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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 02–129–4]

Mexican Fruit Fly; Removal of Regulated Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Mexican fruit fly regulations by removing a portion of San Diego County, CA, from the list of regulated 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 Mexican fruit fly into noninfested areas of the United States. We have determined that the Mexican fruit fly has been eradicated from this part of San Diego County, CA, and that the quarantine and restrictions are no longer necessary. This part of San Diego County, CA, was the only area in California quarantined for the Mexican fruit fly.

DATES: This interim rule was effective October 22, 2003. We will consider all comments that we receive on or before December 29, 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. 02–129–4, 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. 02–129–4. If you use e-mail, address your comment to 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. 02–129–4” 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, Senior Staff Officer, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The Mexican fruit fly (*Anastrepha ludens*) is a destructive pest of citrus and many other types of fruit. The short life cycle of the Mexican fruit fly allows rapid development of serious outbreaks that can cause severe economic losses in commercial citrus-producing areas.

The Mexican fruit fly regulations, contained in 7 CFR 301.64 through 301.64–10 (referred to below as the regulations), were established to prevent the spread of the Mexican fruit fly into noninfested areas of the United States. The regulations impose restrictions on the interstate movement of regulated articles from the regulated areas.

In an interim rule effective on January 15, 2003, and published in the **Federal Register** on January 21, 2003 (68 FR 2679–2680, Docket No. 02–129–1), we amended the regulations by adding a portion of San Diego County, CA, as a regulated area and restricted the interstate movement of regulated articles from that area. In a second interim rule effective on March 4, 2003, and published in the **Federal Register** on March 10, 2003 (68 FR 11311–11313, Docket No. 02–129–3), we amended the regulations by adding an additional

portion of San Diego County, CA, to the list of regulated areas.

Based on trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the Mexican fruit fly has been eradicated from the regulated area. The last finding of Mexican fruit fly in the San Diego County, CA, regulated area was May 20, 2003.

Since then, no evidence of Mexican fruit fly infestation has been found in this area. 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 Mexican fruit fly no longer exists in San Diego County, CA. Therefore, we are removing the county from the list of regulated areas in § 301.64–3. With the removal of San Diego County, CA, from that list, there are no longer any areas in the State of California quarantined for the Mexican fruit fly.

Immediate Action

Immediate action is warranted to relieve restrictions that are no longer necessary. A portion of San Diego County, CA, was quarantined due to the possibility that the Mexican fruit fly could spread from those areas to noninfested areas of the United States. Since we have concluded that the Mexican fruit fly no longer exists in that portion of San Diego County, CA, immediate action is warranted to remove the area from the list of regulated areas and to relieve the restrictions on the interstate movement of regulated articles from that area. 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.