

regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrdersSmallBusinessGuide>.

Any questions about the compliance guide should be sent to Antoinette Carter at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on a relaxation of the size requirement prescribed under the Colorado potato marketing order. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this interim rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) Any changes resulting from this rule should be effective as soon as practicable because the Colorado Area No. 3 potato shipping season began in July; (2) the Committee discussed and unanimously recommended these changes at public meetings and all interested parties had an opportunity to provide input; (3) handlers are aware of this action and want to take advantage of this relaxation as soon as possible; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

#### List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

#### PART 948—IRISH POTATOES GROWN IN COLORADO

■ 1. The authority citation for 7 CFR part 948 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. In § 948.387, paragraph (a) is revised to read as follows:

#### § 948.387 Handling regulation.

\* \* \* \* \*

(a) *Grade and size requirements—All varieties.*

U.S. No. 2 or better grade, 1<sup>7</sup>/<sub>8</sub> inches minimum diameter or 4 ounces minimum weight: *Provided* That the minimum size may be <sup>3</sup>/<sub>4</sub> 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]

**BILLING CODE P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 431

[Docket Number EERE–2007–BT–STD–0007]

RIN 1904–AB70

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

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**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:

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**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 10874. 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 6450-01-P**

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## 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](mailto:daniel.coates@fhfa.gov) or Neil R. Crowley, Deputy General Counsel, 202-343-1316, [neil.crowley@fhfa.gov](mailto: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 part 1261. It is creating a new subpart A, 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 B 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*