

## § 52a.9

### § 52a.9 Additional conditions.

The Director may, with respect to any grant award, impose additional conditions prior to or at the time of any award when in the Director's judgment the conditions are necessary to assure the carrying out of the purposes of the award, the interests of the public health, or the conservation of grant funds.

[61 FR 55110, Oct. 24, 1996]

## PART 52b—NATIONAL CANCER INSTITUTE CONSTRUCTION GRANTS

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**AUTHORITY:** Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 406(b), 92 Stat. 3428 (42 U.S.C. 286a); sec. 404(b)(9), 92 Stat. 3427 (42 U.S.C. 285).

**SOURCE:** 45 FR 12243, Feb. 25, 1980, unless otherwise noted.

### § 52b.1 Applicability.

The provisions of this part apply to award of grants under section 406(b) of the Public Health Service Act for the construction of centers for clinical research, training and demonstration of advanced diagnostic and treatment methods relating to cancer, and to the award of grants under section 404(b)(9) for construction of basic research laboratory facilities.

### § 52b.2 Definitions.

(a) *Act* means the Public Health Service Act, as amended.

(b) *Director* means the Director of the National Cancer Institute and any officer or employee of the National Cancer Institute to whom the authority involved may be delegated.

(c) *Construction grant* means a grant of funds for construction pursuant to sections 406(b) and 404(b)(9) of the Act,

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and in accordance with these regulations.

(d) *Construction* includes the construction of new buildings; acquisition of land or existing buildings provided such acquisition occurs after the filing of the application; the expansion, remodeling, and alteration of existing buildings provided the cost of such expansion, remodeling, and alteration is not less than \$75,000; and the initial equipment of any such buildings; but excludes the cost of off-site improvements.

### § 52b.3 Eligibility.

In order to be eligible for a construction grant under section 406(b) or section 404(b)(9) of the Act, the applicant must be:

(a) A public or private nonprofit agency or institution; and

(b) Located in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, American Samoa, the Trust Territory of the Pacific Islands, or Guam.

### § 52b.4 Application.

(a) *Submittal*. Applications for construction grants under section 406(b) or section 404(b)(9) of the Act, including both detailed narrative descriptions and detailed estimates of the cost of the respective projects, shall be made on an authorized form.

(b) *Environmental impact*. Each applicant shall furnish its analysis of the environmental impact of the proposed construction taking into account the consideration set forth in the National Environmental Policy Act, Pub. L. 91-190 ((42 U.S.C. 4321 *et seq.*), 83 Stat. 852).

(c) *Flood hazards*. Each applicant shall furnish its assessment of the project site in light of the considerations set forth in Executive Order 11296, 31 FR 10663 (August 10, 1966) concerning the evaluation of flood hazards in locating Federally supported facilities.

(d) *Review by State and local comprehensive health planning agency*. In the case of a project for the construction of a facility intended, at least in part, for the provision of health services, the applicant shall provide an opportunity for comment and approval with respect to such project to (1) the

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State agency administering or supervising the administration of the State plan approved under section 314(a) of the Act, and (2) the public or nonprofit private agency or organization responsible for the plan or plans referred to in section 314(b) of the Act and covering the area in which such project is to be located or if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Director, similar functions.

(Sec. 215, Public Health Service Act, 58 Stat. 690, 67 Stat. 631 (42 U.S.C. 216); sec. 406(b), Public Health Service Act, 92 Stat. 3428 (42 U.S.C. 286a); sec. 404(b)(9), Public Health Service Act, 92 Stat. 3427 (42 U.S.C. 285))

[45 FR 12243, Feb. 25, 1980, as amended at 48 FR 29201, June 24, 1983; 48 FR 45558, Oct. 6, 1983]

### § 52b.5 Evaluation.

In approving applications for construction grants under this part, the Director shall take into account, among other factors, the following:

(a) The relevance of the program for which construction is proposed to the objectives and priorities of the National Cancer Program (42 U.S.C. 286a),

(b) The scientific merits of the program for which construction is proposed,

(c) The scientific or professional standing or reputation of the agency or institution and of its existing or proposed officers and research staff,

(d) The availability, by affiliation or other association, of other scientific or health personnel and facilities to the extent necessary to carry out effectively the contemplated program, including the adequacy of an acceptable biohazard control and containment program where warranted,

(e) The need to accomplish appropriate geographical distribution of facilities, and

(f) The financial need of the applicant.

### § 52b.6 Other HHS regulations that apply.

Several other regulations apply to grants under this subpart. These include, but are not limited to:

42 CFR part 50, subpart D—Public Health Service grant appeals procedure

45 CFR part 16—Procedures of the Departmental Grant Appeals Board

45 CFR part 74—Administration of grants

45 CFR part 75—Informal grant appeals procedures

45 CFR part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services effectuation of title VI of the Civil Rights Act of 1964

45 CFR part 81—Practice and procedure for hearings under part 80 of this title

45 CFR part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance

45 CFR part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance

[49 FR 38110, Sept. 27, 1984]

### § 52b.7 Rate of Federal financial participation.

(a) The amount of a construction grant may not exceed 75 percent of the necessary allowable cost of construction as determined by the Director, except that in situations where the Director finds good cause for waiving requirements, for example, in order to achieve sufficient geographical distribution of facilities, the amount of the construction grant may exceed 75 percent of the necessary allowable cost of construction.

(b) Subject to paragraph (a) of this section, the Director shall set the actual rate of Federal financial participation in the necessary allowable cost of construction taking into consideration the most effective use of available Federal funds to further the purposes of section 406(b) or section 404(b)(9).

### § 52b.8 Terms and conditions.

In addition to any other requirement imposed by law or determined by the Director to be reasonably necessary with respect to any particular grant to fulfill the purposes thereof, each construction grant shall be subject to the condition that the applicant provide certain evidences, supported by such documentation as the Director may reasonably require. The Director may for good cause shown approve exceptions to these conditions and evidences