

Southern District of Illinois on March 15, 2000.

The proposed Consent Decree concerns alleged violations of the Clean Water Act, 33 U.S.C. 1311, as a result of the discharge of dredged and fill materials onto approximately 100 acres of wetlands, in Hamilton County, Illinois (the "Site"), which is alleged to constitute "waters of the United States."

The Consent Decree permanently enjoins Artemissa Farms, Inc. from taking any actions, or causing others to take any actions, which result in the discharge of dredged or fill material into waters of the United States. The Consent Decree further requires Artemissa Farms, Inc. to pay \$5,000 into an interest-bearing Registry Account of the United States District Court for the Southern District of Illinois, to be used to conduct a wetland restoration on the Site.

The Consent Decree also requires Artemissa Farms, Inc., subject to the right of prior approval by the United States Army Corps of Engineers, to convey the Site to an appropriate entity for conservation after the wetland restoration is completed. The purpose of the conveyance is to provide a conservation area in which no development, excavation, or other disturbance will occur. To achieve that end, the conveyance shall contain several restrictions that are set forth in the Consent Decree.

The Department of Justice will receive written comments relating to the Consent Decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Attention: Steven E. Rusak, Senior Attorney, Environmental Defense Section, P.O. Box 23986, Washington, D.C. 20026-3986, and should refer to *United States of America v. Jane A. Young, et. al.*, DJ Reference No. 90-5-1-6-580.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court, United States Courthouse, 301 West Main Street, Benton, Illinois 62812.

**Letitia J. Grishaw,**

*Chief, Environmental Defense Section,  
Environment & Natural Resources Division,  
United States Department of Justice.*

[FR Doc. 00-8601 Filed 4-6-00; 8:45 am]

BILLING CODE 4410-15-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 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 supersedes 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.

#### Withdrawn General Wage Determination Decision

This is to advise all interest parties that the Department of Labor is withdrawing, from the date of this notice, the following General Wage Determinations:

NH000011—See NH000003  
NH000012—See NH000003  
NH000013—See NH000003  
NH000014—See NH000003  
NH000015—See NH000003  
NH000016—See NH000003  
IA000076—See IA000018

Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effected unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

#### New General Wage Determination Decision

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and States:

*Volume I*

## New York

NY000079 (Apr. 7, 2000)

*Volume II*

## Maryland

MD000060 (Apr. 7, 2000)

**Modifications to General Wage Determination Decisions**

The number of decisions listed in 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

NH000002 (Feb. 11, 2000)

NH000003 (Feb. 11, 2000)

## New Jersey

NJ000006 (Feb. 11, 2000)

## New York

NY000002 (Feb. 11, 2000)

NY000006 (Feb. 11, 2000)

NY000010 (Feb. 11, 2000)

NY000017 (Feb. 11, 2000)

NY000018 (Feb. 11, 2000)

NY000022 (Feb. 11, 2000)

NY000026 (Feb. 11, 2000)

NY000033 (Feb. 11, 2000)

NY000042 (Feb. 11, 2000)

NY000049 (Feb. 11, 2000)

NY000074 (Feb. 11, 2000)

NY000076 (Feb. 11, 2000)

NY000079 (Feb. 11, 2000)

*Volume II*

## Maryland

MD000018 (Feb. 11, 2000)

MD000020 (Feb. 11, 2000)

## Pennsylvania

PA000001 (Feb. 11, 2000)

PA000002 (Feb. 11, 2000)

PA000006 (Feb. 11, 2000)

PA000017 (Feb. 11, 2000)

PA000018 (Feb. 11, 2000)

PA000020 (Feb. 11, 2000)

PA000027 (Feb. 11, 2000)

PA000031 (Feb. 11, 2000)

*Volume III*

## Alabama

AL000034 (Feb. 11, 2000)

AL000052 (Feb. 11, 2000)

## Florida

FL000001 (Feb. 11, 2000)

FL000004 (Feb. 11, 2000)

FL000009 (Feb. 11, 2000)

FL000010 (Feb. 11, 2000)

FL000015 (Feb. 11, 2000)

FL000017 (Feb. 11, 2000)

FL000032 (Feb. 11, 2000)

## Kentucky

KY000004 (Feb. 11, 2000)

KY000029 (Feb. 11, 2000)

*Volume IV*

## Illinois

IL000001 (Feb. 11, 2000)

IL000002 (Feb. 11, 2000)

IL000004 (Feb. 11, 2000)

IL000005 (Feb. 11, 2000)

IL000016 (Feb. 11, 2000)

IL000021 (Feb. 11, 2000)

IL000022 (Feb. 11, 2000)

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IL000067 (Feb. 11, 2000)

IL000068 (Feb. 11, 2000)

IL000069 (Feb. 11, 2000)

IL000070 (Feb. 11, 2000)

## Indiana

IN000001 (Feb. 11, 2000)

IN000002 (Feb. 11, 2000)

IN000003 (Feb. 11, 2000)

IN000004 (Feb. 11, 2000)

IN000006 (Feb. 11, 2000)

IN000007 (Feb. 11, 2000)

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IN000021 (Feb. 11, 2000)

IN000047 (Feb. 11, 2000)

IN000048 (Feb. 11, 2000)

IN000049 (Feb. 11, 2000)

## Minnesota

MN000008 (Feb. 11, 2000)

MN000012 (Feb. 11, 2000)

MN000015 (Feb. 11, 2000)

MN000031 (Feb. 11, 2000)

MN000058 (Feb. 11, 2000)

MN000061 (Feb. 11, 2000)

## Ohio

OH000029 (Feb. 11, 2000)

*Volume V*

## Iowa

IA000018 (Feb. 11, 2000)

## Kansas

KS000006 (Feb. 11, 2000)

KS000007 (Feb. 11, 2000)

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KS000069 (Feb. 11, 2000)

KS000070 (Feb. 11, 2000)

## Louisiana

LA000005 (Feb. 11, 2000)

LA000009 (Feb. 11, 2000)

LA000012 (Feb. 11, 2000)

LA000018 (Feb. 11, 2000)

## New Mexico

NM000001 (Feb. 11, 2000)

NM000005 (Feb. 11, 2000)

## Texas

TX000002 (Feb. 11, 2000)

TX000005 (Feb. 11, 2000)

TX000010 (Feb. 11, 2000)

TX000014 (Feb. 11, 2000)

TX000018 (Feb. 11, 2000)

TX000054 (Feb. 11, 2000)

TX000055 (Feb. 11, 2000)

TX000093 (Feb. 11, 2000)

TX000117 (Feb. 11, 2000)

*Volume VI*

## Colorado

CO000001 (Feb. 11, 2000)

CO000003 (Feb. 11, 2000)

CO000006 (Feb. 11, 2000)

CO000008 (Feb. 11, 2000)

CO000009 (Feb. 11, 2000)

## Oregon

OR000001 (Feb. 11, 2000)

OR000004 (Feb. 11, 2000)

OR000017 (Feb. 11, 2000)

## Washington

WA000001 (Feb. 11, 2000)

WA000005 (Feb. 11, 2000)

*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.

The general wage determinations issued under the Davis-Bacon and Related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068.

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

seven 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 are distributed to subscribers.

Signed at Washington, DC this 30th day of March, 2000.

**Carl J. Poleskey,**

*Chief, Branch of Construction Wage Determinations.*

[FR Doc. 00-8446 Filed 4-6-00; 8:45 am]

BILLING CODE 4510-27-M

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

[Application No. D-10678, et al.]

#### Proposed Exemptions; H. Ray McPhail (Mr. McPhail) and the H. Ray McPhail Profit Sharing Plan (the Plan)

**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 number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

**ADDRESSES:** All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N-5649, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. Attention: Application No. \_\_\_\_\_, stated in each

Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N-5638, 200 Constitution Avenue, NW, Washington, DC 20210.

#### Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

**SUPPLEMENTARY INFORMATION:** The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

#### H. Ray McPhail (Mr. McPhail) and the H. Ray McPhail Profit Sharing Plan (the Plan) Located in Atlanta, Georgia

[Exemption Application No. D-10678]

##### Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32826, 32847, August 10, 1990). If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale (the Sale) of four parcels of unimproved real property (the Property) and loan (the

Loan) from the Plan to Mr. McPhail,<sup>1</sup> a disqualified person with respect to the Plan, provided that the following conditions are met:

(1) With respect to the Sale:

(A) The terms and conditions of the Sale will be at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party;

(B) The Sale will occur at a price which includes the greater of \$270,000 or the Property's fair market value as established by a qualified, independent appraiser;

(C) The Sale Price will also include a premium of \$30,000 (the Assemblage Value) due to Mr. McPhail's ownership of unimproved real property located adjacent to the Property;

(D) The Plan will pay no fees or commissions with respect to the Sale; and

(E) Mr. McPhail will pay \$60,000 or 20% of the Sale Price in cash with the balance paid for by the Loan; and

(2) With Respect to the Loan:

(A) The interest rate on the Loan (the Interest Rate) will be 7%, a rate set by the Macon Bank for a real estate loan having terms similar to the Loan;

(B) The Loan terms are at least favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party;

(C) The Loan is secured by a first security interest on the certain real property, which has been appraised by a qualified independent appraiser to have a fair market value not less than 150% of the principal amount of the Loan; and

(D) The outstanding balance of the Loan will never exceed 20% of the assets of the Plan throughout the duration of the Loan;

(E) The fair market value of the collateral remains at least equal to 150% of the outstanding principal balance plus accrued but not unpaid interest, throughout the duration of the Loan; and

(3) Should any employee of the Plan Sponsor become eligible for Plan participation, the new participant will be enrolled in another qualified retirement plan or the Loan will be immediately repaid.

#### Summary of Facts and Representations

1. The H. Ray McPhail Company (the McPhail Co.) is a Georgia company engaged in the purchase and sale of real estate. The McPhail Co. is solely owned

<sup>1</sup> Since Mr. McPhail is the only participant in the Plan, there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.