

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is to extend an established pilot program for an additional six months and continue to facilitate OTP Holders ability to close positions in worthless or not actively traded series.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>8</sup> and Rule 19b-4(f)(6) thereunder.<sup>9</sup> Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>10</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>11</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Pilot Program may continue without interruption. The Commission believes that the proposed rule change is consistent with the protection of investors and the public interest because it will allow the pilot to continue uninterrupted, thereby avoiding any potential investor confusion that could result from a

temporary interruption in the pilot and allowing members to continue to benefit from the Pilot Program. Based on the foregoing, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.<sup>12</sup>

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>13</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEARCA-2016-163 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSEARCA-2016-163. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

<sup>12</sup> For purposes only of waiving the operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>13</sup> 15 U.S.C. 78s(b)(2)(B).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEARCA-2016-163 and should be submitted on or before January 11, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

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**BILLING CODE 8011-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

[Docket No. FRA-2016-0002-N-26]

**Proposed Agency Information Collection Activities; Comment Request**

**AGENCY:** Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** On October 18, 2016, under its emergency processing procedures, the Office of Management and Budget (OMB) approved the information collection activities associated with FRA's Railworthiness Directive No. 2016-01. This 6-month approval expires on April 30, 2017. Since OMB's approval of the information collection activities associated with Railworthiness Directive No. 2016-01, on November 18, 2016, FRA issued a revised Railworthiness Directive which supersedes the original Directive. FRA is now seeking approval for the revised information collection activities and associated burden listed below. Before submitting this information collection request (ICR) to OMB for approval, FRA is soliciting public comment on specific

<sup>14</sup> 17 CFR 200.30-3(a)(12).

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>9</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

<sup>11</sup> 17 CFR 240.19b-4(f)(6)(iii).

aspects of the activities, which are identified in this notice.

**DATES:** Comments must be received no later than February 21, 2017.

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590; or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB Control Number 2130-0616." Alternatively, comments may be faxed to (202) 493-6216 or (202) 493-6497, or emailed to Mr. Brogan at [Robert.Brogan@dot.gov](mailto:Robert.Brogan@dot.gov), or Ms. Toone at [Kim.Toone@dot.gov](mailto:Kim.Toone@dot.gov). Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Safety Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll free.)

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501-3520, and its

implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval to implement them. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Accordingly, FRA invites interested persons to comment on the following summary of proposed information collection activities regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques and other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv).

FRA believes soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information that its actions mandate. In summary, FRA reasons that comments received will advance three objectives: (1) Reduce reporting burdens; (2) organize information collection requirements in a "user-friendly" format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

**Title:** RAIL WORTHINESS DIRECTIVE (RWD) RWD No. 2016-01

[REVISED] (previously approved by OMB under the title Railworthiness Directive for Certain Tank Cars Equipped with Bottom Outlet Valve Assembly and Constructed by American Railcar Industries and ACF Industries).

**OMB Control Number:** 2130-0616.

**Abstract:** An FRA investigation identified a certain design of specification DOT-111 tank cars that American Railcar Industries, Inc. (ARI) and ACF Industries, LLC (ACF) manufactured using welding practices not in conformance with Federal regulations and Association of American Railroads' welding specifications. The cars are built to the ARI and ACF 300 stub sill design and are equipped with a two-piece cast sump and bottom outlet valve (BOV) skid. As a result of the nonconforming welding practices, these cars may have substantial weld defects at the sump and BOV skid groove attachment welds, potentially affecting each tank car tank's ability to retain its contents during transportation. On September 30, 2016, FRA issued Railworthiness Directive No. 2016-01. On November 18, 2016, FRA issued a revised Railworthiness Directive (Revised Directive) on its Web site to all owners of ARI or ACF general purpose tank cars in the United States manufactured to this design. This ICR applies to the Revised Directive. The Revised Directive generally requires owners to: (1) Identify tank cars in their fleet covered by this Revised Directive; and (2) ensure appropriate inspection and testing of each tank car's sump and BOV skid attachment welds to ensure no flaw exists that could result in the loss of tank integrity.

**Form Number(s):** N/A.

**Affected Public:** Businesses (tank car owners, shippers, and tank car facilities).

**Respondent Universe:** 100 tank car owners.

**Frequency of Submission:** One-time; on occasion.

**Affected Public:** Businesses.

**Reporting Burden:**

Section of RWD No. 2016-01 [REVISED]	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Identification of tank cars covered by the directive for certain railroad tank cars equipped with bottom outlet valve assembly and constructed by American Railcar Industries and ACF Industries (14,800 cars).	20 tank car owners (100 lessees/sub-lessees).	20 ID reports .....	4 hours .....	80
Visual inspection of sump weld area of all tank cars identified under this directive (performed prior to each loaded trip)	20 tank car owners (100 lessees/sub-lessees).	88,800 inspections/ records.	5 min .....	7,400
Inspect and test sump and BOV skid groove as stipulated in directive and maintain record results.	20 tank car owners (100 lessees/sub-lessees).	2,200 records .....	3 hours .....	6,600

Section of RWD No. 2016-01 [REVISED]	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Personnel qualification and certification check (100 tank car mechanics).	10 tank car facility operators.	100 checks .....	15 min .....	25
Train and test tank car mechanics who are "not qualified" on NDT procedures and record qualification (1/3 of the 100 tank car mechanics).	10 tank car facility operators.	33 trained and tested mechanics.	4 hours .....	132
Tank car owner notification to all parties under contract to car owner, including lessees and/or sub-lessees, using cars subject to directive of terms of this directive and inspection/testing schedule.	20 tank car owners (100 lessees/sub-lessees).	100 notices .....	1 hour .....	100
Report of inspection, test, and repair information stipulated in paragraph 2(g) of directive to FRA.	20 tank car owners (100 lessees/sub-lessees).	2,200 reports .....	90 min. per car/report ..	3,300
Repairs: 15 percent of relevant tank fleet of 14,800 cars—record and report of repairs to tank car owners.	10 tank car facility operators.	330 car reports/records	16 hours .....	5,280
Tank car facility request to tank car owner for written permission and approval of qualification and maintenance program it will use consistent with Appendices D, R, and W of the Tank Car Manual and 49 CFR 180.513 prior to initiating any repairs.	10 tank car facility operators.	20 requests + 20 written permissions.	10 min. + 10 min .....	7
Tank car facility report of all work performed to tank car owner	10 tank car facility operators.	Burden included directly above.	N/A .....	N/A

*Total Estimated Annual Responses:* 93,823.

*Total Estimated Annual Burden:* 22,924 hours.

*Type of Request:* Regular clearance of an information collection previously approved under emergency processing procedures.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, DC, on December 8, 2016.

**Patrick T. Warren,**

*Acting Executive Director.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Limitation on Claims Against Proposed Public Transportation Project

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for a project in Chapel Hill and Durham, NC. The purpose of this notice is to announce publicly the environmental

decisions by FTA on the subject project and to activate the limitation on any claims that may challenge these final environmental actions.

**DATES:** By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation project will be barred unless the claim is filed on or before May 22, 2017.

**FOR FURTHER INFORMATION CONTACT:** Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353-2577 or Meghan Kelley, Environmental Protection Specialist, Office of Environmental Programs, (202) 366-6098. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation project listed below. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the project. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for

FTA's Regional Offices may be found at <https://www.fta.dot.gov>.

This notice applies to all FTA decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321-4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401-7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project and actions that are the subject of this notice are:

*Project name and location:* Durham-Orange Light Rail Transit Project North Carolina Central University Station Refinement, Chapel Hill and Durham, NC. *Project sponsor:* Research Triangle Regional Public Transportation Authority d/b/a Triangle Transit Authority d/b/a GoTriangle. *Project description:* The proposed project evaluates the inclusion of the North Carolina Central University Station Refinement into the Durham-Orange Light Rail Transit (D-O LRT) Project. The D-O LRT Project was originally evaluated in a combined Final Environmental Impact Statement/ Record of Decision, dated February 11, 2016. The proposed project would extend the alignment of the D-O LRT Project 0.7 miles south of a reconfigured Alston Avenue Station, over Durham Freeway/North Carolina Highway 147,