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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71****Proposed Modification of the San Francisco, CA, Class B Airspace Area; Public Meetings**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meetings.

**SUMMARY:** This notice announces three fact-finding informal airspace meetings to solicit information from airspace users and others concerning a proposal to amend the Class B airspace area at San Francisco, CA. The purpose of these meetings is to provide interested parties an opportunity to present views, recommendations, and comments on any proposed change to the airspace. All comments received during these meetings will be considered prior to any revision or issuance of a notice of proposed rulemaking.

**DATES:** The meetings will be held on Monday, January 30, 2017, from 5:30 p.m. to 8:30 p.m.; Tuesday January 31, 2017 from 5:30 p.m. to 8:30 p.m.; and Wednesday February 1 from 5 p.m. to 8 p.m. Doors open 30 minutes prior to the beginning of each meeting. Comments must be received on or before March 16, 2017.

**ADDRESSES:** The meetings will be held at the following locations:

*January 30, 2017:* Burlingame Public Library, Lane Room, 480 Primrose Rd., Burlingame, CA 94010 (Seating capacity: 80).

*January 31, 2017:* Martin Luther King Library, Room 225, 150 E. San Fernando St., San Jose, CA 95112 (Seating capacity: 150).

*February 1, 2017:* Port of Oakland Building, First-Floor Exhibit Room, 530 Water St., Oakland, CA 94607 (seating capacity: 70).

**Comments:** Send comments on the proposal, in triplicate, to: Tracey Johnson, Manager, Operations Support Group, Western Service Center, Air Traffic Organization, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057, or by fax to (425) 203-4505.

**FOR FURTHER INFORMATION CONTACT:** Rick Côté, FAA Support Specialist, Northern California TRACON, 11365 Douglas Road, Mather, CA 95655, (916) 366-4001.

**SUPPLEMENTARY INFORMATION:****Meeting Procedures**

(a) The meetings will be informal in nature and will be conducted by one or more representatives of the FAA Northern California TRACON. A representative from the FAA will present a briefing on the planned modification to the Class B airspace at San Francisco, CA. Each participant will be given an opportunity to deliver comments or make a presentation, although a time limit may be imposed to accommodate closing times. Only comments concerning the plan to modify the San Francisco Class B airspace will be accepted.

(b) The meetings will be open to all persons on a space-available basis (seating capacity listed with addresses). There will be no admission fee to attend and participate.

(c) Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter.

(d) Position papers or other handout material relating to the substance of these meetings will be accepted. Participants wishing to submit handout material should present an original and two copies (three copies total) to the presiding officer. There should be additional copies of each handout available for other attendees.

(e) These meetings will not be formally recorded. However, a summary of comments made at the meeting will be filed in the docket.

**Agenda for the Meetings**

- Sign-in
- Presentation of Meeting Procedures
- Informal Presentation of the Planned Class B Airspace Area Modifications
- Solicitation of Public Comments
- Drop box for written comments

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in Washington, DC, on November 1, 2016.

**Leslie M. Swann,**

*Acting Manager, Airspace Policy Group.*

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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Parts 33 and 35**

[Docket Nos. RM09-16-000 and PL09-3-000]

**Control and Affiliation for Purposes of Market-Based Rate Requirements Under the Federal Power Act**

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Withdrawal of notice of proposed rulemaking and termination of rulemaking proceeding.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is withdrawing a notice of proposed rulemaking, which proposed to amend its regulations pursuant to the Federal Power Act to grant blanket authorizations to acquire 10 percent or more, but less than 20 percent of the outstanding voting securities of a public utility or holding company and amend the definitions of “affiliate” in the Commission’s regulations. The Commission is also terminating a proceeding on the Electric Power Supply Association’s petition requesting guidance.

**DATES:** The notice of proposed rulemaking published on January 28, 2010, at 75 FR 4498, is withdrawn as of November 9, 2016.

**FOR FURTHER INFORMATION CONTACT:** Regine Baus (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502-8757.

**SUPPLEMENTARY INFORMATION:**

1. On January 21, 2010, the Commission issued a Notice of Proposed Rulemaking (NOPR) in this proceeding.<sup>1</sup> For the reasons set forth below, we are exercising our discretion to withdraw the NOPR and terminate this rulemaking proceeding.

**I. Background**

2. On September 2, 2008, the Electric Power Supply Association (EPSA) filed a petition requesting guidance regarding concepts of control and affiliation as they relate to Commission-jurisdictional transactions under sections 203 and 205 of the Federal Power Act (FPA).<sup>2</sup> EPSA

<sup>1</sup> *Control and Affiliation for Purposes of Market-Based Rate Requirements under Section 205 of the Federal Power Act and the Requirements of Section 203 of the Federal Power Act*, FERC Stats. & Regs. ¶ 32,650 (2010) (NOPR).

<sup>2</sup> Electric Power Supply Association, Petition for Guidance Regarding “Control” and “Affiliation”,

specifically requested that, where an investor directly or indirectly acquires 10 percent or more but less than 20 percent of a public utility's outstanding voting securities and is eligible to file a statement of beneficial ownership with the Securities and Exchange Commission (SEC) on SEC Schedule 13G,<sup>3</sup> such investment would not be deemed to result in a disposition of the public utility's jurisdictional facilities under FPA section 203(a)(1) or to result in affiliation with the public utility for purposes of the Commission's market-based rate requirements under FPA section 205.

3. Commission staff held a workshop to address the issues raised by EPSA in its request. Comments were submitted in response to the workshop. In the course of considering the comments submitted and the discussions at the workshop, the Commission determined that the issues may call for more formal treatment and issued the NOPR in light of the comments and discussions.

4. In the NOPR, in connection with EPSA's proposal to rely on the filing of SEC Schedule 13G to demonstrate conclusively that an investor will not control the public utility in which it has invested, the Commission stated that while it has relied on these filings, in conjunction with other conditions and reporting requirements in the past for various purposes, it believed the Commission could better fulfill its statutory responsibilities if it did not rely exclusively on the Schedule 13G. The Commission stated that the primary regulatory purpose behind the beneficial ownership disclosure requirements under section 13(d) of the 1934 Act is to provide companies and their shareholders with information about large accumulations of a company's stock and that the requirements of section 13(d) do not bar an investor from acquiring control of a company,

which is of utmost importance to this Commission.<sup>4</sup>

5. With these concerns in mind, the Commission provided an alternative proposal in the NOPR. The Commission first proposed to amend part 33 of its regulations to grant a blanket authorization under section 203(a)(2) of the FPA, as well as a parallel blanket authorization under section 203(a)(1), for acquisitions of 10 percent or more, but less than 20 percent of the outstanding voting securities of a public utility or holding company, where the acquiring company files a statement certifying that such securities were not acquired and not held for the purpose or with the effect of changing or influencing the control of the public utility and such acquiring company complies with certain conditions designed to limit its ability to exercise control (Affirmation). Under the proposed amendment to part 33, a public utility whose voting securities are acquired, directly or indirectly, in any such transaction would be exempt from the requirements of an "affiliate" in part 35. The Commission also proposed to amend subpart H and subpart I of part 35 of the Commission's regulations to define an "affiliate" of a specified company as any person that controls, is controlled by, or is under common control with such specified company.

6. The Commission received several comments in response to the proposal in the NOPR. A number of commenters raised concerns about the scope of the proposal, including the content of the proposed Affirmation and the commitments that the Commission proposed an acquiring company would need to agree to. Commenters also raised concerns regarding implementation of the proposal.

## II. Discussion

7. Upon further consideration and after review of the comments received in response to the NOPR, we will withdraw the NOPR and terminate this proceeding. We also terminate the proceeding on EPSA's Petition requesting guidance in Docket No. PL09-3-000.

8. As noted above, in the course of considering the discussions at the workshop to address the issues raised by EPSA in its Petition and the comments received following the workshop, the Commission determined that the issues may call for more formal treatment and issued the NOPR. We appreciate the feedback that the Commission received in response to the

NOPR. As previously indicated, the comments submitted raised concerns regarding the scope and implementation of the proposal. Having considered these comments, we are persuaded to not seek to adopt the Affirmation and blanket authorization that the Commission originally proposed.

9. As a result, we withdraw the NOPR and terminate this rulemaking proceeding. We also terminate the proceeding on EPSA's Petition requesting guidance in Docket No. PL09-3-000.

By the Commission.

Issued: October 28, 2016.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

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**BILLING CODE 6717-01-P**

## RAILROAD RETIREMENT BOARD

### 20 CFR Part 220

**RIN 3220-AB68**

### Providing Evidence of Disability

**AGENCY:** Railroad Retirement Board.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to amend our regulations regarding the submission of evidence in disability claims to require you to inform us or submit all evidence known to you that "relates to" your disability claims with exceptions for privileged communications and duplicates. This requirement would include the duty to submit all evidence obtained from any source in its entirety, subject to one of these exceptions. These modifications to our regulations would better describe your duty to submit all evidence that relates to your disability claim and will enable us to have a more complete case record which will allow us to make more accurate determinations of your disability status.

**DATES:** Submit comments on or before January 9, 2017.

**ADDRESSES:** You may submit comments, identified by [3220-AB68], by any of the following three methods—Internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to RIN number 3220-AB68.

**Caution:** You should be careful to include in your comments only information that you wish to make publicly available as comments are posted without change, with any personal information provided. We

Docket No. EL08-87-000 (filed Sept. 2, 2008) (Petition). The petition was originally docketed in Docket No. EL08-87-000 but was subsequently redocketed in Docket No. PL09-3-000. *Elec. Power Supply Ass'n*, Notice Redocketing Proceeding, Docket Nos. EL08-87-000 and PL09-3-000 (Nov. 5, 2008).

<sup>3</sup> Schedule 13G is filed with the SEC pursuant to section 13(d) of the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.* (1934 Act), and the SEC's rules thereunder, by any person when such person has acquired beneficial ownership of more than five percent but less than 20 percent of the outstanding voting equity securities of a company that are registered under section 12 of and the 1934 Act and such person certifies that it has not acquired, and does not hold, such securities for the purpose of or with the effect of changing or influencing the control of the issuer. Amendments to Beneficial Ownership Reporting Requirements, File No. S7-16-96, 1998 SEC LEXIS 63, at \* 17 n. 20 (Jan. 12, 1998).

<sup>4</sup> See NOPR, FERC Stats. & Regs. ¶ 32,650 at P 35.