

chronic toxicity of ammonia to aquatic life, comments on the interpretation of data on ammonia-sensitive species such as fingernail clam, rainbow trout, bluegill, and Hyalella, field data relevant to effects and effect concentrations of ammonia under summer and winter conditions, and comments on the cold-season policy presented above.

Based on public comments and any other new information available, EPA will decide whether revision of the criteria is necessary. EPA will subsequently publish a notice indicating either its revised criteria recommendations, or its decision not to revise.

Dated: August 3, 1998.

**J. Charles Fox,**

*Acting Assistant Administrator for Water.*

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BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) submitted to OMB for Review and Approval

August 10, 1998.

**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 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, 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 information techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before September 17, 1998. 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:** Direct all comments to Les Smith, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at 202-418-0217 or via internet at lesmith@fcc.gov.

**SUPPLEMENTARY INFORMATION:**  
*OMB Approval Number:* 3060-0287.

*Title:* Section 78.69 Cable Relay Station Records.

*Form Number:* N/A.

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

*Respondents:* Business and other for-profit entities.

*Number of Respondents:* 1,800.

*Estimated Time Per Response:* 26 hours.

*Frequency of Response:* Mandatory recordkeeping requirement.

*Total Annual Burden:* 46,800 hours.

*Cost to Respondents:* \$9,000

(Photocopying and stationery costs).

*Needs and Uses:* Section 78.69 requires that licensees of cable CARS stations maintain various records, including but not limited to records pertaining to transmissions, unscheduled interruptions to transmissions, maintenance, observations, inspections and repairs. Station records are required to be maintained for a period of not less than two years. The records kept pursuant to § 78.69 provide for a history of station operations and are reviewed by Commission staff during field investigations to ensure that proper operation of the stations is being conducted.

*OMB Approval Number:* 3060-0419.

*Title:* Sections 76.94, 76.95, 76.155, 76.156, 76.157 and 76.159 Syndicated Exclusivity and Network Non-Duplication Rights.

*Form Number:* N/A.

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

*Respondents:* Business and other for-profit entities.

*Number of Respondents:* 5,392 (1,141 commercial television stations + 4,251 cable television stations).

*Estimated Time Per Response:* 0.5 - 2.0 hours.

*Frequency of Response:* Mandatory; On occasion reporting requirement; Third party disclosure.

*Total Annual Burden:* 178,640 hours.

*Cost to Respondents:* \$192,132 (Notification and disclosure requirements).

*Needs and Uses:* Sections 76.94(a) and 76.155(a) require television stations and program distributors to notify cable television system operators of non-duplication protection and exclusivity rights being sought. The notification shall include (1) the name and address of the party requesting non-duplication protection/exclusivity rights and the television broadcast station holding the non-duplication right; (2) the name of the program or series for which protection is sought; and (3) the dates on which protection is to begin and end.

Section 76.94(b) requires broadcasters entering into contracts providing for network non-duplication protection to notify cable systems within 60 days of the signing of such a contract. If they are unable to provide notices as provided for in § 74.94(a), they must provide modified notices that contain the name of the network which has extended non-duplication protection, the time periods by time of day and by network for each day of the week that the broadcaster will be broadcasting programs from that network, and the duration and extent of the protection.

Section 76.94(d) requires broadcasters to provide the following information to cable television systems under the following circumstances: (1) In the event the protection specified in the notices described in paragraphs (a) or (b) of this section has been limited or ended prior to the time specified in the notice, or in the event a time period, as identified to the cable system in a notice pursuant to paragraph (b) of this section, for which a broadcaster has obtained protection is shifted to another time of day or another day (but not expanded), the broadcaster shall, as soon as possible, inform each cable television system operator that has previously received the notice of all changes from the original notice. Notice to be furnished "as soon as possible" under this section shall be furnished by telephone, telegraph, facsimile, overnight mail or other similar expedient means. (2) In the event the protection specified in the modified notices described in paragraph (b) of this section has been expanded, the broadcaster shall, at least 60 calendar days prior to broadcast of a protected program entitled to such expanded protection, notify each cable system operator that has previously received notice of all changes from the original notice.

Section 76.155(d) requires that in the event the exclusivity specified in paragraph (a) of this section has been

limited or has ended prior to the time specified in the notice, the distributor or broadcaster who has supplied the original notice shall, as soon as possible, inform each cable television system operator that has previously received the notice of all changes from the original notice. In the event the original notice specified contingent dates on which exclusivity is to begin and/or end, the distributor or broadcaster shall, as soon as possible, notify the cable television system operator of the occurrence of the relevant contingency. Notice to be furnished "as soon as possible" under this section shall be furnished by telephone, telegraph, facsimile, overnight mail or other similar expedient means.

Sections 76.94(e)(2) and 76.155(c)(2) states that if a cable television system asks a television station for information about its program schedule, the television station shall answer the request.

Sections 76.94(f) and 76.157 require a distributor or broadcaster exercising exclusivity to provide to the cable system, upon request, an exact copy of those portions of the contracts, such portions to be signed by both the network and the broadcaster, setting forth in full the provisions pertinent to the duration, nature, and extent of the non-duplication terms concerning broadcast signal exhibition to which the parties have agreed. Providing copies of relevant portions of the contracts is assumed to be accomplished in the notification process set forth in §§ 76.94 and 76.155.

Section 76.159 (requirements for invocation of protection) requires broadcasters to obtain amended contracts when existing contracts have ambiguous language. We assume all broadcasters that have enforceable syndicated rights in their contracts have by now amended their existing contracts. Any contracts entered into after August 18, 1988, would contain the required language set forth in this section.

Section 76.95(a) states that network non-duplication provisions of §§ 76.92 through 76.94 shall not apply to cable systems serving fewer than 1,000 subscribers. Within 60 days following the provision of service to 1,000 subscribers, the operator of each system shall file a notice to that effect with the Commission, and serve a copy of that notice on every television station that would be entitled to exercise network non-duplication protection against it.

Section 76.156(b) states that the provisions of §§ 76.151 through 76.155 shall not apply to a cable system serving fewer than 1,000 subscribers. Within 60

days following the provision of service to 1,000 subscribers, the operator of each such system shall file a notice to that effect with the Commission, and serve a copy of that notice on every television station that would be entitled to exercise syndicated exclusivity protection against it.

The purpose of the various notification and disclosure requirements accounted for in this collection is to protect broadcasters who purchase the exclusive rights to transmit syndicated programming in their recognized market areas. The Commission's syndicated exclusivity rules permit, but not require, broadcasters and program distributors to obtain the same enforceable exclusive distribution rights for syndicated programming that all other video programming distributors possess.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 98-22160 Filed 8-17-98; 8:45 am]

BILLING CODE 6712-01-F

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## FEDERAL MARITIME COMMISSION

[Docket No. 98-14]

### Shipping Restrictions, Requirements and Practices of the People's Republic of China

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of Inquiry.

**SUMMARY:** The Federal Maritime Commission has concerns about laws, rules, and policies of the Government of the People's Republic of China that appear to have an adverse impact on U.S. shipping, and which may merit Commission attention under section 19 of the Merchant Marine Act, 1920 or the Foreign Shipping Practices Act of 1988. The Commission is seeking information on a number of Chinese practices and restrictions and their effects on U.S. oceanborne trade from interested parties, including shippers, transportation intermediaries, vessel operators and others in the shipping industry.

**DATES:** Comments due on or before October 2, 1998.

**ADDRESSES:** Send comments (original and 20 copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573-0001, (202) 523-5725.

**FOR FURTHER INFORMATION CONTACT:** Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573-0001 (202) 523-5740.

## SUPPLEMENTARY INFORMATION:

### Background

In recent months, a number of sources have expressed concerns to the Federal Maritime Commission ("FMC" or "Commission") about laws, rules, and policies of the Government of the People's Republic of China that appear to have an adverse impact on U.S. oceanborne commerce. The Commission has initiated this proceeding to compile a record on these matters in order to determine if further Commission action under section 19 of the Merchant Marine Act, 1920 ("section 19") or the Foreign Shipping Practices Act of 1988 ("FSPA") is warranted.<sup>1</sup> This Notice of Inquiry, directed at shippers, transportation intermediaries, vessel operators and other interested parties, inquires about the particular issues and restrictions they face in China, and the effects of those restrictions on their business operations.

### *Executive Branch Agencies' Assessment*

On July 22, 1998, John E. Graykowski, Acting Maritime Administrator, U.S. Department of Transportation, wrote to Commission Chairman Creel on behalf of the Departments of Transportation, State, and Commerce, to provide the Commission with a description of the maritime relationship between the United States and China. The Executive Branch agencies first described in broad terms the apparent policy differences that underlie many of the particular points of contention in U.S.-Sino maritime relations:

The focal point for non-Chinese companies interested in maritime trade with China and

<sup>1</sup> Section 19 of the Merchant Marine Act, 1920, 46 U.S.C. app. sec. 876, authorizes the Commission, inter alia, to: make rules and regulations affecting shipping in the foreign trade not in conflict with law in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade \* \* \* which arise out of or result from foreign laws, rules, or regulations or from competitive methods or practices employed by owners, operators, agents, or masters of vessels of a foreign country: \* \* \*

The Foreign Shipping Practices Act of 1988, 46 U.S.C. app. sec. 1710a, authorizes the Commission to investigate whether any laws, rules, regulations, policies, or practices of foreign governments, or any practices of foreign carriers or other persons providing maritime or maritime related services in a foreign country result in the existence of conditions that (1) adversely affect the operations of United States carriers in the United States oceanborne trade; and (2) do not exist for foreign carriers of that country in the United States under the laws of the United States or as a result of acts of United States carriers or other persons providing maritime or maritime-related services in the United States. If the Commission determines that such adverse conditions exist, it may take actions including limitations on sailings, suspension of tariffs, suspension of agreements, or fees not to exceed \$1,000,000 per voyage.