

*Prosopis calingastana* Burkart  
*Prosopis campestris* Grisebach  
*Prosopis castellanosis* Burkart  
*Prosopis denudans* Benth  
*Prosopis elata* (Burkart) Burkart  
*Prosopis farcta* (Solander ex Russell) Macbride  
*Prosopis ferox* Grisebach  
*Prosopis fiebrigii* Harms  
*Prosopis hassleri* Harms  
*Prosopis humilis* Gillies ex Hooker & Arnott  
*Prosopis kuntzei* Harms  
*Prosopis pallida* (Humboldt & Bonpland ex Willdenow) Humboldt, Bonpland, & Kunth  
*Prosopis palmeri* S. Watson  
*Prosopis reptans* Benth var. *reptans*  
*Prosopis rojasiana* Burkart  
*Prosopis ruizlealii* Burkart  
*Prosopis ruscifolia* Grisebach  
*Prosopis sericantha* Gillies ex Hooker & Arnott  
*Prosopis strombulifera* (Lamarck) Benth  
*Prosopis torquata* (Cavanilles ex Lagasca y Segura) de Candolle  
*Rottboellia cochinchinensis* (Lour.) Clayton (= *R. exaltata* (L.) L. f.)  
*Rubus fruticosus* L. (complex)  
*Rubus moluccanus* L.  
*Saccharum spontaneum* L.  
*Sagittaria sagittifolia* L.  
*Salsola vermiculata* L.  
*Salvinia auriculata* Aublet  
*Salvinia biloba* Raddi  
*Salvinia herzogii* de la Sota  
*Salvinia molesta* D.S. Mitchell  
*Setaria pallide-fusca* (Schumacher) Stapf & Hubbard  
*Solanum torvum* Swartz  
*Solanum viarum* Dunal  
<sup>1</sup> *Sonchus arvensis* L.  
<sup>1</sup> *Sorghum halepense* (L.) Pers.  
*Sparganium erectum* L.  
*Striga* spp.  
*Tridax procumbens* L.  
*Urochloa panicoides* Beauvois

<sup>1</sup> Seeds with tolerances applicable to their prohibition.

(b) The tolerance applicable to the prohibition of the noxious weed seeds marked above 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 15th day of March 1995.

**Terry Medley,**

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

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## 7 CFR Part 360

[Docket No. 94-050-1]

### Noxious Weeds; Deletions and Additions to List

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

**ACTION:** Proposed rule and notice of public hearing.

**SUMMARY:** We are proposing to amend the noxious weed regulations by removing *Stratiotes aloides* Linnaeus (water-aloe) from the list of aquatic weeds and *Euphorbia prunifolia* Jacquin (painted euphorbia) from the list of terrestrial weeds. We are also proposing 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. 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 appears to be necessary to prevent the artificial spread of noxious weeds into noninfested areas of the United States, and to remove unnecessary restrictions. **DATES:** Consideration will be given only to comments received on or before April 24, 1995. We also will consider comments made at a public hearing to be held on April 4, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 94-050-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20727-1238. Please state that your comments refer to Docket No. 94-050-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room. The public hearing will be held in room 3A01, 4700 River Road, Riverdale, MD 20737-1228.

**FOR FURTHER INFORMATION CONTACT:** Ms. Polly Lethonen, Botanist, Biological Assessment and Taxonomic Support, PPQ, APHIS, Suite 4A03, 4700 River Road Unit 113, Riverdale, MD 20737-1236, (301) 734-8896.

#### 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 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.

Section 360.200 of the regulations lists these categories of noxious weeds: aquatic (§ 360.200(a)), parasitic (§ 360.200(b)), and terrestrial (§ 360.200(c)). This document proposes to delete *Stratiotes aloides* Linnaeus (water-aloe) from the list of aquatic weeds and *Euphorbia prunifolia* Jacquin (painted euphorbia) from the list of terrestrial weeds. This document also proposes to add *Ottelia alismoides* (L.) Pers. to the list of aquatic weeds and *Solanum viarum* Dunal (tropical soda apple) to the list of terrestrial weeds.

The Act (7 U.S.C. 2802(c)) defines a noxious weed as "any living stage (including but not limited to, seeds and reproductive parts) of any parasitic or other plant of a kind, or subdivision of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation, or navigation or the fish or wildlife resources of the United States or the public health."

First reported in Florida in 1988, *Solanum viarum* Dunal (tropical soda apple) has spread rapidly in Florida and appears to be a noxious weed, as defined in the Act. It is of foreign origin, not widely prevalent in the United States, and can directly or indirectly injure crops, other useful plants, livestock, or other interests of agriculture. Tropical soda apple poses a significant threat to the cattle industry, agricultural areas, and natural ecosystems of the southern United States. The Weed Science Society of America and the National Association of Exotic Plant Pest Councils support the listing of tropical soda apple under the Federal Noxious Weed Act, as does the pest risk assessment completed by the Animal and Plant Health Inspection