

This NPRM would merely update internal policies and procedures of the Federal government which are used by the NIH to administer construction grants awarded under the authority set forth in section 413(b)(6)(B), 414(b), 421(b)(2)(B), 422(c)(3), 441(a), 455, 464C(a), 464P(b)(3), 481A(a), 481B(a) and 2354(a)(5)(B) of the PHS Act. These grants do not have significant economic or policy impact on a broad cross-section of the public. Furthermore, the revised regulations would only affect the limited number of public or private nonprofit agencies of institutions which are interested in participating in the construction grant program. No agency or institution is required to participate in the program. The revised regulations include no standards or requirements which would burden small entities.

For these same reasons, the Secretary certifies this NPRM will not have a significant economic impact on a

substantial number of small entities, and that a Regulatory Flexibility Analysis, as defined under the Regulatory Flexibility Act of 1980, is not required.

#### Paperwork Reduction Act

This proposed rule contains information collection requirements which are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35). The title, description, and respondent description of the information collection requirements in this proposed rule are presented below with an estimated annual burden. The information collection requirements contained in these regulations have been submitted to OMB for review. Other organizations and individuals desiring to submit comments on the information collection requirements should send their comments to (1) Dr.

Charles MacKay, Project Clearance Officer, National Institutes of Health, Building 31, Room 5B33, 9000 Rockville Pike, Bethesda, Maryland 20892-2174, and (2) the Office of Information and Regulatory Affairs, OMB, New Executive Office Building, Room 10235, 725 17th St., N.W., Washington, D.C. 20503. Attention: Desk Officer for the National Institutes of Health, Department of Health and Human Services. After OMB approval is obtained, the OMB control number will be published in the **Federal Register**.

*Title:* NIH Construction Grants.

*Description:* The information collections will be used by NIH to evaluate grant applications, oversee the transfer of the title of a constructed facility, and monitor the use being made of a constructed facility.

*Respondent Description:* Public or private nonprofit agencies or institutions.

#### ESTIMATED ANNUAL REPORTING AND RECORDKEEPING BURDEN

	Annual number of respondents	Annual frequency	Average burden per response	Annual burden hours
Reporting:				
§ 52b.9(b) .....	1	1	.50	.50
§ 52b.10(f) .....	15	1	1	15
§ 52b.10(g) .....	30	12	1	†360
§ 52b.11(b) .....	100	1	1	* (100)
Subtotal .....				375.5
Recordkeeping:				
§ 52b.10(g) .....	30	260	1	†7800
Total .....				8175.5

\* This burden is approved under OMB Approval Number 0937-0189

† Based on an average of 30 active grants in the construction phase.

#### Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbered programs affected by these proposed regulations are:

93.392—Cancer Construction  
93.131—Shared Research Facilities for Heart, Lung, and Blood Diseases  
93.846—Arthritis, Musculoskeletal and Skin Diseases Research

#### List of Subjects in Part 52b

AIDS research facilities construction; Basic biomedical research laboratory facilities construction; Cancer research facilities construction; Clinical biomedical and behavioral research facilities construction; Grants—construction; Incorporation by reference; Primate research facilities construction; Research facilities construction for AIDS; Research facilities construction for arthritis, musculoskeletal and skin diseases;

Research facilities construction for heart, lung, and blood diseases; Vision research facilities construction.

Dated: December 28, 1994.

**Philip R. Lee,**  
*Assistant Secretary for Health.*

Approved: June 19, 1995.

**Donna E. Shalala,**  
*Secretary.*

For reasons set out in the preamble, it is proposed to revise part 52b of title 42 of the Code of Federal Regulations to read as set forth below.

#### PART 52b—NATIONAL INSTITUTES OF HEALTH CONSTRUCTION GRANTS

Sec.

52b.1 To what programs do these regulations apply?

52b.2 Definitions.

52b.3 Who is eligible to apply?

52b.4 How to apply.

52b.5 How will NIH evaluate applications?

52b.6 What is the rate of Federal financial participation?

52b.7 How is the grantee obligated to use the facility?

52b.8 How will NIH monitor the use of facilities constructed with Federal funds?

52b.9 What is the right of the United States to recover Federal funds when facilities are not used for research or are transferred?

52b.10 What are the terms and conditions of awards?

52b.11 What are the requirements for acquisition and modernization of existing facilities?

52b.12 What are the minimum requirements for construction and equipment?

52b.13 Additional conditions.

52b.14 Other HHS regulations and policies that apply.