

considering whether to hold a public hearing on the matter.

**DATES:** Comments and information on this matter, and any request that a public hearing be held, must be received by January 3, 2006. EPA will consider all timely comments and information that pertain to the Indian country status of the land in question.

**ADDRESSES:** Written comments should be submitted to David Albright, Ground Water Office Manager, at U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, Mail Code: WTR-9, San Francisco, CA 94105. You may also submit comments by fax at 415.947.3549 or by e-mail at [albright.david@epa.gov](mailto:albright.david@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** David Albright, at [albright.david@epa.gov](mailto:albright.david@epa.gov), or 415.972.3971.

**SUPPLEMENTARY INFORMATION:** Hydro Resources, Inc. (HRI) proposes to operate a uranium in-situ leach mine on an approximately 160-acre parcel of land located in the southeast portion of Section 8, Township 16N, Range 16W in the State of New Mexico ("Section 8 land"). HRI must apply for and receive an underground injection control (UIC) permit under the Safe Drinking Water Act (SDWA) to conduct its mining activities. The State of New Mexico has been authorized by EPA to administer the SDWA UIC program in the State, but that authorization does not extend to Indian country. Due to the State's lack of authorization in Indian country and as a result of a court decision discussed below, EPA must determine whether or not the Section 8 land is Indian country as defined by 18 U.S.C. 1151. EPA is seeking comments and information from the public and all interested parties regarding the Indian country status of the land HRI intends to use for its mining activities. Additionally, recognizing the U.S. Department of the Interior's expertise in these matters, EPA is soliciting the views of and working with the Department.

In the late 1980s, HRI sought an UIC permit for its property located within Section 8. The land is located in an area commonly referred to as the "Eastern Agency of the Navajo Nation" and the Navajo Nation has historically asserted that the land in question is a dependent Indian community. After considering materials submitted by the Navajo Nation and the New Mexico Environment Department (NMED), EPA determined that the Indian country status of the Section 8 land was in dispute and, thus, that EPA would be the appropriate agency to issue the

SDWA UIC permit. The State of New Mexico and HRI challenged EPA's determination with respect to the Indian country status of the land in question. In 2000, in *HRI v. EPA*, 198 F.3d 1224 (10th Cir. 2000), the United States Court of Appeals for the Tenth Circuit upheld EPA's decision to implement the UIC program throughout HRI's Section 8 land because the Indian country status of that land was in dispute. The Court remanded the matter to EPA to make a final administrative decision on the Indian country status of the disputed land.

Recently NMED received a request from HRI for an UIC permit to operate a uranium in-situ leach mine in Section 8. As a result, NMED has formally requested that EPA make a decision on the Indian country status of the Section 8 land. EPA's decision whether the land at issue is Indian country will determine whether EPA or NMED is the appropriate agency to consider the permit request from HRI.

The United States Supreme Court in *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998), identified two requirements for determining whether land constitutes a dependent Indian community under 18 U.S.C. 1151(b): (1) Whether land has been validly set aside by the Federal government for the use of Indians and (2) whether that land is subject to federal supervision. Additionally, the court in *HRI v. EPA* noted that, prior to *Venetie*, the Tenth Circuit Court of Appeals required a community of reference determination as the first step in determining a dependent Indian community. It also concluded that, because the Supreme Court in *Venetie* was not presented with the question of the proper community of reference and did not speak directly to the propriety of a community of reference analysis, Tenth Circuit precedent continues to require a community of reference analysis.

To ensure EPA has all possible relevant information for making its determination on the Section 8 land status, EPA requests that the public submit information on the following items: the nature of the area in question; Indian and non-Indian land uses; relevant aquifer uses; land ownership patterns; use of area infrastructure and services by Indians and non-Indians; the relationship of inhabitants in the area to Indian tribes and to the Federal government; activities of government agencies toward the area; elements of cohesiveness manifested either by economic pursuits in the area, common interests, or needs of inhabitants supplied by the locality; whether any

lands have been set apart for the use, occupancy, and protection of dependent Indian peoples; whether that land is subject to Federal supervision; and any other relevant information that might assist EPA in making its determination.

EPA welcomes written comments and information from the public and interested parties on whether the Section 8 land constitutes a dependent Indian community in whole or in part. At this time, EPA is limiting its analysis to the question of whether the Section 8 land is a dependent Indian community and, thus, Indian country and will not consider any issues, information, or comments regarding the permitting of mine operations on the Section 8 land. As part of the determination process, EPA is also consulting with the Navajo Nation.

If there is sufficient public interest and a request is made, EPA may consider holding a public hearing to elicit further input from the public on this matter. Such a hearing would not constitute a formal adjudication, but rather would provide an informal opportunity for the public and interested parties to provide additional comments and information.

Dated: October 24, 2005.

**Wayne Nastri,**

*Regional Administrator, Region IX.*

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## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

October 19, 2005.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (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 estimate; (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.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before December 2, 2005. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all Paperwork Reduction Act (PRA) comments to Leslie F. Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov). If you would like to obtain or view a copy of this new or revised information collection, you may do so by visiting the FCC PRA Web page at: <http://www.fcc.gov/omd/pr>.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Leslie F. Smith at (202) 418-0217 or via the Internet at [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0329.

*Title:* Equipment Authorization—Verification, 47 CFR § 2.955.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Not-for-profit institutions; Business or other for-profit entities.

*Number of Respondents:* 5,655.

*Estimated Time per Response:* 18 hours (avg.).

*Frequency of Response:*

Recordkeeping; One-time and on occasion reporting requirements; and Third party disclosure.

*Total Annual Burden:* 101,790 hours.

*Total Estimated Cost:* \$1,131,000.

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* The Commission rules 47 CFR Parts 15 and 18 require manufacturers of radio frequency (RF) equipment devices to gather and retain technical data on their equipment to verify compliance with established technical standards for each device operated under the applicable Rule part. Testing and verification aid in controlling potential interference to

radio communications. The information may be used to determine that the equipment marketed complies with the applicable Commission rules and that the operation of the equipment is consistent with the initially documented test results. The information is essential to controlling potential interference to radio communications.

*OMB Control Number:* 3060-0812.

*Title:* Assessment and Collection of Regulatory Fees.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Not-for-profit institutions, and State, local, or tribal governments.

*Number of Respondents:* 4,500.

*Estimated Time per Response:* 0.5 hours.

*Frequency of Response:*

Recordkeeping; On occasion and one-time reporting requirements.

*Total Annual Burden:* 2,475 hours.

*Total Annual Cost:* N/A.

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* In accordance with the Telecommunications Act of 1934, as amended, and Congressional requirements, the FCC is required to assess and collect regulatory fees from licensees and regulatees in order to recover its costs incurred in conducting enforcement, policy and rulemaking, international, and user information activities. The purpose of the requirements are to facilitate: (1) the statutory provisions that "non-profit entity" may be exempt from payment of regulatory fees, and (2) the FCC's ability to audit regulatory fee payment information from all regulatees. The FCC must estimate as accurately as possible the number of payment units and distribute the costs to develop a Regulatory Fee Schedule. These estimates must be adjusted to account for any licensee or regulatee that is exempt from payment of regulatory fees. Therefore, the FCC requires all licensees and regulatees, which claim exemption as a non-profit entity, to provide one-time documentation sufficient to establish their non-profit status. Additionally, any newly licensed or operating non-profit entities must submit documentation of their exempt status within 60 days of receipt of the license, authorization, permit, or commencing operation. Further, the FCC is requesting that it be similarly notified if there are any status changes. Documentation that supports a regulatee's exempt status as a non-profit includes, but is not limited to, an Internal Revenue Service (IRS)

Determination Letter, a state charter granting non-profit status, proof of church affiliation, articles of incorporation, and 501(c)(3) letters, *et al.* The FCC may require licensees to submit business data they used to calculate their regulatory fee payments to facilitate the Commission's audit of regulatory fee payment compliance.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

October 19, 2005.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law No. 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information, subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (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 estimate; (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.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before January 3, 2006. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** You may submit your Paperwork Reduction Act (PRA)