

proposed exemption as published in the **Federal Register** as well as a supplemental statement, as required pursuant to 20 CFR 2570.43(b)(2), which shall inform interested persons of their right to comment on the proposed exemption. Comments with respect to the notice of proposed exemption are due within 44 days of the publication of this pendency notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jan D. Broady of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does 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 16th day of July, 1999.

**Ivan Strasfeld,**

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

[FR Doc. 99-18616 Filed 7-21-99; 8:45 am]

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#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99-98]

##### NASA Advisory Council; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council.

**DATES:** Tuesday, August 3, 1999, 8 a.m. to 3:45 p.m.; and Wednesday, August 4, 1999, 8 a.m. to 2 p.m.

**ADDRESSES:** Ohio Aerospace Institute, 22800 Cedar Point Road, Room, Library, Glenn Research Center at Lewis Field, Cleveland, OH 44142.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Dakon, Code Z, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-0732.

**SUPPLEMENTARY INFORMATION:** The meeting will be closed to the public on Tuesday, August 3, 1999, from 2:15 p.m. to 3:45 p.m. in accordance with 5 U.S.C. 552b(c)(4), to hear a proprietary briefing on the Space Transportation Architecture Studies analysis by the Independent Evaluation Team. Wednesday, August 4, 1999, will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Aeronautics Technology Update
- High Speed Research Lessons
- Commercialization Update
- ISS PRA
- Independent Assessment Team Report
- NASA Advisory Council and Performance Plan Evaluation
- Committee/TaskForce/Working Group Reports

—Discussion of Findings and Recommendations

A detailed agenda and further information about the NASA Advisory Council is available on the world wide web at: <http://www.hq.nasa.gov/office/codez/nac.htm>.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

**Matthew M. Crouch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space Administration.*

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#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99-099]

##### 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, Pub. L. 95-454 (Section 405) requires that appointments of individual members to a Performance Review Board be published in the **Federal Register**.

The performance review function for the SES in the National Aeronautics and Space Administration is being performed by the NASA Performance Review Board (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

- Spence M. Armstrong, Chairperson, Associate Administrator for Aero-Space Technology, NASA Headquarters
- John T. Pennington, Executive Secretary, Chief, Agency Executive Personnel Branch, NASA Headquarters
- Joan S. Peterson, Director, Personnel Division, NASA Headquarters
- Robert M. Stephens, Deputy General Counsel, NASA Headquarters
- Oceola S. Hall, Deputy Associate Administrator for Equal Opportunity Programs, NASA Headquarters
- Michael A. Greenfield, Deputy Associate Administrator for Safety and Mission Assurance, NASA Headquarters
- Susan H. Garman, Associate Director, NASA Johnson Space Center

William F. Townsend, Deputy Director,  
NASA Goddard Space Flight Center  
Kathie L. Olsen, Chief Scientist, Office of the  
Administrator, NASA Headquarters  
Paula M. Cleggett, Deputy Associate  
Administrator for Public Affairs, NASA  
Headquarters  
Vacant, Deputy Director, NASA Glenn  
Research Center  
James L. Jennings, Deputy Director for  
Business Operations, NASA Kennedy  
Space Center  
Wallace C. Sawyer, Deputy Director, NASA  
Langley Research Center  
Mark Craig, Deputy Director, NASA Stennis  
Space Center

#### Senior Executive Committee

J. R. Dailey, Chairperson, Associate Deputy  
Administrator, NASA Headquarters  
Joan S. Peterson, Executive Secretary,  
Director, Personnel Division, NASA  
Headquarters  
Ghassem Asrar, Associate Administrator for  
Earth Science, NASA Headquarters  
Spence M. Armstrong, Associate  
Administrator for Aero-Space Technology,  
NASA Headquarters  
Vicki A. Novak, Associate Administrator for  
Human Resources and Education, NASA  
Headquarters

#### Daniel S. Goldin,

Administrator.

[FR Doc. 99-18750 Filed 7-21-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 50-318]

### Baltimore Gas and Electric Company; Notice of Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory  
Commission (the Commission) has  
denied a request by Baltimore Gas and  
Electric Company (licensee) for an  
amendment to Facility Operating  
License Nos. DPR No. 53 and DPR No.  
69 issued to the licensee for operation  
of the Calvert Cliffs Nuclear Power  
Plants, Unit Nos. 1 and 2, located in  
Calvert County, Maryland. Notice of  
Consideration of Issuance of this  
amendment was published in the  
**Federal Register** on December 16, 1998  
(63 FR 69334).

The purpose of the licensee's  
amendment request was to revise the  
Technical Specifications (TS) to delete  
requirements for tendon surveillance  
and reporting because the TS  
requirements were a duplication of the  
requirements of 10 CFR 50.55a.

The NRC staff has concluded that the  
licensee's request cannot be granted.  
The licensee was notified of the  
Commission's denial of the proposed  
change by a letter dated July 15, 1999.

By August 23, 1999, the licensee may  
demand a hearing with respect to the  
denial described above. Any person  
whose interest may be affected by this  
proceeding may file a written petition  
for leave to intervene.

A request for hearing or petition for  
leave to intervene must be filed with the  
Secretary of the Commission, U.S.  
Nuclear Regulatory Commission,  
Washington, DC 20555-0001 Attention:  
Rulemakings and Adjudications Staff, or  
may be delivered to the Commission's  
Public Document Room, the Gelman  
Building, 2120 L Street, NW.,  
Washington, DC, by the above date.

A copy of any petitions should also be  
sent to the Office of the General  
Counsel, U.S. Nuclear Regulatory  
Commission, Washington, DC 20555-  
0001, and to Jay E. Silberg, Esquire,  
2300 N Street, NW, Washington, DC  
20037, attorney for the licensee.

For further details with respect to this  
action, see (1) the application for  
amendment dated November 20, 1998,  
and (2) the Commission's letter to the  
licensee dated July 15, 1999.

These 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 Calvert  
County Library, Prince Frederick, MD  
20678.

Dated at Rockville, Maryland, this 15th day  
of July 1999.

For the Nuclear Regulatory Commission.

#### S. Singh Bajwa,

Acting Director, Project Directorate I, Division  
of Licensing Project Management, Office of  
Nuclear Reactor Regulation.

[FR Doc. 99-18723 Filed 7-21-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-400-LA; ASLBP No. 99-  
762-02-LA]

### Atomic Safety and Licensing Board; Before Administrative Judges: G. Paul Bollwerk, III, Chairman, Frederick J. Shon and Dr. Peter S. Lam; In the Matter of Carolina Power & Light Company (Shearon Harris Nuclear Power Plant); Notice of Hearing (License Amendment Application to Expand Spent Fuel Pool Capacity)

July 16, 1999.

In this proceeding, Carolina Power &  
Light Company (CP&L) has applied  
under 10 CFR 50.90 for a license  
amendment to increase the spent fuel  
storage capacity at its Shearon Harris

Nuclear Power Plant (Harris), located in  
Wake and Chatham Counties, North  
Carolina. In its December 23, 1998  
amendment request, CP&L seeks  
authorization to add rack modules to  
spent fuel pools "C" and "D" and place  
the pools in service. On January 7, 1999,  
the NRC staff issued a notice that the  
agency is (1) considering this license  
amendment application; (2) considering  
making a no significant hazards  
determination under 10 CFR 50.92 that  
would permit issuance of the  
amendment; and (3) affording the  
opportunity for a formal adjudicatory  
hearing on the CP&L application. The  
notice was published in the **Federal  
Register** on January 13, 1999. (64 FR  
2237 (1999).)

By filing dated February 12, 1999,  
petitioner Board of Commissioners of  
Orange County, North Carolina (BCOC),  
made a timely request for a hearing  
relative to the CP&L license amendment  
application. On February 18, 1999, the  
Secretary of the Commission referred  
the CP&L application to the Atomic  
Safety and Licensing Board Panel to  
conduct any subsequent adjudication.  
On February 24, 1999, this Licensing  
Board was appointed to preside over this  
proceeding. (64 FR 10165 (1999).)  
The Board consists of Frederick J. Shon,  
Dr. Peter S. Lam, and G. Paul Bollwerk,  
III, who serves as Chairman of the  
Board.

On May 13, 1999, the Board  
conducted a one-day prehearing  
conference in Chapel Hill, North  
Carolina, to hear oral argument on the  
issues of BCOC's standing and the  
admissibility of its eight proffered  
contentions. The Board ruled on those  
matters in a July 12, 1999 issuance in  
which it concluded (1) BCOC did have  
standing to intervene as of right; and (2)  
two of its eight contentions were  
admissible. Accordingly, BCOC's  
hearing request was granted and it was  
admitted as a party to this proceeding.  
(*Carolina Power & Light Co.* (Sharon  
Harris Nuclear Power Plant), LBP-99-  
25, 50 NRC \_\_\_\_\_ (July 12, 1999).)<sup>1</sup>

In light of the foregoing, please take  
notice that a hearing will be conducted  
in this proceeding. This hearing will be  
governed by the formal hearing  
procedures set forth in 10 CFR Part 2,  
Subpart G (10 CFR 2.700-.790), subject  
to any election by the parties to utilize  
the hybrid hearing procedures in 10  
CFR Part 2, Subpart K (10 CFR 2.1101-  
.1117).

During the course of the proceeding,  
the Board may conduct an oral

<sup>1</sup> A copy of the Board's July 12, 1999 decision  
can be found on the Internet at [www.nrc.gov/OPA/reports/lbp9925.htm](http://www.nrc.gov/OPA/reports/lbp9925.htm).