. All Academic Senate members in the UC system will be solicited for their opinions.

Professor Blumenthal noted that it has been mentioned to him privately that a public representation of the opinion of faculty about competing for management of the laboratories, unless overwhelmingly supportive of such competition, could undercut the position of the University. He emphasized that, in that regard, UC faculty provide the core experience and scientific expertise essential to the University's management of the laboratories. Universities are places of free and open discourse on matters of public policy. He believed that having that discourse is in the greatest tradition of American universities. He believed also that faculty have an obligation to weigh in on issues of public policy concerning the University. Faculty expressed their views during contract negotiations in 1990 and 1996, and it is planned to continue that tradition this year.

Regent Murray requested that the Regents be notified when the Special Committee's white papers are put on the internet and when further town hall meetings are scheduled.

The meeting adjourned at 1:50 p.m.

Attest:

Secretary