Based on our review, we have determined that lemons are a conditional non-host for Medfly, meaning that while Medfly generally does not infest lemons, it will do so under certain conditions. For example, green lemons are not hosts of Medfly, but as they mature they become more susceptible to infestation. It is likely that light yellow lemons are not at a maturity stage where they would be susceptible to Medfly; only damaged or dark yellow, overly mature fruit are considered suitable hosts.

Resistance of lemons to Medfly infestation is causally linked to the thickness, toughness, and chemical toxicity of the lemon rind. The female Medfly ovipositor normally cannot pierce through the lemon rind to lay eggs in the toxin-free pulp, and if it does, the eggs laid within the rind are killed by the toxic compounds. However, if the rind is thin or damaged, or existing oviposition puncture holes are present, females can exploit these vulnerable points by ovipositing into the pulp, where Medfly eggs and larvae are more likely to survive and develop. A high Medfly population also increases the likelihood of lemon infestation due to repeated ovipositing by females into existing oviposition holes in the rind. These findings indicate the need to designate all varieties of yellow lemons as regulated articles for Medfly in our domestic fruit fly quarantine regulations in order to prevent the spread of Medfly to uninfested areas of the United States.

We are therefore proposing to amend the entry for lemons in the table of regulated articles in § 301.32–2(a) by removing the exemption for smooth-skinned lemons harvested for packing by commercial packinghouses, and instead indicating that all varieties of yellow lemons are regulated articles for Medfly.

We are also proposing to amend the phytosanitary treatments regulations in 7 CFR part 305 by updating the table in § 305.2(h)(2)(ii), which includes approved treatments for regulated articles moved interstate from areas quarantined for fruit flies, to correct two outdated references to the former locations of specific provisions of the fruit fly regulations.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

We have prepared an economic analysis for this proposed rule. As described in the economic analysis, the majority of producers, importers, and merchants that may be affected by the proposed rule are small entities. No commercial lemon producers are located in the area currently quarantined for Medfly. The number of producers that may be affected in the future is not known, since we do not have data on production of smooth-skinned lemons harvested for packing by commercial packinghouses. Nonetheless, the costs of pre-harvest or post-harvest treatments of smooth-skinned lemons that would be required by this rule are negligible. 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.

The full economic analysis may be viewed on the Regulations.gov Web site or in our reading room. (Instructions for accessing Regulations.gov and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this proposed rule.) In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

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 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

7 CFR Part 305

Irradiation, Phytosanitary treatment, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 7 CFR parts 301 and 305 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

§ 301.32–2 [Amended]

2. In § 301.32–2, paragraph (a), footnote 2 to the table is amended by removing the words ''Smooth-skinned lemons harvested for packing by commercial packinghouses are not'' and adding the words ''Only yellow lemons are'' in their place.

PART 305—PHYTOSANITARY TREATMENTS

3. The authority citation for part 305 continues to read as follows:

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

§ 305.2 [Amended]

4. In § 305.2, the table in paragraph (h)(2)(ii) is amended by removing, from the column titled ''Commodity'', the citations ''§ 301.78–2(a)'' and ''§ 301.99–2(b)'' and adding the citation ''§ 301.32–2(a)'' in their place.

Done in Washington, DC, this 15th day of September 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9–22631 Filed 9–18–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1493

Solicitation of Input from Stakeholders on Revised Fees for the Export Credit Guarantee (GSM–102) Program

AGENCY: Foreign Agricultural Service and Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: This notice solicits comments on proposed revisions to the fee rate schedule for the U.S. Department of Agriculture (USDA), Commodity Credit Corporation (CCC) Export Credit Guarantee Program (GSM–102). The Food, Conservation, and Energy Act of 2008 (the Act) amended certain GSM–102 program provisions related to fees. CCC's goals in proposing this revised fee structure are to create fees more commensurate with risk, generate additional program revenue in fiscal year (FY) 2010 to offset program costs, and consider allowing program participation by riskier countries.

DATES: Comments on this notice must be received by October 21, 2009 to be assured of consideration.

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

- *E-mail: gsm102fees@fas.usda.gov.*
- *Fax:* (202) 720–2495; ''Attention: GSM–102 Fee Comments.''
- *Mail:* P. Mark Rowse, Director, Office of Trade Programs, Credit Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Mail Stop 1025, Washington, DC 20250–1025.
- *Hand Delivery/Courier:* 1250 Maryland Avenue, SW., Suite 420, Washington, DC 20024.

All comments received will be available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: P. Mark Rowse, Director, Office of Trade Programs, Credit Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Mail Stop 1025, Washington, DC 20250–1025; telephone: (202) 720–6211.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The GSM–102 program is currently authorized under the Agricultural Trade Act of 1978, as amended. The GSM–102 program provides credit guarantees to encourage financing of commercial exports of U.S. agricultural products on competitive credit terms. The CCC currently has authorized availability of guarantees for transactions in at least 176 countries and regions, with 2,900 exporters eligible to participate. Since 1981, CCC has issued nearly $92 billion in credit guarantees under the GSM–102 program. Under the terms of the guarantee, typically, 98 percent of principal and a portion of interest are covered on credit terms of up to 3 years. By financing less than 100 percent of the exported value, CCC encourages risk-sharing by the exporter or the exporter's assignee.

The issuance of the guarantee is subject to a fee paid by the applicant (the exporter). In July 2005, USDA initiated a risk-based fee structure. A fee is charged based on the tenor (length of credit period) of the guarantee and terms for principal payment installments, whether 6 months or annually, and the risk grade of the obligor country. CCC assigns a numeric risk category (0–7, lowest to highest risk) to each obligor country.

The Food, Conservation, and Energy Act of 2008 (the Act) amended certain GSM–102 program provisions related to fees. The Act repealed the 1 percent cap on fees. The Act also requires the Secretary, in carrying out the GSM–102 program, to ''work with the industry to ensure, to the maximum extent practicable, that risk-based fees associated with the guarantees cover, but do not exceed, the operating costs and losses over the long-term.'' The Act defines the ''long term'' as ''a period of 10 or more years.''

CCC intends to revise the current fee structure, which has been in place since July 2005. The revised fee structure is designed to accomplish the following goals:

1. *Create a fee structure more commensurate with risk.* The 1 percent fee cap in effect prior to the Act resulted in a program fee structure with disproportionately high fees for low-risk transactions and disproportionately low fees for higher-risk transactions. CCC proposes to correct this imbalance by reducing fees for transactions with lower risk countries and shorter tenors and increasing fees for certain higher risk countries and longer tenors. In doing so, CCC is responding to many program participants who have noted that fees for low-risk transactions are prohibitively expensive compared to fees for higher-risk transactions.

2. *Generate additional program revenue in fiscal year (FY) 2010 to offset program costs, as measured by budget subsidy.* Although budget subsidy costs are re-estimated each fiscal year, the Office of Management and Budget's most recent calculations of estimated budget subsidy for FY 2008 and FY 2009 are 3.05 percent and 0.87 percent, respectively. Although the initial budget subsidy estimate for FY 2010 is −1.21 percent (indicating revenues are projected to exceed costs), CCC must offset any costs that might ultimately be incurred in FY 2008 and FY 2009 to meet the provisions of the Act.

3. *Consider allowing program participation by riskier countries.* When CCC implemented risk-based fees in July 2005, the highest-risk countries were eliminated from programming because the 1 percent fee cap did not permit CCC to charge fees commensurate with the associated risk. With the elimination of the fee cap, CCC can now consider allowing some of these countries to participate, charging higher fees to offset risk. The chart below shows the proposed fee schedule:

GSM–102 PROGRAM: PROPOSED PREMIUM PER U.S. $100 OF COVERAGE

Tenor	Risk category 0	1	2	3	4	5	6	7
Annual Payment of Principal								
9 months	$0.087	$0.130	$0.191	$0.297	$0.429	$0.627	$0.850	$1.116
12 months	0.116	0.173	0.254	0.394	0.569	0.832	1.127	1.480
15 months	0.125	0.185	0.270	0.417	0.599	0.874	1.180	1.544
18 months	0.148	0.213	0.308	0.469	0.671	0.970	1.303	1.694
24 months	0.212	0.292	0.415	0.617	0.873	1.241	1.650	2.115
30 months	0.249	0.340	0.482	0.712	1.000	1.408	1.856	2.353
36 months	0.302	0.413	0.584	0.855	1.194	1.656	2.158	2.695
Semi-Annual Payment of Principal								
30 days	0.010	0.015	0.021	0.033	0.048	0.070	0.095	0.125
60 days	0.020	0.029	0.043	0.067	0.096	0.141	0.191	0.250

GSM–102 PROGRAM: PROPOSED PREMIUM PER U.S. $100 OF COVERAGE—Continued

Tenor	Risk category 0	1	2	3	4	5	6	7
90 days	0.029	0.044	0.064	0.100	0.144	0.211	0.286	0.376
4 months	0.039	0.058	0.086	0.133	0.192	0.281	0.381	0.500
6 months	0.058	0.087	0.128	0.199	0.287	0.420	0.569	0.748
9 months	0.068	0.102	0.149	0.231	0.334	0.489	0.662	0.870
12 months	0.087	0.130	0.191	0.296	0.427	0.625	0.847	1.112
15 months	0.102	0.150	0.219	0.338	0.486	0.707	0.955	1.249
18 months	0.129	0.184	0.266	0.403	0.576	0.831	1.115	1.447
24 months	0.173	0.240	0.343	0.512	0.725	1.035	1.378	1.770
30 months	0.218	0.299	0.424	0.627	0.882	1.241	1.637	2.076
36 months	0.262	0.358	0.506	0.743	1.040	1.447	1.891	2.371

For comparison purposes, the current GSM–102 fee structure may be found at *http://www.fas.usda.gov/excredits/gsm102fees.html*.

Implementation Plans

CCC will consider stakeholder input in determining the revised fee structure. CCC plans to implement a revised fee structure no later than September 30, 2009, so that any revised fees will be in effect for the FY 2010 GSM–102 program. Review of the fee structure will be an on-going process. CCC intends to make future revisions as internal and external events warrant, including in response to budget subsidy re-estimates, with the goal of being responsive to comments from program participants and meeting the requirements of the Act.

Signed at Washington, DC, on Sept. 3, 2009.

Michael V. Michener,

Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. E9–22661 Filed 9–18–09; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0869; Directorate Identifier 2009–CE–043–AD]

RIN 2120–AA64

Airworthiness Directives; Vulcanair S.p.A. Models P 68, P 68B, P 68C, P 68C–TC, and P 68 ''OBSERVER'' Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 85–08–04, which applies to certain Vulcanair S.p.A. (Vulcanair) Models P 68, P 68B, P 68C, P 68C–TC, and P 68 ''OBSERVER'' airplanes. AD 85–08–04 currently requires you to repetitively visually inspect the front and rear wing spars for cracks. If cracks are found, AD 85–08–04 requires you to modify the wing spars. The wing spar modification terminates the repetitive inspection AD action and may be installed before cracks develop. Since we issued AD 85–08–04, the manufacturer revised the modification kit and identified additional airplane serial numbers that require the inspection and/or modification. Consequently, this proposed AD would retain the actions of AD 85–08–04, allow you to install the revised modification kit, and add additional serial numbers to the Applicability section. We are proposing this AD to detect and correct cracks in the front and rear wing spar, which could result in the wing separating from the airplane. This failure could lead to loss of control.

DATES: We must receive comments on this proposed AD by November 5, 2009.

ADDRESSES: Use one of the following addresses to comment on this proposed AD:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Vulcanair S.p.A., Via G. Pascoli, 7, Casoria (Naples) 80026 Italy; telephone: (+39)081.5918111; fax: (+39)081.5918172; e-mail: *customerservice@vulcanair.com*; Internet: *http://www.vulcanair.com*.

FOR FURTHER INFORMATION CONTACT: Sarjapur Nagarajan, Aerospace Engineer, ACE–112, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, ''FAA–2009–0869; Directorate Identifier 2009–CE–043–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive concerning this proposed AD.

Discussion

Reports of cracks in the front and rear wing spar on Vulcanair P 68 series airplanes caused us to issue AD 85–08–04, Amendment 39–5037 (50 FR 14370, April 12, 1985). AD 85–08–04 currently requires the following on certain Vulcanair Models P 68, P 68B, P 68C, P 68C–TC, and P 68 ''OBSERVER'' airplanes:

- Repetitively visually inspecting the front and rear wing spars;
- Repairing the front and rear wing spars if cracks are found; and