

techniques used in conjunction with histological examination.

Source flock. A flock in which an APHIS representative or a State representative has determined that at least two animals were born that were diagnosed as scrapie-positive animals at an age of 54 months or less. In order for the flock to be a source flock, the second scrapie-positive diagnosis must have been made within 60 months of the first scrapie-positive diagnosis and after March 31, 1989. A flock will no longer be a source flock after it has completed the requirements of a flock plan.

Source flock. A flock in which a Veterinary Services representative has determined that at least two animals, that were diagnosed as scrapie-positive animals at an age of 54 months or less, were born. In order to be a source flock, the second scrapie-positive diagnosis must be made within 60 months of the first scrapie-positive diagnosis. A flock will no longer be considered a source flock after it has completed the requirements of a flock plan.

State. Each of the 50 States, the District of Columbia, the Northern Mariana Islands, Puerto Rico, and all territories or possessions of the United States.

State representative. An individual employed in animal health activities by a State or political subdivision of a State, and who is authorized by the State or political subdivision to perform the function involved.

Trace flock. A flock in which an APHIS representative or a State representative has determined that one animal was born that was diagnosed as a scrapie-positive animal at an age of 54 months or less. In order for the flock to be a trace flock, the scrapie-positive diagnosis must have been made after March 31, 1989. A flock will no longer be a trace flock after it has completed the requirements of a flock plan.

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[57 FR 33631, July 30, 1992, as amended at 59 FR 21921, Apr. 28, 1994; 65 FR 39536, June 27, 2000]

§79.2 General restrictions.

(a) Except as provided in paragraphs (a)(1) and (a)(2) of this section, no

scrapie-positive animal, animal from an infected flock, or animal from a source flock may be moved interstate, unless the animal has been permanently identified with an indelible mark in the form of the letter "S," at least 1" by 1", applied on the left jaw.

(1) Animals less than 1 year of age may be moved interstate to slaughter from an infected flock or a source flock if the animals are moved in a means of conveyance sealed by an APHIS representative and are accompanied by a permit.

(2) High-risk animals less than 1 year of age moving in slaughter channels and animals other than high-risk animals may be moved interstate if the animals are from infected flocks or source flocks meeting the following conditions:¹

(i) The owner of the flock or his or her agent has signed an agreement with the Administrator in which the owner of the flock or his or her agent agrees to comply with the requirements of this section until the time the flock is no longer an infected flock or source flock.

(ii) The owner of the flock or his or her agent shall immediately report to a State representative, APHIS representative, or an accredited veterinarian any animals in the flock exhibiting the following: weight loss despite retention of appetite; behavioral abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high stepping gait of forelimbs, bunny hop movement of rear legs, swaying of back end; increased sensitivity to noise and sudden movement; tremor, "star gazing", head pressing, recumbency, or

¹Owners of flocks participating in the Voluntary Scrapie Flock Certification Program described in 9 CFR part 54 agree to follow the "Uniform Methods and Rules—Voluntary Scrapie Flock Certification" (the UM&R), which include, among other requirements, the conditions in this section. Individual copies of the UM&R may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, Sheep, Goat, Equine, and Poultry Diseases, 4700 River Road Unit 43, Riverdale, Maryland 20737-1231; or from the American Sheep Industry Association, Producer Services, 6911 S. Yosemite Street, Englewood, CO 80112-1414, telephone (303) 771-3500.

other signs of neurological disease or chronic wasting illness. Such animals must not be removed from the flock without written permission of an APHIS representative or State representative.

(iii) The owner of the flock or his or her agent shall identify all animals 1 year of age or over within the flock. All animals less than 1 year of age will be identified when a change of ownership occurs, with the exception of those moving within slaughter channels. The form of identification shall be an electronic implant, flank tattoo, or ear tattoo, providing a unique identification number that may be applied by the owner of the flock or his or her agent in accordance with instructions by an APHIS representative, State representative, or an accredited veterinarian.

(iv) The owner of the flock or his or her agent shall maintain, and keep for a minimum of 5 years after an animal dies or is otherwise removed from a flock, the following records for each animal in the flock: The animal's individual identification number from its electronic implant, flank tattoo, or ear tattoo, and any secondary form of identification the owner of the flock may choose to maintain; sex; breed; date of acquisition and source (previous flock), if the animal was not born in the flock; and disposition, including the date and cause of death, if known, or date of removal from the flock.

(v) The owner of the flock or his or her agent shall allow breed associations and registries, livestock markets, and packers to disclose records to APHIS representatives or State representatives, to be used to trace source flocks and exposed animals.

(vi) The owner of the flock or his or her agent shall make animals in the flock and records required to be kept under paragraph (a)(2)(iv) of this section available for inspection by APHIS representatives and State representatives, given reasonable prior notice.

(vii) Upon request of an APHIS representative, the owner of the flock or his or her agent will have an accredited veterinarian collect and submit tissues from animals reported in accordance with paragraph (a)(2)(ii) of this section

to a laboratory designated by an APHIS representative.

(b) [Reserved]

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[57 FR 33631, July 30, 1992, as amended at 59 FR 21921, Apr. 28, 1994; 59 FR 67613, Dec. 30, 1994]

§ 79.3 Designation of scrapie-positive animals, source flocks, and infected flocks; notice to owners; publication.

(a) An APHIS representative or State representative will determine an animal to be a scrapie-positive animal after determining that the animal has been diagnosed with scrapie in accordance with the definition of a scrapie-positive animal in § 79.1 of this part. An APHIS representative or State representative will determine a flock to be a source flock after reviewing sale, movement, and breeding records that indicate the flock meets the definition of a source flock. An APHIS representative or State representative will determine a flock to be an infected flock after determining that a scrapie-positive animal is in the flock.

(b) As soon as possible after making such a determination, an APHIS representative or State representative will attempt to notify the owner of the flock in writing that the flock contained a scrapie-positive animal, or is an infected flock, or source flock.² The notice will include a description of the interstate movement restrictions and identification requirements contained in this part.

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² A current list of flocks determined to be infected flocks or source flocks will be published in the FEDERAL REGISTER from time to time. This list may also be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, Sheep, Goat, Equine, and Poultry Diseases, 4700 River Road Unit 43, Riverdale, Maryland 20737-1231.