

*Second FNPRM* would be of general applicability to all services, applying to all entities of any size that apply to participate in Commission auctions. Accordingly, this IRFA provides a general analysis of the impact of the proposals on small businesses rather than service by service analysis. The number of entities that may apply to participate in future Commission auctions is unknown. The number of small businesses that have participated in prior auctions has varied. In all of our auctions held to date, 1,975 out of a total of 3,545 qualified bidders either have claimed eligibility for small business bidding credits or have self-reported their status as small businesses as that term has been defined under rules adopted by the Commission for specific services. In addition, we note that, as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Also, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated.

#### *D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements*

34. The Commission will not require additional reporting, recordkeeping or other compliance requirements pursuant to the *Second FNPRM*.

#### *E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered*

35. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule or any part thereof for small entities.

36. The initial *FNPRM* in that proceeding tentatively concluded that it should restrict the award of designated entity benefits to an otherwise qualified applicant where it has a material relationship with a large in-region incumbent wireless service provider. The Commission sought comment on how it should define the elements of

such a restriction. Based on the Commission's experience in administering the designated entity program and the record developed in response to the *FNPRM*, the *Second FNPRM* seeks further comment on those issues, including comment to obtain additional economic evidence regarding how and under what circumstances an entity's size might affect its relationships and agreements with designated entity applicants and licensees. The *Second FNPRM* also seeks comment on whether the Commission should adopt additional rule changes that would restrict the award of designated entity benefits under certain circumstances and in connection with relationships with certain types of entities and individuals with high personal net worth, including whether and how in-region relationships and personal net worth should be considered in determining eligibility for designated entity benefits. The *Second FNPRM* seeks guidance from the industry on how it should define the elements of any restrictions it might adopt regarding the award of designated entity benefits. Small entity comments are specifically requested.

#### *F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule*

37. None.

#### **IV. Paperwork Reduction Act Analysis**

38. The *Second FNPRM* may contain proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due August 21, 2006. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the Commission seeks

specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

#### **V. Ordering Clauses**

39. *It is ordered* that pursuant to sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303(r), and 309(j), this *Second Further Notice of Proposed Rule Making* is hereby adopted.

40. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Second Further Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

#### **List of Subjects in 47 CFR Part 1**

Administrative practice and procedure, Auctions, Licensing, Telecommunications.

Federal Communications Commission.

Marlene H. Dortch,  
Secretary.

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## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

#### **50 CFR Parts 21 and 22**

**RINs 1018-AG11 and 1018-AT60**

#### **Migratory Bird Permits; Changes in the Regulations Governing Falconry and Raptor Propagation; Draft Environmental Assessment on Take of Raptors From the Wild for Falconry and Raptor Propagation**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of a Draft Environmental Assessment (DEA) evaluating the take of raptors from the wild for use in falconry and in raptor propagation. We have prepared this DEA as part of the process we must follow to finalize two rules under the National Environmental Policy Act.

**DATES:** Send comments on the DEA by September 19, 2006.

**ADDRESSES:** You may pick up a copy of the DEA or hand-deliver your comments to the Division of Migratory Bird Management, U.S. Fish and Wildlife

Service, 4401 North Fairfax Drive, Mail Stop 4107, Arlington, Virginia 22203–1610. The DEA also is available on the Division of Migratory Bird Management Web pages at <http://www.fws.gov/migratorybirds/>.

**FOR FURTHER INFORMATION CONTACT:** Dr. George T. Allen, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, at 703–358–1714.

**SUPPLEMENTARY INFORMATION:** We have prepared this DEA as part of the process we must follow under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) as we move toward finalizing two proposed rules on falconry and raptor propagation. We published proposed falconry regulations on February 9, 2005 (70 FR 6978), in which we proposed numerous changes governing the practice of falconry. We published proposed raptor propagation regulations on October 14, 2005 (70 FR 60052). We proposed few significant changes to the falconry regulations, but for both proposed rules we changed to simpler language for the regulations. We now make available our DEA on the effects of take from the wild for these two activities.

In the DEA, we considered three alternatives for take of raptors from the wild for use in falconry and in raptor propagation. The first, the No Action Alternative, would leave take regulated as it is now; take limits for falconry would not be established. Neither the dual Federal/State permitting system for falconry nor the permitting system for raptor propagation would be changed.

Under Alternative 2, we would establish upper limits on take of raptor species based on the published data for, and biology of, each species. We would not change falconry or captive propagation permitting; neither the dual Federal/State permitting system for falconry nor the permitting system for raptor propagation would be changed. Under this alternative, we would base allowed take on published data and evaluations of the effects of take for falconry and raptor propagation. Harvest of juvenile raptors would be limited to levels that would not harm wild populations.

Our preferred choice is Alternative 3. Under this alternative, we would establish upper limits on take of raptor species based on the published data for, and biology of, each species. We would eliminate Federal permitting for falconry, but would not change the captive propagation regulations in a manner that would impact take of raptors from the wild. We would base allowed take on published data and evaluations of the effects of take for

falconry and raptor propagation. Harvest of juvenile raptors would be limited to levels that would not harm wild populations. The Federal/State permitting system for falconry would be changed, with the responsibility for falconry permitting resting with the States, subject to the requirements of revised falconry regulations. The current permitting for raptor propagation would be maintained.

Based on our modeling of raptor populations using the best available survival data, we have concluded that the impact of any of these alternatives on raptor populations would be imperceptible. Our analyses indicate that most raptor populations can sustain significantly more take for falconry and raptor propagation than will occur under any reasonable take scenario.

#### Public Comments

We welcome comments on the DEA. When submitting written comments, please include your name and return address in your letter and identify it as comments on the DEA. To facilitate our compilation of the Administrative Record for this action, you must submit written comments on 8½ inch by 11 inch paper. Or, you may submit comments electronically via the Migratory Bird Management Web page at <http://www.fws.gov/migratorybirds/>, where a link for comments will be available. Please submit comments by only one method, do not send duplicate submissions. All comments received, including any personal information provided, will be available for public inspection at the address given above for hand delivery of comments. We will not consider anonymous comments.

Dated: June 12, 2006.

**H. Dale Hall,**

*Director, Fish and Wildlife Service.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[Docket No. 060606151–6151–01; I.D. 051906A]

**RIN 0648–AU33**

##### Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 43

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes regulations to implement Framework Adjustment 43 (Framework 43) to the NE Multispecies Fishery Management Plan (FMP), which was developed by the New England Fishery Management Council (Council). Framework 43 proposes measures to address the incidental catch of NE multispecies by vessels fishing for Atlantic herring. The proposed measures would establish a Herring Exempted Fishery. Vessels issued a Category 1 Atlantic herring fishing permit (Category 1 vessels) would be authorized to possess incidentally caught haddock until the catch of haddock reached the level specified as an incidental haddock catch cap; upon attainment of the haddock catch cap, all herring vessels would be limited to 2,000 lb (907 kg) of herring per trip, if any of the herring on board was caught within the Gulf of Maine/Georges Bank (GOM/GB) Herring Exemption Area defined in Framework 43. Herring Category 1 vessels would also be authorized to possess up to 100 pounds (45 kg) of other regulated multispecies (cod, witch flounder, plaice, yellowtail flounder, pollock, winter flounder, windowpane flounder, redfish, and white hake), and would be required to provide advance notification of their intent to land for purposes of enforcement. Atlantic herring processors and dealers that sort herring catches as part of their operations would be required to cull and report all haddock.

**DATES:** Comments must be received by July 6, 2006.

**ADDRESSES:** Copies of supporting documents, including the Environmental Assessment, Regulatory Impact Review, Initial Regulatory Flexibility Analysis (RIR/IRFA), and Essential Fish Habitat Assessment are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The EA/RIR/IRFA is also accessible via the Internet at <http://www.nero.gov>.

Written comments on the proposed rule may be sent by any of the following methods: • Mail to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope “Comments on Herring Framework 43”; • Fax to Patricia A. Kurkul, 978–281–9135;