

separate shareholder vote pursuant to section 111(e)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(e)(1)) and § 240.14a–20 shall disclose that they are providing such a vote as required pursuant to the Emergency Economic Stabilization Act of 2008, and briefly explain the general effect of the vote.

\* \* \* \* \*

July 1, 2009.

By the Commission.

**Elizabeth M. Murphy,**  
Secretary.

[FR Doc. E9–16037 Filed 7–7–09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Parts 80, 85, 86, 94, 1027, 1033, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, and 1068**

[EPA–HQ–OAR–2007–0121; FRL–8927–6]

RIN 2060–AO38

### Public Hearing for the Category 3 Marine Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of public hearings.

**SUMMARY:** The EPA is announcing a public hearing to be held for the proposed rule “Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder” (the proposed rule is hereinafter referred to as the “Category 3 Marine Rule”), which will be published separately in the **Federal Register**. There will be two hearings, one held in New York, NY, on August 4, 2009, and one held in Long Beach, CA on August 6, 2009.

In a separate notice of proposed rulemaking, EPA is proposing emission standards for new marine diesel engines with per cylinder displacement at or above 30 liters (called Category 3 marine diesel engines) installed on U.S. vessels, under section 213 of the Clean Air Act (CAA or “the Act”). The proposed engine standards are equivalent to the nitrogen oxides (NO<sub>x</sub>) limits recently adopted in the amendments to Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL Annex VI) and are based on the position advanced by the United States Government as part of those international negotiations. The near-term standards for newly-built engines would apply beginning in 2011. Long-term standards would begin in 2016 and

are based on the application of high-efficiency aftertreatment technology. We are also proposing a change to our diesel fuel program that would forbid the production and sale of marine fuel oil above 1,000 ppm sulfur for use in the waters within the proposed U.S. ECA and internal U.S. waters and allow for the production and sale of 1,000 ppm sulfur fuel for use in Category 3 marine vessels.

The proposal is part of a coordinated strategy to ensure that all ships that affect U.S. air quality meet stringent NO<sub>x</sub> and fuel sulfur requirements. In addition, on March 27, 2009, the U.S. Government forwarded a proposal to the International Maritime Organization (IMO) to amend MARPOL Annex VI to designate an Emission Control Area (ECA) off U.S. coasts. If this proposed amendment is not timely adopted by IMO, we intend to take supplemental action to control emissions from vessels affecting U.S. air quality.

The proposed regulations also include technical amendments to our motor vehicle and nonroad engine regulations. Many of these changes involve minor adjustments or corrections to our recently finalized rule for new nonroad spark-ignition engines, or adjustments to other regulatory provisions to align with this recently finalized rule. Our coordinated strategy also includes proposed regulations to implement MARPOL Annex VI pursuant to the Act to Prevent Pollution from Ships.

**DATES:** The public hearings will be held on Tuesday, August 4, 2009 in New York, NY, and on Thursday, August 6, 2009, in Long Beach, CA. If you would like to speak at a public hearing, please notify the contact person listed under **FOR FURTHER INFORMATION CONTACT** at least ten days before the hearing. See **SUPPLEMENTARY INFORMATION** for other detailed information regarding the public hearings for the Category 3 Marine Rule.

**ADDRESSES:** The hearings will be held at the following two locations: New York Marriott Downtown, 85 West Street, New York, NY 10006; and Westin Long Beach, 333 East Ocean Boulevard, Long Beach, CA 90802. Written comments on the proposed rule may also be submitted to EPA electronically, by mail, by facsimile, or through hand delivery/courier. Please refer to the notice of proposed rulemaking for the addresses and detailed instructions for submitting written comments.

**FOR FURTHER INFORMATION CONTACT:** Amy Kopin, U.S. EPA, Office of Transportation and Air Quality, Assessment and Standards Division (ASD), Environmental Protection

Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4417; fax number: (734) 214–4050; e-mail address: [Kopin.Amy@epa.gov](mailto:Kopin.Amy@epa.gov); or Assessment and Standards Division Hotline, telephone number: (734) 214–4636.

**SUPPLEMENTARY INFORMATION:** The proposal for which EPA is holding the public hearing will be published separately in the **Federal Register**. A pre-publication copy of the notice of proposed rulemaking is available on the following Web site: <http://www.epa.gov/otaq/oceanvessels.htm>.

**Public Hearings:** The public hearings will provide interested parties the opportunity to present data, views, or arguments concerning the proposed rule. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearings. Written comments must be received by the last day of the comment period, as specified in the proposal of the Category 3 Marine Rule.

The public hearings will be held on August 4, 2009 in New York, and August 6, 2009, in Long Beach, CA. These hearings will both start at 10 a.m. local time and continue until everyone has had a chance to speak. If you would like to speak at a public hearing, please notify the contact person listed under **FOR FURTHER INFORMATION CONTACT** at least ten days before the hearing. Verbatim transcripts of the hearings and written statements will be included in the rulemaking docket.

### How Can I Get Copies of This Document, the Proposed Rule, and Other Related Information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2007–0121. When the proposed rule is published in the **Federal Register**, a complete set of documents related to the proposal will be available for public inspection at the EPA Docket Center, located at 1301 Constitution Avenue, NW., Room 3334, Washington, DC, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Documents are also available through the electronic docket system at <http://www.regulations.gov>. Please refer to the notice of proposed rulemaking for detailed information on accessing information related to the proposal.

The EPA has also developed a Web site for the proposed rule. A copy of the notice of proposed rulemaking (which is essentially the same as the proposal that will be published) was posted on the EPA Web site prior to publication in the **Federal Register**. The EPA Web site for the rulemaking, which includes information about the public hearings, can be found at: <http://www.epa.gov/otaq/oceanvessels.htm>.

Dated: June 25, 2009.

**Margo T. Oge,**

*Director, Office of Transportation and Air Quality.*

[FR Doc. E9-16079 Filed 7-7-09; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1062]

#### 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 following communities: the City of St. Louis, St. Charles and St. Louis counties in Missouri; and Madison, Monroe, and St. Clair counties in Illinois. The communities addressed by this rule were the subject of an act of Congress which required the Federal Emergency Management Agency (FEMA) to delay the statutory appeals process required under Section 1363 of the National Flood Insurance Act of 1968, until certain publication requirements were met for each of these communities.

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 October 6, 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-1062, 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, 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).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes and seeks comment on the Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

Those communities affected by this proposed rule are the City of St. Louis, St. Charles and St. Louis counties in Missouri; and Madison, Monroe, and St. Clair counties in Illinois. The communities addressed by this rule were the subject of an act of Congress which required the Federal Emergency Management Agency (FEMA) to delay the statutory appeals process required under 1363 of the National Flood Insurance Act of 1968, until certain publication requirements were met for each of the included communities. Specifically, the legislation stated, "Until such time as preliminary flood insurance rate maps initiated prior to October 1, 2008 are completed and released for public review, preliminary base flood elevations are published in the **Federal Register**, and the second required local newspaper publication of such base flood elevations is made for the City of St. Louis, St. Charles and St. Louis counties in Missouri, and Madison, Monroe, and St. Clair counties in Illinois, the Administration shall not begin the statutory appeals process in such areas required under 1383 of the

National Flood Insurance Act of 1968." (Consolidated Security, Disaster Assistance, and Continuing Appropriations Act 2009, Pub. L. 110-329, Div. B, Sec. 10503, 122 Stat. 3574, 3593 (2008)). In accordance with the intent of the legislation, FEMA intends to initiate concurrent appeal periods for these Missouri and Illinois communities.

FEMA originally published BFEs for the affected Illinois communities in proposed rules in 2008. The proposed BFEs for Monroe and Madison counties published August 18, 2008, at 73 FR 48170. The proposed BFEs for St. Clair County published September 3, 2008, at 73 FR 51400. The proposed BFEs for Monroe, Madison, and St. Clair counties which published at 73 FR 48170 and 73 FR 51400 are withdrawn and replaced by the proposed BFEs set forth below in this rule. FEMA received no comments on the proposed rules published at 73 FR 48170 and 73 FR 51400. Only one minor change has been made in the proposed BFEs for these Illinois counties since the 2008 publications. In proposed rule 73 FR 48170 for Madison County, the existing BFE for the Mississippi River was listed as 403 feet using the North American Vertical Datum (NAVD). This was a typographical error and has been modified to reflect the correct existing BFE of 430 feet NAVD. This rule is the first publication of proposed BFEs for the affected Missouri counties.

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental