

contributions intended to satisfy the requirements of paragraph (c) of this section for a plan year will not fail to satisfy the requirements of section 401(m)(2) merely because the plan is amended during the plan year to reduce or suspend safe harbor matching contributions on future elective deferrals and, if applicable, employee contributions provided that—

(A) All eligible employees are provided the supplemental notice in accordance with paragraph (h)(2) of this section;

(B) The reduction or suspension of safe harbor matching contributions is effective no earlier than the later of 30 days after eligible employees are provided the supplemental notice described in paragraph (h)(2) of this section and the date the amendment is adopted;

(C) Eligible employees are given a reasonable opportunity (including a reasonable period after receipt of the supplemental notice) prior to the reduction or suspension of safe harbor matching contributions to change their cash or deferred elections and, if applicable, their employee contribution elections;

(D) The plan is amended to provide that the ACP test will be satisfied for the entire plan year in which the reduction or suspension occurs using the current year testing method described in § 1.401(m)-2(a)(2)(ii); and

(E) The plan satisfies the requirements of this section (other than this paragraph (h)) with respect to amounts deferred through the effective date of the amendment.

(ii) *Nonelective contributions.* A plan that provides for safe harbor nonelective contributions intended to satisfy the requirements of paragraph (b) of this section will not fail to satisfy the requirements of section 401(m)(2) for the plan year merely because the plan is amended during the plan year to reduce or suspend safe harbor nonelective contributions provided that—

(A) The employer incurs a substantial business hardship (comparable to a substantial business hardship described in section 412(c));

(B) The amendment is adopted after May 18, 2009;

(C) All eligible employees are provided the supplemental notice in accordance with paragraph (h)(2) of this section;

(D) The reduction or suspension of safe harbor nonelective contributions is effective no earlier than the later of 30 days after eligible employees are provided the supplemental notice described in paragraph (h)(2) of this

section and the date the amendment is adopted;

(E) Eligible employees are given a reasonable opportunity (including a reasonable period after receipt of the supplemental notice) prior to the reduction or suspension of nonelective contributions to change their cash or deferred elections and, if applicable, their employee contribution elections;

(F) The plan is amended to provide that the ACP test will be satisfied for the entire plan year in which the reduction or suspension occurs using the current year testing method described in § 1.401(m)-2(a)(2)(ii); and

(G) The plan satisfies the requirements of this section (other than this paragraph (h)) with respect to safe harbor compensation paid through the effective date of the amendment.

(2) *Supplemental notice.* The supplemental notice requirement of this paragraph (h)(2) is satisfied if each eligible employee is given a notice that satisfies the requirements of § 1.401(k)-3(g)(2).

Linda E. Stiff,

Deputy Commissioner for Services and Enforcement.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2008-1017]

RIN 1625-AA11

#### Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of third public meeting; request for comments.

**SUMMARY:** In response to requests received, the Coast Guard announces a third public meeting, to be held on June 2, 2009, to receive comments on the notice of proposed rulemaking entitled “Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington” that was published in the **Federal Register** on February 12, 2009 (74 FR 7022).

As stated in the notice of proposed rulemaking, the Coast Guard proposes to establish Regulated Navigation Areas (RNA) covering specific bars along the coasts of Oregon and Washington that will include procedures for restricting

and/or closing those bars as well as additional safety requirements for recreational and small commercial vessels operating in the RNAs. The RNAs are necessary to help ensure the safety of the persons and vessels operating in those hazardous bar areas. The RNAs will do so by establishing clear procedures for restricting and/or closing the bars and mandating additional safety requirements for recreational and small commercial vessels operating in the RNAs when certain conditions exist.

**DATES:** The public meeting for the proposed rule will be held in Coos Bay, Oregon, on Tuesday, June 2, 2009, from 6 p.m. to 9 p.m. in order to provide an opportunity for oral comments. Written comments and related material may also be submitted to Coast Guard personnel specified at that meeting.

The comment period for the proposed rule will close on June 30, 2009. All comments and related material must be received by the Coast Guard on or before June 30, 2009.

**ADDRESSES:** The public meeting in Coos Bay, OR will be held at The Red Lion Hotel, 1313 N. Bayshore Drive, Coos Bay, OR 97420, telephone 541-267-4141.

You may submit written comments identified by docket number USCG-2008-1017 before or after the meeting using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. Our online docket for this rulemaking is available on the Internet at <http://www.regulations.gov> under docket number USCG-2008-1017.

**FOR FURTHER INFORMATION CONTACT:** If you have questions concerning the meeting or the proposed rule, please call or e-mail LCDR Emily Saddler, Thirteenth Coast Guard District, Prevention Division, Inspections and Investigations Branch; telephone 206-220-7210, e-mail [Emily.C.Saddler@uscg.mil](mailto:Emily.C.Saddler@uscg.mil). If you have questions on viewing or submitting material to the docket, call Ms. Renee V.

Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

**Background and Purpose**

We published a notice of proposed rulemaking (NPRM) in the **Federal Register** on February 12, 2009 (74 FR 7022), entitled “Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington.” In it we stated that we did not plan to hold a public meeting, but that we welcomed requests explaining why one would be beneficial (74 FR 7023). We received several such requests and have already held two public meetings in Astoria and Newport, Oregon (74 FR 16814, Apr. 13, 2009). Due to several requests for a meeting in southern Oregon we have concluded that a third public meeting would aid this rulemaking. Therefore, we are publishing this notice.

In the NPRM, we proposed to establish Regulated Navigation Areas (RNA) covering specific bars along the coasts of Oregon and Washington that will include procedures for restricting and/or closing those bars as well as additional safety requirements for recreational and small commercial vessels operating in the RNAs. The RNAs are necessary to help ensure the safety of the persons and vessels operating in those hazardous bar areas. The RNAs will do so by establishing clear procedures for restricting and/or closing the bars and mandating additional safety requirements for recreational and small commercial vessels operating in the RNAs when certain conditions exist. On May 8, 2009 (74 FR 21564), we published a notice reopening the public comment period to June 30, 2009.

You may view the NPRM in our online docket, in addition to supporting documents prepared by the Coast Guard, including an “Environmental Analysis Checklist”, RNA Fact Sheets for recreational, passenger, and commercial fishing vessels, and comments submitted thus far by going to <http://www.regulations.gov>. Once there, select the Advanced Docket Search option on the right side of the screen, insert USCG–2008–1017 in the Docket ID box, press Enter, and then click on the item in the Docket ID column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or the Thirteenth Coast Guard District, Prevention Division, Inspections and Investigations Branch

in Room 3506 on the 35th floor of the Jackson Federal Building, 915 Second Avenue, Seattle, WA 98174, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

We encourage you to participate in this rulemaking by submitting comments either orally at the meeting or in writing. If you bring written comments to the meeting, you may submit them to Coast Guard personnel specified at the meeting to receive written comments. These comments will be submitted to the online public docket. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

Comments submitted after the meeting must reach the Coast Guard on or before June 30, 2009. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility.

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

**Information on Service for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact LCDR Emily Saddler at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**Public Meeting**

The Coast Guard will hold a public meeting regarding its “Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington” proposed rule on Tuesday, June 2, 2009, from 6 p.m. to 9 p.m., at The Red Lion Hotel, 1313 N. Bayshore Drive, Coos Bay, OR 97420, telephone 541–267–4141.

We plan to have an official transcript of the meeting prepared and will make that transcript available through a link in the online docket.

Dated: May 7, 2009.

**J.P. Currier,**

*Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1040]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

**DATES:** Comments are to be submitted on or before August 17, 2009.

**ADDRESSES:** The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are available for inspection at the community’s map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1040, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151, or (e-mail) [bill.blanton@dhs.gov](mailto:bill.blanton@dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Chief,