

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service****7 CFR Part 301**

[Docket No. APHIS-2007-0129]

**Mexican 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 Mexican fruit fly regulations by removing Willacy County, TX, from the list of quarantined areas and thus 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 no longer exists in Willacy County, TX, and that the quarantine and restrictions are no longer necessary.

**DATES:** This interim rule is effective January 29, 2008. We will consider all comments that we receive on or before March 31, 2008.

**ADDRESSES:** You may submit comments by either of the following methods:

*Federal eRulemaking Portal:* Go to <http://www.regulations.gov/fdmspublic/component/>

*main?main=DocketDetail&d=APHIS-2007-0129* to submit or view comments and to view supporting and related materials available electronically.

*Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS-2007-0129, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2007-0129.

*Reading Room:* 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.

*Other Information:* Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wayne D. Burnett, Domestic Coordinator, Fruit Fly Exclusion and Detection Programs, PPD, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737-1231; (301) 734-4387.

**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 to noninfested areas of the United States. The regulations impose restrictions on the interstate movement of regulated articles from quarantined areas. Willacy County, TX, has been listed as a quarantined area since the Mexican fruit fly regulations were established.

Based on trapping surveys conducted by inspectors of the Texas Department of Agriculture and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the Mexican fruit fly has been eradicated from Willacy County. The last finding of Mexican fruit fly in this quarantined area was May 6, 2005.

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 Willacy County, TX. Therefore, we are amending the regulations in § 301.64-3(c) by removing the entry for this county from the list of quarantined areas.

**Immediate Action**

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

**Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This action amends the Mexican fruit fly regulations by removing Willacy County, TX, from the list of quarantined areas.

The Regulatory Flexibility Act requires that agencies consider the economic impact of their rules on small entities. We expect that any small entities located within the regulated area that sell regulated articles do so primarily for local intrastate, not interstate, movement, so the effect, if any, of this rule on these entities appears likely to be minimal. The effect on any small entities that may move regulated articles interstate has been minimized during the quarantine period by the availability of various treatments that allow these small entities, in most cases, to move regulated articles interstate with very little additional cost. Thus, the lifting of the quarantine is expected to have little effect.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

**PART 301—DOMESTIC QUARANTINE NOTICES**

■ 1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

**§ 301.64–3 [Amended]**

■ 2. In § 301.64–3, paragraph (c) is amended by removing, under the heading “TEXAS”, the entry for Willacy County.

Done in Washington, DC, this 23rd day of January 2008.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E8–1531 Filed 1–28–08; 8:45 am]

**BILLING CODE 3410–34–P**

**DEPARTMENT OF STATE****22 CFR Part 22**

[Public Notice: 6082]

RIN 1400–AC41

**Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates**

**AGENCY:** Department of State.

**ACTION:** Interim final rule.

**SUMMARY:** The Department of State is revising the Schedule of Fees for Consular Services to reflect an increase in the surcharge related to consular services in support of enhanced border security and a reduction in the execution fee for the passport book. The Secretary of State is authorized to collect the border security surcharge by the Consolidated Appropriations Act, 2005 (Pub. L. 108–447). In 2007, Congress authorized the Secretary of State to administratively amend the

surcharge amount in the Department of State Authorities Act of 2006 (Pub. L. 109–472). The Secretary is also authorized to set and collect a fee for executing passport applications by 22 U.S.C. 214.

**DATES:** *Effective date:* This interim final rule is effective February 1, 2008.

*Comment date:* The Department of State will accept written comments from interested persons up to March 31, 2008. Comments received before the end of the comment period will be addressed in a final rule.

**ADDRESSES:** Interested parties may submit comments by any of the following methods. All comments must include the Regulatory Identification Number (RIN) that appears in the heading of this document.

• *E-mail:* [PassportRules@state.gov](mailto:PassportRules@state.gov).

You must include the Regulatory Identification Number (RIN) in the subject line of your message.

• *Mail:* (paper, disk, or CD-ROM submissions): An original and three copies of comments should be sent to: Christine L. Grauer, Office of Passport Services, Legal Affairs Division, Planning and Advisory Services, 2100 Pennsylvania Ave., NW., 3rd Floor, Washington, DC 20037.

• *Fax:* 202–663–2499. You must include the Regulatory Identification Number (RIN) in the subject line of your message.

Persons with access to the internet may also view this notice and provide comments by going to the regulations.gov Web site at: <http://www.regulations.gov/index.cfm>.

**FOR FURTHER INFORMATION CONTACT:** For *passport issuance policy:* Susan Bozinko, Division Chief, Office of Passport Services, Legal Affairs Division, 2100 Pennsylvania Ave., NW., 3rd Floor, Washington, DC 20037. Telephone (202) 663–2491. E-mail: [PassportRules@state.gov](mailto:PassportRules@state.gov). For *consular fee setting policy:* Tracy Henderson, Director of the Budget, Bureau of Consular Affairs, U.S. Department of State, Suite H1004, 2401 E St., NW., Washington, DC 20520, telephone (202) 663–2525 or by e-mail: [fees@state.gov](mailto:fees@state.gov).

**SUPPLEMENTARY INFORMATION:****Amendment to the Schedule of Fees for Consular Services**

As discussed below, this change in the schedule of fees will reflect the proposed passport book surcharge increase, as well as a reduction in the execution fee for the passport book.

**Amendment to Passport Book Fees***Border Security Surcharge*

Due to increased security concerns following the events of September 11th, the Department of State has focused upon improved security, particularly in relation to our nation’s borders. In 2004, Congress authorized the Secretary of State to collect a surcharge related to consular services in support of enhanced border security. (Pub. L. 108–447, Div. B, Title IV, 118 Stat. 2896 (2004), 8 U.S.C. 1714). The law set the initial border security surcharge at \$12.00 because that was the estimated cost of providing consular services in support of enhanced border security at that time.

In 2007, Congress provided the Secretary of State with the authority to administratively amend the border security surcharge. Department of State Authorities Act of 2006, Public Law 109–472, section 6, 120 Stat. 3554 (2007) (codified at 8 U.S.C. 1714 note). Congress included four requirements for such amendments:

(1) The amounts of the surcharges shall be reasonably related to the costs of providing services in connection with the activity or item for which the surcharges are charged.

(2) The aggregate amount of surcharges collected may not exceed the aggregate amount obligated and expended for the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharges are charged.

(3) A surcharge may not be collected except to the extent the surcharge will be obligated and expended to pay the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharge is charged.

(4) A surcharge shall be available for obligation and expenditure only to pay the costs related to consular services in support of enhanced border security incurred in providing services in connection with the activity or item for which the surcharge is charged.

The proposed \$8.00 increase in the surcharge falls within the above parameters set by Congress.

The \$8.00 increase is reasonably related to the costs of providing consular services in support of enhanced border security because it represents the cost of providing passport books with upgraded security features resulting from the State Department’s enhanced border security programs implemented since 2005. New passport book security measures, including the introduction of an electronic passport and the use of traceable priority mail delivery to applicants to prevent passport loss or theft, have increased the