

movement of the regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the sapote fruit fly.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with paragraph (a) of this section. The Administrator will give a copy of this regulation along with a written notice for the temporary designation to the owner or person in possession of the nonquarantined area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area will be subject to this subpart. As soon as practicable, the area will be added to the list in paragraph (c) of this section or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(c) The areas described in this paragraph are designated as quarantined areas:

Texas

Hidalgo County. That portion of Hidalgo County bounded by a line as follows: Beginning at the intersection of South Cage Boulevard and the Rio Grande River; then northwest along the Rio Grande River for 17.11 miles; then north along an imaginary line to the intersection of Aloe Vera and Sunrise Street; then northeast along an imaginary line to the intersection of Victoria and Davina Street; then northwest along an imaginary line to the intersection of Farm Road 495 and North Stewart Road; then northeast along an imaginary line to the intersection of North Ware Road and Mile 4 North Road; then east on Mile 4 North Road (also known as West Alberta Road) to South I Road; then south on South I Road to West Earling Road; then east on West Earling Road to North San Juan Road; then south on North San Juan Road to East Ferguson Avenue; then east on East Ferguson Avenue to East Gasline Road; then south on East Gasline Road to East Nebraska Road; then east on East Nebraska Road to North Morningside Road; then south on North Morningside Road to Expressway 83; then east on Expressway 83 to North Alamo Road; then north on North Alamo Road to Earling Road; then west on Earling Road to North Morningside Road; then north on North Morningside

Road to East Curve Road; then east on East Curve Road to Alamo Road; then north on Alamo Road to Mile 17 Road North; then west on Mile 17 Road North to Sharp Road; then northeast on Sharp Road to Mile 18 Road North; then east on Mile 18 Road North continuing along an imaginary line to Mile 17 Road North and Mile 6 Road West; then south on Mile 6 Road West to Mile 17 Road North; then east on Mile 17 Road North to West Broadway Street; then south on West Broadway Street to State Highway 107; then east on State Highway 107 to Mile 4 Road West; then south on Mile 4 Road West to Mile 13 Road North; then east on Mile 13 Road North to Farm Road 1015; then south on Farm Road 1015 to Expressway 83; then west on Expressway 83 to South Bridge Avenue; then south on South Bridge Avenue to East Eighth Street; then west on East Eighth Street to South Border Avenue; then south on South Border Avenue to Mile 6 Road North; then west on Mile 6 Road North to Midway Road; then south on Midway Road to Lott Road; then west on Lott Road, continuing along an imaginary line to the intersection of FM 907 and Resaca Road; then south on FM 907 to Balli Road; then west on Balli Road to FM 2557; then south on FM 2557 to Las Milpas Road; then east on Las Milpas Road to South I Road; then south on South I Road to Hi Line Road; then west on Hi Line Road to South Cage Boulevard; then south on South Cage Boulevard to the point of beginning.

§ 301.99-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area³ only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.99-5 and 301.99-8;

(b) Without a certificate or limited permit if:

(1) The regulated article originated outside the quarantined area and is either moved in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by sapote fruit flies (such as canvas, plastic, or other closely woven cloth) while moving through the quarantined area; and

(2) The point of origin of the regulated article is indicated on the waybill, and the enclosed vehicle or the enclosure that contains the regulated article is not

opened, unpacked, or unloaded in the quarantined area; and

(3) The regulated article is moved through the quarantined area without stopping except for refueling or for traffic conditions, such as traffic lights or stop signs.

(c) Without a certificate or limited permit if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

(2) Pursuant to a departmental permit issued by the Administrator for the regulated article;

(3) Under conditions specified on the departmental permit and found by the Administrator to be adequate to prevent the spread of the sapote fruit fly; and

(4) With a tag or label bearing the number of the departmental permit issued for the regulated article attached to the outside of the container of the regulated article or attached to the regulated article itself if not in a container.

(Approved by the Office of Management and Budget under control number 0579-0222)

§ 301.99-5 Issuance and cancellation of certificates and limited permits.

(a) A certificate may be issued by an inspector⁴ for the interstate movement of a regulated article if the inspector determines that:

(1)(i) The regulated article has been treated under the direction of an inspector in accordance with § 301.99-10; or

(ii) Based on inspection of the premises of origin, the premises are free from the sapote fruit fly; or

(iii) Based on inspection of the regulated article, the regulated article is free of sapote fruit flies; and

(2) The regulated article will be moved through the quarantined area in an enclosed vehicle or will be completely enclosed by a covering adequate to prevent access by the sapote fruit fly; and

(3) The regulated article is to be moved in compliance with any additional emergency conditions the Administrator may impose under section 414 of the Plant Protection Act (7 U.S.C. 7714)⁵ to prevent the spread of the sapote fruit fly; and

⁴ Services of an inspector may be requested by contacting local offices of Plant Protection and Quarantine, which are listed in telephone directories. The addresses and telephone numbers of local offices may also be obtained from the McAllen Work Station, Federal Building Suite 119, 320 North Main, McAllen, TX 78501-4699, or the APHIS Web site at <http://www.aphis.usda.gov/travel/aqi.html>.

⁵ Section 414 of the Plant Protection Act (7 U.S.C. 7714) provides that the Secretary of Agriculture

³ Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.