

Dated: January 11, 2000.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 00-1147 Filed 1-18-00; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: January 10, 2000.

Time: 2 PM to 4 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: H. Mac Stiles, DDS, PHD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7816, Bethesda, MD 20892, (301) 435-1785.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; Clinical Research, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 5, 2000.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Establishment by the National Institutes of Health of Categorical Exclusions Under the National Environmental Policy Act

AGENCY: National Institutes of Health, DHHS.

ACTION: Notice of establishment by the NIH of categorical exclusions under the National Environmental Policy Act.

SUMMARY: The NIH is establishing procedures governing compliance with the National Environmental Policy Act of 1969 and the Council on Environmental Quality's implementing regulations. This notice lists the categories of actions taken by the NIH that normally do not require the preparation of either an environmental impact statement or an environmental assessment under the National Environmental Policy Act. This list has been prepared in accordance with the Council on Environmental Quality's regulations and with Chapter 30 of the Department of Health and Human Services (DHHS) General Administration Manual (GAM). These exclusions apply to all NIH organizations and activities.

DATES: These categorical exclusions are effective January 19, 2000.

FOR FURTHER INFORMATION CONTACT: Joseph G. Hugo, P.E., Chief, Pollution Control Section, Division of Safety, Office of Research Services, National Institutes of Health, Building 13, Room 2W64, Bethesda, Maryland 20892. Telephone 301-496-7775, FAX 301-480-8056, E-mail Address: jgh@helix.nih.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In an August 20, 1999, **Federal Register** notice (64 FR 45558), the NIH published for comment the agency's proposed categorical exclusions for actions taken by the NIH that the agency has determined do not individually or cumulatively have a significant effect on the quality of the human environment. The NIH also submitted its proposed categorical exclusions to the Council on Environmental Quality (CEQ) for its review and comment. The National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 *et seq.*, and CEQ's regulations implementing NEPA, 40 CFR Parts 1500-1508, mandate that agencies perform environmental reviews of their actions. CEQ's regulations also require

that agencies establish procedures governing categories of actions that are normally excluded from NEPA review because they do not individually or cumulatively have a significant effect on the human environment. 40 CFR 1508.4.

After reviewing the types of actions that it takes, the NIH is providing notice of the actions that will normally be categorically excluded from further environmental review because individually and cumulatively they will not have a significant effect on the human environment. If a proposed action is included in one of the categories but extraordinary circumstances as described in section D of this notice apply, an environmental review will be performed.

II. Comments on the Proposed Categorical Exclusions

The NIH received one comment on its proposed categorical exclusions. CEQ did not provide any comments. A nonprofit animal advocacy group raised a concern with one of the NIH's proposed functional exclusions, which applied to, "The identification, collection, testing, and distribution of substances and living organisms for research purposes." The commentator was concerned that the terms "substances" and "living organisms" are unacceptably vague and that this proposed exclusion could be read to exclude from environmental review the collection and distribution of animals. The comment cited an estimate by the United States Department of Agriculture/Animal Plant Health Inspection Service that 17 to 22 million animals are used in research each year and indicated that the action of collecting and distributing this many animals would have a cumulative effect on the human environment.

The NIH's intent in establishing this exclusion was primarily to exclude from NEPA review agency actions involving the collection and distribution of materials and reagents used in the research of human diseases or those which may contain unknown or unstudied constituents that could prove useful in the diagnosis and/or treatment of human disease(s). The NIH did not intend this exclusion to cover all actions involving animals. Consistent with the concerns about vagueness, the proposed categorical exclusion has been rewritten to clarify what actions it covers. The revised exclusion states: "The identification, collection, testing, and distribution of chemicals, drugs, biologicals, plants or plant derivatives, microorganisms, and/or cell cultures for use in the research, diagnosis, and/or treatment of human diseases." This