

## § 82.25

destination listed on the special permit.

(Approved by the Office of Management and Budget under control number 0579-0116)

### § 82.25 Denial and withdrawal of permits and special permits.

(a) *Denial.* If the Administrator determines that the applicant for a permit or special permit is not complying with or could not comply with this subpart or any special conditions needed to prevent the spread of chlamydia, or, in the case of a special permit, that the special permit is not required under this subpart, the Administrator may deny the request for a permit or special permit. If the request is denied, the Administrator will send the applicant a written notice explaining why the permit or special permit was denied.

(b) *Withdrawal.* The Administrator may withdraw a permit or special permit, orally or in writing, if he or she determines the person to whom the permit or special permit has been issued is violating either this subpart or some condition specified in the permit or special permit. The Administrator may withdraw the permit or special permit without advance notice if he or she determines that the person to whom the permit or special permit has been issued is violating either this subpart or some condition specified in the permit or special permit in a way that threatens the public health, interest, or safety. The Administrator will send the person to whom the permit or special permit has been issued a written explanation of why the permit or special permit is to be or was withdrawn.

(c) *Appeals.* Denial or withdrawal of a permit or special permit may be appealed to the Administrator within 10 days after receipt of the written notice of denial or withdrawal. The appeal must be in writing<sup>3</sup> and must state all of the facts and reasons upon which the person relies to show that the permit or special permit was wrongfully denied or withdrawn. The Administrator will grant or deny the appeal, in writing, explaining all of the reasons for the decision, as promptly as circumstances allow. In cases where there

<sup>3</sup>See footnote 10 to § 82.13.

## 9 CFR Ch. I (1-1-09 Edition)

is a conflict as to any material fact, the person denied a permit or special permit, or from whom a permit or special permit is withdrawn, shall be given an opportunity for a hearing with respect to the merits or validity of the denial or withdrawal in accordance with rules of practice adopted for the proceeding.

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## PART 83—VIRAL HEMORRHAGIC SEPTICEMIA

Sec.

- 83.1 Definitions.
- 83.2 General restrictions.
- 83.3 Interstate movement of live VHS-regulated fish species from VHS-regulated areas.
- 83.4 VHS-regulated fish and VHS-regulated areas.
- 83.5 Interstate Certificate of Inspection (ICI).
- 83.6 Testing requirements.
- 83.7 Shipping containers; cleaning and disinfection.

AUTHORITY: 7 U.S.C. 8301-8317; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 73 FR 52184, Sept. 9, 2008, unless otherwise noted.

EFFECTIVE DATE NOTE: At 73 FR 52184, Sept. 9, 2008, part 83 was added, effective Nov. 10, 2008. At 73 FR 63867, Oct. 28, 2008, the effective date was delayed until Jan. 9, 2009.

### § 83.1 Definitions.

*Accredited veterinarian.* A veterinarian who is approved by the Administrator, in accordance with part 161 of this chapter, to perform official animal health work of the Animal and Plant Health Inspection Service specified in subchapters A, B, C, and D of this chapter; and to perform work required by cooperative State-Federal disease control and eradication programs.

*Administrator.* The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

*Anadromous fish.* Fish that are born and spawn in freshwater, but which spend part of their lifecycle in salt-water.

*Animal and Plant Health Inspection Service (APHIS).* The Animal and Plant