satisfies the requirements of (c)(1)(iii) and (iv) of this section.

(d) *Effect of indemnification on qualified mortgage status.* An indemnification demand or resolution of a demand that relates to whether the loan satisfied relevant eligibility and underwriting requirements at the time of consummation may result from facts that could allow a change to qualified mortgage status, but the existence of an indemnification does not per se remove qualified mortgage status.

(Authority: 15 U.S.C. 1639C(b)(3)(B)(ii), 38 U.S.C. 3710, 3720)

(e) *Restatement.* * * *

* * * * *

■ 3. Amend § 36.4340 by:
■ a. Revising paragraph (a).
■ b. Redesignating paragraph (b) as paragraph (b)(1).
■ c. Adding a new paragraph (b)(2).

The revision and addition read as follows:

§ 36.4340 Underwriting standards, processing procedures, lender responsibility, and lender certification.

(a) *Use of standards.* The standards contained in paragraphs (c) through (j) of this section will be used to determine whether the veteran's present and anticipated income and expenses, and credit history, are satisfactory. These standards do not apply to loans guaranteed pursuant to 38 U.S.C. 3710(a)(8) except for cases where the Secretary is required to approve the loan in advance under § 36.4307.

(b)(1) * * *

(2) *Exemption from income verification for certain refinance loans.* Notwithstanding paragraphs (a) and (b)(1) of this section, a streamlined refinance loan to be guaranteed pursuant to 38 U.S.C. 3710(a)(8) and (e) is exempt from income verification requirements of the Truth-in-Lending Act (15 U.S.C. 1639C) and its implementing regulations only if all of the following conditions are met:

(i) The veteran is not 30 days or more past due on the prior existing residential mortgage loan;

(ii) The proposed streamlined refinance loan would not increase the principal balance outstanding on the prior existing residential mortgage loan, except to the extent of fees and charges allowed by VA;

(iii) Total points and fees payable in connection with the proposed streamlined refinance loan are in accordance with 12 CFR 1026.32, will not exceed 3 percent of the total new loan amount, and are in compliance with VA's allowable fees and charges found at 38 CFR 36.4313;

(iv) The interest rate on the proposed streamlined refinance loan will be lower than the interest rate on the original loan, unless the borrower is refinancing from an adjustable rate to a fixed-rate loan, under guidelines that VA has established;

(v) The proposed streamlined refinance loan will be subject to a payment schedule that will fully amortize the IRRRL in accordance with VA regulations;

(vi) The terms of the proposed streamlined refinance loan will not result in a balloon payment, as defined in TILA; and

(vii) Both the residential mortgage loan being refinanced and the proposed streamlined refinance loan satisfy all other VA requirements.

(Authority: 15 U.S.C. 1639C(a)(5), 38 U.S.C. 3710)

* * * * *

■ 4. Amend § 36.4500 by:
■ a. Revising the section heading.
■ b. Adding a heading to paragraph (a).
■ c. Adding a heading to paragraph (b).
■ d. Redesignating paragraph (c) as paragraph (d).
■ e. Adding a new paragraph (c).
■ f. Adding a heading to newly redesignated paragraph (d).

The revision and additions read as follows:

§ 36.4500 Applicability and qualified mortgage status.

(a) *Applicability to direct loans.* * * *

(b) *Applicability to direct loans to Native Americans.* * * *

(c) *Safe harbor qualified mortgage.* (1) *Defined.* A safe harbor qualified mortgage meets the Ability-to-Repay requirements of sections 129B and 129C of the Truth-in-Lending Act (TILA) regardless of whether the loan might be considered a high cost mortgage transaction as defined by section 103bb of TILA (15 U.S.C. 1602bb).

(2) *Applicability of safe harbor qualified mortgage.* All VA direct loans made pursuant to 38 U.S.C. 3711, Native American Direct Loans made pursuant to 38 U.S.C. 3761, et seq., and vendee loans made pursuant to 38 U.S.C. 3720 and 3733 are safe harbor qualified mortgages.

(Authority: 15 U.S.C. 1639C(b)(3)(B)(ii), 38 U.S.C. 3710)

(d) *Restatement.* * * *

* * * * *

■ 5. In § 36.4501, add the term ''Vendee loan'' immediately after the definition of ''Trust land'' to read as follows:

§ 36.4501 Definitions.

* * * * *

Vendee loan means a loan made by the Secretary for the purpose of financing the purchase of a property acquired pursuant to chapter 37 of title 38, United States Code.

(Authority: 38 U.S.C. 3720, 3733)

* * * * *

[FR Doc. 2014–10600 Filed 5–8–14; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2013–0707; FRL–9910–54-Region 10]

Revision to the Washington State Implementation Plan; Update to the Solid Fuel Burning Devices Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a State Implementation Plan (SIP) revision submitted by the Washington State Department of Ecology (Ecology) on January 30, 2014. The SIP submission contains revisions to Washington's solid fuel burning device rules to control fine particulate matter ($PM_{2.5}$) from residential wood combustion. The updated regulations reflect Washington State statutory changes made in 2012, setting revised $PM_{2.5}$ trigger levels for impaired air quality burn bans and setting criteria for prohibiting solid fuel burning devices that are not certified. The submission also contains updates to the regulations to improve the clarity of the language.

DATES: *Effective Date:* This final rule is effective June 9, 2014.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2013–0707. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Programs Unit, Office of Air Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA, 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to

view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt at (206) 553–0256, *hunt.jeff@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''us,'' or ''our'' are used, it is intended to refer to the EPA.

Table of Contents

I. Background Information

An explanation of the Clean Air Act requirements and implementing regulations that are met by this SIP submittal, a detailed explanation of the revisions, and the EPA's reasons for approving it were provided in the notice of proposed rulemaking published on March 4, 2014, and will not be restated here (79 FR 12136). On March 25, 2014, the EPA received one comment via the *www.regulations.gov* Web site.

II. Response to Comments

Comment: ''Wood stoves are now designed to re-burn the smoke and get 98 percent of particle matter out of the air. By more complete and efficient burning, the heat derived from wood is maximized and the particle matter is minimized. In a metro city, an inefficient stove or fireplace will cause neighbors to get upset at the smoke from using such a unit. If a smoke reburning unit is used, the smoke is considerably less and with less particles there is less irritation and problems for neighbors. I suggest that any reburning stove or fireplace be exempted from any such rules.''

Response: Under section 110 of the Clean Air Act states are responsible for developing regulations and control measures to address air pollution for incorporation into the SIP. The EPA's role is to evaluate these state choices to determine if the revisions meet the requirements of the Clean Air Act. To the extent that the commenter wants to influence these state choices, the comments are best submitted during the state public comment period rather than as part of the EPA's approval or disapproval process. The EPA has determined that Washington's January 30, 2014 submittal meets all Clean Air Act requirements for approval. The EPA provided a copy of the comment to Ecology for consideration during future state rulemaking, but is otherwise taking no further action on the comment.

III. Final Action

The EPA is approving Washington's SIP revision submitted on January 30, 2014. Specifically, the EPA is approving and incorporating by reference into the SIP the rules shown in the Table below. We have made the determination that this action is consistent with section 110 of the Clean Air Act.

APPROVED RULES

Agency	Citation (WAC)	Title	State effective date	Submitted
Ecology	173–433–010	Purpose	02/23/14	01/30/14
Ecology	173–433–020	Applicability	02/23/14	01/30/14
Ecology	173–433–030	Definitions	02/23/14	01/30/14
Ecology	173–433–100	Emission Performance Standards	02/23/14	01/30/14
Ecology	173–433–110	Opacity Standards	02/23/14	01/30/14
Ecology	173–433–120	Prohibited Fuel Types	02/23/14	01/30/14
Ecology	173–433–140	Criteria for Impaired Air Quality Burn Bans	02/23/14	01/30/14
Ecology	173–433–150	Restrictions on the Operation of Solid Fuel Burning Devices	02/23/14	01/30/14
Ecology	173–433–155	Criteria for Prohibiting the Use of Solid Fuel Burning Devices that Are Not Certified.	02/23/14	01/30/14

IV. Statutory and Executive Orders Review

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the rule neither imposes substantial direct compliance costs on tribal governments, nor preempts tribal law. Therefore, the requirements of section 5(b) and 5(c) of the Executive Order do not apply to this rule. Consistent with EPA policy, the EPA nonetheless provided a consultation opportunity to the Puyallup Tribe in a letter dated September 3, 2013, and to all other

tribes located in Washington State in letters dated December 24, 2013. The EPA did not receive a request for consultation.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 8, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Particulate matter, Incorporation by reference, and Reporting and recordkeeping requirements.

Dated: April 15, 2014.

Dennis J. McLerran,

Regional Administrator, Region 10.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart WW—Washington

■ 2. Section 52.2470 is amended in paragraph (c) Table 1—Washington Department of Ecology Regulations by:

■ a. Revising the heading ''Washington Administrative Code, Chapter 173–433—Solid Fuel Burning Device Standards'' to read ''Washington Administrative Code, Chapter 173–433—Solid Fuel Burning Devices'';

■ b. Revising entries 173–433–010 through 173–433–120;

■ c. Revising entries 173–433–140 and 173–433–150;

■ d. Adding in numerical order entry 173–433–155.

The revisions and additions read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

TABLE 1—WASHINGTON DEPARTMENT OF ECOLOGY REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
Washington Administrative Code, Chapter 173–433—Solid Fuel Burning Devices				
173–433–010	Purpose	02/23/14	05/09/14 [Insert page number where the document begins].	.....
173–433–020	Applicability	02/23/14	05/09/14 [Insert page number where the document begins].	.....
173–433–030	Definitions	02/23/14	05/09/14 [Insert page number where the document begins].	.....
173–433–100	Emission Performance Standards	02/23/14	05/09/14 [Insert page number where the document begins].	.....
173–433–110	Opacity Standards	02/23/14	05/09/14 [Insert page number where the document begins].	.....
173–433–120	Prohibited Fuel Types	02/23/14	05/09/14 [Insert page number where the document begins].	.....
*	*	*	*	*
173–433–140	Criteria for Impaired Air Quality Burn Bans ..	02/23/14	05/09/14 [Insert page number where the document begins].	.....
173–433–150	Restrictions on the Operation of Solid Fuel Burning Devices.	02/23/14	05/09/14 [Insert page number where the document begins].	.....
173–433–155	Criteria for Prohibiting the Use of Solid Fuel Burning Devices that Are Not Certified.	02/23/14	05/09/14 [Insert page number where the document begins].	.....
*	*	*	*	*

* * * * *

[FR Doc. 2014–10581 Filed 5–8–14; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Part 1172

RIN 3136–AA33

Nondiscrimination on the Basis of Age in Federally Assisted Programs or Activities

AGENCY: National Endowment for the Humanities.

ACTION: Final rule.

SUMMARY: In this final rule, the National Endowment for the Humanities (NEH) is issuing Age Discrimination Act of 1975 (the Act or the Age Act) regulations. These regulations implement provisions of the Act and the general, government-wide age discrimination regulations promulgated by the United States Department of Health and Human Services (HHS).

These regulations are designed to guide the actions of recipients of Federal financial assistance from NEH and incorporate the basic standards set forth in the general, government-wide regulations for determining what constitutes age discrimination. These regulations also discuss the responsibilities of NEH recipients and the investigations, conciliation, and enforcement procedures NEH has been using and will continue to use to ensure compliance with the Act.

DATES: The final rule will be effective June 9, 2014.

FOR FURTHER INFORMATION CONTACT: Mara Campbell, Office of the General Counsel, NEH, at 202–606–8322, 202–606–8282 (TDD), or *mcampbell@neh.gov*.

SUPPLEMENTARY INFORMATION:

General Information

The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.,* (the Act or the Age Act), prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act, which applies to persons of all ages, also contains certain exceptions that permit, under limited circumstances, use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age.

The Act however, does not cover employment discrimination on the basis of age, which is addressed by a different statute, the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.,* (ADEA). The ADEA applies specifically to employment practices and programs, both in the public and private sectors, and only applies to persons who are age forty and over. Complaints of employment discrimination based on age by recipients of Federal financial assistance are subject to the ADEA—and not the Act or these regulations—and should instead be filed with the Equal Employment Opportunity Commission (EEOC) (29 CFR part 1626).

Rulemaking History

The Act required the former Department of Health, Education and Welfare (HEW) to issue general, government-wide regulations setting standards to be followed by all Federal agencies implementing the Act. These government-wide regulations, issued on June 12, 1979 and codified at 45 CFR part 90, require each agency to publish agency-specific regulations implementing the Act and to submit such final agency regulations to HEW (now HHS) before publication in the **Federal Register**. (*See* 45 CFR 90.31).

The Act became effective on July 1, 1979—the effective date of HEW's final government-wide regulations—and NEH has enforced the provisions of the Act since that time.

NEH first proposed agency-specific regulations implementing the Act on October 4, 1979 (44 FR 57130), but did not publish the final regulations. As a practical matter, however, the absence of such regulations has not affected NEH's enforcement of prohibitions against discrimination on the basis of age in programs or activities receiving financial assistance from NEH.

Since a significant amount of time had passed, and because regulatory development guidelines had changed, NEH began the regulatory process anew and published a proposed rule, including a full regulatory analysis under the Administrative Procedure Act, in the **Federal Register** on May 15, 2013 (78 FR 28569). The public comment period ended on July 15, 2013, and the only comments NEH received were from the EEOC.

Comments From EEOC

The majority of the EEOC's comments were intended to address potential confusion among the employment community and employees who may be unaware that the Age Act and the ADEA are separate statutes with different purposes, procedures, and remedies. In order to address this concern, NEH created a new ''General Information'' section under the **SUPPLEMENTARY INFORMATION** heading. This new section provides information on the ADEA and how it differs from the Age Act.

In addition to inserting this general overview, NEH amended specific sections of the rule to more clearly distinguish the two Acts:

Section 1172.1 has been amended to state that complaints of employment discrimination based on age by recipients of Federal financial assistance are subject to the ADEA and should be filed administratively with the EEOC.

Section 1172.2(b) has been amended to include subsection (3) which states that these regulations do not in any way affect any rights or responsibilities under the ADEA, the EEOC's regulations under the ADEA, or any statements of policy promulgated by EEOC under the ADEA.

Section 1172.3 has been amended to include a definition of the ADEA.

HHS Review

As part of the clearance process required by the government-wide Age Act regulations, NEH submitted its draft final rule to HHS for review prior to publication. In response to this review, NEH updated the following sections:

Section 1172.12 has been amended to include subsection (e) which states that any age distinction issued by NEH in a regulation is presumed to be necessary to achieve a statutory objective, notwithstanding the provisions of § 1172.12(a).

Sections 1172.24 and 1172.33 have been amended to replace the word ''must'' with ''shall.''

Section 1172.33(a) has been amended to include the words, ''Unless the age distinction complained of is clearly within an exception,'' at the beginning of the sentence. Additionally, the second sentence of subpart (b) has been deleted.

Sections 1172.33(c) and 1124.34(a)(1) have been amended to replace the word ''settlement'' with ''mediation.''

Section 1172.36(d) has been amended to include subsection (3) which states that deferrals will be limited to the particular recipient and particular program or activity.

Additional Changes

In addition to the changes noted above, NEH updated the following section of the final rule:

Section 1172.2(b) has been amended to delete the words ''any program or activity receiving Federal financial assistance under the Workforce Investment Act of 1998 (29 U.S.C. 9201 *et seq.*)'' as Congress eliminated this