

Federal requirement	HSWA or FR notice	Promulgation	State authority
CHECKLIST 88—Administrative Stay for K069 Listings .....	56 FR 19951 .....	5/1/91	265.1064(c). R.61-72.270. 270.24(d)(2). 270.25(e)(2). SCHWMA § 44-56-30. § 44-56-40. § 44-56-50. R.61-79.261. 261.32.
CHECKLIST 89—Revision to Petroleum Refining Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038).	56 FR 21955 .....	5/13/91	SCHWMA § 44-56-20. § 44-56-30. § 44-56-50. R.61-79.261. 261.31(a).
CHECKLIST 90—Mining Waste Exclusion III .....	56 FR 27300 .....	6/13/91	SCHWMA § 44-56-20. § 44-56-30. § 44-56-50. R.61-79.261. 261.34(b)(7).
CHECKLIST 91—Wood Preserving Listings—Administrative Stay.	56 FR 27332 .....	6/13/91	SCHWMA § 44-56-20. § 44-56-30. § 44-56-50. R.61-79.261. 261.31(a). R.61-79.264. 264.573(a)(4). R.61-79.265. 265.443(a)(4).

**C. Decision**

I conclude that South Carolina's application for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, South Carolina is granted final authorization to operate its hazardous waste program as revised. South Carolina now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. South Carolina also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

**Compliance With Executive Order 12866**

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

**Certification Under the Regulatory Flexibility Act**

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal

regulations in favor of South Carolina's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

**List of Subjects in 40 CFR Part 271**

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Dated: August 4, 1995.

**Patrick M. Tobin,**

*Acting Regional Administrator.*

[FR Doc. 95-19996 Filed 8-14-95; 8:45 am]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**43 CFR Public Land Order 7153**

[MT-930-1430-01; MTM 40641]

**Partial Revocation of Executive Order Dated July 9, 1910; Montana**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order revokes an Executive order insofar as it affects 3,562.91 acres of public lands withdrawn for the Bureau of Land Management's Coal Reserve Montana No. 1. The lands are no longer needed for the purpose for which they were withdrawn. The revocation is needed to permit disposal of the lands through exchange. This action will open the lands to surface entry and non-metalliferous mining unless closed by overlapping withdrawals or temporary segregations of record. The lands have been and remain open to metalliferous mining and mineral leasing.

**EFFECTIVE DATE:** September 14, 1995.

**FOR FURTHER INFORMATION CONTACT:** Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2949.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and

Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Executive Order dated July 9, 1910, which withdrew public lands for the Bureau of Land Management's Coal Reserve Montana No. 1, is hereby revoked insofar as it affects the following described lands:

**Principal Meridian, Montana**

(Exchange MTM 82115—Rypkema Unit):

- T. 6 S., R. 49 E.,  
 Sec. 25, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
 Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ ;  
 Sec. 35, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and S $\frac{1}{2}$ .  
 T. 7 S., R. 49 E.,  
 Sec. 1, lot 1;  
 Sec. 4, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$   
 and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 5, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and  
 N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 12, lots 1, 2, and 3.  
 T. 6 S., R. 50 E.,  
 Sec. 28, that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$  lying  
 north and west of the river;  
 Sec. 29, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 30, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and  
 W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 31, lots 1 to 4, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
 and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 32, that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$  lying  
 north and west of the river.  
 T. 7 S., R. 50 E.,  
 Sec. 6, lots 5 and 11.

(Exchange MTM 81618—Home Unit):

- T. 6 S., R. 49 E.,  
 Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 7 S., R. 49 E.,  
 Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 4, N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 5, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and  
 S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 20, NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 21, lot 3;  
 Sec. 29, lot 13;  
 Sec. 30, lots 2, 3, and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and  
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 31, lots 1, 2, and 3;  
 Sec. 32, lot 2.  
 T. 8 S., R. 49 E.,  
 Sec. 6, lot 6;  
 Sec. 7, lots 2 and 4.

The areas described aggregate 3,562.91 acres in Powder River County.

2. At 9 a.m. on September 14, 1995, the lands described above will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on September 14, 1995, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on September 14, 1995, the lands will be opened to location and entry for non-metalliferous mining under the United States mining laws, subject to valid existing rights, the

provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempting adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: August 4, 1995.

**Bob Armstrong,**

*Assistant Secretary of the Interior.*

[FR Doc. 95-20147 Filed 8-14-95; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 64 and 68**

[CC Docket No. 92-90; FCC 95-310]

**Telephone Consumer Protection Act of 1991**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** On July 26, 1995, the Commission adopted a Memorandum Opinion and Order (MO&O) finalizing its rules implementing the Telephone Consumer Protection Act of 1991 (TCPA). In the MO&O, the Commission resolves a number of issues raised regarding the Report and Order. The Commission's actions clarify certain critical aspects of the regulations implementing TCPA and ensures that the costs of privacy protection are not borne by the residential subscriber. The MO&O balances the need to protect consumers' privacy with the imperative that telemarketing practices not be unreasonably hindered.

**EFFECTIVE DATE:** September 14, 1995.

**FOR FURTHER INFORMATION CONTACT:** Scott A. Shefferman, Attorney, Domestic Facilities Division, Common Carrier Bureau, (202) 418-2332.

**SUPPLEMENTARY INFORMATION:** This summarizes the Commission's Memorandum Opinion and Order in the matter of Rules and Regulations

Implementing the Telephone Consumer Protection Act of 1991, (CC Docket 92-90, adopted July 26, 1995, and released August 7, 1995). This file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., NW., Washington, DC, or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., N.W., Suite 140, Washington, DC 20037, phone (202) 857-3800.

**Analysis of Proceeding**

On September 17, 1992, the Commission adopted a Report and Order (57 FR 48333, October 23, 1992) that established procedures governing unwanted telephone solicitations, and set forth regulations governing the use of automatic telephone dialing systems, prerecorded or artificial voice messages, and telephone facsimile machines. This MO&O considers requests for reconsideration and/or clarification of rules implemented in the Report and Order in this proceeding.

A "telephone solicitation," as defined in the Telephone Consumer Protection Act of 1991 (TCPA) and FCC rules, is a telephone call initiated for the purpose of encouraging the purchase of or investment in property, goods or services. The definition specifically excludes calls made by a tax-exempt nonprofit organization. The MO&O clarifies that telephone solicitations made either by or on behalf of tax-exempt nonprofit organizations are excepted from the telephone solicitation rules, and revises the rules accordingly. Commission rules also require each telemarketer to maintain, and retain on a permanent basis, a company-specific (*i.e.*, in house) list of telephone service subscribers that do not wish to receive further solicitation calls from that telemarketer ("do-not-call list"). The MO&O reconsiders and modifies the recordkeeping requirement for telemarketers by requiring the record of such "do-not-call" requests to be kept for a ten-year period, rather than permanently. Commission rules also prohibit prerecorded calls to residences. The MO&O clarifies that debt collection calls fall within the exceptions to the general ban against prerecorded calls to residences.

Further, the MO&O clarifies, among other things, the Commission's rules regarding telephone facsimile machines and unsolicited facsimile advertisements by stating that: (a) Telephone facsimile machines need not contain a disabling device to prevent facsimile transmission without the required identification; (b) machines