

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 03–032–2]

#### Sapote Fruit Fly; Removal of Quarantined Area in Texas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the sapote fruit fly regulations by removing part of Hidalgo County, TX, from the list of quarantined areas and by removing restrictions on the interstate movement of regulated articles from this area. This action is necessary to relieve restrictions that are no longer needed to prevent the spread of the sapote fruit fly into noninfested areas of the United States. We have determined that the sapote fruit fly has been eradicated from this part of Hidalgo County, TX, and that the quarantine and restrictions are no longer necessary. This part of Hidalgo County, TX, was the only area in Texas quarantined for the sapote fruit fly. Therefore, as a result of this action, there are no longer any areas in the continental United States quarantined for the sapote fruit fly.

**DATES:** This interim rule was effective July 15, 2003. We will consider all comments that we receive on or before September 22, 2003.

**ADDRESSES:** You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 03–032–2, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment

refers to Docket No. 03–032–2. If you use e-mail, address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and “Docket No. 03–032–2” on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Knight, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–8247.

#### SUPPLEMENTARY INFORMATION:

##### Background

The sapote fruit fly (*Anastrepha serpentina*) is a destructive pest of fruits and vegetables, including apples, avocados, grapefruit, mangoes, peaches, pears, and tangerines. This pest can cause serious economic losses by lowering the yield and quality of these fruits and vegetables and, in some cases, by damaging seedlings and young plants. Heavy infestations can result in the complete loss of these crops.

The sapote fruit fly regulations, contained in 7 CFR 301.99 through 301.99–10 (referred to below as the regulations), were established to prevent the spread of the sapote fruit fly into noninfested areas of the United States. The regulations also designate soil and a large number of fruits, nuts, vegetables, and berries as regulated articles.

In an interim rule effective on May 2, 2003, and published in the **Federal Register** on May 8, 2003 (68 FR 24605–24613 Docket No. 03–032–1), we quarantined a portion of Hidalgo County, TX, and restricted the interstate

movement of regulated articles from the quarantined areas.

Based on trapping surveys by inspectors of Texas State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the sapote fruit fly has been eradicated from the quarantined portions of this county. The last finding of sapote fruit fly in the Hidalgo County, TX, quarantined area was June 17, 2003.

Since then, no evidence of sapote fruit fly infestation has been found in these areas. Based on our experience, we have determined that sufficient time has passed without finding additional flies or other evidence of infestation to conclude that the sapote fruit fly no longer exists in Hidalgo County, TX. Therefore, we are removing the county from the list of quarantined areas in § 301.99–10. With the removal of Hidalgo County, TX, from that list, there are no longer any areas in the continental United States quarantined for the sapote fruit fly.

#### Immediate Action

Immediate action is warranted to relieve restrictions that are no longer necessary. A portion of Hidalgo County, TX, was quarantined due to the possibility that the sapote fruit fly could spread from those areas to noninfested areas of the United States. Since we have concluded that the sapote fruit fly no longer exists in this county, immediate action is necessary to remove the quarantine on Hidalgo County, TX, and to relieve the restrictions on the interstate movement of regulated articles from those areas. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.