proposed paragraph (a), the proposed regulations would not necessarily require that an application be submitted through the mail. By not specifically requiring that an application be made in written form through the mail, we are intentionally leaving open the possibility that a person could submit an application using other means, such as via facsimile machine or in an electronic medium compatible with APHIS equipment.

Proposed paragraph (a)(1) provides that a person may apply for a permit for the importation or interstate movement of regulated organisms within a taxon of a higher level than species (genus, family, order, class, phylum). Because research is not always confined to a single organism, or even to an identified group of organisms, the issuance of such a permit would give researchers the ability to import or move interstate a wide range of regulated organisms without having to submit a permit application for each species or strain of regulated organism. We believe that we could assure the prevention of plant pest dissemination during the importation or interstate movement of even a wide range of regulated organisms by assigning specific conditions that would apply to the importation or interstate movement of all regulated organisms covered by the permit. The conditions that would be assigned to the permit would be designed to ensure that there is an appropriate level of biosecurity, which would be determined by the biological characteristics of the entire taxon. Because the range of organisms that might be included in a permit could be quite broad, the assigned safeguards may be more stringent than those that might be assigned to a single organism within the same taxon.

Proposed paragraph (a)(2) contains provisions for the identification of trade secret or confidential business information (CBI). As set forth in the USDA's regulations regarding the handling of information from private businesses (see 7 CFR 1.11), the USDA is responsible for making the final determination with regard to the disclosure of information designated CBI, but the policy of the USDA is to obtain and consider the views of the submitter and to provide the submitter the opportunity to object to the disclosure of CBI.

Under proposed paragraph (a)(2), if an application contained any information deemed to be CBI, we would require that two copies of the application be prepared. Each page of one copy would have to be marked "CBI Copy" and have all CBI designated as such. The second

copy would be required to have all designated CBI deleted and would be marked "CBI Deleted" on each page of the copy.

Proposed paragraph (a)(3) provides that an application for a permit for the importation or interstate movement of a regulated organism must be received by the Administrator at least 30 days prior to the date of the proposed importation or interstate movement and that an application for the release into the environment of a regulated organism must be received by the Administrator at least 120 days prior to the date of the proposed release. The 30- and 120-day time periods referred to in proposed paragraph (a)(3) are necessary to ensure that APHIS has adequate time to review

applications for permits.

Proposed paragraph (a)(4) provides that, after receiving an application, APHIS would conduct a review to determine whether the application contains all of the information required by proposed § 335.4. This review would be completed within 15 days of our receipt of an application for importation or interstate movement, and within 30 days of receiving an application for release into the environment. Upon completion of the review to determine whether the application contains all of the information required by proposed § 335.4, we would inform the applicant of the date that the application was received, which would be the date that the review period had commenced, or, if the application is incomplete, what additional information is needed. Once an application is complete, APHIS would commence its review of the application. A copy of the application marked "CBI Deleted" or "No CBI" would be forwarded to the State department of agriculture in the State where the introduction is planned so that the State would have an opportunity to review the application and convey any comments to APHIS.

In addition to that State review, which, unless waived by an individual State, would be conducted on all applications for the importation, interstate movement, or release into the environment of a regulated organism, there are several Federal agencies other than APHIS that have authority over the release into the environment of certain regulated organisms. (Within the USDA, there are the Agricultural Marketing Service, the Agricultural Research Service, the Cooperative State Research Service, the Forest Service, and the Extension Service; outside the USDA are the Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the Department of Defense, the Environmental Protection

Agency, the Centers for Disease Control and Prevention, the Customs Service, the U.S. Coast Guard, the U.S. Army Corps of Engineers, and the Drug Enforcement Agency.) These agencies may be consulted as part of our 30-day review to determine whether the application contains all of the information required by proposed § 335.4. There also may be instances when consultation with another Federal agency would be required. For example, APHIS would have to consult with the Fish and Wildlife Service if APHIS determined that a regulated organism proposed for release into the environment may have an effect on a threatened or endangered species. Because another agency would be involved, APHIS would no longer have full control over the review of an application and could not, therefore, be certain that the review would be completed in the specified 120-day review period. In such cases, the applicant would be notified, in writing, of the need for consultation and informed that the review period may extend beyond the specified 120 days.

When an application contains all the information required by proposed § 335.4 and outside consultation is not required, we believe that the applicable 30- or 120-day review period is sufficient for APHIS to thoroughly examine all aspects of a particular proposed introduction of a regulated organism. Based on our past experience in processing applications, we anticipate that, in many cases, action on a permit application would be completed in less time. When sufficient applicable data are available from previously issued permits, APHIS may be able to complete its review of a permit application in appreciably less time than the applicable 30- or 120-day

review period.

Paragraphs (b) through (e) of proposed § 335.4 contain the data requirements that would have to be met for an application to be deemed complete. Paragraph (b) contains data elements that would apply to all permit applications; paragraphs (c), (d), and (e) contain specific additional data elements that would be required for applications for importation, interstate movement, and release into the environment, respectively.

Except for those elements that are administrative in nature, the proposed data elements would be a means by which we could assess the plant pest and environmental risks involved in a proposed introduction. A regulated organism of concern would fall into one of the following categories: (1) An organism of foreign origin that is not