

development of the Code subject to its requirements, SEPs are also pension plans subject to the reporting and disclosure requirements of Title I of ERISA.

The regulation at 29 CFR 2520.104-49 provides relief to sponsors of certain SEPs from ERISA's Title I reporting and disclosure requirements by prescribing an alternative method of compliance. These SEPs are, for purposes of this information collection, referred to as "non-model SEPs" because they exclude those SEPs which are created through use of Internal Revenue Service (IRS) Form 5305-SEP, and those SEPs in which the employer influences the employees as to their choice of IRAs to which employer contributions will be made, and that also prohibits withdrawals by participants. The alternative disclosure arrangement provided through this regulation relieves sponsors of non-model SEPs of most of the reporting and disclosure requirements under Title I of ERISA. Also, the disclosure requirements set forth in the regulation ensure that administrators of non-model SEPs provide participants with specific written information concerning SEPs. This information collection requirement generally requires timely written disclosure to employees eligible to participate in non-model SEPs, including specific information concerning: participation requirements; allocation formulas for employer contributions; designated contact persons for further information; and, for employer recommended IRAs, specific terms of the IRAs such as rates of return and any restrictions on withdrawals. Moreover, general information is required that provides a clear explanation of: the operation of the non-model SEP; participation requirements and any withdrawal restrictions; and the tax treatment of the SEP-related IRA. Furthermore, statements must be provided that inform participants of: any other IRAs under the non-model SEP other than that to which employer contributions are made; any options regarding rollovers and contributions to other IRAs; descriptions of IRS disclosure requirements to participants and information regarding social security integration (if applicable); and timely notification of any amendments to the terms of the non-model SEP.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 05-8544 Filed 4-28-05; 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 supersede as decisions thereto, contain no expiration dates and are effective from the 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 to 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 Determination, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

#### Modification to General Wage Determination Decisions

The number of decisions enlisted to the Government Printing Office document entitled "General Wage Determination 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 decision being modified.

##### Volume I

###### Connecticut

CT20030001 (Jun. 13, 2003)  
CT20030003 (Jun. 13, 2003)  
CT20030004 (Jun. 13, 2003)  
CT20030006 (Jun. 13, 2003)

##### Volume II

###### Delaware

DE20030002 (Jun. 13, 2003)  
DE20030009 (Jun. 13, 2003)

###### Virginia

VA20030055 (Jun. 13, 2003)

##### Volume III

###### Georgia

GA20030006 (Jun. 13, 2003)  
GA20030032 (Jun. 13, 2003)  
GA20030041 (Jun. 13, 2003)  
GA20030053 (Jun. 13, 2003)  
GA20030058 (Jun. 13, 2003)  
GA20030066 (Jun. 13, 2003)

##### Volume IV

###### Michigan

MI20030001 (Jun. 13, 2003)

MI20030002 (Jun. 13, 2003)  
 MI20030003 (Jun. 13, 2003)  
 MI20030004 (Jun. 13, 2003)  
 MI20030005 (Jun. 13, 2003)  
 MI20030007 (Jun. 13, 2003)  
 MI20030013 (Jun. 13, 2003)  
 MI20030027 (Jun. 13, 2003)  
 MI20030030 (Jun. 13, 2003)  
 MI20030046 (Jun. 13, 2003)  
 MI20030047 (Jun. 13, 2003)  
 MI20030049 (Jun. 13, 2003)  
 MI20030085 (Jun. 13, 2003)  
 MI20030087 (Jun. 13, 2003)  
 MI20030088 (Jun. 13, 2003)  
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 MI20030096 (Jun. 13, 2003)  
 MI20030097 (Jun. 13, 2003)  
 MI20030098 (Jun. 13, 2003)  
 MI20030099 (Jun. 13, 2003)  
 MI20030100 (Jun. 13, 2003)  
 MI20030101 (Jun. 13, 2003)  
 MI20030104 (Jun. 13, 2003)  
 MI20030105 (Jun. 13, 2003)

#### Volume V

##### Arkansas

AR20030008 (Jun. 13, 2003)

##### Missouri

MO20030001 (Jun. 13, 2003)  
 MO20030002 (Jun. 13, 2003)  
 MO20030008 (Jun. 13, 2003)  
 MO20030047 (Jun. 13, 2003)  
 MO20030053 (Jun. 13, 2003)

#### Volume VI

##### NORTH DAKOTA

ND20030001 (Jun. 13, 2003)  
 ND20030008 (Jun. 13, 2003)  
 ND20030015 (Jun. 13, 2003)  
 ND20030016 (Jun. 13, 2003)  
 ND20030019 (Jun. 13, 2003)

#### Volume VII

##### CALIFORNIA

CA20030009 (Jun. 13, 2003)  
 CA20030028 (Jun. 13, 2003)  
 CA20030029 (Jun. 13, 2003)  
 CA20030030 (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 21st day of April 2005.

**John Frank,**

*Acting Chief, Branch of Construction Wage Determinations.*

[FR Doc. 05-8355 Filed 4-28-05; 8:45 am]

**BILLING CODE 4510-27-M**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

##### 1. Spartan Mining Company

[Docket No. M-2005-026-C]

Spartan Mining Company, HC78 Box 1800, Madison, West Virginia 25130 has filed a petition to modify the application of 30 CFR 75.1002 (Installation of electric equipment and conductors; permissibility) to its Scotch Pine Mine (MSHA I.D. No. 46-09095) and Midway Mine (MSHA I.D. No. 46-09045) located in Boone County, West Virginia. The petitioner proposes to use a 2400-volt power center to power a continuous miner with high-voltage trailing cables in by the last open crosscut and within 150 feet of pillar workings. The petitioner has outlined in this petition specific procedures that

will be followed when the proposed alternative method is implemented. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### 2. Aracoma Coal Company

[Docket No. M-2005-027-C]

Aracoma Coal Company, P.O. Box 1120, Holden, West Virginia 25625 has filed a petition to modify the application of 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements) to its Alma #1 Mine (MSHA I.D. No. 46-08801) located in Logan County, West Virginia. The petitioner proposes to operate the one (1) six-wheel Getman Roadbuilder grader, model RDG-1504A, serial number 6782, as it was originally designed without front brakes. The petitioner states that the Getman Roadbuilder has dual brake systems on the four (4) rear wheels and is designed to prevent loss of braking due to a single component failure. The petitioner will provide training for the grader operators to lower the moldboard for additional stopping capability in emergency situations; to recognize the appropriate speeds to use on different roadway conditions; and to limit the maximum speed of the grader to 10 miles per hour. The petitioner asserts that the proposed alternative method will not result in a diminution of safety to the miners.

##### 3. Genesis, Inc.

[Docket No. M-2005-028-C]

Genesis, Inc., P.O. Box 552, Somerset, Pennsylvania 15501-0552 has filed a petition to modify the application of 30 CFR 75.1100-2(e)(2) (Quantity and location of firefighting equipment) to its Genesis #17 Mine (MSHA I.D. No. 36-08980) located in Somerset County, Pennsylvania. The petitioner requests a modification of the existing standard to permit the use of an alternative method of compliance for firefighting equipment at temporary electrical installations. The petitioner proposes to use two (2) fire extinguishers or one fire extinguisher of twice the required capacity at all temporary electrical installations in lieu of one fire extinguisher and 240 pounds of rock dust. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### 4. Parkwood Resources, Inc.

[Docket No. M-2005-029-C]

Parkwood Resources, Inc., P.O. Box 552, Somerset, Pennsylvania 15501-0552 has filed a petition to modify the