

demonstrates to EPA that attaining the water quality standard is not feasible because:

(i) Naturally occurring pollutant concentrations prevent the attainment of the use;

(ii) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating Commonwealth water conservation requirements to enable uses to be met;

(iii) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;

(iv) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way which would result in the attainment of the use;

(v) Physical conditions related to the natural features of the waterbody, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like unrelated to water quality, preclude attainment of aquatic life protection uses; or

(vi) Controls more stringent than those required by sections 301(b) and 306 of the CWA would result in substantial and widespread economic and social impact.

(4) Procedures. An applicant for a water quality standards variance shall submit a request to the Regional Administrator of EPA Region 2. The application shall include all relevant information showing that the requirements for a variance have been met. The applicant must demonstrate that the designated use is unattainable for one of the reasons specified in paragraph (c)(3) of this section. If the Regional Administrator preliminarily determines that grounds exist for granting a variance, he/she shall provide public notice of the proposed variance and provide an opportunity for public comment. Any activities required as a condition of the Regional Administrator's granting of a variance

shall be included as conditions of the NPDES permit for the applicant. These terms and conditions shall be incorporated into the applicant's NPDES permit through the permit reissuance process or through a modification of the permit pursuant to the applicable permit modification provisions of Puerto Rico's NPDES program.

(5) A variance may not exceed five years or the term of the NPDES permit, whichever is less. A variance may be renewed if the applicant reapplies and demonstrates that the use in question is still not attainable. Renewal of the variance may be denied if the applicant did not comply with the conditions of the original variance, or otherwise does not meet the requirements of this section.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 0, 1, 76, and 78

[CS Docket No. 00-78, FCC 03-55]

#### Implementation of Electronic Filing for the Multichannel Video and Cable Television Service and the Cable Television Relay Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** The Federal Communications Commission received Office of Management and Budget (OMB) approval of the rules implementing the electronic filing for the Multichannel Video and Cable Television Service and the Cable Television Relay Service published at 68 FR 26997 (May 19, 2003). The forms associated with this final rule are FCC Form 321, Aeronautical Frequency Notification, (OMB Control No. 3060-0310); FCC Form 322 Cable Community Registration, (OMB Control No. 3060-0331); FCC Form 324, Operator, Mail Address, and Operational Information Changes, (OMB Control No. 3060-1045

(new collection)); and FCC Form 327, Application for Cable Television Relay Service Station (CARS) Authorization, (OMB Control No. 3060-0055)

**DATES:** The amendments to 47 CFR 0.401, 1.1104, 1.1111, 1.1701 through 1.1707, 76.403, 76.620, 76.1610, 76.1801, 76.1803, 76.1804, 78.17, 78.20, 78.35 and 78.109 at 68 FR 26997 (May 19, 2003) are effective January 26, 2004.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission released the Report and Order (R&O) in CS Docket No. 00-78; FCC 03-55, on March 19, 2003. The R&O revised our rules governing the filing of the majority of forms filed by the public for the Multichannel Video and Cable Television Service ("MVCTS") and applications in the Cable Television Relay Service ("CARS") and provided for electronic filing. The revised rule sections at 68 FR 26997, May 19, 2003, contained information collection requirements that required OMB approval. The Commission announces OMB approval and the rules are effective January 26, 2004. For questions concerning the effective date for the rule revisions contact Wayne T. McKee, Media Bureau, Engineering Division at (202) 418-2355 or via the Internet at [Wayne.McKee@fcc.gov](mailto:Wayne.McKee@fcc.gov).

Pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104-13, an agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, 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. Questions concerning this revised information collection should be directed to Leslie F. Smith, Federal Communications Commission, (202) 418-0217 or via the Internet at [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov).

Federal Communications Commission.

**Marlene H. Dortch,**

Secretary.

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