§948.387 Handling regulation.

(a) Grade and size requirements—All varieties.

U.S. No. 2 or better grade, 1½ inches minimum diameter or 4 ounces minimum weight: Provided That the minimum size may be ¾ inch in diameter, if the potatoes otherwise meet U.S. No. 1 grade.

Dated: March 26, 2010.

David R. Shipman,
Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2010–7564 Filed 4–2–10; 8:45 am]

DEPARTMENT OF ENERGY

10 CFR Part 431


RIN 1904–AB70

Energy Conservation Program: Energy Conservation Standards for Small Electric Motors; Correction


ACTION: Final rule; technical correction.

SUMMARY: This document contains a technical correction to the final rule regarding the energy conservation standards for small electric motors, which was published on March 9, 2010. In that final rule, the U.S. Department of Energy (DOE) adopted regulations to establish energy conservation standards for small electric motors. Due to a drafting error, an incorrect compliance date for this equipment was inadvertently inserted into the regulation. This correction notice addresses the error.

DATES: This technical correction is effective April 8, 2010.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

I. Background

On March 9, 2010, the DOE's Office of Energy Efficiency and Renewable Energy published a final rule titled “Energy Conservation Standards for Small Electric Motors.” 75 FR 10074. Since the publication of that rule, it has come to DOE's attention that, due to a technical oversight, a certain part of the final regulations inadvertently applied an incorrect date by which manufacturers would need to comply with the standards established by that rule. That section of the regulations, section 431.446(a) of Title 10 of the Code of Federal Regulations (10 CFR), Part 431, provides a date of February 28, 2015, 75 FR 10947. Instead, that date should be March 9, 2015, which is 60 months from the date of the final rule's publication in the Federal Register, and in the case of a small electric motor that requires listing or certification by a nationally recognized safety testing laboratory, March 9, 2017, 84 months after such date. Both of these dates are specified compliance dates for small electric motor standards under the Energy Policy and Conservation Act of 1975, as amended (EPCA). See 42 U.S.C. 6317(b)(3).

II. Need for Correction

As published, the final regulation contains an erroneous date that this document corrects. In light of the statutory requirement, the considerable amount of time before the compliance date and, in the case of the 2015 date, the small difference in the number of days at issue, the change addressed by today’s document is technical in nature. Because these dates are specified by EPCA, DOE does not have the discretion to deviate from these statutorily-prescribed requirements. As such, DOE finds that there is good cause under 5 U.S.C. 553(b)(B) and that the issuance of a separate notice to solicit public comment on the changes contained in this notice is unnecessary. In FR Doc. 2010–4358, appearing in the document beginning on page 10947 in the Federal Register of Tuesday, March 9, 2010, the following correction is made:

§431.446 [Corrected]

1. On page 10947, in the third column, under §431.446, introductory paragraph (a) is corrected to read as follows:

§431.446 Small electric motors energy conservation standards and their effective dates.

(a) Each small electric motor manufactured (alone or as a component of another piece of non-covered equipment) after March 9, 2015, or in the case of a small electric motor which
requires listing or certification by a nationally recognized safety testing laboratory, after March 9, 2017, shall have an average full load efficiency of not less than the following:

* * *

* * * * *

Issued in Washington, DC, on March 29, 2010.

Cathy Zoi,
Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2010–7642 Filed 4–2–10; 8:45 am]
BILLING CODE 4450–01–P

FEDERAL HOUSING FINANCE BOARD
12 CFR Part 918

FEDERAL HOUSING FINANCE AGENCY
12 CFR Part 1261

RIN 2590–AA03, 2590–AA31 and 2590–AA34

Federal Home Loan Bank Directors’ Eligibility, Elections, Compensation and Expenses

AGENCY: Federal Housing Finance Agency, Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: In this rulemaking, the Federal Housing Finance Agency (FHFA) is adopting a final rule that implements two separate proposed rules, which relate to Federal Home Loan Bank (Bank) director elections and director compensation, respectively. As to director elections, FHFA is amending its regulations relating to the process by which successor Bank directors are chosen after a directorship is redesignated to a new state prior to the end of the term as a result of the annual designation of Bank directorships. Under the final rule, the redesignation causes the original directorship to terminate and creates a new directorship that will be filled by an election of the members.

As to director compensation, FHFA is implementing section 1202 of the Housing and Economic Recovery Act of 2008 (HERA), which amended section 7(i) of the Federal Home Loan Bank Act (Bank Act) by repealing the statutory caps on the annual compensation that can be paid to Bank directors. This aspect of the final rule allows each Bank to pay its directors reasonable compensation and expenses, subject to the authority of the FHFA Director to object to, and to prohibit prospectively, compensation and/or expenses that the Director determines are not reasonable.

DATES: This rule is effective May 5, 2010.

FOR FURTHER INFORMATION CONTACT: Daniel Coates, Associate Director, Division of FHLBank Regulation, 202–408–2959, daniel.coates@fhfa.gov or Neil R. Crowley, Deputy General Counsel, 202–343–1316, neil.crowley@fhfa.gov, Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. In General

On July 30, 2008, HERA, Public Law 110–289, 122 Stat. 2654 (2008), became law and created FHFA as an independent agency of the Federal government. Among other things, HERA transferred to FHFA the supervisory and oversight responsibilities over the Banks that formerly had been vested in the now abolished Federal Housing Finance Board (Finance Board). The Banks continue to operate under regulations promulgated by the Finance Board until such time as the existing regulations are supplanted by regulations promulgated by FHFA.

Section 1202 of HERA amended section 7 of the Bank Act, which governs the eligibility, election, compensation and expenses of Bank directors. See 12 U.S.C. 1427. FHFA has implemented section 7 in part 1261 of its rules. 12 CFR part 1261.

Section 1201 of HERA (codified at 12 U.S.C. 4513(f)) requires the Director of FHFA to consider the differences between the Banks and the Enterprises with respect to the Banks’ cooperative ownership structure, mission of providing liquidity to members, affordable housing and community development mission, capital structure, and joint and several liability, whenever promulgating regulations that affect the Banks. The Director may also consider any other differences that are deemed appropriate. In preparing this final rule, the Director considered the differences between the Banks and the Enterprises as they relate to the above factors and determined that the rule is appropriate, particularly because this final rule applies only to the Banks.

II. Bank Director Eligibility and Elections

In December 2009, FHFA published a proposed rule that would deem terminated a directorship that is redesignated to a new state prior to the end of its term as a result of the annual designation of Bank directorships, with a new directorship created for the new state. See 74 FR 62708 (Dec. 1, 2009). The new directorship would be filled by an election of the members. The proposal constituted a change from the current Finance Board rule, which deems the redesignation to create a vacancy on the board. Under the Bank Act, vacancies on the board are filled by the remaining directors. See 12 U.S.C. 1427(f)(2); 12 CFR 1261.3 and 1261.4.

FHFA received one comment on the proposed rule, which was from a Bank and related to an aspect of the term limit provisions. Section 1261.4(d)(2) implements the term limit provision of section 7(d) of the Bank Act. See 12 CFR 1261.4(d)(2); 12 U.S.C. 1427(d). The rule provides that a term adjusted after July 30, 2008 (the effective date of HERA) to a period of fewer than four years is not considered a full term for purposes of calculating term limits. See 12 CFR 1261.4(d)(2)(i). The Bank suggested that FHFA use the term “adjusted” in new paragraph 1261.3(e) to make clear that a newly created directorship with a term of less than four years as a result of a redesignation of directorships would not be a full term for purposes of the statutory term limit. FHFA agrees that this will clarify application of the rule and has made the change in the final rule. FHFA is adopting the remainder of the changes as proposed.

FHFA also is making a technical change to paragraph 1261.6(a)(1), which contains definitions common to all subparts. These definitions include the terms Act, Bank, FHFA, and Director. These terms no longer will appear in other subparts of part 1261. The succeeding subparts will be redesignated subparts B (eligibility and elections), C (compensation and expenses), and D (reserved). In the newly redesignated subpart B, FHFA is renumbering §§ 1261.1 through 1261.7 as §§ 1261.2 through 1261.8, respectively. It is removing § 1261.8, which was reserved. FHFA is correcting the cross-references within subpart D to take into account the new numbering.

III. Bank Director Compensation and Expenses

In October 2009, FHFA published a proposed rule to address changes HERA section 1202 made to section 7(i) of the Bank Act. See 74 FR 54758 (Oct. 23, 2009). Among other things, section 1202 repealed the statutory caps on the annual compensation a Bank can pay to its directors, the effect of which was to authorize the Banks to pay reasonable compensation and expenses to their directors subject to FHFA approval. See