

reflect the desire of the Local to use the exemption application process as a means to open pension negotiations with the Employer. As the exemption application by the Employer does not request or result in any amendment to the Plan or any change in the benefits provided to participants under the Plan, it is the position of the applicant that the requested exemption should not constitute a trigger for union benefit negotiations.

Further, the applicant suggests that the genesis of the request for denial of the exemption application included in the comment letter appears to arise from some disappointment or ill will from prior negotiations involving issues unrelated to the exemption application. In the opinion of the applicant, such feelings as to unrelated matters are irrelevant to and should not be the catalyst for denial of the requested exemption.

In response to the comment requesting a hearing be scheduled if union negotiations break down, the applicant maintains that the exemption application does not affect the benefits of the participants under the Plan and should not involve union negotiations. Further, the applicant points out that the comment letter does not include any facts supporting a conclusion that any participant would be adversely affected by the grant of the exemption requested. In the opinion of the applicant, a hearing should not be required, as all factual data and documents have already been provided to the Department of Labor, and any issues discussed in the comment letter can be fully explored, if deemed necessary by the Department of Labor, through the submission of evidence in written form.

The Department, after reviewing the concerns of the commentators, does not believe that there are material issues relating to the subject exemption that were raised by the commentators during the comment period which would require the convening of a hearing. Accordingly, the Department has determined not to delay consideration of the final exemption by holding a hearing on application D-11194.

After giving full consideration to the entire record, including the written comment from the commentators, the applicant's response to such comments, and the applicant's own comment, the Department has decided to grant the exemption, as described and amended, above. In this regard, the comment letter from the commentators, the applicant's response thereto, and the comment letter from the applicant which were submitted to the Department have been included as part of the public record of

the exemption application. The complete application file, including all supplemental submissions received by the Department, is made available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, Room N-1513, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the Notice published on September 5, 2003, at 68 FR 52796.

**FOR FURTHER INFORMATION CONTACT:**

Angelena C. Le Blanc, of the Department, telephone (202) 693-8540. (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) 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 November, 2003.

**Ivan Strasfeld,**

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

[FR Doc. 03-28545 Filed 11-13-03; 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 of 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

###### New Hampshire

NH030001 (Jun. 13, 2003)  
NH030002 (Jun. 13, 2003)  
NH030004 (Jun. 13, 2003)  
NH030005 (Jun. 13, 2003)  
NH030007 (Jun. 13, 2003)

##### Volume II

###### Pennsylvania

PA030005 (Jun. 13, 2003)  
PA030006 (Jun. 13, 2003)  
PA030007 (Jun. 13, 2003)  
PA030008 (Jun. 13, 2003)

PA030010 (Jun. 13, 2003)  
PA030012 (Jun. 13, 2003)  
PA030014 (Jun. 13, 2003)  
PA030017 (Jun. 13, 2003)  
PA030019 (Jun. 13, 2003)  
PA030020 (Jun. 13, 2003)  
PA030023 (Jun. 13, 2003)  
PA030024 (Jun. 13, 2003)  
PA030025 (Jun. 13, 2003)  
PA030026 (Jun. 13, 2003)  
PA030030 (Jun. 13, 2003)  
PA030031 (Jun. 13, 2003)  
PA030059 (Jun. 13, 2003)  
PA030061 (Jun. 13, 2003)

###### West Virginia

WV030001 (Jun. 13, 2003)  
WV030002 (Jun. 13, 2003)  
WV030003 (Jun. 13, 2003)  
WV030010 (Jun. 13, 2003)

##### Volume III

None

##### Volume IV

None

##### Volume V

###### New Mexico

NM030001 (Jun. 13, 2003)  
NM030004 (Jun. 13, 2003)  
NM030005 (Jun. 13, 2003)  
NM030007 (Jun. 13, 2003)  
NM030011 (Jun. 13, 2003)

##### Volume VI

###### North Dakota

ND030002 (Jun. 13, 2003)

##### Volume VII

None

#### 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](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 of 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 6th Day of November 2003.

**Carl J. Poleskey,**

*Chief, Branch of Construction Wage Determinations.*

[FR Doc. 03-28408 Filed 11-13-03; 8:45 am]

**BILLING CODE 4510-27-M**

## NATIONAL SCIENCE FOUNDATION

### Sunshine Act Meeting

**AGENCY HOLDING MEETING:** National Science Foundation, National Science Board and its Subdivisions.

#### DATE AND TIME:

**November 19, 2003: 8 a.m.-5 p.m.**

#### Concurrent Sessions:

8 a.m.-9:45 a.m. Open Session.  
9:45 a.m.-10 a.m. Closed Session.  
8:30 a.m.-10 a.m. Open Session.  
10 a.m.-12 noon Open Session.  
12:30 p.m.-1:10 p.m. Open Session.  
1:10 p.m.-1:30 p.m. Closed Session.  
1:30 p.m.-4:00 p.m. Open Session.  
4 p.m.-4:30 p.m. Open Session.  
4:30 p.m.-5 p.m. Closed Session.

**October 16, 2003: 8:30 a.m.-3 p.m.**

#### Concurrent Sessions:

8:30 a.m.-9:20 a.m. Closed Session.  
9:20 a.m.-10:45 a.m. Open Session.  
11 a.m.-12 noon Closed Session.  
12:15 p.m.-3 p.m. Open Session.

**PLACE:** The National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, [www.nsf.gov/nsb](http://www.nsf.gov/nsb).

**CONTACT FOR INFORMATION:** NSF Information Center (703) 292-5111.

**STATUS:** Part of this meeting will be closed to the public. Part of this meeting will be open to the public.

#### MATTERS TO BE CONSIDERED:

**Wednesday, November 19, 2003**

#### Open

Committee on Audit and Oversight (8 a.m.-9:45 a.m.), Room 1235