date specified on the permit will be no more than 10 years from the date of

issuance of the permit.

(2) If a permit is denied, the applicant will be promptly informed, in writing, of the reasons the permit was denied and given the opportunity to appeal the denial in accordance with paragraph (h) of this section. A permit application will be denied if:

(i) The applicant has had a permit revoked under paragraph (h) of this section during the 12 months prior to APHIS' receipt of the completed permit application, unless the revoked permit has been reinstated upon appeal.

(ii) An APHIS inspector is not allowed to inspect the facility into which a regulated organism proposed for importation or interstate movement is to be moved, or the site where a regulated organism is proposed to be released into the environment.

(iii) The Administrator determines, based on a review of the available information, that the introduction of the regulated organism would present a significant risk of plant pest dissemination and no adequate safeguards could be arranged to mitigate that risk.

(h) Denial or revocation of permit; appeals. Any permit that has been issued may be revoked, in writing, by an APHIS inspector or the Administrator if the APHIS inspector or the Administrator determines that the person to whom the permit was issued, or his or her agents or employees, has not complied with any condition specified on the permit or has violated any requirement of this part. Any person whose permit has been revoked or any person who has been denied a permit may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the revocation or denial. The appeal must state all of the facts and reasons upon which the person relies to show that the permit was wrongfully revoked or denied. The Administrator will grant or deny the appeal as promptly as circumstances allow and will state, in writing, the reasons for the decision. If there is a conflict as to any material fact and the person whose permit application was denied or permit was revoked requests a hearing, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted

by the Administrator.
(i) Recordkeeping. If a permit is issued for the introduction of a regulated organism, the person to whom the permit is issued must maintain records for 10 years that identify the regulated organism (as specifically as can be

determined), identify the characteristics of the regulated organism, and state the disposition of the regulated organism. An APHIS inspector shall, during normal business hours, be allowed to inspect and copy the records required to be maintained in accordance with this paragraph.

§ 335.5 Nonindigenous organisms exempted from regulation under this part.

- (a) In accordance with the procedures set forth in paragraphs (b) and (c) of this section, a regulated organism may be exempted from regulation under this part. A nonindigenous organism exempted from regulation under this part may be introduced without restriction under this part into one or more of the areas listed in this paragraph:
 - (1) The entire United States;
- (2) The continental United States (the conterminous 48 States and Alaska);
 - (3) Hawaii;
 - (4) Puerto Rico;
 - (5) The Northern Mariana Islands; or
- (6) Any other U.S. territory or possession.
- (b) Requests for exemption. (1) Any person who believes that a regulated organism should be exempted from regulation under this part shall submit a written request to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Biological Assessment and Taxonomic Support, 4700 River Road Unit 133, Riverdale, MD 20737–1236. The request for an exemption from regulation under this part must include:
- (i) The name, address, telephone number, and facsimile number of the person submitting the request for the exemption;
- (ii) The scientific name, common name, and any other information that serves to identify the regulated organism as specifically as possible (including the subspecies, race, and strain of the regulated organism) that the person believes should be exempted from regulation under this part and a description of the methods used to establish the identity of the regulated organism;
- (iii) A description of the life cycle, biology, and ecology of the regulated organism;
- (iv) Whether the regulated organism has been genetically modified (if so, include a description of the genetic modification);
- (v) The established range of the regulated organism in the United States;
- (vi) Whether the regulated organism has been released into the environment in the area or areas of the United States for which the exemption is being

requested and, if so, the location and date of the release;

(vii) A description of all testing and review that has been conducted to assess the effects of the regulated organism on the environment;

(viii) The effect of the regulated organism on the environment in its

established range;

(ix) The host specificity of the regulated organism under both artificial and natural conditions;

(x) References to any published and unpublished documents that support the information required by paragraphs (b)(1)(ii) through (b)(1)(ix) of this section. If available to the applicant, copies of any unpublished referenced documents must be attached to the application; and

(xi) A list of at least three universities, museums, scientific societies, or other organizations that maintain collections of organisms to which specimens of the regulated organism have been submitted, and the identification numbers assigned to the specimens.

(2) Within 30 days of receiving the request for exemption from regulation under this part, APHIS will review the request to determine whether the request contains all the information required by this section. If the request contains all of the information required by this section, APHIS will notify the person requesting the exemption of the date that the request was received, which will be the commencement date of a 120-day review period for requests for exemption. If the request does not contain all of the information required by this section, APHIS will advise the person submitting the request for an exemption of the additional information that must be received by the Administrator to complete the request for an exemption. APHIS will commence the review period upon receipt of the additional information, if, with the addition of that information, the request contains all of the information required by the section.

(3) If, based upon its review of the request, APHIS concludes that exempting the regulated organism from regulation under this part would not present a significant plant pest risk, APHIS will prepare a notice of proposed rulemaking for publication in the **Federal Register** proposing to add the organism to the list in paragraph (d) of this section of nonindigenous organisms exempt from regulation under this part.

(4) If, based upon its review of the request, APHIS is unable to conclude that exempting the regulated organism from regulation would not present a significant plant pest risk, the request for an exemption from regulation under