Conversely, if APHIS determines that the available information could not support a finding that exempting the regulated organism from regulation would not present a significant plant pest risk, the request would be denied. The person requesting the exemption would be informed of the denial in writing and given the opportunity to appeal. The appeal process would be set forth in proposed § 335.5(b). The denial of an exemption request would not preclude the person who had requested the exemption from applying for a permit for the introduction of the same regulated organism.

There may be occasions where APHIS determines, without having received a request from a member of the public, that a regulated organism could be exempted from regulation under this proposed part without presenting a significant plant pest risk. Therefore, proposed § 335.5(c) provides that in such cases, APHIS would publish a notice of proposed rulemaking in the Federal Register, proposing to add the organism to the list of exempted nonindigenous organisms in proposed § 335.5(d). If the public comment period did not produce any supportable information that indicated the organism

should not be exempted from regulation, a final rule adding the organism to the list of exempted nonindigenous organisms would be published in the **Federal Register**.

In this proposed rule, the list of exempted nonindigenous organisms in proposed § 335.5(d) consists of 13 types of organisms that APHIS believes should be exempted from regulation under proposed part 335. The exemption would apply to the introduction of these organisms into the entire United States. These organisms are:

| Class | Order | Family | Scientific or common name |
|-----------------------------------|---|---------------|--|
| Arachnida | Scorpiones Pseudoscorpiones Solfugae Amblypygi Opiliones Aranae Blattodea Diptera | Theraphosidae | Scerninc of common name Scorpions. Pseudoscorpions. Windscorpions. Tailless whipscorpions. Daddy-longlegs/harvestmen. Tarantulas. Cockroaches. Mosquitoes. Musca domestica. |
| Insecta Insecta Chilopoda Diploda | Diptera Diptera | Drosophilidae | Drosophila melanogaster. Centipedes. Millipedes. |

A permit would not be required under proposed part 335 to introduce these organisms into the United States because, based on APHIS' experience issuing plant pest permits, we do not believe that the above types of organisms would need to be regulated under proposed part 335 in order to prevent the introduction of plant pests into the United States.

Conditions for the Introduction of Regulated Organisms (§ 335.6)

This section of the proposed regulations contains conditions that would apply to the introduction of regulated organisms. As mentioned above in the discussion of proposed § 335.4(g), any additional conditions that would apply specifically to the introduction of a particular regulated organism would be listed on the permit issued for that introduction. These proposed conditions are designed to prevent the introduction and dissemination of plant pests.

Paragraph (a) of proposed § 335.6 contains the conditions that would apply to the importation of regulated organisms. We would require regulated organisms imported into the United States to be accompanied by a permit and imported through a port of first arrival that has a plant inspection station. Given the nature of some regulated organisms, we believe it is necessary to route them through one of

APHIS' plant inspection stations, which have special inspection and treatment facilities. In order to reduce the risk of the spread of plant pests, and to help prevent a regulated organism's accidental release into the environment, we would further require that imported regulated organisms be moved from the port of first arrival only to the destination specified on the permit. We would also require the regulated organism to be enclosed in a container that meets the requirements of proposed § 335.8, and that the container remains unopened until the regulated organism arrives at the destination specified on the permit. The regulated organism could not be accompanied by an organism or article not specified on the

permit.

To facilitate the handling of the regulated organism at the port of first arrival, we would require that the outside of the container bear a label issued by APHIS; the label would identify the container so that it would be handled by the APHIS inspector as quickly as possible. The outside of the container in which the regulated organism is moved would also have to accurately identify the regulated organism, the person to whom the permit was issued, the destination of the regulated organism, the return address of the sender of the regulated organism, and the number of the permit authorizing the importation. By having

this information accompanying the regulated organism at the time of its arrival at the port of first arrival, we could avoid unnecessary delays that might result from inadequate identification of the container's contents.

We would require the permittee to agree to notify the Administrator immediately if there is an accidental or unauthorized release of the regulated organism into the environment, or within 5 days if there are any characteristics of the regulated organism that are substantially different from those listed in the application for a permit.

In certain cases, APHIS may determine that a regulated organism must be destroyed, disposed of, or subjected to other remedial measures to prevent the spread of plant pests. Therefore, in situations where the regulated organism presents a risk of disseminating plant pests, the permittee would be required to present the regulated organism to the Administrator for disposition.

Paragraph (b) of proposed § 335.6 contains the proposed conditions that would apply to the interstate movement of regulated organisms. Regulated organisms moved interstate would have to meet, with two exceptions, the same conditions as imported regulated organisms under this section of the proposed regulations. Regulated