42068

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

 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, SW¹/₄NE¹/₄, NW¹/₄, and S¹/₂;

Sec. 26, W1/2NE1/4 and NW1/4

Sec. 35, S1/2NE1/4, NW1/4, and S1/2.

T. 7 S., R. 49 E.,

Sec. 1, lot 1;

Sec. 4, lots 1 to 4, inclusive, SW1/4NW1/4 and NW1/4SW1/4:

Sec. 5, lots 1 and 2, S1/2NE1/4, and N1/2SE1/4;

Sec. 12, lots 1, 2, and 3.

T. 6 S., R. 50 E.,

Sec. 28, that portion of the S1/2SW1/4 lying north and west of the river;

Sec. 29, NE¹/₄SW¹/₄;

Sec. 30, lots 3 and 4, E1/2SW1/4, and W1/2SE1/4;

Sec. 31, lots 1 to 4, inclusive, NW1/4NE1/4, and E1/2NW1/4;

Sec. 32, that portion of the E1/2NE1/4 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, NW1/4SW1/4.

T. 7 S., R. 49 E.,

Sec. 3, S1/2SW1/4;

Sec. 4, N¹/₂SE¹/₄;

Sec. 5, lots 3 and 4, S1/2NW1/4, and S1/2SE1/4:

Sec. 20, NW1/4 and N1/2SW1/4;

Sec. 21, lot 3;

Sec. 29, lot 13;

Sec. 30, lots 2, 3, and 4, SE1/4NW1/4, and NE1/4SW1/4;

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] BILLING CODE 4310-DN-M

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 taxexempt 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

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