

the reasons for the proposed withdrawal are incorrect or do not support the withdrawal of the approval of the laboratory or facility to conduct the official test or receive reactors moved interstate. The Administrator will grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for his or her decision. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator. However, the withdrawal shall become effective pending final determination in the proceeding when the Administrator determines that such action is necessary to protect the public health, interest, or safety. Such withdrawal shall be effective upon oral or written notification, whichever is earlier, to the operator of the laboratory or facility. In the event of oral notification, written confirmation shall be given as promptly as circumstances allow. The withdrawal shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the Administrator.

(3) Approval for a laboratory to conduct the official test will be automatically withdrawn by the Administrator when the operator of the approved laboratory notifies the National Veterinary Services Laboratories in Ames, Iowa, in writing, that the laboratory no longer conducts the official test.

(4) Approval for a diagnostic or research facility to receive reactors moved interstate will be automatically withdrawn by the Administrator when the operator of the approved diagnostic or research facility notifies the Administrator, in writing, that the diagnostic or research facility no longer receives reactors moved interstate.

(Approved by the Office of Management and Budget under control number 0579–0051)

[51 FR 12597, Apr. 14, 1986, as amended at 51 FR 30327, Aug. 26, 1986; 55 FR 13506, 13507, Apr. 11, 1990; 57 FR 2440, Jan. 22, 1992; 57 FR 57337, Dec. 4, 1992; 59 FR 67133, Dec. 29, 1994; 59 FR 67613, Dec. 30, 1994; 60 FR 14619, Mar. 20, 1995; 62 FR 27936, May 22, 1997]

CONTAGIOUS EQUINE METRITIS (CEM)

§§ 75.5–75.10 [Reserved]

PART 76 [RESERVED]

PART 77—TUBERCULOSIS

Sec.

- 77.1 Definitions.
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- 77.6 Other movements.

AUTHORITY: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 43 FR 34431, Aug. 4, 1978, unless otherwise noted.

§77.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section except as otherwise specified.

*Accredited-free state.* (1)(i) To establish or maintain status as an accredited-free state, a state must have no findings of tuberculosis in any cattle or bison in the state for at least 5 years. The state also must comply with all of the provisions of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication” regarding accredited-free states and must apply these provisions to bison in the same manner as to cattle. Detection of tuberculosis in any cattle or bison in the state will result in suspension of accredited-free state status. Detection of tuberculosis in two or more herds in the state within 48 months will result in revocation of accredited-free state status. Accredited-free state status must be renewed annually.

(ii) To qualify for renewal of accredited-free state status, a state must submit an annual report to APHIS certifying that the state complies with all the provisions of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication” regarding accredited-free states and that the state applies these provisions to bison in the same manner