

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 925, 930, and 948

[Docket Nos. FV06-925-610 Review; FV06-930-610 Review; and FV06-948-610 Review]

#### Grapes Grown in a Designated Area of Southeastern California; Tart Cherries Grown in the States of Michigan, et al.; and Irish Potatoes Grown in Colorado

**AGENCY:** Agricultural Marketing Service, USDA.

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

**SUMMARY:** This document announces that the Agricultural Marketing Service (AMS) plans to review Marketing Order 925 (Grapes grown in a designated area of Southeastern California), Marketing Order 930 (Tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin), and Marketing Order 948 (Irish potatoes grown in Colorado) under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA).

**DATES:** Written comments on this document must be received by April 24, 2006.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this notice of review. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., Stop 0237, Washington, DC 20250-0237; Fax: (202) 720-8938, or E-mail: [moab.docketclerk@usda.gov](mailto:moab.docketclerk@usda.gov), or Internet: <http://www.regulations.gov>. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or may be viewed at <http://www.ams.usda.gov/fv/moab.html>.

#### FOR FURTHER INFORMATION CONTACT:

Kenneth G. Johnson, DC Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Unit 155, 4700 River Road, Riverdale, MD 20737; Telephone: (301) 734-5243, or Fax: (301) 734-5275; E-mail: [Kenneth.Johnson@usda.gov](mailto:Kenneth.Johnson@usda.gov) regarding the tart cherry marketing order; Teresa Hutchinson, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Portland, OR 97204; Telephone: (503) 326-7440; E-mail: [Teresa.Hutchinson@usda.gov](mailto:Teresa.Hutchinson@usda.gov) regarding the Irish potato marketing order; and

Terry Vawter, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Fresno, CA 93721; Telephone: (559) 487-5901, or Fax: (559) 487-5906; E-mail: [Terry.Vawter@usda.gov](mailto:Terry.Vawter@usda.gov) regarding the California grape marketing order; or George Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491, or Fax: (202) 720-8938, or E-mail: [George.Kelhart@usda.gov](mailto:George.Kelhart@usda.gov).

**SUPPLEMENTARY INFORMATION:** Marketing Order No. 925 (7 CFR part 925), regulates the handling of grapes grown in a designated area of southeastern California. Marketing Order No. 930, as amended (7 CFR part 930), regulates the handling of tart cherries in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. Marketing Order No. 948, as amended (7 CFR part 948), regulates the handling of Irish potatoes grown in the State of Colorado. These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937 (AMAA), as amended (7 U.S.C. 601-674).

AMS initially published in the **Federal Register** (64 FR 8014; February 18, 1999) its plan to review certain regulations, including Marketing Order Nos. 925, 930, and degree to which technology, economic conditions, or other factors have changed in an area affected by the marketing order.

Written comments, views, opinions, and other information regarding the grape, tart cherry, and potato marketing

orders' impact on small businesses are invited.

Dated: February 13, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 06-1536 Filed 2-17-05; 8:45 am]

**BILLING CODE 3410-02-M**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-P-7909]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA), Department of Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Doug Bellomo, P.E., Hazard Identification Section, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed

below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director has resolved any appeals resulting from this notification.

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. 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.

*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Mitigation Division Director certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

*Regulatory Classification.* This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This rule involves no policies that have

federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This rule meets the applicable standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, flood insurance, reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

**PART 67—[AMENDED]**

1. The authority citation for part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 67.4**

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Source of flooding and location of referenced elevation	◆ Elevation in feet (NAVD)		Communities affected
	Existing	Modified	
Crystal Creek: Just upstream of South Harrison Street .....	◆734	◆735	Village of Algonquin, City of Crystal Lake, Village of Lake-in-the-Hills, McHenry County, (Unincorporated Areas).
Just downstream of Country Club Road .....	◆892	◆891	

**Village of Algonquin, McHenry County, Illinois.**

**Maps are available for inspection** at Community Map Repository, 2200 Harnish Drive, Algonquin, Illinois. Send comments to The Honorable John Schmidt, Acting President, 2200 Harnish Drive, Algonquin, Illinois 60102.

**Village of Crystal Lake, McHenry County, Illinois.**

**Maps are available for inspection** at Community Map Repository, Department of Planning and Development, 100 West Municipal Complex, Crystal Lake, Illinois. Send comments to The Honorable Aaron Shepley, Mayor, Village of Crystal Lake, Post Office Box 597, 100 West Municipal Complex, Crystal Lake, Illinois 60039-0597.

**Village of Lake-in-the-Hills, McHenry County, Illinois.**

**Maps are available for inspection** at Community Map Repository, Office of Community Development, 600 Harvest Gate, Lake-in-the-Hills, Illinois. Send comments to The Honorable Ed Plaza, President, Village of Lake-in-the-Hills, 600 Harvest Gate, Lake-in-the-Hills, Illinois 60156.

**Unincorporated Areas of McHenry County, Illinois.**

**Maps are available for inspection** at Community Map Repository, Planning and Development, 2200 North Seminary Avenue, Administrative Building, Woodstock, Illinois. Send comments to The Honorable Ken Koehler, Chairman, McHenry County Board, 2200 North Seminary Avenue, Woodstock, Illinois 60098.

Big Hollow Creek: At the confluence with Turkey Creek .....	◆719	◆720	Taney County, (Unincorporated Areas), City of Hollister.
Approximately 5,540 feet upstream of Hidden Valley Road.	◆None	◆806	
Happy Hollow Creek: At the confluence with Turkey Creek .....	◆None	◆773	Taney County, (Unincorporated Areas).
Approximately 8,675 feet upstream of the confluence with Turkey Creek.	◆None	◆867	
Kohler Creek: Approximately 350 feet upstream of the confluence with Turkey Creek.	◆724	◆725	Taney County, Unincorporated Areas), City of Hollister.
Approximately 6,370 feet upstream of Maple Street .....	◆None	◆869	
Roark Creek: At the confluence with White River .....	◆714	◆719	City of Branson, Taney County, (Unincorporated Areas).
Approximately 250 feet upstream of U.S. Highway 65	◆718	◆719	
Swan Creek: At the confluence with White River .....	◆None	◆694	Taney County, (Unincorporated Areas), City of Forsyth.

Source of flooding and location of referenced elevation	◆ Elevation in feet (NAVD)		Communities affected
	Existing	Modified	
Approximately 1,250 feet upstream of Strawberry Road	◆ None	◆ 694	Taney County, (Unincorporated Areas).
Thorp Creek: At the confluence with Turkey Creek .....	◆ None	◆ 855	
Approximately 6,810 feet upstream of the confluence with Turkey Creek.	◆ None	◆ 907	
Turkey Creek: At the confluence with White River .....	◆ 716	◆ 720	Taney County, (Unincorporated Areas), City of Hollister.
Approximately 6,950 feet upstream of the confluence of Thorp Creek.	◆ None	◆ 902	
White River: At the southern county boundary .....	◆ None	◆ 692	Taney County, (Unincorporated Areas), City of Branson, City of Forsyth, City of Hollister, Village of Merriam Woods, Town of Rockaway Beach.
Approximately 5.73 miles upstream of the confluence of Cooper Creek.	◆ None	◆ 735	

**City of Branson, Taney County, Missouri.**

Maps are available for inspection at the Community Map Repository, 110 West Maddux Street, Suite 215, Branson, Missouri. Send comments to The Honorable Louis E. Shaefer, Mayor, City of Branson, City Hall, 110 West Maddux Street, Branson, Missouri 65616.

**City of Forsyth, Taney County, Missouri.**

Maps are available for inspection at the Community Map Repository, 15405 U.S. Highway 160, Forsyth, Missouri. Send comments to The Honorable Karl Smith, Mayor, City of Forsyth, Post Office Box 545, 15405 U.S. Highway 160, Forsyth, Missouri 65653.

**City of Hollister, Taney County, Missouri.**

Maps are available for inspection at the Community Map Repository, City Hall, 312 Esplanade Street, Hollister, Missouri. Send comments to The Honorable David G. Tate, Mayor, City of Hollister, Post Office Box 638, Hollister, Missouri 65673.

**Village of Merriam Woods, Taney County, Missouri.**

Maps are available for inspection at the Community Map Repository, Clerk's Office, 4417 State Highway 176, Merriam Woods, Missouri. Send comments to The Honorable Mike Wilkerson, Chairman of the Board, Village of Merriam Woods, Post Office Box 238, Merriam Woods, Missouri 65740.

**Town of Rockaway Beach, Taney County, Missouri.**

Maps are available for inspection at the Community Map Repository, City Hall, 2764 State Highway 176, Rockaway Beach, Missouri. Send comments to The Honorable Thomas Strom, Mayor, Town of Rockaway Beach, City Hall, Post Office Box 315, Rockaway Beach, Missouri 65740.

**Unincorporated Area of Taney County, Missouri.**

Maps are available for inspection at the Community Map Repository, 1617 U.S. Highway 160, Forsyth, Missouri. Send comments to The Honorable Chuck Pannel, Presiding Commissioner, Taney County, Post Office Box 1086, Forsyth, Missouri 65653.

◆ North American Vertical Datum of 1988.

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD)		Communities affected
	Existing	Modified	
Skokie River: Approximately 3,000 feet upstream of Clavey Road .....	*636	*635	City of Highland Park
Approximately 4,500 feet downstream of Deerfield Road.	*637	*636	

**City of Highland Park, Illinois.**

Maps are available for inspection at the Public Works Office, 1150 Half Day Road, Highland Park, Illinois. Send comments to The Honorable Michael D. Belsky, Mayor, City of Highland Park, City Hall, 1707 Saint Johns Avenue, Highland Park, Illinois 60035.

\*National Geodetic Vertical Datum.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: January 4, 2006.

**David I. Maurstad,**

*Acting Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. E6-2417 Filed 2-17-06; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket No. FEMA-P-7911]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA), Department of Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44

CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Mitigation Division Director certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

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	Existing	Modified	
Armour Branch Gypsum Creek: At confluence with Gypsum Creek ..... Approximately 1,120 feet upstream of Rockwood Road	◆ 1,321 None	◆ 1,322 ◆ 1,368	City of Eastborough, City of Wichita.
Big Slough South: Approximately 500 feet upstream of confluence with Arkansas River.	◆ 1,257	◆ 1,258	City of Wichita, Sedgwick County, (Unincorporated Areas).
Approximately 2,830 feet upstream of South Meridian Avenue.	◆ 1,288	◆ 1,286	
Calfskin Creek: At confluence with Cowskin Creek ..... Approximately 5,070 feet upstream of South 119th Street West.	◆ 1,314 ◆ 1,322	◆ 1,316 ◆ 1,324	
Cowskin Creek: At confluence with Wichita Valley Center Floodway .....	None	◆ 1,279	City of Colwich, City of Maize, City of Wichita, Sedgwick County, (Unincorporated Areas).
Approximately 4,000 feet downstream of State High- way 296.	◆ 1,369	◆ 1,368	