

Cox IRA. Daniel Cunningham proposes selling 9,000 shares to the Cunningham IRA.

5. The applicants represent that each IRA will pay no commissions or other expenses in connection with the Purchase. The Purchase will involve a one-time transaction for cash. Each IRA will pay a share price based on the average of the highest current independent bid and lowest current independent offer as of the close of the business day preceding the proposed Purchase, on the basis of a reasonable inquiry from at least three broker-dealers or pricing services independent of Clovis. The applicants further represent that the Stock will not exceed 25% of the value of the assets of each IRA at the time of the proposed transaction. Finally, the applicants state that each IRA at all times will hold less than one percent (1%) of the outstanding number of Clovis shares.

6. The applicants represent that the proposed transactions are feasible in that each transaction will involve a one-time transaction for cash. Furthermore, the applicants state the proposed transactions will be in the best interests of each IRA in that the Purchases will enable each IRA to invest in a promising security at fair market value without incurring any commissions. Finally, the applicants represent that the transactions will be protective of the rights of each participant because, at the time of the transaction, the investment will not exceed 25% of the assets of each IRA.

7. In summary, the applicants represent that the proposed transactions satisfy the statutory criteria of section 4975(c)(2) of the Code because: (a) The Purchase of the Stock by each IRA will be a one-time transaction for cash; (b) Each IRA will purchase the Stock for a price not exceeding the fair market value of the Stock at the time of Purchase; (c) The terms and conditions of each Purchase will be at least as favorable as those available in an arm's length transaction with an unrelated third party; (d) Each IRA will not pay any commissions or other expenses in connection with each Purchase; (e) The IRA assets invested in the Stock will not exceed 25% of the total assets of each IRA at the time of the transaction; and (f) Each IRA, at all times, will hold less than one percent (1%) of the outstanding shares of the Stock.

**NOTICE TO INTERESTED PERSONS:** Because the applicants are the only participants in the IRAs, it has been determined that there is no need to distribute the notice of proposed exemption (the Notice) to interested persons. Comments and

requests for a hearing are due thirty (30) days after publication of the Notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Scott Frazier, telephone (202) 219-8881. (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 of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction 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) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional 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

(4) The proposed exemptions, if granted, will be 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, DC, this 7th day of May, 1999.

**Ivan Strasfeld,**

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

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Advisory Committee on Preservation; Meeting

**AGENCY:** National Archives and Records Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the National Archives and Records Administration (NARA) announces a meeting of the Advisory Committee on Preservation.

**DATES:** June 8, 1999, from 9 a.m. to 4 p.m.

**ADDRESSES:** The National Archives at College Park, 8601 Adelphi Rd., College Park, MD 20740-6001, lecture rooms B and C.

**FOR FURTHER INFORMATION CONTACT:** Alan Calmes, 301-713-7403.

The agenda for the meeting will be Preserving the Zapruder Film: A Technical Discussion.

1. Current physical condition of the original as baseline
2. Storage and preservation of the original
3. Reproduction options

This meeting will be open to the public. However, seating may be limited.

Dated: May 7, 1999.

**Mary Ann Hadyka,**

*Committee Management Officer.*

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## NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

### Cooperative Agreement for Administration of Site Visit Activities

**AGENCY:** National Endowment for the Arts, NFAH.

**ACTION:** Notification of availability.

**SUMMARY:** The National Endowment for the Arts is requesting proposals leading to the award of a Cooperative Agreement to assist its Theater and