

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-aloë) 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-aloë).

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-aloë)”.

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