

Orange, calamondin (*Citrus reticulata* x. *Fortunella*)
 Orange, Chinese (*Fortunella japonica*)
 Orange, king (*Citrus reticulata* x. *C. sinensis*)
 Orange, sweet (*Citrus sinensis*)
 Orange, Unshu (*Citrus reticulata* var. *Unshu*)
 Papaya (*Carica papaya*)
 Peach (*Prunus persica*)
 Pear (*Pyrus communis*)
 Pepper (*Capsicum frutescens*, *C. annuum*)
 Pineapple guava (*Feijoa sellowiana*)
 Plum (*Prunus americana*)
 Pomegranate (*Punica granatum*)
 Prune (*Prunus domestica*)
 Pummelo (*Citrus grandis*)
 Quince (*Cydonia oblonga*)
 Rose apple (*Eugenia jambos*)
 Sour orange (*Citrus aurantium*)
 Spanish cherry (*Brazilian plum*) (*Eugenia dombeyi* (*E. brasiliensis*))
 Strawberry guava (*Psidium cattleianum*)
 Surinam cherry (*Eugenia uniflora*)
 Tomato (pink and red ripe) (*Lycopersicon esculentum*)
 Walnut with husk (*Juglans* spp.)
 White sapote (*Casimiroa edulis*)
 Yellow oleander (Bestill) (*Thevetia peruviana*)

Any berries, fruits, nuts, or vegetables that are canned or dried or frozen below -17.8°C . (0°F .) are not regulated articles.

(b) Soil within the drip area of plants that are producing or have produced the berries, fruits, nuts, or vegetables listed in paragraph (a) of this section.

(c) Any other article, product, or means of conveyance, not covered by paragraphs (a) or (b) of this section, that presents a risk of spread of the Mediterranean fruit fly and an inspector notifies the person in possession of it that the article, product, or means of conveyance is subject to the restrictions of this subpart.

[56 FR 57576, Nov. 13, 1991, as amended at 59 FR 25791, May 18, 1994; 62 FR 33538, June 20, 1997; 62 FR 47556, Sept. 10, 1997]

§ 301.78-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator shall list as a quarantined area in paragraph (c) of this section, each State, or each portion of a State, in which the Mediterranean fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Mediterranean fruit fly is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from lo-

calities in which the Mediterranean fruit fly has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate 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 Mediterranean fruit fly.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing such area. The Administrator will give a copy of this regulation along with a written notice of this 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 is subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section or the designation shall 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) There are no areas in the continental United States quarantined because of the Mediterranean fruit fly.

[56 FR 57576, Nov. 13, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 301.78-3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 301.78-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area²

²Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.