

[FR Doc. 2010-25565 Filed 10-8-10; 8:45 am]

BILLING CODE 4510-FT-P

**MERIT SYSTEMS PROTECTION BOARD****Oral Argument****AGENCY:** Merit Systems Protection Board.**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the scheduling of oral argument in the matters of: *Hyginus U. Aguzie v. Office of Personnel Management*, MSPB Docket Number DC-0731-09-0261-R-1; *Jenee Ella Hunt-O'Neal v. Office of Personnel Management*, MSPB Docket Number AT-0731-09-0240-I-1; *James A. Scott v. Office of Personnel Management*, MSPB Docket Number CH-0731-09-0578-I-1; and *Holley C. Barnes v. Office of Personnel Management*, MSPB Docket Number DC-0731-09-0260-R-1.

**Date and Time:** Monday, October 18, 2010, at 10 a.m.

**Place:** The United States Court of Appeals for the Federal Circuit, Room 201, 717 Madison Place, NW., Washington DC.

**Status:** Open.

**FOR FURTHER INFORMATION CONTACT:**

Matthew Shannon, Merit Systems Protection Board, Office of the Clerk of the Board, 1615 M Street, NW., Washington, DC 20419; (202) 653-7200; [mspb@mspb.gov](mailto:mspb@mspb.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to 5 CFR 1201.117(a)(2), the Merit Systems Protection Board ("MSPB" or "Board") will hear oral argument in the matters of *Hyginus U. Aguzie v. Office of Personnel Management*, MSPB Docket Number DC-0731-09-0261-R-1; *Jenee Ella Hunt-O'Neal v. Office of Personnel Management*, MSPB Docket Number AT-0731-09-0240-I-1; *James A. Scott v. Office of Personnel Management*, MSPB Docket Number CH-0731-09-0578-I-1; and *Holley C. Barnes v. Office of Personnel Management*, MSPB Docket Number DC-0731-09-0260-R-1. *Aguzie, et al.* raise the question of whether, when the Office of Personnel Management (OPM) directs an agency to separate a tenured employee for suitability reasons, the Board must consider a subsequent appeal under 5 CFR part 731 as contemplated therein, or should the Board instead consider the appeal under 5 U.S.C. chapter 75, given that the scope of a chapter 75 appeal is broader than a part 731 appeal and that OPM generally lacks authority to issue regulations limiting statutory rights. The

Board invited amicus curiae to submit briefs in these matters, *see* 75 FR 20007, Apr. 16, 2010; 75 FR 29366, May 25, 2010, and provided the amici curiae with an opportunity to request permission to present oral argument. The briefs submitted by the parties and the amici curiae are available for viewing on the MSPB's Web site at <http://www.mspb.gov/oralarguments/>. A recording of the oral argument will also be made available on the MSPB's Web site. The public is welcome to attend this hearing for the sole purpose of observation. Persons with disabilities who require reasonable accommodation to participate in this event should direct the request to the MSPB Director of Equal Employment Opportunity at (202) 653-6772 ext. 1194 or V/TDD 1-800-877-8339 (Federal Relay Service). All requests should be made at least one week in advance.

**William D. Spencer,***Clerk of the Board.*

[FR Doc. 2010-25552 Filed 10-8-10; 8:45 am]

BILLING CODE 7400-01-P

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****[Notice (10-121)]****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, Chief of Staff, NASA Headquarters;  
Executive Secretary, Director, Workforce Management and Development Division, NASA Headquarters;  
Associate Administrator, 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 Mission Support Directorate, NASA Headquarters;  
Associate Administrator for Diversity and Equal Opportunity, NASA Headquarters;  
Assistant Administrator for Human Capital Management, NASA Headquarters;  
Chief Engineer, NASA Headquarters;  
General Counsel, NASA Headquarters;  
Chief Technologist, NASA Headquarters;  
Chief Scientist, NASA Headquarters;  
Chief Information Officer, NASA Headquarters;  
Chief, Safety and Mission Assurance, 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;  
Associate Administrator, NASA Headquarters;  
Associate Deputy Administrator, NASA Headquarters;  
Chief Information Officer, NASA Headquarters.

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

[FR Doc. 2010-25471 Filed 10-8-10; 8:45 am]

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**NATIONAL SCIENCE FOUNDATION****Committee on Equal Opportunities in Science and Engineering (CEOSE);  
Notice of Meeting**

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