

involves the establishment of a safety zone for 2.5 hours during intermittent periods. Normally such actions are categorically excluded from further review under section 2.B.2, and Figure 2–1, paragraph 34(g) of the Instruction. Paragraph 34(g) pertains to the establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones. A preliminary Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov>

and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T09–0385 to read as follows:

§ 165.T09–0385 Safety Zone; Canal Fest Water Ski Show, Erie Canal System, Fish Creek, Sylvan Beach, NY.

(a) *Location.* This zone will encompass all waters of Fish Creek; Sylvan Beach, NY contained within the following positions: Starting at position 43°11'37.79" N. and 075°43'53.27" W., running Northeast to position 43°11'43.15" N. and 075°43'44.88" W., then Southeast to 43°11'42.82" N. and 075°43'43.42" W., then Southwest to 43°11'36.90" N. and 075°43'52.06" W., then returning to the point of origin.

(b) *Enforcement Period.* This regulation will be enforced intermittently on August 13, 2017 from 12:15 p.m. until 2:45 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The "on-scene representative" of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the

Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 5, 2017.

J.S. Dufresne,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2017–11951 Filed 6–8–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R6–OAR–2014–0497; FRL–9962–33–Region 6]

Approval and Promulgation of Implementation Plans; Texas Control of Air Pollution From Motor Vehicles With Mobile Source Incentive Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the Texas State Implementation Plan (SIP) submitted by the State of Texas that pertain to regulations to control air pollution from motor vehicles with mobile incentive programs.

DATES: Written comments should be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2014–0497, at <http://www.regulations.gov> or via email to pitre.randy@epa.gov. For additional information on how to submit comments see the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Randy Pitre, (214) 665–7299, pitre.randy@epa.gov.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct rule without prior proposal because the Agency views this as noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments

are received in response to this action no further activity is contemplated. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: May 30, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2017-11899 Filed 6-8-17; 8:45 am]

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NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

National Endowment for the Arts

45 CFR Part 1148

RIN 3135-AA27

Implementing the Freedom of Information Act

AGENCY: National Endowment for the Arts, National Foundation for the Arts and Humanities.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the National Endowment for the Arts' (NEA) regulations implementing the Freedom of Information Act (FOIA). The NEA proposes these amendments to update the NEA's current FOIA regulation. This proposed rule updates the NEA's regulations to reflect statutory changes to FOIA, current NEA organizational structure, and current NEA policies and practices with respect to FOIA. Finally, the rule uses current cost figures in calculating and charging fees.

DATES: Submit comments on or before July 10, 2017.

ADDRESSES: You may submit comments, identified by RIN 3135-AA27, by any of the following methods:

(a) *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

(b) *Email:* generalcounsel@arts.gov. Include RIN 3135-AA27 in the subject line of the message.

(c) *Mail:* National Endowment for the Arts, Office of the General Counsel, 400 7th Street SW., Second Floor, Washington, DC 20506.

(d) *Hand Delivery/Courier:* National Endowment for the Arts, Office of the

General Counsel, 400 7th Street SW., Second Floor, Washington, DC 20506.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (3135-AA27) for this rulemaking.

Docket: For access to the docket to read background documents or comments received, go to 400 7th Street SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Sarah Weingast, Assistant General Counsel, National Endowment for the Arts, 400 7th St. SW., Washington, DC 20506, Telephone: 202-682-5418.

SUPPLEMENTARY INFORMATION:

1. Background

The NEA operates as part of the National Foundation on the Arts and the Humanities (Foundation) under the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*). The corresponding regulations published at 45 CFR chapter XI, subchapter A, apply to the entire Foundation, while the regulations published at 45 CFR chapter XI, subchapter B, apply only to the NEA.

This proposed rule implements the NEA's FOIA regulations in subchapter B and adds a new NEA-specific regulation at 45 CFR part 1148, which replaces the existing regulations in subchapter A (45 CFR part 1100) as applicable to the NEA. The proposed rule adds significant detail concerning several provisions of FOIA, and is intended to increase understanding of the NEA's FOIA policies and procedures. The NEA's new regulations at 45 CFR part 1148 will contain the policies and procedures governing public access to NEA records under FOIA (5 U.S.C. 552).

FOIA requires Federal agencies to make official documents and other records available to the public upon request, unless the material requested falls under one of the several statutorily prescribed exemptions. FOIA also requires agencies to publish rules stating the time, place, fees, and procedures to apply in making such records available. Further, section 1803 of the Freedom of Information Act of 1986 requires each agency to establish a system for recovering costs associated with responding to requests for information under FOIA.

The FOIA Improvement Act of 2016 (Pub. L. 114-185), enacted on June 30, 2016, addressed a range of procedural issues and codified guidance and best practices from the Department of Justice and the National Archives and Records Administration. The FOIA Improvement Act also changed the amount of time

agencies are required to provide for appeals to ninety (90) days. Consistent with this law and guidance, the NEA undertook a comprehensive review of its FOIA regulation. As a result of this review, the NEA proposes to revise its FOIA regulation to incorporate changes enacted by the recent policy directives, reflect developments in the case law, and include current cost figures for calculating and charging fees. These procedural changes are intended to enhance the administration and operation of the NEA's FOIA program by increasing the transparency and clarity of the NEA's FOIA procedures.

2. Compliance

Regulatory Planning and Review (Executive Order 12866)

Executive Order 12866 (E.O. 12866) established a process for review of rules by the Office of Information and Regulatory Affairs, which is within the Office of Management and Budget (OMB). Only "significant" proposed and final rules are subject to review under this Executive Order. "Significant," as used in E.O. 12866, means "economically significant." It refers to rules with (1) an impact on the economy of \$100 million; or that (2) were inconsistent or interfered with an action taken or planned by another agency; (3) materially altered the budgetary impact of entitlements, grants, user fees, or loan programs; or (4) raised novel legal or policy issues.

This proposed rule would not be a significant policy change and OMB has not reviewed this proposed rule under E.O. 12866. We have made the assessments required by E.O. 12866 and determined that this rulemaking: (1) Will not have an effect of \$100 million or more on the economy; (2) will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (3) will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (4) does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; and (5) does not raise novel legal or policy issues.

Federalism (Executive Order 13132)

This rulemaking does not have Federalism implications, as set forth in E.O. 13132. As used in this order, Federalism implications mean "substantial direct effects on the States, on the relationship between the national government and the States, or on the