

counseling, records of treatment and counseling referrals, records of employee attendance at treatment and counseling programs, prognosis or treatment information, documents received from supervisors or personnel on work place problems or performance, home addresses and/or phone numbers, insurance data, supervisors' phone number, addresses of treatment facilities or individuals providing treatment, leave records, written consent forms and abeyance agreements (see below), information on confirmed unjustified positive drug tests, results from EAP treatment drug tests and identification data, such as sex, job title and series, and date of birth.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 290dd, *et seq.* and 290ee, *et seq.*; 42 CFR Sec. 2, *et seq.*; Executive Order 12564, 5 U.S.C. 3301 and 7901; 44 U.S.C. 3101 and Pub. L. No. 100-71, Sec. 503 (July 11, 1987).

**PURPOSE:**

These records are to be used by EAP personnel in the execution of the counseling and rehabilitation function. They document the nature and effects of employee problems and counseling by the EAP and referral to, and progress and participation in, outside treatment and counseling programs and the rehabilitation process. These records may also be used to track compliance with agreements made to mitigate discipline based upon treatment (abeyance agreements).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures permitted by the Privacy Act itself,<sup>1</sup> 5 U.S.C. 552a(b), permissive disclosures, without individual consent, are as follows:

To report, under State law, incidents of suspected child abuse or neglect to appropriate State or local authorities.

**CONTESTING RECORDS PROCEDURES:**

Direct all requests to contest or amend information to the system manager identified above. The request should follow the record access procedure, listed above, and should state clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the

<sup>1</sup> To the extent that release of alcohol and drug abuse records is more restricted than other records subject to the Privacy Act, JMD will follow such restrictions. See 42 U.S.C. 290dd and 290ee.

envelope "Freedom of Information Act/Privacy Act Request."

**RECORD SOURCE CATEGORIES:**

Records are generated by EAP personnel, referral counseling and treatment programs or individuals, the employee who is the subject of the record, personnel office and the employee's supervisor. In the case of drug abuse counseling, records may also be generated by the staff of the Drug-Free Workplace Program and the Medical Review Officer.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

All records are stored in paper folders in locked file cabinets in accordance with 42 CFR 2.16.

**RETRIEVABILITY:**

Records are indexed and retrieved by identifying number or symbol, cross-indexed to employee names.

**SAFEGUARDS:**

Records are kept in a secure room in locked file cabinets. Only the EAP Administrator or a designated staff member will access or disclose the records.

**RETENTION AND DISPOSAL:**

Records are retained for three years after the individual ceases contact with the counselor unless a longer retention period is necessary because of pending administrative or judicial proceedings. In such cases, the records are retained for six months after the case is closed. Records are destroyed by shredding or burning.

**SYSTEM MANAGER AND ADDRESS:**

Director, Employee Assistance Program, Justice Management Division, Department of Justice, 10th St. & Constitution Avenue, N.W., Washington, D.C. 20530.

**NOTIFICATION PROCEDURE:**

Address all inquiries to the system manager.

**RECORD ACCESS PROCEDURES:**

Make all requests for access in writing to the system manager identified above. Clearly mark the envelope and letter "Freedom of Information Act/Privacy Act Request." Provide the full name and notarized signature of the individual who is the subject of the record, the dates during which the individual was in counseling, any other information which may assist in identifying and locating the record, and a return address.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

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**LIBRARY OF CONGRESS**

**Copyright Office**

[Docket No. RM 87-7D]

**Cable Compulsory License; Specialty Station Determination**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final specialty station list.

**SUMMARY:** The Copyright Office of the Library of Congress issues this notice to publish a final list of specialty broadcast stations in connection with the administration of the cable compulsory license, section 111, title 17 of the United States Code. The Office employed a combination of television broadcaster affidavits and public comments to establish an updated specialty station list. The stations listed allege by affidavit that they qualify as specialty stations under former FCC rules (47 CFR 76.5(kk)) in effect on June 24, 1981.

**EFFECTIVE DATE:** January 1, 1991.

**FOR FURTHER INFORMATION CONTACT:** Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20559, Telephone (202) 707-8380.

**SUPPLEMENTARY INFORMATION:**

**Background**

In response to petitions from members of the public to make certain determinations concerning the administration of the cable compulsory license, 17 U.S.C. 111, the Copyright Office published a notice of inquiry with respect to possible changes in the list of specialty broadcast stations originally developed by the Federal Communications Commission ("FCC"). On September 18, 1989, a policy decision (54 FR 38461) and a request for information (54 FR 38466) were issued inviting all interested television broadcast stations claiming to qualify as specialty stations under the FCC's former distant signal carriage rules to submit to the Office sworn affidavits stating that in the preceding calendar year the programming of their stations satisfied the FCC's former requirements for specialty station status.

On April 4, 1990, the Office published a list of the stations that filed affidavits (55 FR 12575), and solicited from

interested parties comments as to whether any station on the preliminary list failed to qualify as a specialty station. Three sets of comments were received, each containing late requests from broadcast stations which failed to file affidavits within the time periods scheduled for submission of affidavits, comments, or reply comments, as publicly set forth in the Office's announcements in the *Federal Register*. No filings were received which commented on or objected to the stations contained on the updated specialty station list published April 4, 1990.

The Office hereby publishes a final list of specialty stations, effective January 1, 1991, for the accounting period 1991/1 and thereafter. The list includes only those stations as published for public comment on April 4, 1990. Copyright Office licensing examiners will refer to this list in examining cable systems' claims on their statements of account that particular stations are specialty stations. If a cable system claims specialty station status for a broadcast television station not on the list, the cable system is expected to make a convincing legal argument in writing as to the validity of its claim that the station deserves specialty station status even though it did not request to be included on the most recent list.

While the Copyright Office originally announced its intention to revisit the specialty station list at three year intervals, the Office has decided to deal with the three late filings now rather than wait three years. Accordingly, although the list published today is final and will be effective January 1, 1991, in a separate notice the Office will open a new public proceeding and invite broadcast stations to submit affidavits in accordance with the procedure published at 54 FR 38461 and 54 FR 38466 (September 18, 1989). Two of the late filings are in proper form and will be considered in the new proceeding. These are filings by KORO (Corpus Christi) and six stations owned by the Telemundo Group. The filing by the Canadian Broadcasting Corporation must be resubmitted in proper affidavit form.

**FINAL ANNOTATED LIST OF SPECIALTY STATIONS: CALL LETTERS AND CITIES OF LICENSE**

KLUZ..... Albuquerque, New Mexico.  
KNAT..... Albuquerque, New Mexico.  
K48AM.. Albuquerque, New Mexico.  
WKBS.... Altoona, Pennsylvania.  
K39AB... Bakersfield, California.

**FINAL ANNOTATED LIST OF SPECIALTY STATIONS: CALL LETTERS AND CITIES OF LICENSE—Continued**

KDOR.... Bartlesville, Oklahoma.  
KITU..... Beaumont, Texas.  
WCLJ..... Bloomington, Indiana.  
WRDG... Burlington, North Carolina.  
WDLI..... Canton, Ohio.  
WCFC.... Chicago, Illinois.  
WSNS ... Chicago, Illinois.  
WCLF.... Clearwater, Florida.  
WTGL.... Cocoa, Florida.  
KDTX..... Dallas, Texas.  
WTJP.... Gadsden, Alabama.  
KUVN.... Garland, Texas.  
WLXI..... Greensboro, North Carolina.  
WPCB... Greensburg/Pittsburgh, Pennsylvania.  
KFTV.... Hanford/Fresno, California.  
KLUJ.... Harlingen, Texas.  
W47AD... Hartford, Connecticut.  
KWHH... Hilo, Hawaii.  
KHAI..... Honolulu, Hawaii.  
KWHE.... Honolulu, Hawaii.  
KETH.... Houston, Texas.  
WHMB... Indianapolis, Indiana.  
WHKE... Kenosha, Wisconsin.  
WWTO... LaSalle, Illinois.  
WACX.... Leesburg, Florida.  
WEJC.... Lexington, North Carolina.  
KMEX.... Los Angeles, California.  
KWHY... Los Angeles, California.  
WTKK.... Manassas, Virginia.  
WTCT.... Maron, Illinois.  
WHFT.... Miami, Florida.  
WLTV... Miami, Florida.  
WMPV... Mobile, Alabama.  
KCSO.... Modesto, California.  
WMCF... Montgomery, Alabama.  
WHTN... Nashville, Tennessee.  
WSFJ.... Newark, Ohio.  
KMLM.... Odessa, Texas.  
KSBI.... Oklahoma City, Oklahoma.  
KTBO... Oklahoma City, Oklahoma.  
WSWS... Opelika, Alabama.  
WXTV.... Patterson, New Jersey.  
WHBR... Pensacola, Florida/Mobile, Alabama.  
W35AB... Philadelphia, Pennsylvania.  
KPAZ.... Phoenix, Arizona.  
KTVW.... Phoenix, Arizona.  
KYTN.... Pine Bluff, Arkansas.  
KTDZ.... Portland, Oregon.  
KTBY.... Poughkeepsie, New York.  
KREN.... Reno, Nevada.  
WKOI.... Richmond, Indiana.  
WAQP... Saginaw, Michigan.  
KWEX.... San Antonio, Texas.  
KSCI.... San Bernardino, California.  
KDTV.... San Francisco, California.  
KTSF... San Francisco, California.  
KTBN.... Santa Anna, California.  
CKSH.... Sherbrooke, Quebec, Canada.  
WHME.... South Bend, Indiana.  
KTAJ.... St. Joseph, Missouri.  
KTBW.... Tacoma, Washington.  
K32AO... Tucson, Arizona.  
KWHB... Tulsa, Oklahoma.

Dated: September 18, 1990.

Ralph Oman,

*Register of Copyrights.*

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[Docket No. RM 90-3]

**Cable Compulsory License; Specialty Station List: Request for Information**

**AGENCY:** Library of Congress, Copyright Office.

**ACTION:** Request for information.

**SUMMARY:** The Copyright Office has established an annotated list of specialty stations for purposes of administration of the cable compulsory license, section 111 of title 17 of the United States Code. The Office hereby invites all interested television broadcast stations not on the Copyright Office Specialty Station List who claim specialty station status under the former distant signal carriage rules of the Federal Communications Commission at 47 CFR 78.5(kk) (June 24, 1981) to submit to the Copyright Office sworn affidavits stating that in the preceding calendar year the programming of their stations satisfied the FCC's former requirements for specialty station status.

**DATES:** Affidavits should be received in the Copyright Office on or before December 3, 1990.

**ADDRESSES:** The sworn affidavit should be addressed, if sent by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Department 17, Washington, DC 20540. If delivered by hand, the comments should be brought to: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room 407, First and Independence Avenue, SE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Department 17, Washington, DC 20540. Telephone: (202) 707-8380.

**SUPPLEMENTARY INFORMATION:** The Copyright Office has established a final, annotated list of specialty stations for the purpose of administration of the cable compulsory license of section 111 of the Copyright Act, title 17 of the United States Code. The procedure for establishing and updating the list was published on September 18, 1989 at 54 FR 38461.

As part of the public proceeding to establish the specialty station list, the Office received several late requests for addition to the list. The Office proposes to consider these requests in this new proceeding to update the established list. All television broadcast stations not on the established Copyright Office Specialty Station List who claim specialty station status pursuant to the Federal Communication Commission's former rules at 47 CFR 78.5(kk) (June 24, 1981) are invited to request that the station be added to the Copyright Office Specialty Station List. The request should be made in the form of an affidavit by an appropriate officer or