

credit card or a residential real property loan secured by the principal residence of the employee, subject to the same conditions, limitations, disqualification, and waiver procedures applicable to covered employees under paragraphs (c) and (e) of this section.

(e) *Waiver.* The Ethics Counselor may grant a written waiver from any provision of this section based on a determination made with the advice and legal clearance of the Legal Division that the waiver is not inconsistent with part 2635 of this title or otherwise prohibited by law, and that, under the particular circumstances, application of the prohibition is not necessary to avoid the appearance of misuse of position or loss of impartiality, or otherwise to ensure confidence in the impartiality and objectivity with which the FDIC's programs are administered. A waiver under this paragraph may impose appropriate conditions, such as requiring execution of a written disqualification.

4. Section 3201.103 is revised to read as follows:

§ 3201.103 Prohibition on acquisition, ownership, or control of securities of FDIC-insured depository institutions and certain holding companies.

(a) *Prohibition on acquisition, ownership, or control.* Except as provided in paragraph (b) of this section, no employee, spouse of an employee, or minor child of an employee may acquire, own, or control, directly or indirectly, a security of any of the following:

(1) A bank or savings association that is insured by the Federal Deposit Insurance Corporation (FDIC);

(2) A bank holding company that is subject to supervision by the Federal Reserve Board (FRB);

(3) A savings and loan holding company that is subject to supervision by the Office of Thrift Supervision (OTS);

(4) A financial holding company that is subject to FRB supervision; or

(5) A company that:

(i) Owns or controls an FDIC-insured bank or savings association;

(ii) Is neither an FRB-supervised bank holding company, an OTS-supervised savings and loan holding company, nor an FRB-supervised financial holding company; and

(iii) Is either primarily engaged in banking or not publicly traded on a U.S. securities exchange.

(b) *Exceptions.* Notwithstanding the prohibitions of paragraph (a) of this section, but subject to the limitations of paragraph (c) of this section, an employee, or the spouse or minor child

of an employee, may do any or all of the following:

(1) Acquire, own, or control the securities of a unitary thrift holding company (i.e., a savings and loan holding company that is subject to OTS supervision but whose principal business is neither banking nor activities closely related to banking);

(2) Own or control a security of an entity described in paragraph (a) of this section if the security was permitted to be retained by the employee under 12 CFR part 336 prior to May 25, 1995, was obtained prior to commencement of employment with the Corporation, or was acquired by a spouse prior to marriage to the employee;

(3) Own, or control a security of an entity described in paragraph (a) of this section if:

(i) The security was acquired by inheritance, gift, stock-split, involuntary stock dividend, merger, acquisition, or other change in corporate ownership, exercise of preemptive right, or otherwise without specific intent to acquire the security, or, by an employee's spouse or minor child as part of a compensation package in connection with his or her employment;

(ii) The employee makes full, written disclosure on FDIC form 2410/07 to the Ethics Counselor within 30 days of the commencement of employment or the acquisition of the interest; and

(iii) The employee is disqualified in accordance with 5 CFR part 2635, subpart D, from participating in any particular matter that affects his or her financial interests, or that of his or her spouse or minor child;

(4) Acquire, own, or control an interest in a publicly traded or publicly available investment fund provided that, upon initial or subsequent investment by the employee (excluding ordinary dividend reinvestment), the fund does not have invested, or indicate in its prospectus the intent to invest, more than 30 percent of its assets in the securities of one or more entities described in paragraph (a) of this section and the employee neither exercises control nor has the ability to exercise control over the financial interests held in the fund; and

(5) Use an FDIC-insured depository institution or an affiliate of an FDIC-insured depository institution as custodian or trustee of accounts containing tax-deferred retirement funds.

(c) *Divestiture.* Based upon a determination of substantial conflict under 5 CFR 2635.403(b), the Ethics Counselor may require an employee, or the spouse or minor child of an employee, to divest a security he or she

is otherwise authorized to acquire, own, control, or use under paragraph (b) of this section.

(d) *Waiver.* The Ethics Counselor may grant a written waiver from any provision of this section based on a determination made with the advice and legal clearance of the Legal Division that the waiver is not inconsistent with part 2635 of this title or otherwise prohibited by law, and that, under the particular circumstances, application of the prohibition is not necessary to avoid the appearance of misuse of position or loss of impartiality, or otherwise to ensure confidence in the impartiality and objectivity with which the FDIC's programs are administered. A waiver under this paragraph may impose appropriate conditions, such as requiring execution of a written disqualification.

By order of the Board of Directors.

Dated at Washington, DC, this 6th day of October, 2005.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

Approved: November 27th, 2006.

Robert I. Cusick,
Director, Office of Government Ethics.
[FR Doc. E6-20400 Filed 11-28-06; 4:06 pm]
BILLING CODE 6714-01-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS-2006-0133]

RIN 0579-AC20

Importation of Unshu Oranges From the Republic of Korea Into Alaska

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations governing the importation of citrus fruit to allow fresh Unshu oranges from the Republic of Korea to be imported into the State of Alaska under certain conditions. As a condition of entry, the oranges would have to be prepared for shipping using packinghouse procedures that include culling of damaged or diseased fruit and washing in a water bath. In addition, the oranges would have to be accompanied by a phytosanitary certificate with an additional declaration stating that the oranges were inspected and found free from *Xanthomonas axonopodis* pv. *citri*

and *Unaspis yanonensis*. The individual cartons or boxes in which the Unshu oranges are shipped would also have to be stamped or printed with a statement restricting their importation and distribution to the State of Alaska. This action would allow for the importation of Unshu oranges from the Republic of Korea into Alaska while continuing to provide protection against the introduction of quarantine pests.

DATES: We will consider all comments that we receive on or before February 2, 2007.

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

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>, select "Animal and Plant Health Inspection Service" from the agency drop-down menu, then click "Submit." In the Docket ID column, select APHIS-2006-0133 to submit or view public comments and to view supporting and related materials available electronically. Information on using [Regulations.gov](http://www.regulations.gov), including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.

- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. APHIS-2006-0133, 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-2006-0133.

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. Alex Belano, Import Specialist, Commodity Import Analysis and Operations, Plant Health Programs, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1231; (301) 734-8765.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker is a disease that affects citrus and is caused by the infectious bacterium *Xanthomonas axonopodis* (also known as *Xanthomonas campestris* pv. *citri* (Hasse) Dye and *Xanthomonas citri*). Currently, the regulations in 7 CFR 319.28 (referred to below as the regulations) allow the importation of Unshu oranges (*Citrus reticulata* Blanco var. *unshu* Swingle) from certain areas in the Republic of Korea (South Korea) into certain areas of the United States under a permit and after the specified safeguards of a preclearance program have been met to prevent the introduction of citrus canker. However, the importation of Unshu oranges from South Korea was administratively suspended in 2002 due to the increased number of interceptions of the causal agent of citrus canker at various packinghouses in South Korea.

In 2005, the national plant protection organization (NPPO) of South Korea requested that the Animal and Plant Health Inspection Service (APHIS) allow the shipment of Unshu oranges into the State of Alaska until the pest risk of citrus canker from South Korea could be adequately mitigated for the rest of the United States. As part of our evaluation of South Korea's request, we prepared a pest risk assessment (PRA) and a risk management document. Copies of the PRA and risk management document may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the [Regulations.gov](http://www.regulations.gov) Web site (see **ADDRESSES** above for instructions for accessing [Regulations.gov](http://www.regulations.gov)).

The PRA, titled "A Qualitative Pest Risk Analysis for the Importation of Fresh Unshu Orange Fruit (*Citrus reticulata* Blanco var. *unshu* Swingle) from the Republic of Korea into Alaska" (May 2006), evaluates the risks associated with the importation of Unshu oranges into Alaska from South Korea. The PRA and supporting documents identified 45 pests of quarantine significance associated with Unshu oranges in South Korea. However, the assessment further determined that only 2 of the 45 quarantine significant pests identified—citrus canker and the arrowhead scale *Unaspis yanonensis* Kuwana—may be reasonably expected to follow the pathway of Unshu orange shipments from South Korea. The other 43 quarantine pests have the potential to be harmful if introduced into the United States, but are not likely to follow the import pathway and therefore, were not analyzed further.

Citrus canker is present in the State of Florida and occurs in Asia, Africa, Central America, the Caribbean, South America, and Oceania, and the D-strain has been reported in Mexico. It has the potential to establish itself in Plant Hardiness Zones 8 to 10. However, those zones do not occur in Alaska, so the bacterium would be unable to become established in that State. In addition, hosts of the causal agent of citrus canker, *X. axonopodis*, do not occur in Alaska. Symptomatic citrus canker diseased fruit are easily identified by the necrotic lesions on the rind of the fruit, so most infected fruit would be culled during post-harvest processing or detected through post-harvest inspection.

U. yanonensis is a predominantly Asian species of scale insect that prefers warm, temperate climates that correspond to at least four Plant Hardiness Zones (zones 8 to 11) within the United States. Host plants grow in North America in Plant Hardiness Zones 5 to 10. However, because those zones do not occur in Alaska and because hosts of *U. yanonensis* do not occur in Alaska, it is unlikely that this insect would be able to establish itself within the State. Although *U. yanonensis* is small, careful inspection for the mobile stages of this insect by inspectors can detect it as proven by the high number of interceptions of this pest from many countries and on many commodities.

Because of the lack of host material and the unsuitable climate for these pests in Alaska, the PRA concluded that the risk of establishment of these pests in Alaska is low. APHIS has determined that measures beyond standard port of entry inspection are required to mitigate the risk posed by the two plant pests. Therefore, we are proposing to require that the individual cartons or boxes in which the Unshu oranges are shipped be stamped or printed with a statement specifying that "These oranges may not be shipped to any State other than Alaska." Based on APHIS' past experience with similar programs for limited distribution, we have concluded that it is highly unlikely that whole shipments or containers of Unshu oranges from South Korea would be moved from Alaska into other areas of the United States. Since 1995, an estimated 24 million South Korean Unshu oranges have been shipped to the United States. In that time, only one shipment of Unshu oranges was mistakenly redirected to a citrus-producing State; that shipment was immediately redirected to a non-citrus-producing State.

We are also proposing to require that the Unshu oranges be prepared for

shipping using packinghouse procedures that include culling damaged or diseased fruit and washing in a water bath. While the water bath is unlikely to directly kill either *X. axonopodis* or *U. yanonensis*, washing fruits may help to remove any hitchhiking pests. We would also require that each shipment of Unshu oranges be accompanied by a phytosanitary certificate from the NPPO of South Korea with an additional declaration stating that the oranges were inspected and are considered to be free from *X. axonopodis* pv. *citri*, and *U. yanonensis*. Specifically listing the pests on the additional declaration would also serve to alert APHIS inspectors at the point of entry to the specific pests of concern. As with current imports of Unshu oranges from Japan, the importation of Unshu oranges from South Korea into Alaska will require a permit.

We note that producers in South Korea employ a systems approach that includes additional mitigation measures. These measures include a field pest control program involving twice-yearly chemical sprays to control citrus canker, and cultural practices such as tree thinning, pruning of dead branches, and removal of injured or symptomatic fruits. These measures, while not part of the requirements proposed in this document, are routinely applied in the Unshu orange production areas and help to minimize the expression of citrus canker and the presence of symptomatic fruit in the groves during the growing season.

We have determined that these proposed measures would prevent the introduction of plant pests into the United States. The proposed conditions described above for the importation of Unshu oranges from South Korea into Alaska would be added to the citrus fruit regulations in § 319.28 as a new paragraph (c). This proposed rule, if implemented, would not affect the provisions of § 319.28(b) regarding the importation of Unshu oranges from Cheju Island, South Korea, into any area of the United States except American Samoa, Arizona, California, Florida, Hawaii, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the U.S. Virgin Islands. Those provisions will remain administratively suspended.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not

been reviewed by the Office of Management and Budget.

The United States is not a commercial producer of Unshu oranges (*Citrus reticulata* var. *unshui*). The United States does produce other mandarin varieties of *Citrus reticulata*, such as tangerines and Satsuma mandarins. Effects of the proposed rule on U.S. entities would depend on (1) the substitutability in Alaska of Unshu oranges for these other mandarin varieties, and (2) Alaska's share of the U.S. supply of the other mandarin varieties. We address these overriding issues before discussing small entities that may be affected.

Unshu orange prices are higher than the prices of U.S.-grown mandarin varieties, indicating that they are not close substitutes. Retail prices of Unshu oranges are approximately \$1.20 per pound, whereas other mandarin varieties, such as Satsuma, range from \$0.60 to \$1 per pound depending on the time of year.¹

Regarding the second issue, only mandarin varieties marketed in Alaska could be directly affected by the proposed rule. We do not know the quantities of these varieties consumed in Alaska, but can reasonably assume the amounts to be relatively small compared to consumption in the rest of the United States. In addition, Unshu oranges are imported only 2 weeks of the year, with a shipping season beginning in mid-to late November or early December. On top of Unshu oranges and U.S.-grown mandarin varieties not being close substitutes and the relatively short shipping season, the relative small size of the Alaska market for U.S. producers would also tend to minimize possible effects of the rule for them.

Clearly, the effects of the proposed rule with respect to Alaska's broadly defined demand for all mandarin varieties are most likely to be very limited. Rather, we expect reestablished imports from Korea to compete for a share of Alaska's Unshu orange market, with the main effects being on imports into Alaska from Japan.

Prior to the administrative suspension in 2002, Korea and Japan were principal suppliers of Unshu oranges to the United States. It is estimated that Alaska consumes approximately 30 percent of the Unshu oranges imported from Japan. Quantities of Unshu oranges imported from Korea and Japan, 1995 to 2005, are shown in table 1.

¹ Information on retail prices of Unshu oranges provided by Jerry Kraft of The Oppenheimer Group, the sole importer of Unshu oranges from Japan.

TABLE 1.—UNSHU ORANGE IMPORTS BY THE UNITED STATES FROM KOREA AND JAPAN, 1995–2005

Year	Korea	Japan
Metric tons		
1995	50	231
1996	220	160
1997	1,190	143
1998	40	223
1999	380	342
2000	240	106
2001	1,434	291
2002	1,601	(¹)
2003	275
2004	271
2005	256

Source: USDA, APHIS, International Services.

¹ In 2002, we amended the regulations to allow Unshu oranges from Honshu Island, Japan, to be imported into the previously prohibited citrus-producing States of Arizona, California, Florida, Hawaii, Louisiana, and Texas. That same rule imposed a fumigation requirement for all Unshu oranges from Honshu Island, which seriously curtailed the market for that fruit in non-citrus producing States. As a result, there were no exports of Unshu oranges from Japan to the United States in 2002. We subsequently amended the regulations to apply the fumigation requirement only to fruit bound for citrus-producing States, and exports resumed in 2003.

Unshu orange imports from Japan between 1995 and 2005 averaged 238 metric tons per year.² Average imports of Unshu oranges from Korea between 1995 and 2002 were 644 metric tons per year, with significant year-to-year fluctuations and the average for 2001 and 2002 jumping to 1,518 metric tons. Imports of Unshu oranges from Japan have maintained a more steady supply, even in the more recent years during which Unshu oranges from Korea have been administratively suspended. From this data, it is not apparent that Korean supplies would significantly displace Unshu orange imports from Japan.

According to the pest risk assessment prepared for this rulemaking, the quantity of Unshu oranges that would be imported from Korea into Alaska each year is estimated to be between 200 and 2,000 metric tons (440,925 and 4,409,245 pounds), based on projected imports of between 10 and 100 standard 40-foot containers.³ The lower end of this range of imports would be comparable to recent import levels from Japan. Based upon the past shipments

² This average does not include 2002, since it is likely that Japan would have exported Unshu oranges to the United States in that year if the fumigation requirement described under Table 1 had not been in place.

³ USDA, APHIS, PPQ-CHPST, "A Qualitative Pest Risk Analysis for the Importation of Fresh Unshu Orange Fruit (*Citrus reticulata* Blanco var. *unshu* Swingle) from the Republic of Korea," May 25, 2006, pg 33.

detailed in Table 1, we anticipate that imports of Unshu oranges from Korea would not exceed 75 containers (1,500 metric tons) per annum. The historical import data detailed in Table 1 suggest that Korean supplies would not significantly displace Japanese Unshu oranges on the Alaskan market.

Our expectation is that the proposed rule would have little effect on U.S. producers of mandarin varieties such as tangerines and Satsumas. Any impact for these producers would be small, given that the various mandarin varieties do not appear to be close substitutes for Unshu oranges. Moreover, only sales to Alaska would be affected. However, recognizing that our information for determining possible effects of the proposed rule is

incomplete, we present here data on U.S. tangerine trade and production.

The United States is a net importer of mandarins (including Satsumas and tangerines). In 2005, the United States imported 209.4 million pounds of mandarins (including Satsumas and tangerines) with approximately 91 percent arriving from Spain. In that same year, the United States exported approximately 48.1 million pounds of mandarins (including Satsumas and tangerines). Canada is the largest importer of U.S. fresh mandarins, accounting for 52 percent of U.S. exports. The second and third largest importers of U.S. mandarins are South Korea and Japan, accounting for approximately 38 and 6 percent of exports, respectively.⁴ U.S. imports of tangerines experienced an average

increase of 17.8 percent annually over the last decade while exports have increased an average of 5.9 percent.⁵ Domestic production accounted for approximately 80 percent of domestic fresh consumption in 2005.⁶ The United States relies on imports of mandarins to supplement domestic production in satisfying domestic demand. Fresh utilization of U.S. mandarin and tangerine production only accounts, on average, for 70 percent of total utilized production annually.⁷ U.S. grower revenue from fresh tangerine production in 2004–05 was approximately \$107.4 million.⁸

U.S. tangerine production, imports, and domestic supplies are shown on table 2. Net imports were 20 percent of domestic supply in 2004 to 2005.

TABLE 2.—U.S. FRESH TANGERINE PRODUCTION AND IMPORTATION, SEASONS 1999–00 THROUGH 2004–05

Year	Production ^a	Net imports Gb	Supply Gc
	Metric tons		
1999–00	298,464	68,185	366,649
2000–01	266,712	85,728	352,440
2001–02	296,649	37,261	333,910
2002–03	289,392	69,164	358,556
2003–04	295,742	72,753	368,495
2004–05	254,919	63,944	318,863

Data Source: USDA/ERS Briefing Room, *Fruit and Tree Nut Yearbook*, 2005.

^aExcludes processed fruit.

^bNet imports are imports minus exports.

^cU.S. production (excluding processed utilization) plus net imports.

The small business size standard for tangerine groves, as identified by the Small Business Administration (SBA) based upon the North American Industry Classification System (NAICS) code 111320, is \$750,000 or less in annual receipts.⁹

While available data do not provide the size distribution of U.S. tangerine farms by annual receipts, it is reasonable to assume that the majority of the operations are small businesses by SBA standards.¹⁰ According to the 2002 *Census of Agriculture* data, there were a total of 1,731 tangerine operations in the United States in 2002.¹¹ It is estimated that approximately 93 percent of all citrus-producing farms had annual sales in 2002 of \$500,000 or less.

If Unshu oranges and U.S.-grown mandarin varieties were close

substitutes, then U.S. entities could be affected to the extent that Unshu orange imports from Korea would displace sales in Alaska of the U.S.-grown mandarin varieties. Small entities would be affected, since they comprise a substantial number of the producers of mandarin varieties, as indicated by the data on tangerine operations. However, even if all Unshu orange imports from Korea were to directly replace consumption of U.S.-grown tangerines in Alaska, the effect on U.S. producers would be very minor. Under such a scenario, annual imports of Unshu oranges from Korea of 2,000 metric tons (the upper limit of the projected range of imports), would displace less than 1 percent of fresh tangerines produced by U.S. operations in 2004–05. We emphasize that even a small impact for

U.S. producers such as this is highly unlikely.

We expect that any product displacement that may occur as a result of the proposed changes would be borne by other foreign suppliers of Unshu oranges, in particular Japan's exporters. However, we do not expect any significant product displacement as a result of Korean supplies. Alaska's Unshu orange consumers may benefit to the extent that the competition results in price declines. Based on the information we have at this time, we expect the benefits of allowing the importation of Unshu oranges from South Korea into Alaska would outweigh any expected costs to domestic small entities. We welcome public comment that would improve our understanding of possible effects of the proposed rule for U.S. small entities.

⁴ Source: Global Trade Atlas.

⁵ Source: USDA, FAS, PS&D Online. "Fresh Tangerines: Production, Supply and Distribution in Selected Countries," <http://www.fas.usda.gov/psdonline/psdDownload.aspx>.

⁶ The proportion of domestic fresh consumption attributed to U.S. production is production less exports and processed utilization. Data Source:

USDA ERS Briefing Room, *Fruit and Tree Nut Yearbook*, 2005.

⁷ USDA, ERS Briefing Room, *Fruit and Tree Nut Yearbook*, 2005.

⁸ Florida Agricultural Statistic Service (FASS), National Agricultural Statistics Service (NASS), USDA, "Citrus Summary 2004–05," February 2006.

⁹ Based upon 2002 Census of Agriculture, State Data and the "Small Business Size Standards by

NAICS Industry," Code of Federal Regulations, Title 13, Chapter 1.

¹⁰ Based upon 2002 Census of Agriculture, State Data.

¹¹ The number of tangerine farms in the United States, as reported by the 2002 *Census of Agriculture*, includes operations that produced tangerines for processed utilization.

An alternative to this proposed rule would be to continue with the 2002 administrative suspension of the importation of Unshu oranges from Korea into all parts of the United States, including Alaska. Continuing the suspension of Korean Unshu orange imports into Alaska is not a satisfactory alternative to the proposed rule. Specified mitigation measures would ensure a low risk of introduction of citrus canker and Diaspidid scale into the United States. Resumption of imports would reestablish competition with Japanese suppliers, benefitting U.S. consumers but with little if any expected effect on U.S. producers.

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

Executive Order 12988

This proposed rule would allow fresh Unshu oranges to be imported into the United States from South Korea. If this proposed rule is adopted, State and local laws and regulations regarding fresh Unshu oranges imported under this rule would be preempted while the fruit is in foreign commerce. Fresh fruits are generally imported for immediate distribution and sale to the consuming public and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS-2006-0133. Please send a copy of your comments to: (1) Docket No. APHIS-2006-0133, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238, and (2) Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to

OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

APHIS is proposing to amend the regulations governing the importation of citrus fruit to allow fresh Unshu oranges from the Republic of Korea to be imported into the State of Alaska under certain conditions. As a condition of entry, the oranges would have to be prepared for shipping using packinghouse procedures that include culling of damaged or diseased fruit and washing in a water bath. In addition, the oranges would have to be accompanied by a phytosanitary certificate with an additional declaration stating that the oranges were inspected and found free from *Xanthomonas axonopodis* pv. *citri* and *Unaspis yanonensis*. The individual cartons or boxes in which the Unshu oranges are shipped would also have to be stamped or printed with a statement restricting their importation and distribution to the State of Alaska. This action would allow for the importation of Unshu oranges from the Republic of Korea into Alaska while continuing to provide protection against the introduction of quarantine pests.

APHIS is asking Office of Management and Budget (OMB) to approve its use of this information collection activity, associated with its efforts to prevent the spread of plant pests and plant diseases into the United States.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning this information collection activity. APHIS needs this outside input to help accomplish the following:

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of

information technology; e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.0056932 hours per response.

Respondents: Importers of Unshu Oranges, NPPO's.

Estimated annual number of respondents: 10.

Estimated annual number of responses per respondent: 544.5.

Estimated annual number of responses: 5,445.

Estimated total annual burden on respondents: 31 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

List of Subjects in 7 CFR 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 450, 7701-7772, and 7781-7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

2. Section 319.28 would be amended as follows:

a. By redesignating paragraphs (c) through (i) as paragraphs (d) through (j), respectively.

b. By adding a new paragraph (c) to read as set forth below.

c. By revising newly redesignated paragraph (f) to read as set forth below.

§ 319.28 Notice of quarantine.

* * * * *

(c) The prohibition does not apply to Unshu oranges (*Citrus reticulata* Blanco var. *unshu*, Swingle [*Citrus unshiu* Marcovitch, Tanakal]), also known as Satsuma mandarin, grown in the Republic of Korea and imported under permit into the State of Alaska under the following conditions:

(1) The Unshu oranges must be prepared for shipping using packinghouse procedures that include culling damaged or diseased fruit and washing in a water bath.

(2) Each shipment of Unshu oranges must be accompanied by a phytosanitary certificate from the national plant protection organization of the Republic of Korea bearing the following additional declaration: "These oranges were inspected and are considered to be free from citrus canker (*Xanthomonas axonopodis* pv. *citri*) and arrowhead scale (*Unaspis yanonensis*).

(3) The individual boxes in which the oranges are shipped must be stamped or printed with the following: "These oranges may not be shipped to any State other than Alaska."

* * * * *

(f) Importations allowed in paragraphs (b), (c), (d), and (e) of this section shall be subject to the permit and other requirements under the regulations in Subpart—Fruits and Vegetables §§ 319.56 through 319.56–8).

* * * * *

Done in Washington, DC, this 28th day of November 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–20422 Filed 12–1–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 292

RIN 1076–AE81

Gaming on Trust Lands Acquired After October 17, 1988

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule; extension of comment period and correction.

SUMMARY: This document extends the comment period for the proposed rule published on Thursday, October 5, 2006 (71 FR 58769), which establishes procedures that an Indian tribe must follow in seeking to conduct gaming on lands acquired after October 17, 1988. This document also contains corrections

to the proposed rule. The regulation relates to gaming on trust lands acquired after October 17, 1988.

DATES: Comments must be received on or before December 19, 2006.

ADDRESSES: You may submit comments, identified by the number 1076–AE–81, by any of the following methods:

- *Federal rulemaking portal:* <http://www.regulations.gov> Follow the instructions for submitting comments.
- *Fax:* 202–273–3153.
- *Mail:* Mr. George Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, 1849 C Street, NW., Mail Stop 3657–MIB, Washington, DC 20240.

• *Hand delivery:* Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, 1849 C Street, NW., Room 3657–MIB, Washington, DC, from 9 a.m. to 4 p.m., Monday through Friday.

Comments on the information collection in this rule are separate from comments on the rule. If you wish to comment on the information collection, you may send a facsimile to (202) 395–6566. You may also e-mail comments to: OIRA_DOCKET@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: George Skibine, Director, Office of Indian Gaming Management, (202) 219–4066.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs proposes to establish procedures that an Indian tribe must follow in seeking to conduct gaming on lands acquired after October 17, 1988. The Indian Gaming Regulatory Act allows Indian tribes to conduct class II and class III gaming activities on land acquired after October 17, 1988, only if the land meets certain exceptions. This proposed rule establishes a process for submitting and considering applications from Indian tribes seeking to conduct class II or class III gaming activities on lands acquired in trust after October 17, 1988.

Correction

In the issue of October 5, 2006, on page 58773, in the second column, paragraphs (a)(2) and (b) introductory text of § 292.5 are corrected to read as follows:

§ 292.5 What must be demonstrated to meet the “settlement of a land claim” exception?

* * * * *

(a) * * *

(2) Is included on the Department’s list of potential pre-1966 claims published under the Indian Claims Limitation Act of 1982 (Pub. L. 97–394, 28 U.S.C. 2415).

(b) To be eligible under this section, land must be covered by a settlement that either:

* * * * *

Dated: November 29, 2006.

Michael D. Olsen,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E6–20494 Filed 12–1–06; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–103039–05]

RIN 1545–BE26

AJCA Modifications to the Section 6111 Regulations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains a correction to notice of proposed rulemaking by cross-reference to temporary regulations that were published in the **Federal Register** on Thursday, November 2, 2006 (71 FR 64496) relating to the disclosure of reportable transactions by material advisors.

FOR FURTHER INFORMATION CONTACT: Tara P. Volungis or Charles Wien, 202–622–3070 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking by cross-reference to temporary regulations (REG–103039–05) that is the subject of this correction is under sections 6111 and 6112 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking by cross-reference to temporary regulations (REG–103039–05) contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the notice of proposed rulemaking by cross-reference to temporary regulations (REG–103039–05) that was the subject of FR Doc. E6–18321 is corrected as follows:

§ 301.6111–3 [Corrected]

On page 64499, column 1, § 301.6111–3(b)(2)(ii)(B), first paragraph