

(i), is not more than one percent higher than the existing rate on the loan; or,

(iii) In the case of a loan in which a State, Territorial, or local governmental agency provided assistance to the veteran for the acquisition of the dwelling, and the law providing that assistance precludes any revision in the interest rate on the loan, then the interest rate on the modified loan is the same or less than that on the original note evidencing the loan;

(9) The unpaid balance of the modified loan will be re-amortized over the remaining life of the loan, or if the loan term is to be extended, the maturity date will not exceed the shorter of:

(i) 360 months from the due date of the first installment required under the modification, or

(ii) 120 months after the original maturity date of the loan (unless the original term was less than 360 months, in which case the term may be extended to 480 months from the due date of the first installment on the original loan);

(10) Only the following items may be included in the modified indebtedness: Unpaid principal; accrued interest; deficits in the taxes and insurance impound accounts; amounts incurred to pay actual legal fees and foreclosure costs related to the canceled foreclosure; the cost of a title insurance policy endorsement or other update for the modified loan; and advances required to preserve the lien position, such as homeowner association fees, special assessments, water and sewer liens, etc. Late fees and other charges may not be capitalized;

(11) The holder will not charge a processing fee, and all unpaid late fees will be waived. Any other actual costs incurred and legally chargeable, but which cannot be capitalized in the modified indebtedness, may be collected directly from the borrower as part of the modification process or waived, at the discretion of the servicer;

(12) Holders will ensure the first lien status of the modified loan;

(13) The dollar amount of the guaranty will not exceed the greater of:

(i) The original guaranty amount of the loan being modified (but if the modified loan amount is less than the original loan amount, then the amount of guaranty will be equal to the original guaranty percentage applied to the modified loan), or

(ii) 25 percent of the loan being modified subject to the statutory maximum specified at 38 U.S.C. 3703(a)(1)(B); and

(14) The obligor will not receive any cash back from the modification.

(b) If a loan fails to meet one or more of the conditions identified in paragraph

(a), the holder must submit the loan file to the Secretary for approval before entering into any loan modification agreement. The Secretary will grant such approval if the Secretary determines that the modification is in the best interests of the veteran and the Government after balancing the risks of non-approval versus approval despite the absence of one or more of the conditions identified in paragraph (a) of this section.

(c) This section does not create a right of a borrower to have a loan modified, but simply authorizes the loan holder to modify a loan in certain situations without the prior approval of the Secretary.

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BILLING CODE 8320-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2010-0552; FRL-9262-7 ]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 2002 Base Year Emissions Inventory, Reasonable Further Progress Plan, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Philadelphia-Wilmington-Atlantic City 1997 8-Hour Moderate Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. The revision being approved contains a 2002 base year emissions inventory, a reasonable further progress (RFP) plan, RFP contingency measures demonstration, and reasonably available control measure (RACM) demonstration for the Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City moderate 1997 8-hour ozone nonattainment area. This rulemaking applies only to the Pennsylvania portion of this multi-state nonattainment area—an area that also lies in part in New Jersey, Maryland, and Delaware. EPA is simultaneously approving transportation conformity motor vehicle emissions budgets (MVEBs) associated with this same SIP revision. EPA is approving this SIP revision because it

satisfies Clean Air Act (CAA) requirements for the 2002 emissions inventory, RFP, RACM, RFP contingency measures, and transportation conformity requirements—as defined by the CAA for areas classified as moderate nonattainment for the 1997 8-hour ozone national ambient air quality standard (NAAQS). EPA is approving the SIP revision in accordance with the requirements of the CAA and EPA regulations.

**DATES:** This final rule is effective on March 9, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2010-0552. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure 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 <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Brian Rehn, (215) 814-2176, or by e-mail at [rehn.brian@epa.gov](mailto:rehn.brian@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Throughout this document, whenever “we,” “us,” or “our” is used, we mean EPA. On November 5, 2010 (75 FR 68251), EPA published a notice of proposed rulemaking (or proposed rulemaking) for the Commonwealth of Pennsylvania. The notice of proposed rulemaking proposed EPA’s approval of Pennsylvania’s 2002 base year emissions inventory, RFP plan, RFP contingency measures, RACM, and MVEBs for the Commonwealth’s portion of the Philadelphia-Wilmington-Atlantic City moderate 1997 8-hour ozone nonattainment area. EPA is approving the SIP revision because it satisfies the emissions inventory, RFP, RACM, RFP contingency measures, and transportation conformity requirements

of section 110 and part D of the CAA and associated EPA regulations. This SIP revision was formally submitted by the Pennsylvania Department of Environmental Protection (PA DEP) on August 29, 2007, and was formally amended by PA DEP on December 10, 2009 and again on April 12, 2010.

## II. Summary of SIP Revision

The SIP revision (and subsequent SIP amendments) address the emissions inventory, RFP, RACM, and RFP contingency measures requirements for the 1997 8-hour ozone NAAQS for the Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City 8-hour ozone moderate nonattainment area. The SIP revision also establishes MVEBs for 2008. Other specific requirements of Pennsylvania's August 29, 2007 SIP revision (as amended in December 2009 and April 2010) for the Philadelphia-Wilmington-Atlantic City 8-hour ozone nonattainment area and EPA's rationale for our proposed action are explained in the November 5, 2010 proposed rulemaking and will not be restated here. A more detailed description of the August 2007 SIP revision, as well as the substance of each of the subsequent SIP amendments is discussed in detail in EPA's November 5, 2010 proposed rulemaking. No public comments were received on EPA's November 2010 proposed rulemaking.

## III. Final Action

EPA is approving the 2002 base year emissions inventory; the 2008 ozone projected emission inventory; the 2008 RFP plan; RFP contingency measures; RACM analysis; and 2008 transportation conformity budgets for the Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City 8-hour ozone nonattainment area, contained in Pennsylvania's August 29, 2007 SIP revision (as formally amended by Pennsylvania in December 2009 and April 2010) for the Philadelphia-Wilmington-Atlantic City 8-hour ozone nonattainment area. The SIP revision satisfies the requirements for 1997 8-hour ozone NAAQS nonattainment areas classified as moderate and demonstrates reasonable further progress in reducing ozone precursors.

## IV. Statutory and Executive Order Reviews

### A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a).

Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 application of those requirements would be inconsistent with the CAA; and
  - Does not provide 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 SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### B. Submission to Congress and the Comptroller General

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).

### C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 8, 2011. 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 to approve the emission inventory, RFP demonstration, RACM determination, RFP contingency measures, and MVEBs 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: January 24, 2011.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

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 NN—Pennsylvania

- 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding, at the end of the table, entries for "Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and RFP Contingency Measures"; 2002 Base Year Emissions Inventory for Volatile Organic Compounds (VOC), Nitrogen Oxides (NO<sub>x</sub>), and Carbon Monoxide (CO)"; and "2008 RFP Transportation Conformity Motor Vehicle Emission Budgets" to read as follows:

§ 52.2020 Identification of plan. (e) \* \* \*  
 \* \* \* \* \* (1) \* \* \*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and RFP Contingency Measures.	Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA-DE-MD-NJ 1997 8-hour ozone moderate nonattainment area.	8/29/07, 12/10/09, 4/12/10.	2/7/11 [Insert page number where the document begins].	
2002 Base Year Emissions Inventory for Volatile Organic Compounds (VOC), Nitrogen Oxides (NO <sub>x</sub> ), and Carbon Monoxide (CO).	Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA-DE-MD-NJ 1997 8-hour ozone moderate nonattainment area.	8/29/07, 12/10/09, 4/12/10.	2/7/11 [Insert page number where the document begins].	
2008 RFP Transportation Conformity Motor Vehicle Emission Budgets.	Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA-DE-MD-NJ 1997 8-hour ozone moderate nonattainment area.	8/29/07, 12/10/09, 4/12/10.	2/7/11 [Insert page number where the document begins].	

\* \* \* \* \*  
 ■ 3. Section 52.2036 is amended by revising the section heading and by adding paragraph (o) to read as follows:

§ 52.2036 Base Year Emissions Inventory.  
 \* \* \* \* \*

(o) EPA approves as a revision to the Pennsylvania State Implementation Plan the 2002 base year emissions inventories for the Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA-DE-MD-NJ 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Pennsylvania Department of Environmental Protection on August 29, 2007 (as formally amended by Pennsylvania on December 10, 2009 and on April 12, 2010). This submittal consists of the 2002 base year

point, area, non-road mobile, and on-road mobile source emission inventories for this area, for the following pollutants: Volatile organic compounds (VOC), carbon monoxide (CO) and nitrogen oxides (NO<sub>x</sub>).

■ 4. Section 52.2037 is amended by adding paragraphs (o) and (p) to read as follows:

§ 52.2037 Control strategy plans for attainment and rate-of-progress: Ozone.  
 \* \* \* \* \*

(o) EPA approves revisions to the Pennsylvania State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably available control measure demonstration, and contingency measures for the Pennsylvania portion

of the Philadelphia-Wilmington-Atlantic City, PA-DE-MD-NJ 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Pennsylvania Department of Environmental Protection on August 29, 2007 (as formally amended by Pennsylvania on December 10, 2009 and April 12, 2010).

(p) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Pennsylvania portion of the Philadelphia-Wilmington-Atlantic City, PA-DE-MD-NJ 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Pennsylvania Department of Environmental Protection on August 29, 2007 (as formally amended by Pennsylvania on December 10, 2009):

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE PENNSYLVANIA PORTION OF THE PHILADELPHIA-WILMINGTON-ATLANTIC CITY, PA-DE-MD-NJ AREA

Type of control strategy SIP	Year	VOC (TPD)	NO <sub>x</sub> (TPD)	Effective date of adequacy determination or SIP approval
Rate of Progress Plan .....	2008	61.09	108.78	January 5, 2009 (73 FR 77682), published December 19, 2008.

[FR Doc. 2011-2604 Filed 2-4-11; 8:45 am]  
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA-R04-RCRA-2009-0962; FRL-9261-9]

North Carolina: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

**SUMMARY:** North Carolina has applied to EPA for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize North Carolina's changes to its hazardous

waste program will take effect. If we receive comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

**DATES:** This Final authorization will become effective on April 8, 2011 unless EPA receives adverse written comment by March 9, 2011. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.