implementing or complying with these proposed regulations are insignificant.

The proposed regulations clearly set out the information that APHIS would require to be able to make a decision concerning the plant pest risk associated with a regulated organism, so prospective applicants would not find themselves wasting scarce resources seeking clarification or interpretation of the existing plant pest regulations. These improvements are expected to encourage and facilitate research in the area of nonindigenous organisms.

In 1992, APHIS issued 3,375 permits under 7 CFR part 330 for the importation, interstate movement, or release into the environment of organisms, nearly 3 times the 1982 total of 1,167 permits issued. The average total cost (using the 1992 data) to APHIS to process an application was approximately \$139. No user fees have been charged to the applicants.

Under the current system, the processing of an application can be a lengthy process. It takes, on average, approximately 5 to 30 days to issue a permit for importation or interstate movement of an organism, while it may take as long as a year to process an application for the release of an organism into the environment. This time variability is partly a function of the level of risk assessment required, but the adequacy of the initial information provided by the applicant plays an important role. We anticipate that the permit application process set forth in the proposed regulations would speed up the permit application review process by ensuring that sufficient data are provided by applicants from the start of APHIS' review of the application.

The applicants for permits to introduce nonindigenous organisms have been researchers, scientists, private businesses, and agricultural producers. Approximately two-thirds of all applicants have been nonprofit entities. Most of the applicants are considered to be small entities. Of the three types of permits that would be issued under these proposed regulationsimportation, interstate movement, and release into the environment-we believe that an application for a permit to release a regulated organism into the environment would take the longest to prepare. We estimate that a Ph.D. researcher working with clerical support for approximately 2 weeks to prepare an application for a permit to release a regulated organism into the environment would cost, based on their estimated salaries, less than \$5,000. We anticipate that the costs of preparing a permit application for the majority of

the regulated organisms covered by the proposed regulations would not be significant because most, if not all, of the data that would be required would already be known to the applicant, thus minimizing the amount of time spent preparing a permit application.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

## **Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

### **Executive Order 12778**

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

### **National Environmental Policy Act**

APHIS has determined that the preparation of an environmental assessment was not necessary for the proposed regulations. The proposed regulations are procedural in nature and would not irrevocably commit APHIS to any decision concerning the issuance of any permit for the release into the environment of a regulated organism. As a procedural regulation, the proposed rule would advise persons of what data to submit in a permit application so that APHIS would be able to decide whether a permit could be granted. For an application for a permit to release a regulated organism into the environment, the required data would be used to prepare an environmental assessment as part of APHIS' decisionmaking process. APHIS would retain the authority to grant, deny, or revoke a permit on a case-by-case basis.

## **Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the information collection or recordkeeping requirements included in this proposed rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention:

Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to: (1) Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20738, and (2) Clearance Officer, OIRM, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

## List of Subjects in 7 CFR Part 335

Imports, Packaging and containers, Plant diseases and pests, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 335 would be added to read as follows:

# PART 335—INTRODUCTION OF NONINDIGENOUS ORGANISMS

Sec

335.1 Definitions.

335.2 Regulated organisms.

335.3 General restrictions on the introduction of regulated organisms.

335.4 Permits for the introduction of regulated organisms.

335.5 Nonindigenous organisms exempted from regulation under this part.

335.6 Conditions for the introduction of regulated organisms.

335.7 Facilities for the containment of regulated organisms.

335.8 Container requirements for the movement of regulated organisms.335.9 Costs and charges.

**Authority:** 7 U.S.C. 150aa-150jj, 151–164a, 167, and 1622(n); 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.17, 2.51, and 371.2(c).

## § 335.1 Definitions.

Terms used in the singular form in this part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this part, shall be construed, respectively, to mean:

Administrator. The Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other individual to whom the Administrator delegates authority to act in his or her stead.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the U.S.

Department of Agriculture.

APHIS inspector. Any employee of the Animal and Plant Health Inspection Service or any other individual authorized by the Administrator to enforce this part.

Environment. All land, air, and water; and all living organisms in association with land, air, and water.

Established. The condition of a species that has formed a self-sustaining, free-living population at a given location.