this section and now deleted without replacement: R9–3–218 and Appendix 11.

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(110) New and amended regulations were submitted on July 15, 1998, and supplemented on May 16, 2014, by the Governor's designee.

(i) * * *

(A) * * *

(3) Arizona Administrative Code, title 18 (''Environmental Quality''), chapter 2 (''Department of Environmental Quality—Air Pollution Control''), supp. 12–2, June 30, 2012: R18–2–601 (''General''); R18–2–604 (''Open Areas, Dry Washes, or Riverbeds''); R18–2–605 (''Roadways and Streets''); R18–2–606 (''Material Handling''); R18–2–607 (''Storage Piles''); and R18–2–614 (''Evaluation of Nonpoint Source Emissions''); R18–2–706 (''Standards of Performance for Existing Nitric Acid Plants''); R18–2–707 (''Standards of Performance for Existing Sulfuric Acid Plants''); R18–2–714 (''Standards of Performance for Existing Sewage Treatment Plants''); R18–2–723 (''Standards of Performance for Existing Concrete Batch Plants''); R18–2–726 (''Standards of Performance for Sandblasting Operations''); and R18–2–728 (''Standards of Performance for Existing Ammonium Sulfide Manufacturing Plants'').

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(161) The following plan revision was submitted on July 28, 2011, and supplemented on May 16, 2014, by the Governor's designee.

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality.

(*1*) West's Arizona Revised Statutes, 2012–2013 Compact Edition; title 49 (''Environment''), chapter 3 (''Air Quality''), article 2 (''State Air Pollution Control'') section 49–426 (''Permits; duties of director; exceptions; applications; objections; fees''), excluding paragraphs (D), (E)(1), (F), (I), (J), and (M).

(*2*) Arizona Administrative Code, title 18 (''Environmental Quality''), chapter 2 (''Department of Environmental Quality—Air Pollution Control''), supp. 09–1, March 31, 2009: R18–2–608 (''Mineral Tailings''); R18–2–703 (''Standards of Performance for Fossil-fuel Fired Steam Generators and General Fuel-burning Equipment''); R18–2–704 (''Standards of Performance for Incinerators''); R18–2–715 (''Standards of Performance for Existing Primary Copper Smelters; Site-Specific Requirements''), excluding paragraphs (A) through (E); R18–2–720 (''Standards of Performance for Existing Lime Manufacturing Plants''); R18–2–724 (''Standards of Performance for Fossil-fuel Fired Industrial and Commercial Equipment''); R18–2–729 (''Standards of Performance for Cotton Gins''); and R18–2–730 (''Standards of Performance for Unclassified Sources'').

(*3*) Arizona Administrative Code, title 18 (''Environmental Quality''), chapter 2 (''Department of Environmental Quality—Air Pollution Control''), supp. 09–2, June 30, 2009: R18–2–732 (''Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators'').

(*4*) Arizona Administrative Code, title 18 (''Environmental Quality''), chapter 2 (''Department of Environmental Quality—Air Pollution Control''), supp. 12–2, June 30, 2012: R18–2–204 (''Carbon Monoxide''); R18–2–719 (''Standards of Performance for Existing Stationary Rotating Machinery''); and Appendix 2 (''Test Methods and Protocols'').

(5) Arizona Testing Manual for Air Pollutant Emissions, Revision F, March 1992, excluding sections 2 through 7.

(162) The following plan revision was submitted on October 29, 2012, and supplemented on September 6, 2013, by the Governor's designee.

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality

(*1*) West's Arizona Revised Statutes, 2012–2013 Compact Edition; title 49 (''Environment''), chapter 3 (''Air Quality''), section 49–402 (''State and county control'').

(*2*) Arizona Administrative Code, title 18 (''Environmental Quality''), chapter 2 (''Department of Environmental Quality—Air Pollution Control''), supp. 12–2, June 30, 2012: R18–2–101 (''Definitions''), excluding definitions (2), (20), (32), (87), (109), and (122); R18–2–102 (''Incorporated Materials''); R18–2–201 (''Particulate matter: PM_{10} and $PM_{2.5}$''); R18–2–202 (''Sulfur Oxides (Sulfur Dioxide)''); R18–2–203 (''Ozone: One-hour Standard and Eight-hour Averaged Standard'') R18–2–205 (''Nitrogen Oxides (Nitrogen Dioxide)''); R18–2–206 (''Lead''); R18–2–210 (''Attainment, Nonattainment, and Unclassifiable Area Designations''); R18–2–215 (''Ambient air quality monitoring methods and procedures''); R18–2–216 (''Interpretation of Ambient Air Quality Standards and Evaluation of Air Quality Data''); and R18–2–701 (''Definitions'').

[FR Doc. 2014–22480 Filed 9–22–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

48 CFR Parts 3002, 3007, 3009, 3016, 3034, 3035, and 3052

[Docket No. DHS–2009–0006]

RIN 1601–AA49

Homeland Security Acquisition Regulation; Lead System Integrators [HSAR Case 2009–003]

AGENCY: Office of the Chief Procurement Officer, DHS

ACTION: Final rule.

SUMMARY: This final rule implements statutory restrictions on contractors acting as lead system integrators in the acquisition of DHS major systems, if they have direct financial interests in the development or construction of the system.

DATES: *Effective Date:* This rule is effective September 23, 2014.

FOR FURTHER INFORMATION CONTACT: Nancy Harvey, Senior Procurement Analyst, at (202) 447–0956 for clarification of content. Please cite HSAR Case 2009–003.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Comments
III. Discussion of Final Rule
IV. Regulatory Analyses
A. Executive Order 12866 Assessment
B. Regulatory Flexibility Act
C. Paperwork Reduction Act
D. National Environmental Policy Act

I. Background

DHS published an interim rule at 75 FR 41097 on July 15, 2010 to implement section 6405 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Public Law 110–28, 121 Stat. 112, 176 (2007) (codified as 6 U.S.C. 396; hereinafter ''Section 396''). Section 396 places limits on firms that can serve as lead system integrators on DHS acquisitions of major systems. Such contractors may have no direct financial interest in the development or construction of any individual system or element of any system of systems they would integrate, unless one of the exceptions stated in the rule has been satisfied.

This final rule adopts the interim rule with minor changes to the authorities to conform to Public Law 111–350, the recodification of title 41 of the United States Code, and to remove references to DHS's internal delegation of authorities that do not directly affect the HSAR.

II. Discussion of Comments

One source submitted comments on the interim rule. A discussion of the comments is provided below.

1. Comment: One comment supported the rule, but recommended that, for purposes of consistency throughout the Department when executing the policy, the final rule be clarified to ensure that the purchase of Lead System Integrator services for DHS from Government-wide Agency Contracts, Federal Supply Schedules, Multiple Award Contracts, or Interagency Acquisition, also be included in the rule.

DHS Response: DHS notes the support and recommendation but believes that clarification in the regulatory text is unnecessary. The rule prohibits, with limited exceptions, any entity performing lead system integrator functions in the acquisition of a major system by DHS from having any direct financial interest in the development or construction of the system or any element of it. The rule applies without regard to the contract type, contracting method, or contract instrument. Therefore, acquisitions of supplies and services under Government-wide Agency Contracts, Federal Supply Schedules, Multiple Award Contracts, or by means of Interagency Acquisition, are already covered under the rule.

2. Comment: The commenter also asked two questions on the implementation of the interim rule. The commenter asked whether it would be appropriate to include the clause at 48 CFR 3052.209–75, Prohibited Financial Interests for Lead System Integrators, by reference or whether the clause should be included as full text. The commenter also wrote that the provision at 3052.209–74 reads as a representation and certification provision, and suggested that the provision should be included in Section K, *Representations and Certifications,* under the Uniform Contract Format, or possibly Section L, *Instructions to Offerors.*

DHS Response: DHS notes that these comments are not requests for changes to the regulatory text, but, rather, are questions on the implementation of the rule. The DHS HSAR Provision and Clause Matrix, available both on the DHS.gov Web site at *http://www.dhs.gov/acquisition-policies-regulations* and on the FARSite Web site at *http://farsite.hill.af.mil,* provide answers to both questions. DHS will also respond to the questions in the below paragraphs.

Both the provision at 48 CFR 3052.209–74 and the clause at 48 CFR 3052.209–75 should be used in full text. Given that the provision and the clause would be used infrequently, that is, only in solicitations and resulting contracts for the acquisition of major systems when the acquisition strategy envisions the use of a lead system integrator, inclusion of the provision and clause in full text will ensure that the potential offerors are fully aware of the restrictions on the use of lead system integrators.

DHS concurs that the provision is a representation and certification provision and should be used in Section K, which incorporates representations, certifications and other statements of offerors.

III. Discussion of Final Rule

Accordingly, the interim HSAR rule published in the **Federal Register** at 75 FR 41097 is adopted as a final rule with minor changes to the authorities.

IV. Regulatory Analyses

A. Executive Order 12866 Assessment

This is not a significant regulatory action under Section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993, as amended by Executive Order 13563, dated January 21, 2011. The Office of Management and Budget (OMB) has not reviewed it under that Order. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

DHS certifies that this final rule amending (HSAR) 48 CFR 3009.5 will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The factual basis for certification is presented in the following analysis of the effects of this rule. Application of the rule is limited to offerors or contractors providing services as lead system integrators or considering the provision of such services. Lead system integrators are limited to contracts for the development or production of major systems, and often involve the contractor performing functions closely associated with inherently governmental functions.

Under this final rule, an entity that receives a contract as a lead system integrator cannot have any direct financial interest in the development or construction of any individual system or element of any system of systems while performing lead system integrator functions in the acquisition of a major system by DHS under this contract. Lead system integrator contracts usually extend several years, and we estimate that a limited number of such contracts are in effect within DHS at any one time. Very few contracts of this character are awarded in any given year.

The limitations on entities (both large and small) apply only to contractors who choose to perform work for DHS as a lead system integrator. Such an entity could still choose to propose as a subcontractor under the prime contract, thereby mitigating the effect of this rule.

In addition, DHS received no public comments on the interim rule suggesting this rule was a significant economic impact on a substantial number of small entities. Furthermore, this rule is not discretionary and is issued in accordance with the requirements of section 6405 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Public Law 110–28, 121 Stat. 112, 176 (2007) (codified as 6 U.S.C. 396; hereinafter ''Section 396''), which requires DHS to address these matters in its acquisition regulation.

C. Paperwork Reduction Act

The rule does not impose any information collection requirements that require the approval of the OMB under 44 U.S.C. 3501, et seq.

D. National Environmental Policy Act

We have analyzed this rule under DHS Directive 023–01, Environmental Planning Program, which guides the Department in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule, which does not involve any extraordinary circumstances, is categorically excluded under paragraphs A3(b) and A3(d) in Table I of Appendix A of Directive 023–01 because it implements legislation by amending acquisition regulations without changing the regulation's environmental effect.

List of Subjects in 48 CFR Parts 3002, 3007, 3009, 3016, 3034, 3035, and 3052

Government procurement.

David R. Dasher,

Acting Deputy Chief Procurement Officer.

■ Accordingly, DHS adopts as a final rule the interim HSAR rule published in the **Federal Register** at 75 FR 41097 on July 15, 2010, with the following changes:

PARTS 3002, 3007, 3009, 3016, 3034, 3035, and 3052—[AMENDED]

■ 1. The authority citation for parts 3002, 3007, 3009, 3016, 3034, 3035, and 3052 is revised to read as follows:

Authority: 5 U.S.C. 301–302, 41 U.S.C. 1707, 41 U.S.C. 1702, and 48 CFR part 1 and subpart 1.3.

[FR Doc. 2014–22495 Filed 9–22–14; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Part 1511

[Docket No. TSA–2002–11334; Amendment No. 1511–3]

RIN 1652–AA01

Cessation of the Aviation Security Infrastructure Fee (ASIF)

AGENCY: Transportation Security Administration, DHS.

ACTION: Final rule.

SUMMARY: The Transportation Security Administration (TSA) is issuing this final rule to conform its regulations to the repeal of the authority to impose the Aviation Security Infrastructure Fee (ASIF) on air carriers and foreign air carriers in air transportation.

DATES: This rule is effective at 11:59 p.m. (Eastern Daylight Time) on September 30, 2014.

FOR FURTHER INFORMATION CONTACT: Michael Gambone, Office of Revenue, TSA–14, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6014; telephone (571) 227–2323; email: *tsa-fees@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Document

You may obtain an electronic copy using the Internet by—

(1) Searching the electronic Federal Docket Management System (FDMS) Web page at *http://www.regulations.gov;*

(2) Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR* to view the daily published **Federal Register** edition; or accessing the ''Search the **Federal Register** by Citation'' in the ''Related Resources'' column on the left, if you need to do a Simple or Advanced search for information, such as a type of document that crosses multiple agencies or dates; or

(3) Visiting TSA's Security Regulations Web page at *http://www.tsa.gov* and accessing the link for ''Stakeholders'' at the top of the page, then the link ''Research Center'' in the left column.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires TSA to comply with small entity requests for information and advice about compliance with statutes and regulations within TSA's jurisdiction. Any small entity that has a question regarding this document may contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Persons can obtain further information regarding SBREFA on the Small Business Administration's Web page at *http://www.sba.gov/advo/laws/law_lib.html.*

Good Cause for Immediate Adoption

This action is being taken without providing the opportunity for notice and comment. Section 44940(d) of title 49, U.S.C., exempts the imposition of the civil aviation security fees authorized in section 44940 from the procedural rulemaking notice and comment procedures set forth in 5 U.S.C. 553 of the Administrative Procedure Act (APA).[1]

Apart from the statutory exemption discussed above, the APA allows an agency to forego notice and comment rulemaking when ''the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b). Section 601(a) of the Bipartisan Budget Act of 2013[2] (Budget Act) repeals TSA's authority to collect the fee beginning October 1, 2014. Because collection of the fee will end on that date regardless of whether this rulemaking is published, TSA finds that good cause exists under 5 U.S.C. 553(b) for making this a final rule without notice and comment. As this rulemaking simply conforms TSA's regulations to the statute, notice and an opportunity for public comment unnecessary.

I. Purpose of the Regulatory Action

The purpose of this final rule is to conform TSA's regulations to changes in its authorities. In 2001, the Aviation and Transportation Security Act (ATSA) authorized TSA to impose a fee to defray the government's costs for providing U.S. civil aviation security services. One fee was imposed on passengers (49 U.S.C. 44940(a)(1)). To the extent the revenue collected from that fee did not defray all of the relevant costs, TSA was authorized to impose a second fee on air carriers and foreign air carriers in air transportation (collectively referred to as ''carriers'').[3] Implementing regulations to impose the ASIF were published in 2002.[4] The Budget Act restructured the fee imposed on passengers (increasing the estimated revenue from this fee)[5] and repealed TSA's authority to impose the fee on carriers, effective October 1, 2014.[6] Therefore, imposition of the ASIF will cease based on the statute, regardless of any changes to TSA's regulations, but TSA is also issuing this final rule to conform 49 CFR part 1511 to its statutory authority.

II. Background

As authorized by the Aviation and Transportation Security Act (ATSA), regulations of the Transportation Security Administration (TSA) require U.S. air carriers and foreign air carriers to pay a fee reflecting the costs for screening passengers and property in calendar year (CY) 2000 in order to defray the Federal Government's costs for assuming these responsibilities. Current 49 CFR part 1511 requires U.S. air carriers and foreign air carriers (collectively referred to as ''carriers'') to pay an ASIF based on their actual passenger and property screening costs for calendar year (CY) 2000.[7] While ATSA provides authority for TSA to reapportion the fee across the industry

[1] This provision of the statute reads: ''(d) Imposition of Fee.—(1) In general.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the **Federal Register** and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter. * * * (3) Subsequent modification of fee.—After imposing a fee in accordance with paragraph (1), the Under Secretary may modify, from time to time through publication of notice in the **Federal Register**, the imposition or collection of such fee, or both. * * * *''

[2] Public Law 113–67 (Dec. 26, 2013; 127 Stat. 1165).

[3] *See* 49 U.S.C. 44940(a)(2) (2002).

[4] *See* 67 FR 7926 (Feb. 20, 2002) codified at 49 CFR part 1511.

[5] TSA amended its regulations to implement the restructured fee through an Interim Final Rule. *See* 79 FR 35462 (June 20, 2014). The Budget Act increased revenue to be collected directly from passengers and removed revenue to be collected directly from air carriers.

[6] *See* Budget Act at § 601(a).

[7] *See* 49 CFR part 1511.