

**POSTAL SERVICE****39 CFR Part 232****Conduct on Postal Property****AGENCY:** Postal Service.**ACTION:** Final rule.

**SUMMARY:** This final rule amends Postal Service regulations pertaining to conduct on postal property. The purpose of these amendments is to clarify the regulations.

**EFFECTIVE DATE:** December 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Susan L. Koetting, Attorney, (202) 268-4818.

**SUPPLEMENTARY INFORMATION:** The Postal Service's regulations pertaining to conduct on postal property, among other things, prohibit persons from soliciting signatures on petitions, polls, and surveys on postal property. 63 FR 34599 (June 25, 1998). This amendment clarifies that, with respect to §§ 232.1(h)(1) and 232.1(o), the regulations are not applicable to certain types of perimeter sidewalks surrounding Postal Service property that are owned in whole or in part by the Postal Service, that is, those that fall within the Postal Service's property lines. These sidewalks are those that surround the outer perimeters of Postal Service property and are indistinguishable from adjacent municipal or other public sidewalks. Because members of the public might not be able to distinguish this type of postal property from municipal or other public property, and thus might not realize that they have entered onto postal property, with respect to the sections listed above, the Postal Service will exclude such property from these regulations. Although it has always been the Postal Service's practice to not enforce these sections of the regulations on these types of perimeter sidewalks, specifically making these sections of the regulations inapplicable to such sidewalks eliminates potential confusion.

In addition, this amendment clarifies that the regulations do not apply at all to property that is owned or leased by the Postal Service, but is leased or subleased to private tenants for their exclusive use. Any restrictions to be imposed on property that is leased to private tenants will be contained in the subject lease or sublease.

The regulations continue to apply to other types of exterior Postal Service property that are open to the public, including internal sidewalks that are easily distinguishable from the perimeter sidewalks by means of some

physical feature, such as sidewalks perpendicular to the perimeter sidewalks ("feeder" sidewalks), sidewalks leading from a postal parking lot to the postal building, and other exterior areas, such as parking lots, porches, patios, and steps.

The amendment is also intended to clarify that the prohibition against soliciting signatures on postal property refers to the actual collection of the signatures and not to communication that promotes the signing of petitions, polls, and surveys somewhere other than on Postal Service premises. Any such activities are still subject to other provisions, as applicable, such as those prohibiting disturbances, soliciting contributions or collecting private debts, campaigning for public office, vending, commercial advertising, impeding ingress and egress, depositing or posting literature, and setting up tables, stands, or other structures.

The Postal Service, therefore, is revising Section 232.1(a) to specify that the regulations do not apply to real property, owned or leased by the Postal Service, that is leased or subleased by the Postal Service to private tenants for their exclusive use; or, with respect to §§ 232.1(h)(1) and 232.1(o), to sidewalks surrounding the outer perimeter of postal property that are indistinguishable from municipal or other public sidewalks, even when the Postal Service owns all or part of such sidewalks. In addition, the Postal Service is revising § 232.1(h)(1) to substitute the term "collecting" for "soliciting" in the provision pertaining to signatures on petitions, polls, and surveys and is moving the provision prohibiting blocking ingress and egress from post offices from § 232.1(h)(1) to § 232.1(e).

**List of Subjects in 39 CFR Part 232**

Federal buildings and facilities, Penalties, Postal Service.

■ In view of the considerations discussed above, the Postal Service adopts the following amendments to 39 CFR part 232.

**PART 232—CONDUCT ON POSTAL PROPERTY**

■ Part 232 is amended as follows:

■ 1. The authority citation for part 232 is revised to read as follows:

**Authority:** 18 U.S.C. 13, 3061; 21 U.S.C. 802, 844; 39 U.S.C. 401, 403(b)(3), 404(a)(7); 40 U.S.C. 1315; Pub. L. 104-208, 110 Stat. 1060.

■ 2. In § 232.1, paragraph (a) is revised to read as follows:

**§ 232.1 Conduct on postal property.**

(a) *Applicability.* This section applies to all real property under the charge and control of the Postal Service, to all tenant agencies, and to all persons entering in or on such property. This section shall be posted and kept posted at a conspicuous place on all such property. This section shall not apply to—

(i) Any portions of real property, owned or leased by the Postal Service, that are leased or subleased by the Postal Service to private tenants for their exclusive use;

(ii) With respect to sections 232.1(h)(1) and 232.1(o), sidewalks along the street frontage of postal property falling within the property lines of the Postal Service that are not physically distinguishable from adjacent municipal or other public sidewalks, and any paved areas adjacent to such sidewalks that are not physically distinguishable from such sidewalks.

\* \* \* \* \*

**§ 232.1 [Amended]**

■ 3. In § 232.1(e), add the phrase "impedes ingress to or egress from post offices, or otherwise" before the term "obstructs."

**§ 232.1 [Amended]**

■ 4. In § 232.1(h)(1), remove the words "soliciting signatures" and add the words "collecting signatures" in their place. Delete the phrase "and impeding ingress to or egress from post offices."

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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**BILLING CODE 7710-12-P**

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****44 CFR Part 64**

[Docket No. FEMA-7903]

**Suspension of Community Eligibility**

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

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed

within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**EFFECTIVE DATES:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Grimm, Mitigation Division, 500 C Street, SW., Room 412, Washington, DC 20472, (202) 646-2878.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation

of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR part

10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act**

The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

**Regulatory Classification**

This final 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.

**Paperwork Reduction Act**

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

■ Accordingly, 44 CFR Part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for Part 64 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.

**§ 64.6 [Amended]**

■ The tables published under the authority of § 64.6 are amended as follows:

State/Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region IV</b>				
North Carolina:				
Freemont, Town of, Wayne County .....	370492	May 27, 1997, Emerg; May 27, 1997, Reg; December 2, 2005, Susp.	12/02/2005 .....	12/02/2005.
Smithfield, Town of Johnston County ...	370140	January 20, 1975, Emerg; April 1, 1982, Reg; December 2, 2005, Susp.	.....do .....	Do.
Walnut Creek, Village of, Wayne County.	370435	October 19, 1989, Emerg; October 19, 1989, Reg; December 2, 2005, Susp.	.....do .....	Do.
Wayne County, Unincorporated Areas ..	370254	September 16, 1991, Emerg; September 16, 1991, Reg; December 2, 2005, Susp.	.....do .....	Do.

State/Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region VII</b>				
Missouri:				
Cole County, Unincorporated Areas .....	290107	January 21, 1982, Emerg; January 21, 1982, Reg; December 2, 2005, Susp.	.....do .....	Do.
Jefferson, City of, Cole County .....	290108	April 23, 1971, Emerg; April 15, 1980, Reg; December 2, 2005, Susp.	.....do .....	Do.
Nebraska:				
Bellevue, City of, Sarpy County .....	310191	April 13, 1973, Emerg; January 16, 1980, Reg; December 2, 2005, Susp.	.....do .....	Do.
Bennington, City of, Douglas County ....	310074	July 10, 1975, Emerg; December 4, 1979, Reg; December 2, 2005, Susp.	.....do .....	Do.
Douglas County, Unincorporated Areas	310073	November 15, 1974, Emerg; January 16, 1981, Reg; December 2, 2005, Susp.	.....do .....	Do.
Elkhorn, City of, Douglas County .....	310075	March 31, 1975, Emerg; August 15, 1979, Reg; December 2, 2005, Susp.	.....do .....	Do.
La Vista, City of, Sarpy County .....	310192	April 23, 1974, Emerg; January 16, 1980, Reg; December 2, 2005, Susp.	.....do .....	Do.
Omaha, City of, Douglas County .....	315274	November 6, 1970, Emerg; May 7, 1971, Reg; December 2, 2005, Susp.	.....do .....	Do.
Papillion, City of, Sarpy County .....	315275	July 2, 1971, Emerg; August 18, 1972, Reg; December 2, 2005, Susp.	.....do .....	Do.
Ralston, City of, Douglas County .....	310077	August 19, 1975, Emerg; May 15, 1980, Reg; December 2, 2005, Susp.	.....do .....	Do.
Sarpy County, Unincorporated Areas ...	310190	February 23, 1973, Emerg; January 16, 1981, Reg; December 2, 2005, Susp.	.....do .....	Do.
Valley, City of, Douglas County .....	310078	May 1, 1975, Emerg; March 18, 1980, Reg; December 2, 2005, Susp.	.....do .....	Do.

\* .....do = Ditto.  
Code for reading third column: Emerg.-Emergency; Reg.-Regular; Susp.-Suspension.

Dated: November 23, 2005.

**Michael K. Buckley,**  
Deputy Director, Mitigation Division, Federal  
Emergency Management Agency.  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[Docket No. 050927248-5310-02; I.D. 090805C]

RIN 0648-AT74

**Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; fishing season notification.

**SUMMARY:** This rule establishes the 2006 first trimester season quotas for large coastal sharks (LCS) and small coastal sharks (SCS) based on over- and underharvests from the 2005 first trimester season. In addition, this rule establishes the opening and closing dates for the LCS fishery based on adjustments to the trimester quotas. This action could affect all commercial fishermen in the Atlantic commercial shark fishery. This action is necessary to ensure that the landings quotas in the Atlantic commercial shark fishery represent the latest landings data.

**DATES:** This rule is effective January 1, 2006. The Atlantic commercial shark fishing season opening and closing dates and quotas for the 2006 first trimester season by region are provided in Table 1 under Supplementary Information.

**ADDRESSES:** For copies of this rule, write to Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910. Copies are also available on the internet at <http://www.nmfs.noaa.gov/sfa/hms>.

**FOR FURTHER INFORMATION CONTACT:**

Chris Rilling or Karyl Brewster-Geisz by phone: 301-713-2347 or by fax: 301-713-1917.

**SUPPLEMENTARY INFORMATION:** The Atlantic shark fishery is managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish, and Sharks, finalized in 1999, and Amendment 1 to the FMP for Atlantic Tunas, Swordfish, and Sharks (Amendment 1), finalized in 2003, are implemented by regulations at 50 CFR part 635. Information regarding the rules establishing the regional quotas and the procedures for calculating the quotas was provided in the proposed rule (October 6, 2005; 70 FR 58366) and is not repeated here.

**Opening and Closing Dates and Quotas**

The final opening and closing dates and quotas for the 2006 first trimester season by region are provided in Table 1.