

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 220

#### National School Breakfast Program: Additional Menu Planning Approaches

##### CFR Correction

In Title 7 of the Code of Federal Regulations, parts 210 to 299, revised as of January 1, 2001, on page 90, in § 220.8, the heading of paragraph (c) is revised to read as follows:

#### § 220.8 What are the nutrition standards and menu planning approaches for breakfasts?

\* \* \* \* \*

(c) *What are the nutrient and calorie levels for breakfasts planned under the food-based menu planning approaches?*

\* \* \* \* \*

[FR Doc. C1-55519; Filed 6-22-01; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 00-110-3]

#### West Indian Fruit Fly; Removal of Quarantined Area

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

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

**SUMMARY:** We are amending the West Indian fruit fly regulations by removing the quarantine on a portion of Cameron County, TX, and by removing the restrictions on the interstate movement of regulated articles from that area. This action is necessary to relieve restrictions

that are no longer needed to prevent the spread of the West Indian fruit fly into noninfested areas of the United States.

We have determined that the West Indian fruit fly has been eradicated from this portion of Cameron County, TX, and that the quarantine and restrictions are no longer necessary. This portion of Cameron County, TX, was the only area in the continental United States quarantined for the West Indian fruit fly. Therefore, as a result of this action, there are no longer any areas in the continental United States quarantined for the West Indian fruit fly.

**DATES:** This interim rule was effective June 1, 2001. We invite you to comment on this docket. We will consider all comments that we receive by August 24, 2001.

**ADDRESSES:** Please send four copies of your comment (an original and three copies) to: Docket No. 00-110-3, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 00-110-3.

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. Robert Spaide, Assistant Director, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale MD 20737-1236; (301) 734-8247.

#### SUPPLEMENTARY INFORMATION:

##### Background

The West Indian fruit fly, *Anastrepha obliqua* (Macquart), is a very destructive pest of fruits and vegetables, including carambola, grapefruit, guava, limes,

mangoes, oranges, passion fruit, peaches, and pears. This pest can cause serious economic losses by lowering the yield and quality of these fruits and vegetables and by damaging the seedlings and young plants. Heavy infestations can result in complete loss of these crops.

The West Indian fruit fly regulations, contained in 7 CFR 301.98 through 301.98-10 (referred to below as the regulations), restrict the interstate movement of regulated articles from quarantined areas to prevent the spread of West Indian fruit fly to noninfested areas of the United States. A portion of Cameron County, TX, is the only area listed in the regulations as a quarantined area. (See 66 FR 6429-6436, Docket No. 00-110-1.)

Based on trapping surveys conducted by inspectors of Texas State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the West Indian fruit fly has been eradicated from the quarantined portion of Cameron County, TX. The last finding of West Indian fruit fly in this area was November 28, 2001.

Since then, no evidence of West Indian fruit fly infestation has been found in this area. Based on our experience, we have determined that sufficient time has passed to conclude that the West Indian fruit fly no longer exists in Cameron County, TX. Therefore, we are removing Cameron County, TX from the list of quarantined areas in § 301.98-3(c). West Indian fruit fly infestations are not known to exist anywhere else in the continental United States.

##### Immediate Action

Immediate action is warranted to remove an unnecessary regulatory burden on the public. A portion of Cameron County, TX, was quarantined due to the possibility that the West Indian fruit fly could be spread from this area to noninfested areas of the United States. Since this situation no longer exists, immediate action is necessary to remove the quarantine on Cameron County, TX, 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