

Description: Prohibited Transaction Class Exemption 88–59 provides an exemption from prohibited transaction provisions of the Employment Retirement Income Security Act of 1974 (ERISA) and from certain taxes imposed by the Internal Revenue Code of 1986.

The exemption permits, under certain conditions, an employee benefit plan to provide mortgage financing to purchasers of residential dwelling units. The mortgage financing may be either by making or participating in loans directly to purchasers or by purchasing mortgage land or participation interests in mortgage loans originated by a third party. Plan investments in real estate mortgage loans typically involved a continuing relationship between the seller of the mortgage loan and the plan for purposes of servicing the mortgage loan investment. This provision of services by the seller creates a party in interest relationship between such servicer and the investing plan. Accordingly, any subsequent purchase of mortgage loans from such existing party in interest service provider results in a prohibited transaction.

By requiring that records pertaining to the exempted transaction be maintained for the duration of any loan made pursuant to Prohibited Transaction Class Exemption 88–59, this ICR insures that the exemption is not abused, the rights of the participants and beneficiaries are protected, and that compliance with the exemption's conditions can be confirmed. The exemption affects participants and beneficiaries of the plans that are involved in such transactions as well as the seller of the mortgage loans.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 04–1952 Filed 1–29–04; 8:45 am]

BILLING CODE 4512–29–M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of

laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled “General Wage Determinations Issued Under The Davis-Bacon and Related Acts,” shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest

in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled “General Wage Determinations Issued Under the Davis-Bacon and Related Acts” being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

Maryland

MD030056 (Jun. 13, 2003)

MD030057 (Jun. 13, 2003)

Pennsylvania

PA030013 (Jun. 13, 2003)

PA030033 (Jun. 13, 2003)

Volume III

Kentucky

KY030029 (Jun. 13, 2003)

Mississippi

MS030003 (Jun. 13, 2003)

North Carolina

NC030055 (Jun. 13, 2003)

Volume IV

None

Volume V

Arkansas

AR030008 (Jun. 13, 2003)

AR030023 (Jun. 13, 2003)

AR030027 (Jun. 13, 2003)

Kansas

KS030006 (Jun. 13, 2003)

KS030009 (Jun. 13, 2003)

KS030012 (Jun. 13, 2003)

KS030019 (Jun. 13, 2003)

KS030025 (Jun. 13, 2003)

KS030026 (Jun. 13, 2003)

KS030063 (Jun. 13, 2003)

Louisiana

LA030009 (Jun. 13, 2003)

LA030014 (Jun. 13, 2003)

LA030045 (Jun. 13, 2003)

LA030054 (Jun. 13, 2003)

Oklahoma

OK030017 (Jun. 13, 2003)

OK030018 (Jun. 13, 2003)

OK030030 (Jun. 13, 2003)

Volume VI

Washington

WA030009 (Jun. 13, 2003)

Volume VII

California

CA030001 (Jun. 13, 2003)
 CA030002 (Jun. 13, 2003)
 CA030019 (Jun. 13, 2003)
 CA030025 (Jun. 13, 2003)
 CA030031 (Jun. 13, 2003)
 CA030033 (Jun. 13, 2003)
 CA030035 (Jun. 13, 2003)
 CA030036 (Jun. 13, 2003)
 CA030037 (Jun. 13, 2003)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at www.access.gpo.gov/davisbacon. They are also available electronically by subscription to the Davis-Bacon Online Service (<http://davisbacon.fedworld.gov>) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 22nd day of January 2004.

Carl J. Poleskey,
Chief, Branch of Construction Wage Determinations.

[FR Doc. 04-1785 Filed 1-29-04; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meeting

AGENCY: National Labor Relations Board.

TIME AND DATE: 10 a.m., Tuesday, January 27, 2004.

PLACE: Board Conference Room, Eleventh Floor, 1099 Fourteenth St., NW., Washington, DC 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices).

MATTERS TO BE CONSIDERED: Internal Matters and Collective Bargaining Matters.

FOR FURTHER INFORMATION CONTACT: Lester A. Heltzer, Executive Secretary, Washington, DC 20570, Telephone: (202) 273-1067.

Dated, Washington, DC., January 29, 2004.

By direction of the Board.

Lester A. Heltzer,

Executive Secretary, National Labor Relations Board.

[FR Doc. 04-2080 Filed 1-28-04; 3:31 pm]

BILLING CODE 7545-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 72-39]

Connecticut Yankee Atomic Power Company, Haddam Neck Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption to Connecticut Yankee Atomic Power Company (CYAPCO or licensee), pursuant to 10 CFR 72.7, from the specific provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7), and 72.214. The licensee is using the NAC Multi-Purpose Cansister System (NAC-MPC), Certificate of Compliance (CoC) No. 1025, to store spent fuel under a general license in an independent spent fuel storage installation (ISFSI) associated with the operation of the Haddam Neck Plant (HNP), located in Middlesex County, Connecticut. The requested exemption would allow CYAPCO to use vacuum drying enhancements prior to completion of the proposed NAC-MPC CoC amendment rulemaking.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt CYAPCO from the requirements of 10

CFR 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7), and 72.214 for using the NAC-MPC at HNP. These regulations specifically require compliance with the conditions set forth in the CoC for each dry spent fuel storage cask used by an ISFSI general licensee. The NAC-MPC CoC provides limiting conditions for operation (LCO) requirements in Appendix A, Technical Specifications, and Appendix B, Approved Content and Design Features. The proposed action would allow CYAPCO to deviate from (1) the vacuum drying, water cooling, and forced air cooling time limits in LCO 3.1.1 of Appendix A, (2) the canister in transfer cask time limits in LCO 3.1.4 of Appendix A, (3) the fuel cooldown requirements in LCO 3.1.7, (4) the canister removal from concrete cask requirements of LCO 3.1.8, (5) the surface contamination removal time limits in LCO 3.2.1, and (6) the allowable contents fuel assembly limits in Table B2-3 of Appendix B. The proposed action would implement the vacuum drying enhancements requested by NAC International in the NAC-MPC CoC amendment request currently under staff review.

The proposed action is in accordance with the licensee's application dated August 28, 2003.

The Need for the Proposed Action

The proposed action is needed because CYAPCO plans to initiate the transfer of the HNP spent fuel pool contents to the independent spent fuel storage installation in December 2003. The fuel transfer campaign is scheduled to begin immediately following the transfer of Greater than Class C (GTCC) material stored under CYAPCO's 10 CFR Part 50 license. The licensee has stated that the exemption is requested to significantly reduce the time required for vacuum drying and to significantly improve loading operations. Additionally, eliminating unnecessary cooldown cycles and cask handling activities reduces the potential dose to workers consistent with good ALARA practices. Prolonged loading operations are not desired because it would result in delays in the schedule, delays in decommissioning activities, and associated resource impacts due to the delays. The proposed action is necessary because the 10 CFR 72.214 rulemaking to implement the NAC-MPC CoC amendment is not projected for completion until Spring 2004, which will not support the HNP fuel transfer and dry cask storage loading schedule.