

Commodity	Parts per million	Expiration/revocation date
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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6476-8]

### National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of partial deletion of the Materials Technology Laboratory (MTL)—Watertown Arsenal Development Corporation Parcel and Commander's Quarters parcel (also known as Zones 1-4) from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) Region I announces the partial deletion of the Materials Technology Laboratory—Watertown Arsenal Development Corporation Parcel and Commander's Quarters parcel (jointly known as Zones 1-4) from the National Priorities List (NPL). Zones 1 through 4 of MTL include a portion of Operable Unit (OU) No. 1 and OU No. 3. The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the

Superfund Amendments and Reauthorization Act. After consultation with the Commonwealth of Massachusetts, EPA has determined that all appropriate actions under CERCLA have been implemented. Moreover, EPA and the Commonwealth have determined that remedial activities conducted to date at OU No. 1 (Zones 1 through 4) and OU No. 3 have been protective of human health, welfare and the environment. Institutional controls, which have been established as part of the remedy, will ensure continued protectiveness in the future. Institutional controls are provided for in a Grant of Environmental Restriction and Easement. The Charles River Park parcel and the Charles River Operable Unit, are still undergoing investigation/remedial actions and are not to be removed from the NPL at this time.

**EFFECTIVE DATE:** November 22, 1999.

**FOR FURTHER INFORMATION CONTACT:** Meghan Cassidy, Remedial Project Manager, U.S. EPA Region I, 1 Congress St., Suite 1100 (HBT), Boston, MA 02114-2023, (617) 918-1387.

**SUPPLEMENTARY INFORMATION:** The site to be partially deleted from the NPL is: Watertown Arsenal Development Corporation Parcel and Commander's Quarters parcel (also known as Zones 1-4) of the Materials Technology Laboratory (MTL) in Watertown, Massachusetts.

A Notice of Intent to Delete for these parcels at this site was published on August 16, 1999, 64 FR 44454. The closing date for comments on the Notice of Intent to Delete was September 15, 1999. EPA received no comments.

EPA identifies sites that appear to present a significant risk to public

health, welfare, or the environment and maintains the NPL as the list of these sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site (or portion thereof) deleted from the NPL are eligible for further remedial actions should future conditions warrant such action.

### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous Waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: October 8, 1999.

**John P. DeVillars,**

*Regional Administrator, Region 1.*

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

2. Table 2 of Appendix B to Part 300 is amended by revising the entry for "Materials Technology Laboratory (USARMY)", Watertown, Massachusetts to read as follows:

### Appendix B to Part 300—National Priorities List

\* \* \* \*

TABLE 2.—FEDERAL FACILITIES SECTION

St	Site name	City/county	Notes(a)
MA	Materials Technology Laboratory (USARMY)	Watertown	P

(a) \* \* \*

P = Sites with partial deletion(s).

[FR Doc. 99-30155 Filed 11-19-99; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****42 CFR Part 52b**

RIN 0925-AA04

**National Institutes of Health Construction Grants**

**AGENCY:** National Institutes of Health, Department of Health and Human Services (HHS).

**ACTION:** Final rule.

**SUMMARY:** The National Institutes of Health (NIH) is revising regulations governing National Cancer Institute construction grants for the purpose of making them applicable to all NIH financial assistance programs with construction grant authority, including programs transferred to NIH by the ADAMHA Reorganization Act and two programs authorized by the National Institutes of Health Revitalization Act of 1993. The regulations are also being revised to update statutory references in the regulations, add new administrative and technical requirements for the awarding of these grants, and add procedures for the recovery of grant funds for facilities no longer used for biomedical research purposes.

**DATES:** This final rule is effective on December 22, 1999. The incorporation by reference of certain publications listed in the rule was approved by the Director of the Federal Register, effective December 22, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jerry Moore, NIH Regulations Officer, National Institutes of Health, 6011 Executive Boulevard, Room 601, MSC 7669, Rockville, MD 20852, or telephone 301-496-4607 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Under the Public Health Service (PHS) Act, as amended (42 U.S.C. 201 *et seq.*), construction or modernization grant authority exists in sections 413(b)(6)(B) and 414(b) for the National Cancer Institute (construction grants); sections 421(b)(2)(B) and 422(c)(3) for the National Heart, Lung, and Blood Institute (construction grants); section 441(a) for the National Institute of Arthritis and Musculoskeletal and Skin Diseases (modernization grants); section 455 for the National Eye Institute (construction grants); section 464C(a) for the National Institute on Deafness and Other Communication Disorders (modernization grants); section

464P(b)(3) for the National Institute on Drug Abuse (construction grants); section 481A(a) for the Director of NIH, acting through the Director of the National Center for Research Resources (construction and modernization grants); section 481B(a) for the Director of NIH (construction grants); and section 2354(a)(5)(B) for NIH AIDS research programs (construction grants).

NIH is revising the existing regulations at 42 CFR part 52b (National Cancer Institute Construction Grants) to make them applicable to all NIH financial assistance programs with construction or modernization grant authority, except for certain alterations and improvements under research project grants and center grants, and to make other changes. NIH announced proposed revisions to the existing regulations at 42 CFR part 52b (National Cancer Institute Construction Grants) in a notice of proposed rulemaking (NPRM) published in the **Federal Register** on July 6, 1995 (60 FR 35266). One comment was received and it supported the proposed changes. With the exception of minor editorial and the following changes, the regulations are the same as those proposed in the NPRM.

In lieu of specifically listing in § 52b.1, the applicability section, each NIH construction grant program to which the regulations apply, as proposed in the NPRM, the section has been revised and simplified to apply across-the-board to all NIH construction grant programs, except for those few programs specifically excluded by the section. This will have the advantage of assuring that any new NIH construction grant programs enacted by Congress will have implementing regulations without the necessity of having to amend the regulations. The final rule authorizes the Director of NIH to publish a list from time to time of the construction grant programs covered by the regulations. This list would be for informational purposes only and would not restrict the applicability of the regulations.

Part 52b is retitled and the authority citation is amended to add the construction and modernization grant authorities. Sections 52b.2 through 52b.5 are revised in their entirety. Although the current National Cancer Institute (NCI) construction grants regulations do not specify a specific length of time the grantee must use a facility for the purpose for which constructed, § 52b.10(a) of the current regulations requires the applicant to have sufficient title to assure "for the estimated useful life of the facility," as determined by the Director, NCI, undisturbed use and possession for the

purpose of the construction and operation of the facility. The regulations governing the administration of grants, 45 CFR part 74, which are incorporated in the current part 52b, provide that the recipient shall use the real property "for the authorized purpose of the project as long as it is needed" (§ 74.32(a)). The revised regulations continue to specify continued use of the facility for its originally authorized purpose so long as needed, unless another period is prescribed by statute (e.g., 20 years after completion of construction prescribed by section 481A(c)(1)(B) of the PHS Act for biomedical and behavioral research facilities).

The NPRM continued without change the provisions relating to title (sufficient for the estimated useful life as determined by the awarding component director) and incorporation of 45 CFR part 74 (use for the originally authorized purpose so long as needed), but added express provisions authorizing alternate use in appropriate circumstances and the right of the Federal Government to recover in the event a facility is sold or transferred to an ineligible third party or diverted to an unauthorized purpose, prior to the expiration of its useful life. Those provisions remain in this final rule with minor modifications to conform more closely to the pertinent provisions of 45 CFR part 74.

Sections 52b.6, 52b.7, 52b.8, 52b.9, 52b.10, and 52b.11 are revised and redesignated as indicated on the following chart, which shows the new section designations of all the sections of former part 52b:

Former section	New section
52b.1 .....	52b.1
52b.2 .....	52b.2
52b.3 .....	52b.3
52b.4 .....	52b.4
52b.5 .....	52b.5
52b.6 .....	52b.14
52b.7 .....	52b.6
52b.8 .....	52b.10
52b.9 .....	52b.11
52b.10 .....	52b.13
52b.11 .....	52b.12
None .....	52b.7
None .....	52b.8
None .....	52b.9

Three new sections are added to part 52b. A new § 52b.7 is added specifying facility usage requirements; a new § 52b.8 is added concerning NIH monitoring of the usage of biomedical research facilities constructed with federal funds; and a new § 52b.9 is added concerning procedures to recover federal funds for facilities that cease to be used for biomedical research purposes. Section 52b.10 adds new