

business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000.

**FOR FURTHER INFORMATION CONTACT:** Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3104. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

**SUPPLEMENTARY INFORMATION:** On September 4, 1998, the Commission instituted an investigation based on a complaint filed by Magnequench International, Inc. (Magnequench) and Sumitomo Special Metals Co. (Sumitomo) of Japan alleging violations of section 337 of the Tariff Act of 1930 in the importation and sale of certain rare-earth magnets and magnetic materials and articles containing the same by reason of infringement of several claims of six U.S. patents, three of which are held by Magnequench and three of which are held by Sumitomo. 63 FR 47319. Eight firms were named as respondents.

On November 18, 1998, Magnequench and Sumitomo filed a motion to amend the complaint and the notice of investigation to add (1) A.R.E., Inc. of 777 Linden St. or 782 Pearl St., Sharon, PA 16146; (2) NEOCO, L.C. of 777 Linden St., Sharon, PA or 3128 Walton Blvd., Suite 197, Rochester Hills, MI 48309; (3) Beijing Jing Ma Permanent Magnetic Factory West Building Number 8, Chaoyang District, Beijing, China; and (4) Xin Huan Technology Development Co., Ltd., No. 8 South 3rd St., Zhong Guan Cun Road, Beijing, China as respondents to the investigation. On December 10, 1998, the ALJ granted complainants' motion, finding that the complainants had demonstrated good cause for adding the named respondents at this time. No petitions for review were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) and section 210.42(h) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42(h)).

Issued: January 11, 1999.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary

[FR Doc. 99-1349 Filed 1-20-99; 8:45 am]

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## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 99-01; Exemption Application No. D-10535, et al.]

#### Grant of Individual Exemptions; Moody-Day, Inc. Profit Sharing Plan, et al.

**AGENCY:** Pension and Welfare Benefits Administration, Labor.

**ACTION:** Grant of individual exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

#### Moody-Day, Inc. Profit Sharing Plan (the Plan); Located in Carrollton, Texas; Exemption

[Prohibited Transaction Exemption 99-01; Exemption Application No. D-10535]

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the past sale (the Sale) by the Plan of an unimproved three-acre tract of real property located in Austin, Texas (the Property) to Metroport Realty Corporation, an affiliate of Moody-Day, Inc., the Plan sponsor and a party in interest with respect to the Plan, provided the following conditions were satisfied:

(A) the Sale was a one-time transaction for cash;

(B) the Plan received the fair market value of the Property on the date of the Sale;

(C) the Property was appraised by qualified, independent real estate appraisers;

(D) a qualified, independent fiduciary determined that the Sale was in the best interests of the Plan; and

(E) the Plan paid no commissions or other expenses relating to the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice of Proposed Exemption published on November 9, 1998 at 63 FR 60386.

**EFFECTIVE DATE:** This exemption has an effective date of May 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Janet L. Schmidt of the Department, telephone (202) 219-8883. (This is not a toll-free number.)

#### Toledo Clinic, Inc. Employees 401(k) and Profit Sharing Plan (the T/C Plan); Hart Associates, Inc. Profit Sharing Plan (the H/A Plan); and Midwest Fluid Power Company, Inc. Savings and Profit Sharing Plan and Trust (the M/F Plan, Collectively; the Plans) Located in Toledo, Ohio; Exemption

[Prohibited Transaction Exemption 99-02; Exemption Application Nos. D-10633, D-10634 and D-10635, respectively]

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of

the Code, shall not apply, effective December 1, 1998, to: (1) the cash sale of certain shares of preferred stock (the Preferred Stock) issued by TTC Holdings Inc. (TTC), by the individually-directed account of Dr. Edward Orrechio in the T/C Plan, by the individually-directed account of Michael Hart in the H/A Plan, and by the individually-directed account of Larry Peterson in the M/F Plan (collectively, the Accounts) to TTC, a party in interest with respect to the H/A Plan and M/F Plan; and (2) the arrangement for the subsequent purchase of certain shares of common stock (the Common Stock) issued by TTC by Messrs. Orecchio, Hart and Peterson (collectively; the Participants), in their own name, from TTC pursuant to an agreement with TTC that the purchase was to occur immediately after the sale of the Preferred Stock by the Plans to TTC; provided that the following conditions were met:

1. The sale of the Preferred Stock to TTC by the Accounts and the purchase of the Common Stock from TTC by the Participants, in their individual capacity, were one-time transactions for cash;

2. The transactions described in (1) above took place on the same business day;

3. The amount paid to the Accounts by TTC was the fair market value of the Preferred Stock, as determined by a qualified independent appraiser at the time of the sale;

4. The Participants, in their individual capacity, purchased from TTC shares of the Common Stock which were equal in number to the shares of Preferred Stock sold by the Accounts to TTC;

5. A qualified independent fiduciary (the Independent Fiduciary) determined that the transactions described herein were in the best interest and protective of the Accounts at the time of the transactions; and

6. The Independent Fiduciary supervised the transactions; assured that the conditions of this exemption were met; and took whatever actions were necessary to protect the interests of the Accounts, including reviewing amounts paid by TTC for the Preferred Stock.

**EFFECTIVE DATE:** This exemption is effective as of December 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ekaterina A. Uzlyan of the Department, telephone (202) 219-8883. (This is not a toll-free number.)

**Sprinx Inc. Retirement Plan (the Plan) Located in Grand Prairie, Texas; Exemption**

[Prohibited Transaction Exemption 99-03; Exemption Application No. D-10660]

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) the proposed loan of \$90,000 (the Loan) by the Plan to Sprinx, Inc. (the Employer), the sponsor of the Plan; and (2) the guarantee of repayment of the Loan by Harry D. Spring, a party in interest with respect to the Plan; provided that the following conditions are satisfied:

1. The Loan does not exceed 25% of the total assets of the Plan at any time;

2. The terms of the Loan are at least as favorable to the Plan as those terms which would exist in an arm's-length transaction with an unrelated party;

3. The Loan is secured by common stock issued by the Employer, which has a fair market value, as determined by an independent qualified appraiser, which will remain at least 200% of the outstanding principal balance of the Loan throughout its duration;

4. The Plan has a first priority perfected security interest in the Stock, which is properly filed and perfected under applicable state law;

5. The independent fiduciary reviews the terms and conditions of the Loan and determines that the Loan is in the best interest and protective of the Plan and its participants and beneficiaries;

6. The independent fiduciary monitors the Loan throughout its duration and takes whatever action is necessary to protect the interests of the Plan; and

7. The independent fiduciary monitors the parties' compliance with the terms and conditions of this exemption.

**FOR FURTHER INFORMATION CONTACT:**

Ekaterina A. Uzlyan of the Department, telephone (202) 219-8883. (This is not a toll-free number.)

**General Information**

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his

duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, D.C., this 14th day of January, 1999.

**Ivan Strasfeld,**

*Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.*

[FR Doc. 99-1272 Filed 1-20-99; 8:45 am]

BILLING CODE 4510-29-P

**NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES**

**Submission for OMB Review; Comment Request**

**AGENCY:** National Endowment for the Humanities.

**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Humanities (NEH) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for expedited review and approval as required by the provisions of the Paperwork Reduction Act of 1995 (P.L. 104-13, 44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by