

1995, based on a complaint filed by Crucible Materials Corporation ("Crucible"), alleging infringement of claims 1-3 of Crucible's U.S. Letters Patent 4,588,439 ("the 439 patent"). On October 11, 1995, the investigation was terminated as to respondents San Huan New Materials High Tech, Inc. ("San Huan"), Ningbo Konit Industries, Inc. ("Ningbo"), and Tridus International, Inc. ("Tridus") (collectively "respondents") based on the Commission's grant of respondents unilateral motion for issuance of a consent order wherein those respondents agreed not to sell for importation, import, or sell after importation magnets "which infringe any of claims 1-3 of the 439 Patent." On May 16, 1996, the Commission instituted a formal enforcement proceeding based on an enforcement complaint filed by Crucible alleging that respondents had violated that consent order by importing or selling magnets that infringed the claims in issue of the 439 patent. On December 24, 1996, following an evidentiary hearing, the presiding administrative law judge ("ALJ") issued a recommended determination ("RD") finding that respondents had violated the consent order on 33 different days and recommending that the Commission impose a civil penalty of \$1,625,000 on respondents. The Commission adopted the bulk of the RD's findings on violation on April 8, 1997, and issued an opinion explaining that determination on April 15, 1997, finding that respondents had violated the consent order on 31 days between October 11, 1995, and October 10, 1996.

The Commission invited the parties to submit briefs on the appropriate remedy, public interest, and the amount of bond to be imposed during any Presidential review period required, and directed Crucible and the Commission investigative attorney ("IA") to submit proposed remedial orders.

Having considered the RD, the exceptions thereto, and proposed alternative findings of fact and conclusions of law, as well as the entire record in this proceeding, the Commission determined to impose a civil penalty of \$1,550,000 on respondents San Huan, Ningbo, and Tridus. The Commission also has determined to revoke the consent order effective upon approval by the President of a permanent limited exclusion order directed to foreign respondents San Huan and Ningbo and a permanent cease and desist order directed to domestic respondent Tridus. The Commission determined that the statutory public interest factors

enumerated in 19 U.S.C. § 1337(d) and (f) do not preclude issuance of the aforementioned remedial orders. Since revocation of the consent order is contingent on Presidential approval of the alternative remedial measures, respondents were not required to post a bond for importations or sales of infringing products during the Presidential review period. The Commission also denied Crucible's request for attorneys' fees and its request that the Commission reconsider its determination regarding the effect of the U.S. Court of Appeals for the Federal Circuit's decision in *Maxwell v. J. Baker, Inc.* 86 F.3d 1098, 29 U.S.P.Q.2d 1001 (Fed. Cir.), reh'g denied, suggestion of reh'g in banc declined (1996), cert. denied, 117 S. Ct. 1244 (1997), on the Commission's doctrine of equivalents infringement analysis. Finally, the Commission denied respondents' request to have Crucible file periodic reports concerning its status as a domestic industry.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and section 210.75 of the Commission's Rules of Practice and Procedure (19 CFR § 210.75).

Issued: September 26, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97-26163 Filed 10-01-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Office of the Assistant Attorney General for Civil Rights

Certification of the Maine Human Rights Act Under the Americans With Disabilities Act

AGENCY: Department of Justice.

ACTION: Notice of preliminary determination of equivalency and certification hearings.

SUMMARY: The Department of Justice (Department) has determined that the State of Maine Human Rights Act, 5 MRSA § 4553 *et seq.*, as implemented by the Maine Accessibility Regulations (together, the Maine law), meets or exceeds the new construction and alterations requirements of title III of the Americans with Disabilities Act of 1990 (ADA). The Department proposes to issue a final certification, pursuant to 42 U.S.C. § 12188(b)(1)(A)(ii) and 28 CFR § 36.601 *et seq.*, which would constitute rebuttable evidence, in any enforcement proceeding, that a building constructed

or altered in accordance with the Maine law meets or exceeds the requirements of the ADA. The Department will hold informal hearings on the proposed certification in Washington, D.C. and Augusta, Maine.

DATES: To be assured of consideration, comments must be in writing and must be received on or before December 1, 1997. The hearing in Augusta, Maine is scheduled for Friday, October 17, 1997 at 10:00 AM, Eastern Time. The hearing in Washington, D.C. is scheduled for Tuesday, December 2, 1997 at 2:00 PM, Eastern Time.

ADDRESSES: Comments on the preliminary determination of equivalency and on the proposal to issue final certification of equivalency of the Maine law should be sent to: John L. Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, P.O. Box 66738, Washington, D.C. 20035-6738.

The hearings will be held at: Augusta, Maine: Room 113, State Office Building, Augusta, Maine.

Washington, D.C.: Disability Rights Section, 1425 New York Avenue, N.W., Suite 4039, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John L. Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, P.O. Box 66738, Washington, D.C. 20035-6738. Telephone number (800) 514-0301 (Voice) or (800) 514-0383 (TDD).

Copies of this notice are available in formats accessible to individuals with vision impairments and may be obtained by calling (800) 514-0301 (Voice) or (800) 514-0383 (TDD). Copies of the Maine law and supporting materials may be inspected by appointment at 1425 New York Avenue, N.W., Suite 4039, Washington, D.C. by calling Tito Mercado at (202) 307-0663 (Voice/TDD). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background

The ADA authorizes the Department of Justice, upon application by a State or local government, to certify that a State or local law that establishes accessibility requirements meets or exceeds the minimum requirements of title III of the ADA for new construction and alterations. 42 U.S.C. § 12188(b)(1)(A)(ii); 28 CFR § 36.601 *et seq.* Final certification constitutes rebuttable evidence, in any ADA enforcement action, that a building constructed or altered in accordance with the certified code complies with the new construction and alterations requirements of title III of the ADA.

By letter dated July 21, 1995, the Maine Human Rights Commission requested that the Department of Justice (Department) certify that the Maine Human Rights Act, 5 MRSA § 4553 *et seq.*, as implemented by the Maine Accessibility Regulations (together, the Maine law), meets or exceeds the new construction and alterations requirements of title III of the ADA.

The Department has analyzed the Maine law and has preliminarily determined that it meets or exceeds the new construction and alterations requirements of title III of the ADA. By letter dated September 23, 1997, the Department notified the Maine Human Rights Commission of its preliminary determination of equivalency.

Effect of Certification

The certification determination will be limited to the version of the Maine law that has been submitted to the department. The certification will not apply to amendments or interpretations that have not been submitted and reviewed by the Department.

Certification will not apply to buildings constructed by or for State or local government entities, which are subject to title II of the ADA. Nor does certification apply to accessibility requirements that are addressed by the Maine law that are not addressed by the ADA Standards for Accessible Design.

Finally, certification does not apply to variances or waivers granted under the Maine law. Therefore, if a builder receives a variance, waiver, modification, or other exemption from the requirements of the Maine law for any element of construction or alternations, the certification determination will not constitute evidence of ADA compliance with respect to that element.

Procedure

The department will hold informal hearings in Washington, D.C. and Augusta, Maine to provide an opportunity for interested persons, including individuals with disabilities, to express their views with respect to the preliminary determination of equivalency of the Maine law. Interested parties who wish to testify at a hearing should contact Tito Mercado at (202) 307-0663 (Voice/TDD). This is not a toll-free number.

The hearing sites will be accessible to individuals with disabilities. Individuals who require sign language interpreters or other auxiliary aids should contact Tito Mercado at (202) 307-0663 (Voice/TDD). This is not a toll-free number.

Dated: September 22, 1997.

Isabelle Katz Pinzler,

Acting Assistant Attorney General for Civil Rights.

[FR Doc. 97-25993 Filed 10-1-97; 8:45 am]

BILLING CODE 4410-13-M

DEPARTMENT OF JUSTICE

Office of the Assistant Attorney General for Civil Rights

Certification of the Maine Human Rights Act Under the Americans With Disabilities Act

AGENCY: Office of the Assistant Attorney General for Civil Rights, Department of Justice.

ACTION: Notice of hearings.

SUMMARY: The Department of Justice will hold informal hearings on the proposed certification that the Maine Human Rights Act, 5 MRSA § 4553 *et seq.*, as implemented by the Maine Accessibility Regulations, meets or exceeds the new construction and alterations requirements of title III of the Americans with Disabilities Act (ADA) in Washington, D.C. and Augusta, Maine.

DATES: The hearing in Augusta, Maine is scheduled for Friday, October 17, 1997 at 10:00 AM, Eastern Time. The hearing in Washington, D.C. is scheduled for Tuesday, December 2, 1997, at 2:00 PM, Eastern Time.

ADDRESSES: The hearings will be held at: Augusta, Maine: Room 113, State Office Building, Augusta, Maine. Washington, D.C.: Disability Rights Section, 1425 New York Avenue, N.W., Suite 4039, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John L. Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, P.O. Box 66738, Washington, D.C. 20035-6738. Telephone number (800) 514-0301 (Voice) or (800) 514-0383 (TDD).

Copies of this notice are available in formats accessible to individuals with vision impairments and may be obtained by calling (800) 514-0301 (Voice) or (800) 514-0383 (TDD).

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the **Federal Register**, the Department of Justice (Department) is publishing a notice in the **Federal Register** announcing that it had preliminarily determined that the State of Maine Human Rights Act, 5 MRSA § 4533 *et seq.*, as implemented by the Maine Accessibility Regulations (together, the Maine law), meets or exceeds the new construction and alterations requirements of title III of the

ADA. The Department also noted that it intended to issue final certification of the Maine law and requested written comments on the preliminary determination and the proposed final certification. Finally, the Department noted that it intended to hold informal hearings in Washington, D.C. and Augusta, Maine.

The purpose of the informal hearings is to provide an opportunity for interested persons, including individuals with disabilities, to express their views with respect to the preliminary determination of equivalency of the Maine law. Interested parties who wish to testify at a hearing should contact Tito Mercado at (202) 307-0663 (Voice/TDD). This is not a toll-free number.

The meeting sites will be accessible to individuals with disabilities. Individuals who require sign language interpreters or other auxiliary aids should contact Tito Mercado at (202) 307-0663 (Voice/TDD). This is not a toll-free number.

Dated: September 22, 1997.

Isabelle Katz Pinzler,

Acting Assistant Attorney General for Civil Rights.

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BILLING CODE 4410-13-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D-10159, et al.]

Proposed Exemptions; State Street Bank and Trust

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions 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).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone