

case. These two cases are: *Delaware Valley Citizens' Council for Clean Air v. Browner*, No. 96-1316 (D.C. Cir.) (challenge to EPA's findings of failure to submit certain portions of the attainment demonstration), and *Delaware Valley Citizens' Council for Clean Air v. Browner*, No. 98-1079 (D.C. Cir.) (challenge to EPA's "Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM10 NAAQS," issued by Richard D. Wilson, Acting Assistant Administrator for Air and Radiation, dated December 29, 1997 (63 FR 8196 (Feb. 18, 1998))).

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, following the comment period, that consent is inappropriate, the final consent decree will be entered with the court and will establish deadlines for promulgation of federal implementation plans in the absence of approved state plans.

Dated: December 9, 1999.

Gary S. Guzy,
General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6512-9]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement concerning the Crews Plating Superfund site, with Mr. Kent McNair.

The settlement requires the settling party to pay a total of \$27,301.44 as payment of past response costs to the Hazardous Substances Superfund. The settlement includes a covenant not to sue pursuant to section 107 of CERCLA, 42 U.S.C. 9607.

For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202-2733.

DATES: Comments must be submitted on or before January 20, 2000.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202-2733. A copy of the proposed settlement may be obtained from Carl Bolden, 1445 Ross Avenue, Dallas, Texas 75202-2733 at (214) 665-6713. Comments should reference the Crews Plating Superfund Site, Dallas, Dallas County, Texas, and EPA Docket Number 6-21-99, and should be addressed to Carl Bolden at the address listed above.

FOR FURTHER INFORMATION CONTACT: Michael Boydston, 1445 Ross Avenue, Dallas, Texas 75202-2733 at (214) 665-7376.

Dated: December 15, 1999.

Myron O. Knudson,

Acting Regional Administrator, Region 8.

[FR Doc. 99-33024 Filed 12-20-99; 8:45 am]

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EXECUTIVE OFFICE OF THE PRESIDENT

Office of Science and Technology Policy

Request for Comment on Proposed Statement of Principles of the Government-University Research Partnership

AGENCY: Office of Science and Technology Policy.

ACTION: Request for comment on proposed statement of principles of the government-university research partnership.

SUMMARY: An April 27, 1999 Presidential Memorandum directed that

the National Science and Technology Council "in consultation with research universities and other stakeholders in the Federal science and technology enterprise, shall develop a statement of principles that clearly articulates the roles, responsibilities, and expectations of each of the partners and establishes a framework for addressing future issues as they arise. Ultimately, this statement of principles will serve to shape future discussions and guide policy development and decision making." President Clinton asked that this action be completed within twelve months of the date of the memorandum. The findings and recommendations contained in the NSTC report on *Renewing the Federal Government-University Research Partnership for the 21st Century* should provide the basis for proceeding. The report proposed a draft statement of principles developed by the NSTC and recommended that it be finalized in consultation with the interested community. As part of this process, this notice seeks public comment.

DATES: The Office of Science and Technology Policy welcomes comments on the proposed policy. In order to be assured consideration, comments must be postmarked no later than February 18, 2000.

ADDRESSES: Written comments should be mailed to Dr. Arthur Bienenstock, Associate Director for Science, Office of Science and Technology Policy, Washington, DC 20502. The entire NSTC report may be viewed electronically by going to the following web site: <http://www.whitehouse.gov/WH/EOP/OSTP/html/rand/index.htm>. In order to provide comments electronically, click on "Your comments," then on "Click here to provide your electronic comments."

FOR FURTHER INFORMATION CONTACT: Anne-Marie Mazza, Office of Science and Technology Policy, Executive Office of the President, Washington, DC 20502. Tel: 202-456-6040; Fax: 202-456-6027; e-mail: amazza@ostp.eop.gov.

SUPPLEMENTARY INFORMATION: In order for the partnership between the Federal government and the university community to thrive, there must be a clear understanding on the part of both parties of the goals of the partnership and the responsibilities of the partners. The following questions sometimes arise in consideration of this partnership: Why does the Federal government invest in university research? What is the role of graduate students in the research enterprise? On what basis are the costs of research allocated among the parties? Federal

laws, circulars, and regulations govern operational aspects of the government-university relationship in areas such as allowable costs, administrative procedures, compliance issues, and audit practices. Yet statements of the rationale, goals, and objectives of the public investment in university-based research remain implicit, or are dispersed in a variety of legislation and other policy documents. As long as this is so, the government-university partnership risks being defined primarily in an ad hoc manner, by detailed accounting, administrative, and financial management requirements, and not by broader national goals.

In addition to the Presidential Memorandum to the NSTC cited above, the President also released on April 27, 1999 the NSTC report on Renewing the Federal Government-University Research Partnership for the 21st Century. One of the recommendations contained in this report is the development of a statement of principles of the government-university partnership in research. A clearly articulated statement of the principles of the partnership will help clarify the roles, responsibilities, and expectations of each of the partners and establish a framework for addressing future issues as they arise. Ultimately, an agreed upon statement of principles also would serve to shape future discussions, to formulate policies, and to help guide decision-making. The process itself of engaging the government and university partners in a dialogue will increase mutual understanding and provide a good foundation for resolving complex issues in the future. The purpose of this notice is to help further this dialogue.

The NSTC report issued a proposed statement of the principles of the government-university partnership (see below). These were developed through interagency review and discussion that benefited greatly from input provided by the university community. Further dialogue is needed among all stakeholders before the principles are finalized.

The goals in developing a statement of principles are to help foster an environment that promotes scientific discovery, technological innovation, and the development of the next generation of scientists and engineers. The Federal government recognizes the importance to the nation of the American university system and is driven by a desire to sustain that special resource for maximum benefit to the nation. A statement of principles will help articulate these goals, and provide guidance for translating these goals into actions. In order to be most effective,

these principles must be understood and agreed upon by the parties to it.

Below is the proposed statement of principles:

Proposed Statement of Principles of the Government-University Research Partnership

The following are guiding principles that govern interactions between the Federal government and universities that perform research.

1. Guiding Principles

- Research Is an Investment in the Future.

Government sponsorship of university research—including the capacity to perform research and the training of the next generation of scientists and engineers—is an investment in the future of the nation, helping to assure the health, security, and quality of life of our citizens. Government investments recognize that the expected benefits of research often accrue beyond the investment horizons of corporations or other private sponsors. Investments in research are managed as a portfolio, with a focus on aggregate returns; investments in individual research efforts that make up the portfolio are based on the prospects for their technical success, though not on a presumption that those outcomes can be predicted precisely.

- The Linkage Between Research and Education Is Vital.

The integration of research and education is the hallmark and strength of our nation's universities. Students (undergraduates as well as graduates) who participate in federally sponsored research grow intellectually even as they contribute to the research enterprise. Upon graduation, they are prepared to contribute to the advancement of national goals and to educate subsequent generations of scientists and engineers. Their intellectual development and scientific contributions are among the important benefits to the Nation of Federal support for research conducted at universities. There should be compelling policy reasons for creating or perpetuating financial or operational distinctions between research and education. Our scientific and engineering enterprise is further enhanced by the intellectual stimulation brought to campus by students from varying cultural, ethnic, and socioeconomic origins.

- Excellence Is Promoted When Investments are Guided by Merit Review.

Excellence in science and engineering is promoted by making awards on the basis of merit. Merit review assesses the

quality of the proposed research or project and is often used in combination with a competitive process to determine the allocation of funds for research. Merit review relies on the informed advice of qualified individuals who are independent of those individuals proposing the research. A well-designed merit review system rewards quality and productivity in research, and can accommodate endeavors that are high-risk and have potential for high gain.

- Research Must Be Conducted with Integrity.

The ethical obligations entailed in accepting public funds and in the conduct of research are of the highest order and recipients must consider the use of these funds as a trust. Great care must be taken to “do no harm” and to act with integrity. The credibility of the entire enterprise relies on the integrity of each of its participants.

2. Operating Principles

The following operating principles are intended to assist agencies, universities, individual investigators, and auditing and regulatory bodies in implementing the guiding principles.

- Agency Cost Sharing Policies and Practices Must Be Transparent.

As in any investment partnership, each partner contributes to the research endeavor. While the primary contribution of universities is the intellectual capital of the researchers' ideas, knowledge, and creativity, it is sometimes appropriate for universities to share in the costs of the research (and in some cases cost sharing is required by statute). Cost sharing can be appropriate when there are compelling policy reasons for it, such as in programs whose principal purpose is to build infrastructure and enhance an awardee's institution's ability to compete for future Federal awards. Cost sharing is rarely appropriate when an awardee is acting solely as a supplier of goods or services to the government since this would entail a university subsidy of goods purchased by the government. If agency funds are not sufficient to cover the costs of a research project, the agency and the university should re-examine the scope of the project, unless there are compelling policy reasons to require university cost sharing. Agencies should be clear about their cost sharing policies and announce when and how cost sharing will figure in selection processes, including explicit information regarding the amount of cost sharing expected.

- Partners Should Respect the Merit Review Process.

Excellence in science is promoted when all parties adhere to merit review

as the basis for distributing Federal funds for research projects and refrain from seeking Federal funds through non-merit-based means. Federal investments in research are made with the expectation that the research community will select promising research paths more productively and wisely by relying on merit review than can a process that bypasses merit review to directly fund a specific individual or institution. Success in obtaining funds outside the merit review system can be discouraging to researchers who participate in the process. Most significantly, bypassing merit review threatens to undermine research excellence. Merit review may be used in conjunction with other selection criteria to support agency or program goals.

- **Agencies and Universities Should Manage Research in a Cost-Efficient Manner.**

The goal of all those involved in sponsoring, performing, administering, regulating, and auditing university-based research and associated educational activities of the research enterprise should be to make maximum resources available for the performance of research and education. This goal can be accomplished by keeping agencies' and universities' costs of compliance with Federal requirements to the minimum required for good stewardship of Federal funds. For example, administrative requirements should rely on the least burdensome and least costly methods that can effectively provide needed stewardship. Universities should likewise manage their Federal grants as efficiently as possible.

- **Accountability and Accounting Are Not the Same.**

The principal measure of accountability must be research outcomes: have the researchers carried out a program of research consistent with their commitment to the government? Financial accountability is also important and should assure research sponsors that Federal funds have been used properly to achieve the goals of the research in a cost effective manner. Federal agencies must ensure that financial accountability requirements are limited to those that are reasonably required for good stewardship and that each measure adds sufficient value in terms of increased stewardship to justify the burdens and costs it imposes on universities and agencies.

- **The Benefits of Simplicity in Policies and Practices Should Be Weighed Against the Costs.**

The costs and benefits of simplicity in regulatory, administrative, cost accounting, and auditing practices

should be assessed against the costs and benefits of accommodating diverse Federal programs and the multiplicity of university organizational structures in determining best policies and practices. "One size fits all," or uniformity for uniformity's sake can unintentionally increase requirements and burdens, but a multiplicity of practices can also be costly. These tradeoffs should be carefully assessed whenever changes in government-wide or agency-specific policies and practices are proposed.

- **Change Should be Justified by Need and the Process Made Transparent.**

The process of change in the government-university partnership should be made as transparent as possible. Modifications in administrative, regulatory, or auditing requirements, or in cost sharing expectations, should be kept as infrequent as possible, consistent with the need to respond to changing circumstances. The impact of change in one part of the system should be understood relative to the whole. Reasonable time should be allowed for both agencies and universities to adapt to change.

Dated: December 15, 1999.

Barbara Ann Ferguson,

Administrative Officer, Office of Science and Technology Policy.

[FR Doc. 99-32962 Filed 12-20-99; 8:45 am]

BILLING CODE 3170-01-P

FEDERAL COMMUNICATIONS COMMISSION

[WT Docket No. 99-332; FCC 99-348]

Making the Frequency 156.250 MHz Available for Port Operations Purposes in Los Angeles and Long Beach, CA Ports

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Order portion of this document states that the Commission generally holds in abeyance and will not process pending applications for public safety pool frequencies of 156.240 and 156.2475 MHz within 100 miles of the geographic center of Los Angeles. The Commission takes this action to stop processing applications while it considers a proposal to utilize the frequency 156.250 MHz for port operations in the Los Angeles and Long Beach area.

DATES: Effective November 15, 1999.

FOR FURTHER INFORMATION CONTACT: James Shaffer of the Commission's

Wireless Telecommunications Bureau at (202) 418-0680.

SUPPLEMENTARY INFORMATION:

1. This is a summary of the Commission's *Notice of Proposed Rule Making and Order* FCC 99-348, adopted on November 15, 1999, and released on November 19, 1999. The full text of this *Notice of Proposed Rule Making and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY A257, 445 12th Street, S.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

2. Effective upon the adoption date of this *Notice of Proposed Rule Making and Order*, no applications for public safety pool frequencies of 156.240 and 156.2475 MHz within 100 miles of the geographic center of Los Angeles will be accepted for filing during the pendency of the *Notice of Proposed Rule Making and Order*. Any applications received on or after this date will be returned as unacceptable for filing.

3. Our decision to impose the freeze on Public Safety Pool frequencies of 156.240 and 156.2475 MHz within 100 miles of the geographic center of Los Angeles is procedural in nature and therefore the freeze is not subject to the notice and comment and effective date requirements of the Administrative Procedures Act. *See* 5 U.S.C. 553(b)(A), (d); *Kessler v. FCC*, 326 F.2d 673 (D.C. Cir. 1963). Moreover, there is good cause for the Commission's not using notice and comment procedures in this case, or making the freeze effective 30 days after publication in the **Federal Register**, because to do so would be impractical, unnecessary, and contrary to the public interest because compliance would undercut the purpose of the freeze. *See* 5 U.S.C. 553(b)(A), (d)(3).

Ordering Clauses

4. Authority for issuance of this *Notice of Proposed Rule Making and Order* is contained in Sections 4(i), 4(j), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 403.

5. NOTICE IS HEREBY GIVEN and COMMENT IS SOUGHT on the proposed regulatory changes described in the *Notice of Proposed Rule Making and Order*, as set forth in Proposed rules.

6. IT IS FURTHER ORDERED that the Commission's Office of Public Affairs, Reference Operations Division, SHALL SEND a copy of this *Notice of Proposed*