that have migrated into freshwater and from which VHS strain type IV(a) has been isolated will not be considered VHS-regulated fish.

(2) If APHIS determines that, in accordance with the criteria in paragraph (a)(1) of this section, a species should be added to the list of VHS-regulated species, APHIS will publish a notice in the Federal Register announcing that determination.

(b)(1) APHIS will list as a VHS-regulated area each State or portion of a State from which VHS virus has been detected in any VHS-regulated fish species (with or without clinical signs of disease) in a water source that is not a secure water source, or which the Administrator determines should be regulated based on criteria such as inadequate surveillance or movement requirements, or other epidemiologic information.

(2) If the Administrator determines that a State or portion of a State meets the criteria in paragraph (b)(1) of this section, APHIS will publish a notice of its decision in the Federal Register and take comments from the public. The designation as a VHS-regulated area will become effective upon publication of this notice. After reviewing the comments, APHIS will issue a second notice in the Federal Register announcing its decision on whether or not the designation as a VHS-regulated area will remain in effect.

(c) APHIS maintains the lists of VHS-regulated fish and VHS-regulated areas on the APHIS aquaculture Web site at http://www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture. The lists may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Aquaculture Program, 4700 River Road Unit 46, Riverdale, MD 20737–1231.

§ 83.6 Testing requirements.

(a) A facility can demonstrate freedom from VHS through negative testing results provided by an approved laboratory. Testing must meet the following conditions:

(1) Be conducted with a sample size that provides for a 95 percent confidence level of detecting a 2 percent prevalence of infection in the facility.