

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) This exemption is 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 this exemption is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 7th day of September, 2004.

**Ivan Strasfeld,**

*Director of Exemption Determinations,  
Employee Benefits Security Administration,  
U.S. Department of Labor.*

[FR Doc. 04-20536 Filed 9-9-04; 8:45 am]

BILLING CODE 4510-29-P

## 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 are 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

###### Massachusetts

MA030001 (Jun. 13, 2003)  
MA030002 (Jun. 13, 2003)  
MA030003 (Jun. 13, 2003)  
MA030004 (Jun. 13, 2003)  
MA030008 (Jun. 13, 2003)  
MA030017 (Jun. 13, 2003)  
MA030018 (Jun. 13, 2003)  
MA030019 (Jun. 13, 2003)  
MA030021 (Jun. 13, 2003)

##### Volume II

###### West Virginia

WV030002 (Jun. 13, 2003)

##### Volume III

NONE

##### Volume IV

###### Illinois

IL030001 (Jun. 13, 2003)  
IL030002 (Jun. 13, 2003)  
IL030007 (Jun. 13, 2003)  
IL030016 (Jun. 13, 2003)  
IL030017 (Jun. 13, 2003)  
IL030029 (Jun. 13, 2003)  
IL030030 (Jun. 13, 2003)  
IL030035 (Jun. 13, 2003)  
IL030042 (Jun. 13, 2003)  
IL030043 (Jun. 13, 2003)  
IL030049 (Jun. 13, 2003)  
IL030052 (Jun. 13, 2003)  
IL030054 (Jun. 13, 2003)  
IL030057 (Jun. 13, 2003)  
IL030061 (Jun. 13, 2003)  
IL030069 (Jun. 13, 2003)

##### Volume V

###### Iowa

IA030002 (Jun. 13, 2003)  
IA030003 (Jun. 13, 2003)  
IA030004 (Jun. 13, 2003)  
IA030005 (Jun. 13, 2003)  
IA030006 (Jun. 13, 2003)  
IA030007 (Jun. 13, 2003)  
IA030008 (Jun. 13, 2003)  
IA030009 (Jun. 13, 2003)  
IA030010 (Jun. 13, 2003)  
IA030012 (Jun. 13, 2003)  
IA030013 (Jun. 13, 2003)  
IA030014 (Jun. 13, 2003)  
IA030016 (Jun. 13, 2003)  
IA030017 (Jun. 13, 2003)  
IA030018 (Jun. 13, 2003)  
IA030020 (Jun. 13, 2003)  
IA030024 (Jun. 13, 2003)  
IA030025 (Jun. 13, 2003)  
IA030028 (Jun. 13, 2003)  
IA030029 (Jun. 13, 2003)  
IA030031 (Jun. 13, 2003)  
IA030032 (Jun. 13, 2003)  
IA030040 (Jun. 13, 2003)

IA030045 (Jun. 13, 2003)  
 IA030047 (Jun. 13, 2003)  
 IA030054 (Jun. 13, 2003)  
 IA030056 (Jun. 13, 2003)  
 IA030059 (Jun. 13, 2003)  
 IA030060 (Jun. 13, 2003)  
 IA030067 (Jun. 13, 2003)

#### Kansas

KS030001 (Jun. 13, 2003)  
 KS030008 (Jun. 13, 2003)  
 KS030010 (Jun. 13, 2003)  
 KS030012 (Jun. 13, 2003)  
 KS030051 (Jun. 13, 2003)

#### Missouri

MO030013 (Jun. 13, 2003)  
 MO030015 (Jun. 13, 2003)  
 MO030042 (Jun. 13, 2003)  
 MO030054 (Jun. 13, 2003)  
 MO030058 (Jun. 13, 2003)

#### Volume VI

##### Alaska

AK0300 (Jun. 13, 2003)  
 AK030002 (Jun. 13, 2003)  
 AK030003 (Jun. 13, 2003)  
 AK030006 (Jun. 13, 2003)

##### Idaho

ID030018 (Jun. 13, 2003)

##### Montana

MT030001 (Jun. 13, 2003)  
 MT030003 (Jun. 13, 2003)  
 MT030004 (Jun. 13, 2003)  
 MT030006 (Jun. 13, 2003)  
 MT030007 (Jun. 13, 2003)  
 MT030008 (Jun. 13, 2003)  
 MT030033 (Jun. 13, 2003)  
 MT030034 (Jun. 13, 2003)  
 MT030035 (Jun. 13, 2003)

##### Utah

UT030011 (Jun. 13, 2003)  
 UT030013 (Jun. 13, 2003)  
 UT030015 (Jun. 13, 2003)  
 UT030025 (Jun. 13, 2003)

#### Volume VII

##### Hawaii

HI030001 (Jun. 13, 2003)

##### Nevada

NV030001 (Jun. 13, 2003)  
 NV030003 (Jun. 13, 2003)  
 NV030004 (Jun. 13, 2003)  
 NV030005 (Jun. 13, 2003)  
 NV030006 (Jun. 13, 2003)  
 NV030007 (Jun. 13, 2003)  
 NV030008 (Jun. 13, 2003)  
 NV030009 (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

<http://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 2nd Day of September 2004.

**Terry Sullivan,**

*Acting Chief, Branch of Construction Wage Determinations.*

[FR Doc. 04-20353 Filed 9-9-04; 8:45 am]

BILLING CODE 4510-27-M

### NUCLEAR REGULATORY COMMISSION

[Docket No. 030-35059; License No. 34-06943-02; EA-03-204]

### In the Matter of U.S. Inspection Services, Dayton, OH; Order Imposing Civil Monetary Penalty

#### I

Materials License No. 34-06943-02 was issued by the Nuclear Regulatory Commission (NRC or Commission) to U.S. Inspection Services (Licensee) on August 31, 1999. The license authorizes the Licensee to receive, acquire, possess, and transfer iridium-192 and cobalt-60 in sealed sources for use in industrial radiography and depleted uranium for shielding in industrial radiography equipment in accordance with the conditions specified therein. The license was renewed in its entirety on June 22, 2004, with Amendment No. 7 and is to expire on September 30, 2011.

#### II

An inspection of the Licensee's activities was conducted on September 12, 2003. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated June 15, 2004. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violations.

The Licensee responded to the Notice in a letter dated July 12, 2004. In its response, the Licensee did not deny the violations, in whole or in part, did not dispute the severity level assigned to the violations, and did not contest the application of enforcement discretion to increase the amount of the civil penalty. The amount of the civil penalty was increased because of a lack of management oversight of the radiation safety program that significantly contributed to the conditions leading to the overexposure event described in the June 15, 2004, letter and Notice.

However, the Licensee protested the proposed imposition of a civil monetary penalty in the amount of \$19,200 indicating that the civil penalty adjustment factor for *Identification* was applied incorrectly. The Licensee also claimed that credit was not given for the corrective actions the Licensee had implemented.

#### III

After considering the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the civil penalty of \$19,200 proposed for the violations designated in the Notice should be imposed.

#### IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It Is Hereby Ordered That:*

The Licensee pay a civil penalty in the amount of \$19,200 within 30 days of the date of this Order, in accordance with NUREG/BR-0254. In addition, at the time of making the payment, the Licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear