

Sparganium erectum L.
Striga spp.
Tridax procumbens L.
Urochloa panicoides Beauvois

¹ Seeds with tolerances applicable to their introduction.

(b) The tolerance applicable to the prohibition of the noxious weed seeds in paragraph (a) of this section marked with (1) shall be two seeds in the minimum amount required to be examined as shown in Table 1, § 201.46. If fewer than two seeds are found in an initial examination, the shipment from which the sample was drawn may be imported. If two seeds are found in an initial examination, a second sample must be examined. If two or fewer seeds are found in the second examination, the shipment from which the samples were drawn may be imported. If three or more seeds are found in the second examination, the shipment from which the samples were drawn may not be imported. If three or more seeds are found in an initial examination, the shipment from which the sample was drawn may not be imported.

Done in Washington, DC, this 3rd day of July 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-17017 Filed 7-11-95; 8:45 am]

BILLING CODE 3410-34-P

7 CFR Part 360

[Docket No. 94-050-2]

Noxious Weeds; Deletions and Additions to List

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the noxious weed regulations by removing *Stratiotes aloides* Linnaeus (water-aloë) from the list of aquatic weeds and *Euphorbia prunifolia* Jacquin (painted euphorbia) from the list of terrestrial weeds. We are also amending the noxious weed regulations by adding *Ottelia alismoides* (L.) Pers. to the list of aquatic weeds and *Solanum viarum* Dunal (tropical soda apple) to the list of terrestrial weeds. Listed noxious weeds may be moved into or through the United States only under a written permit and under conditions that would not involve a danger of dissemination of the weeds. This action is necessary to prevent the artificial spread of noxious weeds into noninfested areas of the United States, and to remove unnecessary restrictions.

EFFECTIVE DATE: August 11, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Polly Lehtonen, Botanist, Biological Assessment and Taxonomic Support, PPQ, APHIS, Suite 4A03, 4700 River Road Unit 113, Riverdale, MD 20737-1236, (301) 734-4394.

SUPPLEMENTARY INFORMATION:

Background

The noxious weed regulations (referred to below as the regulations) were promulgated under authority of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*, referred to below as the Act) and are set forth in 7 CFR part 360. They contain restrictions on the movement of listed noxious weeds into or through the United States, but do not affect the movement of listed noxious weeds that are moved solely intrastate.

A listed noxious weed may be moved into or through the United States only pursuant to a written permit. The regulations provide that the Animal and Plant Health Inspection Service (APHIS) will issue a written permit only after determining that the importation and movement of the noxious weed would not involve a danger of dissemination of the noxious weed in the United States.

On March 23, 1995, we published in the **Federal Register** (60 FR 15260-15262, Docket No. 94-050-1) a proposal to amend § 360.200 by removing *Stratiotes aloides* Linnaeus (water-aloë) from the list of aquatic weeds and *Euphorbia prunifolia* Jacquin (painted euphorbia) from the list of terrestrial weeds. We also proposed to amend the noxious weed regulations by adding *Ottelia alismoides* (L.) Pers. to the list of aquatic weeds and *Solanum viarum* Dunal (tropical soda apple) to the list of terrestrial weeds.

We held a public hearing on the proposed rule on April 4, 1995. No one came to speak about the proposed rule. We also solicited written comments concerning our proposal for 30 days ending April 24, 1995. We received five comments by that date. They were from industry groups and representatives of State and Federal governments. We carefully considered all of the comments we received. They are discussed below.

All of the comments that we received were strongly in favor of adding tropical soda apple to the list of terrestrial weeds. Two commenters talked about how surveys conducted in Florida indicated that the original infestation of this noxious weed has spread dramatically and now poses a significant threat to other southern States. This noxious weed has spread

through more than 500,000 acres of pasture and other land in Florida.

One commenter requested that APHIS consider setting aside funds to foster Federal and State cooperative efforts in keeping with APHIS' mission of excluding exotic plant pest species and enhancing trade opportunities for States threatened by tropical soda apple.

As resources permit, APHIS will continue to work closely with the weed research community, cooperators, and other interested parties to develop appropriate tropical soda apple control methods.

One commenter was concerned that APHIS did not propose measures to ensure the cleanliness of interstate shipments of cattle, manure, or grass seed.

At this time, available research on tropical soda apple is limited and inconclusive. Several efforts, such as ecological range studies and determining natural and artificial means of spread, are underway to determine the network of artificial and natural spread, but are not yet completed. One of the main vectors responsible for the artificial spread of tropical soda apple is cattle. APHIS, with the cooperation of the Florida State Veterinarian, has examined copies of all the certificates that accompanied the cattle moved interstate from Florida during the past 2 years. These records revealed the points of destination for the cattle shipments from Florida. These points of destination are considered by APHIS to be at high risk for becoming infested with tropical soda apple. These areas are being closely monitored by both APHIS and the States. Any tropical soda apple plants found will be destroyed. APHIS is aware of other avenues of artificial spread and is also monitoring those areas at risk in lieu of establishing quarantines.

Only one commenter was opposed to one of the additions to the list of noxious weeds. This commenter stated that *Ottelia alismoides* (L.) Pers. should not be added to the list of aquatic weeds. The commenter said that in 1977, *Ottelia alismoides* (L.) Pers. was collected in California in an irrigation drainage ditch next to some rice fields, but was never treated, and has never been known to be a problem in the rice fields. This same commenter also asked that a weed already on the list, *Ipomea aquatica*, be deleted from the list because it is grown commercially in California.

APHIS recognizes that *Ottelia alismoides* (L.) Pers. and *Ipomea aquatica* are not problems in California, but they pose a threat to Florida and other southern States. APHIS is taking

this action to reduce the risk that *Ottelia alismoides* (L.) Pers. and *Ipomea aquatica* will be introduced into other States and become established there.

One commenter suggested that APHIS add *Solanum tampincensis* to the list of noxious weeds. The commenter stated that *Solanum tampincensis* is a related species to tropical soda apple, but occupies much wetter habitats.

APHIS would welcome specific information on this weed that would help us to assess the pest risk potential of *Solanum tampincensis* and decide if it should be added to the list of noxious weeds. Information that APHIS needs in order to assess the risk posed by *Solanum tampincensis* would be its current distribution within and outside the United States, potential range within the United States (expressed, for example, in plant hardiness zones), biology, dispersal potential, potential economic and environmental impacts, and the source of any information provided.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule, without change.

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 process required by Executive Order 12866.

In accordance with 5 U.S.C. 603, we have performed a Final Regulatory Flexibility Analysis, set forth below, regarding the impact of this rule on small entities.

In accordance with 7 U.S.C. 2803 and 2809, the Secretary of Agriculture is authorized to promulgate regulations to prevent the movement of any noxious weed into the United States, or interstate, except under conditions prescribed by the Secretary.

This rule will add tropical soda apple to the list of terrestrial noxious weeds. The reduction in usable acreage caused by the spread of tropical soda apple poses a significant threat to the cattle industry and to other agricultural entities. Tropical soda apple also poses a threat to natural ecosystems. The weed is spreading into citrus groves, vegetable farms, sugarcane production areas, and dairy farms. Preventing further introductions and curtailing spread will have a positive economic impact on ranchers and growers not yet affected.

With this rule, commodities offered for import found to be contaminated with propagules of tropical soda apple will be cleaned, treated, or reexported.

This will have a minimal negative economic impact on various importers. However, information regarding importations of commodities contaminated with tropical soda apple is not available, nor is the number of importers of such material.

This rule will also remove *Euphorbia prunifolia* Jacquin (painted Euphorbia) from the list of terrestrial noxious weeds, and will therefore remove restrictions on its importation and interstate movement. From 1985 through 1993, 207 shipments of articles intended for entry into the United States were found to contain *Euphorbia*, possibly *prunifolia*.

This rule will also add *Ottelia alismoides* (L.) Pers. to the list of aquatic noxious weeds, and will remove *Stratiotes aloides* Linnaeus (water-alee) from the list of aquatic noxious weeds. Data on the amount of *Ottelia alismoides* (L.) Pers., if any, currently being imported into the United States is unavailable. From 1985 through 1993, one shipment of articles intended for entry into the United States was found to contain *Stratiotes aloides* Linnaeus (water-alee).

A listed noxious weed may be moved into or through the United States only pursuant to a written permit. The regulations provide that APHIS will issue a written permit only after determining that the importation and movement of the noxious weed will not involve a danger of dissemination of the noxious weed in the United States.

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 12778

This rule has been reviewed under Executive Order 12778, 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 Statement

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 360

Imports, Plants (Agriculture), Quarantine, Reporting and recordkeeping requirements, Transportation, Weeds.

Accordingly, 7 CFR part 360 is amended as follows:

PART 360—NOXIOUS WEED REGULATIONS

1. The authority citation for part 360 continues to read as follows:

Authority: 7 U.S.C. 2803 and 2809; 7 CFR 2.17, 2.51, and 371.2(c).

§ 360.200 [Amended]

2. Section 360.200 is amended as follows:

a. In paragraph (a), by removing “*Stratiotes aloides* Linnaeus (water-alee)”.

b. In paragraph (a), by adding “*Ottelia alismoides* (L.) Pers.” immediately after “*Monochoria vaginalis* (Burman f.) C. Presl”.

c. In paragraph (c), by removing “*Euphorbia prunifolia* Jacquin (painted euphorbia)”.

d. In paragraph (c), by adding “*Solanum viarum* Dunal (tropical soda apple)” immediately after “*Solanum torvum* Swartz (turkeyberry)”.

Done in Washington, DC, this 3rd day of July 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant and Health Inspection Service.

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Federal Crop Insurance Corporation

7 CFR Part 457

RIN 0563-AB27

Common Crop Insurance Regulations; Various Crop Provisions

AGENCY: Federal Crop Insurance Corporation.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (“FCIC”) hereby amends the Common Crop Insurance Regulations, applicable for the 1995 crop year only, by revising the prevented planting coverage for the Small Grains, Coarse Grains, Cotton, and Extra Long Staple Cotton Crop Provisions. The intended effect of this regulation is to allow an insured to collect both a guaranteed deficiency payment under the so-called 50/92 and 0/92 provisions of the wheat, feed grains, cotton and rice programs administered by the United States