controlled substances in California, the jurisdiction in which he maintains his DEA registration. (Mot. at 1.) The Government contends that such state authority is a necessary condition for maintaining a DEA COR and therefore asks that I summarily recommend to the Administrator that Respondent's COR be revoked and any pending applications for renewal or modification be denied. (Mot. at 1–2.) In support of its motion, the Government cites Agency precedent and attaches the Interim Suspension Order issued by the Medical Board of California, marked for identification as Exhibit B.

B. Respondent

As noted above, Respondent did not respond to the Government's Motion for Summary Disposition, or seek an extension within the deadline for response, and is therefore deemed to waive objection.

III. Discussion

At issue is whether Respondent may maintain his DEA COR given that California has suspended Respondent from the practice of medicine or surgery.

Under 21 U.S.C. § 824(a)(3), a practitioner's loss of state authority to engage in the practice of medicine and to handle controlled substances is grounds to revoke a practitioner's registration. Accordingly, this Agency has consistently held that a person may not hold a DEA registration if he is without appropriate authority under the laws of the state in which he does business. *See Scott Sandarg, D.M.D.,* 74 Fed. Reg. 17,528 (DEA 2009); *David W. Wang, M.D.,* 72 Fed. Reg. 54,297 (DEA 2007); *Sheran Arden Yeates, M.D.,* 71 Fed. Reg. 39,130 (DEA 2006); *Dominick A. Ricci, M.D.,* 58 Fed. Reg. 51,104 (DEA 1993); *Bobby Watts M.D.,* 53 Fed. Reg. 11,919 (DEA 1988).

Summary disposition in a DEA suspension case is warranted even if the period of suspension of a respondent's state medical license is temporary, or even if there is the potential for reinstatement of state authority because ''revocation is also appropriate when a state license had been suspended, but with the possibility of future reinstatement.'' *Stuart A. Bergman, M.D.,* 70 Fed. Reg. 33,193 (DEA 2005); *Roger A. Rodriguez, M.D.,* 70 Fed. Reg. 33,206 (DEA 2005).

It is well-settled that when no question of fact is involved, or when the material facts are agreed upon, a plenary, adversarial administrative proceeding is not required, under the rationale that Congress does not intend administrative agencies to perform meaningless tasks. *See Layfe Robert Anthony, M.D.,* 67 Fed. Reg. 35,582 (DEA 2002); *Michael G. Dolin, M.D.,* 65 Fed. Reg. 5661 (DEA 2000); *see also Philip E. Kirk, M.D.,* 48 Fed. Reg. 32,887 (DEA 1983), *aff'd sub nom. Kirk v. Mullen,* 749 F.2d 297 (6th Cir. 1984). *Accord Puerto Rico Aqueduct & Sewer Auth.* v. *EPA,* 35 F.3d 600, 605 (1st Cir. 1994).

In the instant case, the Government asserts, and Respondent does not contest, that Respondent's California license to practice medicine and surgery is presently suspended. This allegation is confirmed by Government Exhibit B. I therefore find there is no genuine dispute as to any material fact, and that substantial evidence shows that Respondent is presently without state authority to handle controlled substances in California. Because ''DEA does not have statutory authority under the Controlled Substances Act to maintain a registration if the registrant is without state authority to handle controlled substances in the state in which he practices,'' *Sheran Arden Yeates, M.D.,* 71 Fed. Reg. 39,130, 39,131 (DEA 2006), I conclude that summary disposition is appropriate. It is therefore

ORDERED that the hearing in this case, scheduled to commence on November 15, 2011, is hereby CANCELLED; and it is further

ORDERED that all proceedings before the undersigned are STAYED pending the Agency's issuance of a final order.

Recommended Decision

I grant the Government's Motion for Summary Disposition and recommend that Respondent's DEA COR BL7325079 be revoked and any pending applications denied.

September 19, 2011.

s/Timothy D. Wing,

Administrative Law Judge.

[FR Doc. 2012–7421 Filed 3–27–12; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act of 1998 (WIA); Lower Living Standard Income Level (LLSIL)

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: Title I of WIA (Pub. L. 105–220) requires the U.S. Secretary of Labor (Secretary) to update and publish the LLSIL tables annually, for uses described in the law (including determining eligibility for youth). WIA defines the term ''low income individual'' as one who qualifies under various criteria, including an individual who received income for a six-month period that does not exceed the higher level of the poverty line or 70 percent of the LLSIL. This issuance provides the Secretary's annual LLSIL for 2012 and references the current 2012 Health and Human Services ''Poverty Guidelines.''

DATES: This notice is effective *March 28, 2012.*

FOR FURTHER INFORMATION OR QUESTIONS ON LLSIL: Please contact Samuel Wright, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S–4231, Washington, DC 20210; Telephone: 202–693–2870; Fax: 202–693–33015 (these are not toll-free numbers); Email address: *wright.samuel.e@dol.gov.* Individuals with hearing or speech impairments may access the telephone number above via Text Telephone (TTY/TDD) by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

FOR FURTHER INFORMATION OR QUESTIONS ON FEDERAL YOUTH EMPLOYMENT PROGRAMS: Please contact Evan Rosenberg, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N–4464, Washington, DC 20210; Telephone: 202–693–3593; Fax: 202–693–3110 (these are not toll-free numbers); Email: *Rosenberg.Evan@dol.gov.* Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The purpose of WIA is to provide workforce investment activities through statewide and local workforce investment systems that increase the employment, retention, and earnings of participants. WIA programs are intended to increase the occupational skill attainment by participants and the quality of the workforce, thereby reducing welfare dependency and enhancing the productivity and competitiveness of the Nation.

LLSIL is used for several purposes under the WIA. Specifically, WIA Section 101(25) defines the term ''low income individual'' for eligibility purposes, and Sections 127(b)(2)(C) and 132(b)(1)(B)(v)(IV) define the terms ''disadvantaged youth'' and ''disadvantaged adult'' in terms of the poverty line or LLSIL for State formula allotments. The governor and State/local workforce investment boards (WIBs) use the LLSIL for determining eligibility for youth and adults for certain services. ETA encourages governors and State/local WIBs to consult the WIA regulations and the preamble to the WIA Final Rule (published at 65 FR 49294 August 11, 2000) for more specific guidance in applying LLSIL to program requirements. The U.S. Department of Health and Human Services (HHS) published the most current poverty-level guidelines in the **Federal Register** on January 26, 2012 (Volume 77, Number 17), pp. 4034–4035. The HHS 2012 Poverty guidelines may also be found on the Internet at *http://aspe.hhs.gov/poverty/12poverty.shtml.* ETA plans to have the 2012 LLSIL available on its Web site at *http://www.doleta.gov/llsil/2012/.*

WIA Section 101(24) defines LLSIL as ''that income level (adjusted for regional, metropolitan, urban and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent lower living family budget issued by the Secretary.'' The most recent lower living family budget was issued by the Secretary in fall 1981. The four-person urban family budget estimates, previously published by the U.S. Bureau of Labor Statistics (BLS), provided the basis for the Secretary to determine the LLSIL. BLS terminated the four-person family budget series in 1982, after publication of the fall 1981 estimates. Currently, BLS provides data to ETA, which ETA then uses to develop the LLSIL tables, as provided in the Appendices to this **Federal Register** notice.

ETA published the 2011 updates to the LLSIL in the **Federal Register** of March 21, 2011, at Vol. 76, No. 54, pp. 15343–15348. This notice again updates the LLSIL to reflect cost of living increases for 2011, by calculating the percentage change in the most recent 2011 Consumer Price Index for All Urban Consumers (CPI–U) for an area to the 2010 CPI–U, and then applying this calculation to each of the March 21, 2011 LLSIL figures. The updated figures for a four-person family are listed in Appendix A, Table 1, by region for both metropolitan and non-metropolitan areas. Numbers in all of the Appendix tables are rounded up to the nearest dollar. Since program eligibility for low-income individuals, ''disadvantaged adults'' and ''disadvantaged youth'' may be determined by family income at 70 percent of the LLSIL, pursuant to WIA Sections 101(25), 127(b)(2)(C), and 132(b)(1)(B)(v)(IV), respectively, those figures are listed as well.

I. Jurisdictions

Jurisdictions included in the various regions, based generally on the Census Regions of the U.S. Department of Commerce, are as follows:

A. Northeast

Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania Rhode Island, Vermont

B. Midwest

Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin

C. South

Alabama, American Samoa, Arkansas, Delaware, District of Columbia, Florida, Georgia, Northern Marianas, Oklahoma, Palau, Puerto Rico, South Carolina, Kentucky, Louisiana, Marshall Islands, Maryland, Micronesia, Mississippi, North Carolina, Tennessee, Texas, Virgin Islands, Virginia, West Virginia

D. West

Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming

Additionally, separate figures have been provided for Alaska, Hawaii, and Guam as indicated in Appendix B, Table 2.

For Alaska, Hawaii, and Guam, the year 2011 figures were updated from the 2011 ''State Index'' based on the ratio of the urban change in the State (using Anchorage for Alaska and Honolulu for Hawaii and Guam) compared to the West regional metropolitan change, and then applying that index to the West regional metropolitan change.

Data on 23 selected Metropolitan Statistical Areas (MSAs) are also available. These are based on annual and semiannual CPI–U changes for a 12-month period ending in December 2011. The updated LLSIL figures for these MSAs and 70 percent of LLSIL are reported in Appendix C, Table 3.

Appendix D, Table 4 lists each of the various figures at 70 percent of the updated 2011 LLSIL for family sizes of one to six persons. Because Tables 1–3 only list the LLSIL for a family of four, Table 4 can be used to separately determine the LLSIL for families of between one and six persons. For families larger than six persons, an amount equal to the difference between the six-person and the five-person family income levels should be added to the six-person family income level for each additional person in the family. Where the poverty level for a particular family size is greater than the corresponding 70 percent of the LLSIL figure, the figure is shaded. A modified Microsoft Excel version of Appendix D, Table 4, with the area names, will be available on the ETA LLSIL Web site at *http://www.doleta.gov/llsil/2012/.* Appendix E, Table 5, indicates 100 percent of LLSIL for family sizes of one to six, and is used to determine self-sufficiency as noted at 20 CFR 663.230 of the WIA regulations and WIA Section 134(d)(3)(A)(ii).

II. Use of These Data

Governors should designate the appropriate LLSILs for use within the State from Appendices A, B, and C, containing Tables 1 through 3. Appendices D and E, which contain Tables 4 and 5, which adjust a family of four figure for larger and smaller families, may be used with any LLSIL designated. The governor's designation may be provided by disseminating information on MSAs and metropolitan and non-metropolitan areas within the State or it may involve further calculations. For example, the State of New Jersey may have four or more LLSIL figures for Northeast metropolitan, Northeast non-metropolitan, portions of the State in the New York City MSA, and those in the Philadelphia MSA. If a workforce investment area includes areas that would be covered by more than one figure, the governor may determine which is to be used.

Under 20 CFR 661.110, a State's policies and measures for the workforce investment system shall be accepted by the Secretary to the extent that they are consistent with WIA and WIA regulations.

III. Disclaimer on Statistical Uses

It should be noted that publication of these figures is only for the purpose of meeting the requirements specified by WIA as defined in the law and regulations. BLS has not revised the lower living family budget since 1981, and has no plans to do so. The four-person urban family budget estimates series has been terminated. The CPI–U adjustments used to update LLSIL for this publication are not precisely comparable, most notably because certain tax items were included in the 1981 LLSIL, but are not in the CPI–U. Thus, these figures should not be used for any statistical purposes, and are valid only for those purposes under WIA as defined in the law and regulations.

Appendix A

TABLE 1—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS) BY REGION [1]

Region [2]	2012 adjusted LLSIL	70 percent LLSIL
Northeast		
Metro	$40,521	$28,365
Non-Metro [3]	38,745	27,122
Midwest		
Metro	35,749	25,024
Non-Metro	34,629	24,240
South		
Metro	34,578	24,205
Non-Metro	34,082	23,857
West		
Metro	38,944	27,261
Non-Metro [4]	37,530	26,271

[1] For ease of use, these figures are rounded to the next highest dollar.
[2] Metropolitan area measures were calculated from the weighted average CPI–U's for city size classes A and B/C. Non-metropolitan area measures were calculated from the CPI–U's for city size class D.
[3] Non-metropolitan area percent changes for the Northeast region are no longer available. The Non-metropolitan percent change was calculated using the U.S. average CPI–U for city size class D.
[4] Non-metropolitan area percent changes for the West region are based on unpublished BLS data.

Appendix B

TABLE 2—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS), FOR ALASKA, HAWAII AND GUAM [1]

Region	2012 adjusted LLSIL	70 percent LLSIL
Alaska		
Metro	$46,311	$32,418
Non-Metro [2]	47,090	32,963
Hawaii, Guam		
Metro	50,089	35,062
Non-Metro [2]	50,272	35,190

[1] For ease of use, these figures are rounded to the next highest dollar.
[2] Non-Metropolitan percent changes for Alaska, Hawaii and Guam were calculated from the CPI–U's for all urban consumers for city size class D in the Western Region. Generally the non-metro areas LLSIL is lower than the LLSIL in metro areas. This year the non-metro area LLSIL incomes were larger because the change in CPI–U was smaller in the metro areas compared to the change in CPI–U in the non-metro areas of Alaska, Hawaii and Guam.

Appendix C

TABLE 3—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS), FOR 23 SELECTED MSAS [1]

Metropolitan statistical areas (MSAs)	2012 adjusted LLSIL	70 percent LLSIL
Anchorage, AK	$47,469	$33,228
Atlanta, GA	32,617	22,832
Boston—Brockton—Nashua, MA/NH/ME/CT	43,364	30,355
Chicago—Gary—Kenosha, IL/IN/WI	37,012	25,908
Cincinnati—Hamilton, OH/KY/IN	35,188	24,632
Cleveland—Akron, OH	36,836	25,785
Dallas—Ft. Worth, TX	32,781	22,947
Denver—Boulder—Greeley, CO	37,064	25,945
Detroit—Ann Arbor—Flint, MI	34,477	24,134
Honolulu, HI	51,191	35,834
Houston—Galveston—Brazoria, TX	32,109	22,476
Kansas City, MO/KS	34,261	23,983
Los Angeles—Riverside—Orange County, CA	40,915	28,641
Milwaukee—Racine, WI	35,205	24,644
Minneapolis—St. Paul, MN/WI	35,186	24,630
New York—Northern NJ—Long Island, NY/NJ/CT/PA	42,832	29,982
Philadelphia—Wilmington—Atlantic City, PA/NJ/DE/MD	38,992	27,294
Pittsburgh, PA	42,595	29,817
St. Louis, MO/IL	33,341	23,339
San Diego, CA	44,737	31,316

TABLE 3—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS), FOR 23 SELECTED MSAS [1]—Continued

Metropolitan statistical areas (MSAs)	2012 adjusted LLSIL	70 percent LLSIL
San Francisco—Oakland—San Jose, CA	41,689	29,182
Seattle—Tacoma—Bremerton, WA	42,465	29,726
Washington—Baltimore, DC/MD/VA/WV [2]	43,606	30,524

[1] For ease of use, these figures are rounded to the next highest dollar.
[2] Baltimore and Washington are calculated as a single metropolitan statistical area.

Appendix D

Table 4: 70 Percent of Updated 2012 Lower Living Standard Income Level (LLSIL), by Family Size

To use the 70 percent LLSIL value, where it is stipulated for the WIA programs, begin by locating the region or metropolitan area where the program applicant resides. These are listed in Tables 1, 2 and 3. After locating the appropriate region or metropolitan statistical area, find the 70 percent LLSIL amount for that location. The 70 percent LLSIL figures are listed in the last column to the right on each of the three tables. These figures apply to a family of four. Larger and smaller family eligibility is based on a percentage of the family of four. To determine eligibility for other size families consult Table 4 and the instructions below.

To use Table 4, locate the 70 percent LLSIL value that applies to the individual's region or metropolitan area from Tables 1, 2 or 3. Find the same number in the ''family of four'' column of Table 4. Move left or right across that row to the size that corresponds to the individual's family unit. That figure is the maximum household income the individual is permitted in order to qualify as economically disadvantaged under the WIA.

Where the HHS poverty level for a particular family size is greater than the corresponding LLSIL figure, the LLSIL figure appears in a shaded block. Individuals from these size families may consult the 2012 HHS poverty guidelines found on the Health and Human Services Web site at *http://aspe.hhs.gov/poverty/12poverty.shtml* to find the higher eligibility standard. Individuals from Alaska and Hawaii should consult the HHS guidelines for the generally higher poverty levels that apply in their States.

Family of one	Family of two	Family of three	Family of four	Family of five	Family of six
$8,098	$13,267	$18,209	$22,476	$26,526	$31,021
8,221	13,473	18,501	22,832	26,945	31,510
8,266	13,545	18,592	22,947	27,084	31,671
8,408	13,775	18,908	23,339	27,544	32,208
8,595	14,081	19,326	23,857	28,154	32,925
8,634	14,153	19,432	23,983	28,303	33,101
8,691	14,239	19,552	24,134	28,480	33,304
8,718	14,284	19,606	24,205	28,568	33,411
8,733	14,305	19,639	24,240	28,611	33,459
8,870	14,536	19,956	24,630	29,070	33,996
8,870	14,538	19,958	24,632	29,070	33,995
8,872	14,542	19,964	24,644	29,083	34,011
9,010	14,769	20,271	25,024	29,530	34,541
9,285	15,220	20,889	25,785	30,431	35,585
9,328	15,292	20,985	25,908	30,577	35,761
9,344	15,313	21,021	25,945	30,617	35,808
9,459	15,502	21,284	26,271	31,005	36,262
9,766	16,008	21,975	27,122	32,009	37,428
9,815	16,084	22,083	27,261	32,169	37,625
9,832	16,108	22,112	27,294	32,214	37,669
10,215	16,742	22,978	28,365	33,476	39,146
10,312	16,898	23,200	28,641	33,797	39,530
10,511	17,224	23,639	29,182	34,439	40,278
10,708	17,540	24,081	29,726	35,080	41,024
10,739	17,599	24,157	29,817	35,190	41,152
10,795	17,694	24,287	29,982	35,379	41,383
10,930	17,912	24,595	30,355	35,824	41,892
10,994	18,016	24,729	30,524	36,026	42,132
11,280	18,478	25,370	31,316	36,957	43,222
11,676	19,128	26,263	32,418	38,256	44,744
11,872	19,449	26,703	32,963	38,898	45,489
11,968	19,612	26,919	33,228	39,216	45,856
12,629	20,689	28,406	35,062	41,377	48,393
12,673	20,768	28,507	35,190	41,527	48,565
12,905	21,144	29,026	35,834	42,286	49,458

Appendix E

Table 5: Updated 2012 LLSIL (100 Percent), by Family Size

To use the LLSIL to determine the minimum level for establishing self-sufficiency criteria at the State or local level, begin by locating the metropolitan area or region from Table 1, 2 or 3. Then locate the appropriate region or metropolitan statistical area and then find the 2012 adjusted LLSIL amount for that location. These figures apply to a family of four. Locate the corresponding number in the family of four in the column below. Move left or right across that row to the size that corresponds to the individual's family unit. That figure is the minimum figure that States must set for determining whether employment leads to self-sufficiency under WIA programs.

Family of one	Family of two	Family of three	Family of four	Family of five	Family of six
$11,569	$18,953	$26,013	$32,109	$37,894	$44,316
11,744	19,247	26,430	32,617	38,493	45,014
11,808	19,350	26,560	32,781	38,691	45,244
12,012	19,679	27,012	33,341	39,348	46,012
12,279	20,116	27,609	34,082	40,220	47,036
12,334	20,218	27,760	34,261	40,433	47,287
12,416	20,342	27,931	34,477	40,685	47,577
12,454	20,406	28,008	34,578	40,811	47,730
12,476	20,436	28,055	34,629	40,873	47,798
12,672	20,765	28,508	35,186	41,528	48,565
12,671	20,769	28,511	35,188	41,528	48,564
12,674	20,774	28,520	35,205	41,547	48,587
12,871	21,098	28,958	35,749	42,185	49,344
13,264	21,743	29,841	36,836	43,473	50,835
13,325	21,846	29,979	37,012	43,681	51,087
13,349	21,875	30,030	37,064	43,738	51,154
13,513	22,146	30,406	37,530	44,293	51,803
13,951	22,868	31,393	38,745	45,727	53,468
14,021	22,977	31,547	38,944	45,955	53,750
14,045	23,011	31,588	38,992	46,020	53,813
14,593	23,917	32,825	40,521	47,823	55,923
14,731	24,140	33,143	40,915	48,281	56,471
15,016	24,605	33,770	41,689	49,198	57,540
15,297	25,057	34,402	42,465	50,114	58,605
15,342	25,141	34,510	42,595	50,271	58,788
15,422	25,277	34,695	42,832	50,542	59,118
15,614	25,589	35,135	43,364	51,177	59,845
15,705	25,737	35,327	43,606	51,465	60,188
16,114	26,397	36,243	44,737	52,795	61,746
16,680	27,326	37,519	46,311	54,652	63,920
16,960	27,784	38,147	47,090	55,569	64,984
17,097	28,017	38,455	47,469	56,023	65,509
18,042	29,556	40,580	50,089	59,110	69,133
18,104	29,668	40,724	50,272	59,324	69,378
18,436	30,205	41,465	51,191	60,408	70,654

Signed at Washington, DC, this 12th day of March, 2012.

Jane Oates,

Assistant Secretary for Employment and Training.

[FR Doc. 2012–7377 Filed 3–27–12; 8:45 am]

BILLING CODE 4510–FT–P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2011–1]

Cable Statutory License: Specialty Station List

AGENCY: Copyright Office, Library of Congress.

ACTION: Final specialty station list.

SUMMARY: The Copyright Office is publishing a final list of stations listed in affidavits sent to the Copyright Office in which the owner or licensee of the station attests that the station qualifies as a specialty station in accordance with the Federal Communications Commission's (''FCC'') definition of specialty station in effect on June 24, 1981. The list shall be used to verify the specialty station status of those stations identified as such by cable systems on their semi-annual statements of account.

DATES: *Effective Date:* March 28, 2012.

Applicability Dates: The list is applicable to statements of account filed with the Copyright Office beginning with the first accounting period of 2012 covering January 1, 2012 to June 30, 2012.

FOR FURTHER INFORMATION CONTACT: Ben Golant, Assistant General Counsel, and Tanya M. Sandros, Deputy General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: Under the cable statutory license, 17 U.S.C. 111, a cable operator may retransmit the signal of a distant television station identified as a specialty station at the base rate rather than at the higher 3.75% rate that is incurred for the carriage of a non-permitted signal. 37 CFR 256.2(c). Specialty station status is determined by reference to the former regulations of the FCC which defined a specialty station as ''a commercial television broadcast station that generally carries foreign-language, religious, and/or automated programming in one-third of the hours of an average broadcast week and one-third of the weekly prime-time hours.'' 47 CFR 76.5(kk) (1981). The specialty station designation was part of a complex regulatory structure governing the carriage of distant network station signals in the 1970s. However, the FCC no longer determines whether a station qualifies as a specialty station. It repealed its distant signal carriage rules in 1981 and has not reviewed its specialty station policy since that time. Nevertheless, the Office still keeps an active list because it is relevant to the calculation of royalties under Section 111.

On this point, it should be noted that over twenty years ago, the Office implemented policies and procedures concerning notice to the public regarding specialty stations, the point of which was to provide all interested parties with a chance to comment on those stations claiming specialty status. It was the Office's intention at that time that the notice, publication, and objection procedures would give all parties a chance to cooperate in their assessment of the specialty stations on the list. 54 FR 38461, 38464 (September 18, 1989). The Office published its first specialty station list in 1990 under these procedures which allowed the owner of