

**§ 710.53 When to report.**

All information reported to EPA in response to the requirements of this subpart must be submitted during an applicable submission period. The first submission period is from August 25, 2006, to December 23, 2006. Subsequent recurring submission periods are from June 1 to September 30 at 5-year intervals after the first submission period. Any person described in § 710.48(a) must report during each submission period for each chemical substance described in § 710.45 that the person manufactured (including imported) during the preceding calendar year (i.e., the "reporting year").

■ 7. By revising § 710.57 to read as follows:

**§ 710.57 Reporting requirements.**

Each person who is subject to the reporting requirements of this subpart must retain records that document any information reported to EPA. Records relevant to reporting during a submission period must be retained for a period of 5 years beginning on the last day of the submission period. Submitters are encouraged to retain their records longer than 5 years to ensure that past records are available as a reference when new submissions are being generated.

[FR Doc. 05-24196 Filed 12-16-05; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**
**47 CFR Part 64**

[CG Docket No. 02-278; CG Docket No. 05-338; FCC 05-206]

**Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission released an *Order* delaying until January 9, 2006, the effective date of the Commission's rule requiring the sender of a facsimile advertisement to obtain the recipient's express permission in writing. The Junk Fax Prevention Act of 2005 was subsequently signed into law amending section 227 of the Communications Act of 1934 relating to unsolicited facsimile advertisements and requiring this Commission to issue regulations to implement the statute. Therefore, this document extends the stay of the Commission's existing facsimile

advertising rules, until the conclusion of the Commission's rulemaking.

**DATES:** The effective date of § 64.1200(a)(3)(i), published at 68 FR 44144, July 25, 2003, is delayed until further notice published in the **Federal Register**.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Erica McMahon or Richard Smith, Consumer & Governmental Affairs Bureau, (202) 418-2512.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order*, CG Docket Nos. 02-278 and 05-338, FCC-05-206, adopted and released December 9, 2005. The *Order* further delays the effective date of a rule initially adopted in *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, (2003 *TCPA Order*), CG Docket No. 02-278, FCC 03-153, released July 3, 2003; published at 68 FR 44144, July 25, 2003. In association with this *Order*, the Commission released a *NPRM*, FCC 05-206, adopted and released December 9, 2005, that proposes amendments to its unsolicited facsimile advertising rules and seeks comment on related aspects of those rules. The *NPRM* also opens a new docket—CG Docket No. 05-338—for all filings in response to this document and those addressing the facsimile advertising rules generally.

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, it does not contain new or modified "information collection burdens for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, Room CY-A257, 445 12th Street, SW., Washington, DC 20054. The complete text of this decision may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact the Commission's contractor at their Web site: [www.bcpweb.com](http://www.bcpweb.com) or call 1-800-378-3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an

e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). The *Order* can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy>.

**Synopsis**

On June 27, 2005, the Commission released an order, CG Docket No. 02-278, published at 70 FR 37705, delaying until January 9, 2006, the effective date of the Commission's determination that an established business relationship (EBR) will no longer be sufficient to show that an individual or business has given its permission to receive unsolicited facsimile advertisements. Consistent with the Junk Fax Prevention Act of 2005, the Commission extends the stay of the Commission's existing facsimile advertising rules until the conclusion of this rulemaking. Specifically, the Commission delays until the conclusion of this rulemaking, the effective date of: (1) The Commission's prior determination that an EBR will no longer be sufficient to show that an individual or business has given prior express permission to receive an unsolicited facsimile advertisement; (2) § 64.1200(a)(3)(i) of the Commission's rules, which requires a person or entity sending a facsimile advertisement to obtain a prior signed, written statement as evidence of a facsimile recipient's permission to receive the advertisement; and (3) the rule establishing the duration of an EBR as applied to the sending of unsolicited facsimile advertisements.

**Regulatory Flexibility Act Analysis**

The Commission notes that no Final Regulatory Flexibility Analysis is necessary for this *Order*. The Commission is not making any changes to the Commission's rules; rather, we are simply delaying the effective date of a rule.

**Congressional Review Act**

The Commission will not send a copy of this *Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability.

**Ordering Clauses**

Pursuant to the authority contained in sections 1-4, 227, and 303(r), of the Communications Act of 1934, as amended; 47 U.S.C. 151-154, 227, and 303(r); the Junk Fax Prevention Act of 2005, and § 64.1200 of the Commission's rules, 47 CFR 64.1200 and 64.2401, this *Order* in CG Docket 02-278 and 05-338 *is adopted*.

The Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *Shall send* a copy of the *Order* to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### **Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List *Cicurina cueva* (No Common Name) as an Endangered Species**

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

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list a karst meshweaver (spider), *Cicurina cueva* (no common name), under the Endangered Species Act of 1973, as amended. Since receiving the petition, both a genetic assessment and a re-assessment of morphological characters have failed to support the distinctness of *C. cueva* from two other named *Cicurina*, *C. bandida* and *C. reyesi*. After reviewing all available scientific and commercial information, we find that current information available to us does not support the taxonomic standing of *C. cueva* as a species, and therefore it is not a listable entity and listing is therefore not warranted.

**DATES:** The finding announced in this document was made on December 19, 2005.

**ADDRESSES:** The complete file for this finding is available for inspection, by appointment, during normal business hours at the Austin Ecological Services Field Office, 10711 Burnet Rd., Suite 200, Austin, Texas 78758. Please submit any new information, materials, comments, or questions concerning this species or this finding to the above address.

**FOR FURTHER INFORMATION CONTACT:** Robert Pine, Supervisor (see **ADDRESSES** section); 512-490-0057 extension 248.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the List of Threatened and Endangered Species containing substantial scientific and commercial information indicating listing may be warranted, we make a finding within 12 months of the date of receipt of the petition. The finding must be that the petitioned action is one of the following: (a) Not warranted, (b) warranted, or (c) warranted but that the immediate proposal of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether a species is threatened or endangered, and expeditious progress is being made to add or remove qualified species from the List of Endangered and Threatened Species. Section 4(b)(3)(C) of the Act requires that a petition for which the requested action is found to be warranted but precluded be treated as though resubmitted on the date of such finding, that is, requiring a subsequent finding to be made within 12 months. Such 12-month findings must be published in the **Federal Register**.

On July 8, 2003, we received a petition requesting that we list a karst meshweaver, *Cicurina cueva* (no common name), as an endangered species with critical habitat. On May 25, 2004, Save Our Springs Alliance (SOSA) filed a complaint against the Secretary of the Interior and the Service for failure to make a 90-day petition finding under section 4 of the Act for *C. cueva*. In our response to Plaintiff's motion for summary judgment on October 15, 2004, we informed the court that we believed that we could complete a 90-day finding by January 20, 2005, and if we determined that the 90-day finding provided substantial information that listing may be warranted, we could make a 12-month finding by December 8, 2005. On February 1, 2005 (70 FR 5123), we published a 90-day finding and initiation of status review on a petition to list *C. cueva* as an endangered species. On March 18, 2005, the District Court for the Western District of Texas, Austin Division, adopted our schedule and ordered the Service to issue a 12-month finding on or before December 8, 2005.

#### **Taxonomy**

Gertsch (1992) described and named *C. cueva*, *C. bandida*, and *C. reyesi* from adult, female specimens collected from Cave X in 1962 by Bell and Woolsey, Bandit Cave in 1966 by Reddell and Fish, and Airman's Cave in 1989 by

Reddell and Reyes, respectively. The three *Cicurina* species are all unpigmented and range in length from 5 millimeters (mm) (0.19 inches (in)) to 5.6 mm (0.2 in). Gertsch (1992) distinguished these three species by differences he perceived in the female reproductive system.

*Cicurina cueva*, *C. bandida* and *C. reyesi* were described by Gertsch (1992) on the basis of female genitalia of a small number of specimens. Because there were some locations that only had records of immature *Cicurina* that could not be identified to the species level, we contracted Drs. Marshal Hedin and Pierre Paquin on September 24, 2004, to determine whether species-level identification of immature specimens of blind *Cicurina* spiders from southern Travis and northern Hays counties could be made using a genetic assessment technique they had previously applied to other species of *Cicurina* (see Paquin and Hedin 2004 for methods). Their report on the contracted study concludes that *C. cueva* and two other formally described species, *C. bandida* and *C. reyesi* (Gertsch 1992), likely represent variants of a single species that shows genetic structuring across its range. They explain that "This finding makes biological sense, as we would expect geographically-adjacent cave populations to share more genetic similarity than caves that are distant in space. The genetic structuring observed is a natural consequence of the fragmented nature of cave habitats, and the unique habitat limitations of these spiders \* \* \*" (Paquin and Hedin 2005). The report authors suggest that rather than three different species, the populations collected represent one species, which they informally refer to as the "*C. cueva* complex." They say "We suggest that conservation activities concerning cave populations in this confined geographic region be based on this single species hypothesis." Since a formal revision reflecting this change in taxonomy (the naming and classification of organisms) has not been published in a peer-reviewed scientific journal, the Service requested independent peer review of the report. We believe we should now make this 12-month finding based on the taxonomic treatment recommended in the contracted report (Paquin and Hedin 2005).

Drs. Paquin and Hedin submitted a report in May 2005, titled, "Genetic and morphological analysis of species limits in *Cicurina* spiders (Araneae, Dictynidae) from southern Travis and northern Hays counties, with emphasis on *Cicurina cueva* Gertsch and relatives." When *Cicurina* specimens from Travis, Hays, and Williamson