

# Rules and Regulations

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## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### 29 CFR Part 2703

#### Employee Responsibilities and Conduct

**AGENCY:** Federal Mine Safety and Health Review Commission.

**ACTION:** Removal of rule.

**SUMMARY:** The Federal Mine Safety and Health Review Commission is repealing its rule providing an employee exemption from application of the financial conflict of interest prohibition at 18 U.S.C. 208(a). The removal of this rule is in response to publication by the Office of Government Ethics (OGE) of a superseding, executive branch-wide rule that describes the circumstances under which the prohibitions contained in 18 U.S.C. 208(a) would be waived.

**EFFECTIVE DATE:** April 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Norman M. Gleichman, General Counsel, Office of the General Counsel, 1730 K Street, NW, 6th Floor, Washington, DC 20006; telephone: 202-653-5610 (202-566-2673 for TDD Relay). These are not toll-free numbers.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under the Commission's rule, codified at 29 CFR 2703.3, an employee's ownership of shares of stock, bonds, or other corporate securities and shares in a mutual fund, regulated fund, or regulated investment company was exempted from application of the financial conflict of interest prohibition at 18 U.S.C. 208(a) if the aggregate fair market value of such holdings did not exceed \$5,000 in a single enterprise. On December 18, 1996, OGE published a final rule entitled "Interpretation, Exemptions and Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting a Personal

Financial Interest)," which superseded the Commission's rule. See 61 FR 66830-66851, Dec. 18, 1996, as corrected at 62 FR 1361, Jan. 9, 1997. OGE's new rule, codified at 5 CFR Part 2640 and made effective January 17, 1997, describes the circumstances under which the prohibitions contained in 18 U.S.C. 208(a) would be waived. The removal of 29 CFR 2703.3 does not affect the Commission's prohibited financial interests rule, codified at 5 CFR 8401.102. See 61 FR 39869-39870, July 31, 1996.

##### II. Matters of Regulatory Procedure

The Commission has determined that the removal of 29 CFR 2703.3 is not subject to Office of Management and Budget review under Executive Order 12866.

The Commission has determined under the Regulatory Flexibility Act (5 U.S.C. 601-612) that the removal of 29 CFR 2703.3 would not have a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Statement and Analysis has not been prepared.

The Commission has determined that the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) does not apply because the removal of 29 CFR 2703.3 does not contain any information collection requirements that require the approval of the Office of Management and Budget.

##### List of Subjects in 29 CFR Part 2703

Conflict of interests, Government employees.

For the reasons set forth in the preamble, the Federal Mine Safety and Health Review Commission is amending title 29 of the Code of Federal Regulations as follows:

##### PART 2703—[AMENDED]

1. The authority citation for part 2703 is revised to read as follows:

**Authority:** 5 U.S.C. 7301; 5 CFR 2638.202.

##### § 2703.3 [Removed]

2. Section 2703.3 of 29 CFR is removed.

Dated: April 10, 1997.

**Mary Lu Jordan,**

*Chairman, Federal Mine Safety and Health Review Commission.*

[FR Doc. 97-9848 Filed 4-16-97; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. RM 86-7B]

#### Cable Compulsory Licenses: Definition of Cable Systems

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

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office of the Library of Congress is adopting final regulations recognizing that satellite master antenna television (SMATV) systems are eligible as cable systems under section 111 of the Copyright Act to obtain a compulsory license to retransmit broadcast signals to their subscribers. The regulations provide guidance as to who should file and how to report distant signals.

**EFFECTIVE DATE:** July 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Nanette Petruzzelli, Acting General Counsel, or Tanya Sandros, Attorney Advisor, Copyright Office, Library of Congress, Washington, D.C. 20540, (202-707-8380) or Telefax (202-707-8366).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 111 of the Copyright Act, 17 U.S.C., establishes a mechanism by which cable systems may obtain a compulsory license to make secondary transmissions to their subscribers of copyrighted works performed on broadcast stations. A compulsory license is attractive to users of copyrighted material because it gives them guaranteed access to and a guaranteed price for copyrighted works, and avoids the costs of negotiating with each individual copyright owner. As a result, many providers of broadcast signals have sought to qualify as cable systems under section 111, so that they may obtain a cable compulsory license.

Consequently, on October 15, 1986, the Copyright Office published a Notice of Inquiry inviting public comment on whether satellite master antenna television systems (SMATV), multichannel multipoint distribution