

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) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional 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

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, DC, this 26th day of February, 1999.

Ivan Strasfeld,

*Director of Exemption Determinations,
Pension and Welfare Benefits Administration,
Department of Labor.*

[FR Doc. 99-5323 Filed 3-3-99; 8:45 am]

BILLING CODE 4510-29-P

INTERNATIONAL BOUNDARY AND WATER COMMISSION NOTICE

Meeting

AGENCY: Border Environment Cooperation Commission.

ACTION: Notice of public meeting.

SUMMARY: This notice announces the XIX public meeting of the BECC Board of Directors on Friday, March 26, 1999, from 10:00 AM-1:00 PM in the Empire Ballroom of the Holiday Inn, 181 West Broadway, Tucson, Arizona, 85701, telephone: (520)-624-8711, fax: (520)-624-9963.

FOR FURTHER INFORMATION CONTACT: M. R. Ybarra, Secretary, United States Section, International Boundary and Water Commission, telephone (915) 832-4105; or Ricardo Castañon, Public Information Director, P.O. Box 221648, El Paso, Texas 79913, telephone: 1-877-225-1149, fax: (011-52-16) 25-69-99; email: rcastanon@cocef.org.

SUPPLEMENTARY INFORMATION: The U.S. Section, International Boundary and Water Commission, on behalf of the Border Environment Cooperation Commission (BECC), cordially invites the public to attend the XIX Public Meeting of the Board of Directors on Friday, March 26, 1999, from 10:00 AM-1:00 PM in the Empire Ballroom of the Holiday Inn, 181 West Broadway, Tucson, Arizona.

Proposed Agenda, 10:00 AM to 1:00 PM

1. Approval of Agenda (Action)
2. Approval of Minutes from December 3, 1998 Board of Directors Meeting (Action)
3. Reports (Information)
 - Executive Committee
 - General Manager
4. Projects for Certification (Action)
 - Wastewater Treatment Plant Expansion, Heber, CA
 - Update on Project Development by region
5. Public Participation (Information)
 - Update on public participation activities
6. Technical Assistance Issues (Information)
 - Border Needs Assessment—SCERP
 - Corps of Engineers MOU
7. Administrative Issues (Information)
 - Employee of the Quarter
 - Library Presentation
8. Policy Issues (Information)
 - Rules of Procedure
9. Sustainable Development (Information)
10. Other Issues

Anyone interested in submitting written comments to the Board of Directors on any agenda item should send them to the BECC 15 days prior to the public meeting. Anyone interested in making a brief statement to the Board may do so during the public meeting.

Dated: February 26, 1999.

M.R. Ybarra,

Secretary, U.S. IBWC.

[FR Doc. 99-5327 Filed 3-3-99; 8:45 am]

BILLING CODE 7010-01-P

NATIONAL COMMUNICATIONS SYSTEM

Telecommunications Service Priority System Oversight Committee; Notice of Meeting

AGENCY: National Communications System (NCS).

ACTION: Notice of meeting.

A meeting of the Telecommunications Service Priority (TSP) System Oversight Committee will convene Tuesday March 30, 1999 from 9 a.m. to 12:00 p.m. The meeting will be held at 701 South Court House Road, Arlington, VA in the NCS conference room on the 2nd floor.

—Opening/Administrative Remarks

—Status of the TSP Program

—NCC Y2K Briefing

Anyone interested in attending or presenting additional information to the Committee, please contact CDR Lynne Hicks, Manager, TSP Program Office, (703) 607-4930, or Betty Hoskin (703) 607-4932 by March 25, 1999.

Frank McClelland,

Federal Register Liaison Officer, National Communications System.

[FR Doc. 99-5354 Filed 3-3-99; 8:45 am]

BILLING CODE 5000-03-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Nondiscrimination on the Basis of Age

AGENCY: National Endowment for the Arts.

ACTION: Review of NEA programs for age distinctions.

SUMMARY: As required by the Age Discrimination Act of 1975 (the Act), see 42 U.S.C. 6101 et seq., the National Endowment for the Arts (NEA) has reviewed its programs for any age distinctions it imposes on its recipients by regulation, policy, or administrative practice in order to determine whether these distinctions are permissible under the Act.

The NEA's review finds that all of the NEA's programs are free from any forms of age discrimination. However, because some projects of the NEA's education program do focus on students grades pre-K through 12, special attention is given to that program in this review.

The NEA's education program does not invoke the rules against age discrimination, see 45 CFR 1156.6, because the program does not exclude or deny individuals the opportunity to participate. Moreover, even if the NEA's education program were determined to violate the rules against age

discrimination, the NEA finds that the program would remain viable because it falls under an exception listed in 45 CFR Section 1156.7.

45 CFR Section 1156.6 contains both a general rule and specific rules against age discrimination, and the NEA's education program complies with both. The general rule states that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. See 45 CFR Section 1156.6(a). The language defining the NEA's education program indicates that the program does not violate this general rule because the program does not limit its coverage of participants based upon age. See *National Endowment for the Arts: Grants to Organizations FY2000*, 11. The curriculum-based projects of the NEA's education program may focus on students grades pre-K through 12, but because these projects do not exclude, deny benefits to, or discriminate against non-students of any age group, the projects still comply with the rules against age discrimination. See *id.* More importantly, the education program's mission statement clearly illustrates the NEA's hope that the program will expand opportunities for children and adults to participate in and increase their understanding of the arts. See *id.* For instance, the field/discipline-based projects of the NEA's education program provide learning activities for children, youths, and adults. See *id.* Thus, the program is inclusive by nature, not exclusive.

The specific rules against age discrimination essentially state that a program cannot directly or indirectly (e.g., contractually, by license, etc.) use age distinctions or take any other actions that may exclude participation, deny or limit benefits, or discriminate on the basis of age. See *id.* The NEA's education program, however, does not violate these specific rules. The NEA finds that its education program complies with the specific rules because none of the program's projects exclude participants, deny or limit benefits, or discriminate based upon age through either "direct" or "indirect" means.

Even if the curriculum-based projects of the NEA's education program were determined to violate 45 CFR Section 1156.6, the NEA finds that these projects would fall under an exception provided in 45 CFR Section 1156.7. 45 CFR Section 1156.7(a) provides, in pertinent part, that a recipient of Federal financial assistance is "permitted to take an action otherwise prohibited by [Section] 1156.6 if the

action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity." The curriculum-based projects of the NEA's education program satisfy the exception because the projects take student-status (based upon age) into account as a factor necessary to the normal operation of the program. In the case of the NEA's projects, the normal operation of these projects inherently requires the use of age because grades pre-K through 12 logistically include mostly children. These projects comply with the exception under 45 CFR Section 1156.7(a) because 1) age is used to determine whether a person is a student (pre-K through 12); 2) as an educational service to schools, the curriculum-based projects, by nature, must determine whether they are serving students if they are to continue the normal operation of the program; 3) age can reasonably determine student-status; and 4) measuring student-status on an individual basis represents an impractical endeavor.

Because the NEA's education program encourages the participation of all age groups and because the curriculum-based projects do not exclude participation, deny or limit benefits, or discriminate based upon age, the NEA finds that its education program complies with the rules against age discrimination as established by 45 CFR 1156.

DATES: Comments must be filed on or before March 26, 1999.

FOR FURTHER INFORMATION CONTACT: Karen Elias, Deputy General Counsel, (202) 682-5418.

Karen Elias,

Deputy General Counsel.

[FR Doc. 99-5332 Filed 3-3-99; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corporation; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Vermont Yankee Nuclear Power Corporation (the licensee) to withdraw its May 1, 1998, application for proposed amendment to Facility Operating License No. DPR-28 for the Vermont Yankee Nuclear Power Station, located in Windham County, Vermont.

The proposed amendment would have revised the facility technical specifications to make several editorial changes to the Administrative Controls section including revisions due to organizational changes, quality assurance changes, editorial changes, and typographical corrections.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 17, 1998 (63 FR 33109). However, by letter dated February 1, 1999, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 1, 1998, and the licensee's letter dated February 1, 1999, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301.

Dated at Rockville, Maryland, this 11th day of February 1999.

For the Nuclear Regulatory Commission.

Richard P. Croteau,

Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 99-5337 Filed 3-3-99; 8:45 am]

BILLING CODE 7590-01-P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Railroad Separation Allowance or Severance Pay Report.

(2) *Form(s) submitted:* BA-9.

(3) *OMB Number:* 3220-0173.

(4) *Expiration date of current OMB clearance:* 4/30/1999.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Business or other for-profit.

(7) *Estimated annual number of respondents:* 27.

(8) *Total annual responses:* 1,072.