

30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

#### **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 under Executive Order 12866.

This emergency situation makes timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a regulatory flexibility analysis.

#### **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 rule has been reviewed under Executive Order 12988, 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**

This interim 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 in 7 CFR Part 301**

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

■ Accordingly, we are amending 7 CFR part 301 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).

■ 2. In § 301.53–3, paragraph (c) is amended by adding, in alphabetical order, an entry for Illinois, and by revising the entries for Indiana and Ohio to read as follows:

#### **§ 301.53–3 Quarantined Areas.**

\* \* \* \* \*

(c) \* \* \*

#### **Illinois**

The entire State.

#### **Indiana**

The entire State.

\* \* \* \* \*

#### **Ohio**

The entire State.

Done in Washington, DC, this 27th day of March 2007.

**Kevin Shea,**

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

[FR Doc. E7–6007 Filed 3–30–07; 8:45 am]

**BILLING CODE 3410–34–P**

#### **DEPARTMENT OF ENERGY**

#### **10 CFR Part 300**

#### **RIN 1901–AB23**

#### **Corrections and Updates to Technical Guidelines for Voluntary Greenhouse Gas Reporting**

**AGENCY:** Office of Policy and International Affairs, Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (DOE) published an interim final rule on January 31, 2007, to correct, update, and make clarifying changes to Technical Guidelines used for reporting under the Voluntary Reporting of Greenhouse Gases Program authorized by section 1605(b) of the Energy Policy Act of 1992. The Technical Guidelines were incorporated by reference in final program guidelines that were published on April 21, 2006, and placed in the Code of Federal Regulations (CFR). In accordance with the rules governing incorporation by reference in the CFR,

DOE is required to amend its program regulations to reflect any update of the Technical Guidelines. DOE now discusses the comments received in response to the interim final rule, and adopts that rule as final without change.

**DATES:** Effective April 2, 2007, the interim rule published on January 1, 2007 (72 FR 4211), which became effective March 2, 2007, is confirmed as final.

**FOR FURTHER INFORMATION CONTACT:** Stephen Eule, PI–63, Office of Policy and International Affairs, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington DC 20585, or e-mail: [1605bguidelines.comments@hq.doe.gov](mailto:1605bguidelines.comments@hq.doe.gov).

#### **SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Summary and Response to Comments
- III. Congressional Notification
- IV. Approval of the Office of Secretary

#### **I. Background**

Section 1605(b) of the Energy Policy Act of 1992 directed DOE to issue guidelines establishing a voluntary greenhouse gas reporting program (42 U.S.C. 13385(b)). On February 14, 2002, the President directed DOE, together with other involved Federal agencies, to recommend reforms to enhance the Voluntary Reporting of Greenhouse Gases Program established by DOE in 1994. On April 21, 2006, following a lengthy public review process, DOE published revised final General Guidelines for Voluntary Greenhouse Gas Reporting (71 FR 20784). Those guidelines incorporated by reference detailed Technical Guidelines, dated March 2006, that are needed to fully implement the revised Voluntary Reporting of Greenhouse Gases Program.

Subsequent to the April 21, 2006 publication of the revised final General Guidelines and during preparation of new forms and instructions for reporting, DOE identified a number of errors and inconsistencies in the Technical Guidelines that warranted correction or clarification. To ensure that any revision of the March 2006 Technical Guidelines addressed as many of these problems as possible, on August 3, 2006, DOE sent a message by electronic mail to all persons who had previously expressed an interest in the guidelines and requested that they identify any needed technical corrections, clarifications, interpretations or other changes to the guidelines. Subsequently, DOE received communications that recommended additional corrections and other changes for consideration.

Following a careful review of the recommended corrections and other suggested changes, DOE made those modifications to the Technical Guidelines that it believed were necessary to correct all the identified errors and inconsistencies or other ambiguities, while adhering to the essential language and intent of the March 2006 version of the Technical Guidelines. The updated version of the Technical Guidelines is dated January 2007. As required by the regulations of the Administrative Committee of the Federal Register, DOE sent the January 2007 update of the Technical Guidelines to the Director of the Federal Register and obtained his approval of the incorporation by reference of the January 2007 Technical Guidelines in the regulations for the section 1605(b) program that are published in the Federal Register and the Code of Federal Regulations. On January 31, 2007, DOE published an interim final rule with opportunity for comment that changed the date of the Technical Guidelines incorporated by 10 CFR 300.13 from March 2006 to January 2007. (72 FR 4411.)

## II. Summary and Response to Comments

DOE received six sets of comments in response to the interim final rule. All of the comments are posted on the internet at the following website: <http://www.pi.energy.gov/enhancingGHGregistry/comments2007.html>. None of the comments identified errors or inconsistencies in the January 2007 Technical Guidelines that would impair their implementation by the Energy Information Administration (EIA). DOE has decided not to adopt changes at this time so that EIA can complete the forms, instructions, and software expeditiously to permit reporting under the new guidelines in 2007 for the 2006 reporting year. However, some of the comments did identify further corrections or updates that may be warranted some time in the future. The specific comments provided fall into four main categories; those that:

- Identified inconsistencies, drafting errors or clarity problems in the Technical Guidelines that may warrant further corrections.
- Proposed to add or reference new measurement methods or calculation tools.
- Sought to reopen some issues that had been previously resolved during the development of the guidelines published on April 21, 2006.
- Proposed changes that exceed the DOE's statutory authority.

*Possible Further Corrections.* The comments submitted by the Edison Electric Institute and supported by comments from Ameren identified a number of additional, but comparatively minor inconsistencies, drafting errors or clarity problems in the January 2007 Technical Guidelines that may warrant further corrections. Comments by the American Forest and Paper Association (AF&PA) also identified a reference in the Forestry appendix that requires updating as well as an inconsistency between the terminology used in the Technical Guidelines and that used by the industry to refer to "spent pulping liquors".

DOE sees the value of making most of the changes that fall into this category, although none of these changes are necessary to enable the EIA to initiate reporting under the corrected Technical Guidelines dated January 2007. Since making these changes at this time could cause some confusion among prospective reporters and may further delay EIA's efforts to finalize its revised reporting forms and instructions, DOE has decided not to implement these changes at this time. Instead, DOE plans to address these changes when DOE proposes its first substantive amendments to the guidelines pursuant to 10 CFR 300.1(f).

*Measurement Methods or Calculation Tools.* Comments submitted by Beta Analytic, Inc., proposed that the guidelines be amended to recognize a new method for measuring biogenic or carbon-neutral CO<sub>2</sub> or methane emissions which represent part, but not all, of various emission streams.

Similarly, AF&PA's comments recommended that a specific calculation tool developed by the International Council of Forests and Paper Associations be referenced in the Technical Guidelines as an acceptable model for estimating the harvested wood products pool.

While the amendments proposed by Beta Analytic, Inc., and AF&PA may be worthwhile, they are outside the scope of this rulemaking, which is limited to correcting factual and drafting errors, eliminating inconsistencies, updating certain existing references, clarifying intent, and modifying or eliminating certain inappropriate calculation methods. Those organizations may formally propose that DOE adopt these methods when it undertakes to make substantive revisions to the guidelines pursuant to 10 CFR 300.1(f). Proposed calculation methods should be submitted in writing to the Assistant Secretary for Policy and International Affairs, 1000 Independence Ave., SW., Washington, DC, 20585, with an

electronic copy sent to [1605bguidelines.comments@hq.doe.gov](mailto:1605bguidelines.comments@hq.doe.gov). DOE will consider all such proposed methods. Any such proposal will be subject to public review and comment. If adopted, new calculation methods would be implemented as soon as practicable.

*Issues Previously Resolved.* The comments submitted by AF&PA also raised two issues that were previously considered and resolved during the development of the revised General Guidelines and Technical Guidelines that were published in April 2006. One issue concerns the treatment of carbon harvested from sustainably managed forests that is ultimately included in various long lived wood products. AF&PA proposed a change that would enable such carbon to be counted toward an entity's emission reductions, although the initial March 2006 Technical Guidelines and the January 2007 revised Technical Guidelines exclude such treatment. The other issue concerns the value to be used to represent the transmission and distribution losses associated with off-site combined heat and power plants. This value was also set by the March 2006 Technical Guidelines and was not changed in the January 2007 Technical Guidelines.

Section 300.1(f) of the General Guidelines indicates that DOE intends to periodically review and update the General Guidelines and Technical Guidelines, and that it anticipates that these reviews will occur approximately every three years. During these periodic reviews, DOE may reconsider any of the issues initially resolved by the April 2006 guidelines. DOE will solicit stakeholder input at the start of any such review process.

*Changes that Exceed DOE's Statutory Authority.* One commenter recommended that DOE change this program from a voluntary reporting program to one that is mandatory. Such a change would clearly exceed DOE's existing statutory authority under section 1605(b) of the Energy Policy Act of 1992.

*Conclusion.* Based on a review of the six comments received, DOE has decided not to make any changes at this time to the January 2007 Technical Guidelines, which became effective on March 2, 2007. When DOE proposes amendments to add new measurement methods or calculation tools to the January 2007 Technical Guidelines, it may incorporate some of the corrections suggested in the public comments summarized above.

### III. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of today's final rule. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 801(2).

### IV. Approval of the Office of the Secretary

The Secretary of Energy has approved the publication of this final rule.

#### List of Subjects in 10 CFR part 300

Administrative practice and procedure, Energy, Gases, Incorporation by reference, Reporting and recordkeeping requirements.

Issued in Washington, DC on March 27, 2007.

**Katharine A. Fredriksen,**

*Acting Assistant Secretary for Policy and International Affairs.*

■ Accordingly, the interim final rule amending part 300 of title 10, chapter II, subchapter B of the Code of Federal Regulations, that was published at 72 FR 4411 on January 31, 2007, is adopted as a final rule without change.

[FR Doc. E7-6038 Filed 3-30-07; 8:45 am]

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## FEDERAL HOUSING FINANCE BOARD

### 12 CFR Part 915

[No. 2007-04]

RIN 3069-AB-33

### Federal Home Loan Bank Appointive Directors

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Final rule.

**SUMMARY:** The Federal Housing Finance Board (Finance Board) is issuing a final regulation that is substantially the same as the interim final rule that established a process for the appointment of directors to the Federal Home Loan Banks (Bank or Banks), which was adopted on January 24, 2007. The final rule makes two changes to the interim rule, regarding the number of nominees to be submitted and the date by which nominations must be submitted. Both changes are being made in response to comments received on the interim final rule.

**DATES:** *Effective Date:* The final rule is effective April 2, 2007.

**FOR FURTHER INFORMATION CONTACT:** Neil R. Crowley, Acting General Counsel, 202-408-2990, [crowleyn@fhfb.gov](mailto:crowleyn@fhfb.gov); or Thomas P. Jennings, Senior Attorney

Advisor, Office of General Counsel, 202-408-2553, [jennings@fhfb.gov](mailto:jennings@fhfb.gov). You can send mail to the Federal Housing Finance Board, 1625 Eye Street, NW., Washington, DC 20006.

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Legal Authority

Section 7(a) of the Federal Home Loan Bank Act (Bank Act) (12 U.S.C. 1427(a)) authorizes the Finance Board to appoint directors to the board of each Bank. Section 7(f)(2) of the Bank Act (12 U.S.C. 1427(f)(2)) authorizes the Finance Board to fill any vacancy in an appointive directorship for the remainder of its unexpired term. The Finance Board has determined that adopting procedures for the selection of appointive directors will enhance its ability to identify and appoint well-qualified individuals to serve as Bank directors.

Accordingly, on January 24, 2007 (72 FR 3028) the Finance Board issued an interim final rule that amended 12 CFR 915.10 to adopt procedures under which the board of directors of each Bank has to submit to the Finance Board a list of individuals to be considered for appointment to the board of the Bank. The list is to include information regarding each individual's eligibility and qualifications to serve as an appointive director, and the Finance Board will use that information in making its appointments to the boards. The interim rule set an initial deadline of March 31, 2007, by which the Banks are to provide a list of nominees to the Finance Board for the directorships that are currently vacant.

At the time that it published the interim final rule, the Finance Board requested comments from the public and established a 30-day comment period, which expired on February 23, 2007.

##### II. Analysis of the Public Comments

The Finance Board received 8 comment letters in response to the interim rule. Three letters were submitted by Banks, 1 by a member of a Bank, 3 from trade associations, and 1 from a community organization. All of the comments were supportive of the rule, but also suggested certain revisions to the rule.

One issue commenters raised relates to section 915.10(b), which gives the Finance Board the discretion to request additional names from any Bank if the Finance Board does not fill all vacant appointive directorships from the names the Bank initially submits. Certain of the comment letters objected to the permissive nature of the provision, contending that the provision should be

mandatory, i.e., that the final rule should require the Finance Board to seek additional names only from the Banks and should preclude it from considering prospective directors from other sources. For the reasons noted below, the Finance Board has determined to retain the language of the interim rule.

In adopting section 7 of the Bank Act (12 U.S.C. 1427), Congress vested the power to appoint Bank directors solely in the Finance Board. To revise the rule in the manner suggested would preclude the Finance Board from ever considering other sources for prospective appointive directors. Such a limitation likely would impair the Finance Board's ability to carry out its statutory responsibility. As a practical matter, the Finance Board fully expects that the Banks will make every effort to submit well-qualified nominees for the appointive directorships, both in their initial submissions and in response to any subsequent request from the Finance Board. In the event that a Bank does not do so, however, the Finance Board believes that it must reserve the right to consider nominees from other sources in order to carry out its own responsibilities.

A second issue raised by the comment letters relates to the number of nominees a Bank must submit for the number of directorships to be filled. Section 915.10(a)(3) of the interim rule requires each Bank to submit twice as many nominees as there are appointive directorships to be filled at the Bank. Three commenters suggested that the rule be changed to require the submission of only 1 nominee per directorship to be filled. These commenters believed that the Banks are more likely to find well qualified persons who are willing to serve if those persons have some reasonable expectation of being chosen if they agree to be nominated. These commenters noted that the interim rule created a process in which half of all nominees would be rejected, and contended that such a process would have a chilling effect on prospective nominees' willingness to go through the nominations process.

Another commenter urged the Finance Board to require at least twice as many nominees as there are directorships to be filled, particularly with respect to the community interest directorships. That commenter reasoned that doing so would help to maintain the independence of the community interest appointive directors by lessening the degree of control that the Banks would have over their selection. Another commenter proposed that the