

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.