

justiciable, the court of appeals would simply vacate the Agency's order. *Cf. Mechling*, 368 U.S. at 329 (applying to unreviewed administrative orders the principle "that a party should not be concluded in subsequent litigation by a District Court's resolution of issues, when appellate review of the judgment incorporating that resolution, otherwise available as of right, fails because of intervening mootness \* \* \* [T]hat principle should be implemented by the reviewing court's vacating the unreviewed judgment below."). Thus, contrary to the Government's understanding, it would be pointless to issue a final order which in all likelihood would be vacated by the court of appeals and which would therefore have no preclusive effect.

In conclusion, because Respondent's May 2006 letter clearly manifested his intent to withdraw his application, and the Agency's regulation does not require that he obtain its permission to do so, I hold that there is no application currently before the Agency. Accordingly, the Order to Show Cause must be dismissed.

It is so ordered.

Dated: October 15, 2009.

**Michele M. Leonhart,**

*Deputy Administrator.*

[FR Doc. E9-25480 Filed 10-22-09; 8:45 am]

BILLING CODE 4410-09-P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (09-092)]

### Performance Review Board, Senior Executive Service (SES)

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of Membership of SES Performance Review Board.

**SUMMARY:** The Civil Service Reform Act of 1978, Public Law 95-454 (Section 405) requires that appointments of individual members to a Performance Review Board (PRB) be published in the **Federal Register**.

The performance review function for the SES in NASA is being performed by the NASA PRB and the NASA Senior Executive Committee. The latter performs this function for senior executives who report directly to the Administrator or the Deputy Administrator and members of the PRB. The following individuals are serving on the Board and the Committee:

### Performance Review Board

Chairperson, Associate Administrator, NASA Headquarters.  
 Executive Secretary, Director, Workforce Management and Development Division, NASA Headquarters.  
 Associate Deputy Administrator, NASA Headquarters.  
 Associate Administrator for Exploration Systems Mission Directorate, NASA Headquarters.  
 Associate Administrator for Space Operations Mission Directorate, NASA Headquarters.  
 Associate Administrator for Science Mission Directorate, NASA Headquarters.  
 Associate Administrator for Aeronautics Research Mission Directorate, NASA Headquarters.  
 Associate Administrator for Institutions and Management, NASA Headquarters.  
 Assistant Administrator for Diversity and Equal Opportunity, NASA Headquarters.  
 Assistant Administrator for Human Capital Management, NASA Headquarters.  
 Associate Administrator for Program Analysis and Evaluation, NASA Headquarters.  
 Chief Engineer, NASA Headquarters.  
 General Counsel, NASA Headquarters.  
 Director, Ames Research Center.  
 Director, Dryden Flight Research Center.  
 Director, Glenn Research Center.  
 Director, Goddard Space Flight Center.  
 Director, Johnson Space Center.  
 Director, Kennedy Space Center.  
 Director, Langley Research Center.  
 Director, Marshall Space Flight Center.  
 Director, Stennis Space Center.

### Senior Executive Committee

Chairperson, Deputy Administrator, NASA Headquarters.  
 Chair, Executive Resources Board, NASA Headquarters.  
 Chair, NASA Performance Review Board, NASA Headquarters.  
 Chief of Staff, NASA Headquarters.  
 Associate Deputy Administrator, NASA Headquarters.  
 Chief, Safety and Mission Assurance, NASA Headquarters.

**Charles F. Bolden, Jr.,**

*Administrator.*

[FR Doc. E9-25579 Filed 10-22-09; 8:45 am]

BILLING CODE P

## NATIONAL SCIENCE FOUNDATION

### Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-

463 as amended), the National Science Foundation announces the following meeting:

*Name:* Site visit review of the Materials Research Science and Engineering Center (MRSEC) at The Ohio State University by NSF Division of Materials Research (DMR) #1203.

*Date and Time:* Friday, November 13, 2009; 8:30 a.m.-4 p.m.

*Place:* The Ohio State University, Columbus, OH.

*Type of Meeting:* Part-open.

*Contact Person:* Dr. Charles Ying, Program Director, Materials Research Science and Engineering Centers Program, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292-8428.

*Purpose of Meeting:* To provide advice and recommendations concerning progress of the MRSEC at The Ohio State University.

*Agenda:* Friday, November 13, 2009

8:30 a.m.-2 p.m.

OPEN—Review of Ohio State University, MRSEC.

2 p.m.-4 p.m.

CLOSED—Executive Session.

*Reason for Closing:* The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 20, 2009.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. E9-25504 Filed 10-22-09; 8:45 am]

BILLING CODE 7555-01-P

## NATIONAL SCIENCE FOUNDATION

### Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

*Name:* Proposal Review Panel for Physics, Stony Brook Site Visit in Physics (#1208).

*Date and Time:* Thursday, November 19, 2009; 8:30 a.m.-6:30 p.m. Friday, November 20, 2009; 8:30 a.m.-1:00 p.m.

*Place:* Room 1020, NSF, 4201 Wilson Blvd., Arlington, VA 22230.

*Type of Meeting:* Partially Closed.

*Contact Person:* Dr. David Lissauer, Program Director for Elementary Particle Physics, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-7061.

*Purpose of Meeting:* To provide an evaluation concerning the proposal submitted to the National Science Foundation.

**Agenda**

Thursday, November 19, 2009

Closed—8:30 a.m.–9:15 a.m. Executive Session.

Open—9:15 a.m.–12:30 p.m. Atlas Discussion.

Closed—12:30 p.m.–1:30 p.m. Meeting with Students and Post Docs.

Open—1:30 p.m.–5 p.m. Atlas and D Zero Presentations.

Closed—5 p.m.–6:30 p.m. Executive Session.

Friday, November 20, 2009

Closed—8:30 a.m.–9 a.m. Executive Session.

Open—9 a.m.–11 a.m. Facilities Tour and Outreach D Zero Presentations.

Closed—11 a.m.–1 p.m. Executive Session.

*Reason for Closing:* The proposal contains proprietary or confidential material including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552(b)(c) and (6) of the Government in the Sunshine Act.

Dated: October 20, 2009.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. E9-25505 Filed 10-22-09; 8:45 am]

BILLING CODE 7555-01-P

**NATIONAL SCIENCE FOUNDATION****Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95-541)**

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 23, 2009. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Nadene G. Kennedy at the above address or (703) 292-7405.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

**Permit Application No. 2010-018**

1. *Applicant:* Elise Engler, 262 West 107th Street, # 5A, New York, NY 10025.

**Activity for Which Permit Is Requested**

Enter Antarctic Specially Protected Areas. The applicant is a participant in the U.S. Antarctic Programs Artists and Writers Program and plans to enter Cape Royds (ASPA 121), Backdoor Bay, Cape Royds (ASPA 157), and Cape Crozier (ASPA 124) to photograph contents of the historic hut and scientists working in penguin rookeries. With this photo documentation she will construct drawing of scientific equipment, clothing, living conditions and scientific experiments to allow the viewer to compare objects that provide the means of staying warm, cooking, traveling, and collecting data from the turn of the century and the "Heroic Age" of Antarctic exploration to present times.

**Location**

Cape Royds (ASPA 121), Backdoor Bay, Cape Royds (ASPA 157), and Cape Crozier (ASPA 124).

**Dates**

December 15, 2009 to February 15, 2010.

**Permit Application No. 2010-020**

2. *Applicant:* Bill J. Baker, Department of Chemistry, University of South Florida, Tampa, FL 33620.

**Activity for Which Permit Is Requested**

Export from the U.S.A. and Introduce into Antarctica. The applicant proposes to export from the U.S.A. HepG2-EcR cells to be used in experiments at McMurdo Station, Antarctica. The HepG2-EcR cells are specialized human liver cells with a plasmid inserted that acts as a receptor for ecdysone, a natural hormone that regulates molting in arthropods. Assays will be conducted to test naturally occurring chemical

compounds from marine organisms, such as sponges and tunicates for their molting activity.

**Location**

Palmer Station, Anvers Island, Antarctic Peninsula.

**Dates**

February 15, 2010 to June 15, 2010.

**Nadene G. Kennedy,**

*Permit Officer, Office of Polar Programs.*

[FR Doc. E9-25529 Filed 10-22-09; 8:45 am]

BILLING CODE 7555-01-P

**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-272 and 50-311; NRC-2009-0390]

**Notice of Acceptance for Docketing of the Application and Notice of Opportunity for Hearing Regarding Renewal of Facility Operating License Nos. DPR-70 and DPR-75 for an Additional 20-Year Period; PSEG Nuclear LLC, Salem Nuclear Generating Station, Units 1 and 2**

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering an application for the renewal of Operating Licenses DPR-70 and DPR-75, which authorizes PSEG Nuclear LLC (the applicant), to operate the Salem Nuclear Generating Station (SALEM), Units 1 and 2, at 3459 megawatts thermal each. The renewed license would authorize the applicant to operate SALEM, Units 1 and 2, for an additional 20 years beyond the period specified in the current license. SALEM, Units 1 and 2, are located approximately 18 miles southeast of Wilmington, DE. The current operating license for SALEM, Unit 1, expires on August 13, 2016, and the current operating license for SALEM, Unit 2, expires on April 18, 2020.

PSEG Nuclear LLC submitted the application dated August 18, 2009, pursuant to Title 10 of the *Code of Federal Regulations*, Part 54 (10 CFR Part 54), to renew Operating License DPR-70 and DPR-75. A notice of receipt and availability of the license renewal application (LRA) was published in the **Federal Register** on September 8, 2009 (74 FR 46238).

The Commission's staff has determined that PSEG Nuclear LLC has submitted sufficient information in accordance with 10 CFR Sections 2.101, 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c), to enable the staff to undertake a review of the application, and the application is therefore acceptable for