

McCabe v. Department of the Air Force, 62 M.S.P.R. 641, 647-48 (1994), *aff'd*, 62 F.3d 1433 (Fed. Cir. 1995) (Table);

Weber v. Department of the Army, 59 M.S.P.R. 293, 297 (1993), *aff'd*, 26 F.3d 140 (Fed. Cir. 1994) (Table).

In 1994, however, Congress amended the WPA to include "any other significant change in duties, responsibilities, or working conditions" under the definition of a "personnel action." 5 U.S.C. 2302(a)(2)(A)(xi). The legislative history of the amendments discusses security clearance determinations as an element of that broad category, which tends to support a conclusion that the Board has jurisdiction over security clearance issues in an IRA appeal. In *Roach* and *Hesse*, we are considering this issue for the first time. We therefore invite interested parties to submit amicus briefs addressing this subject.

We also recognize that a conclusion that an agency decision pertaining to a security clearance is a "personnel action," that may be pursued with the Board under the WPA, raises various subsidiary issues, some of which are interrelated. These include the following: (1) May appellants raise claims of whistleblower retaliation involving security clearance determinations as affirmative defenses in Chapter 75 adverse action appeals, in addition to IRA appeals under the WPA, or are such Chapter 75 defenses precluded by *Egan*; (2) if such whistleblowing claims may be raised in both Chapter 75 and IRA appeals, should the Board continue to apply its current burden of proof and analytical framework (see e.g., *Horton v. Department of the Navy*, 66 F.3d 279, 284 (Fed. Cir. 1995), cert. denied, 516 U.S. 1176 (1996); *Caddell v. Department of Justice*, 66 M.S.P.R. 347, 351 (1995), *aff'd*, 96 F.3d 1367 (Fed. Cir. 1996)), given the Supreme Court's concern for the burden of proof issue in *Egan*, 484 U.S. at 531-32; (3) what is the relationship between a security clearance determination and a decision to permit or allow access to sensitive information, such as Sensitive Compartmented Information; (4) are there limits to the Board's authority over claims and evidence pertaining to security clearances or sensitive information; and (5) how should the Board adjudicate claims of evidentiary privilege that may arise in security clearance cases, and what effect, if any, will such privilege have on a party's burden of proof? We, therefore, invite interested parties to submit amicus briefs addressing all of these questions, as well as any related matter they deem relevant for a full examination of the

Board's authority to adjudicate security-clearance related whistleblowing claims.

Vice Chair Slavet did not participate in the issuance of this notice.

DATES: All briefs in response to this notice shall be filed with the Clerk of the Board on or before November 6, 1998.

ADDRESSES: All briefs shall include the case names and docket numbers noted above (*Roach v. Department of the Army*, MSPB Docket No. DC-1221-97-0251-W-1 and *Hesse v. Department of State*, NSPB Docket No. DC-0752-97-1079-I-1) and be entitled "Amicus Brief." Briefs should be filed with the Office of the Clerk, Merit Systems Protection Board, 1120 Vermont Avenue, N.W., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: Shannon McCarthy, Deputy Clerk of the Board, or Matthew Shannon, Counsel to the Clerk, (202) 653-7200.

Dated: October 8, 1998.

Robert E. Taylor,
Clerk of the Board.

[FR Doc. 98-27782 Filed 10-15-98; 8:45 am]
BILLING CODE 7400-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 98-150]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Commercial Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

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

DATES: Wednesday, October 21, 1998, 8:00 a.m. to 4:30 p.m.

ADDRESSES: NASA Headquarters, Conference Room MIC HQ7H46, 300 E Street SW, Washington DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Candace Livingston, Code UX, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-0697.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room.

Advance notice of attendance to the Executive Secretary is requested. The agenda for the meeting will include the following topics:

- Discussion of National Academy of Public Administration Review of Commercial Space Centers
- Space Development and Commercial Research Performance Goals
- Status of Commercial Legislation

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

Dated: October 9, 1998.

Matthew M. Crouch,

Advisory Committee Management Officer,
National Aeronautics and Space Administration.

[FR Doc. 98-27755 Filed 10-15-98; 8:45 am]
BILLING CODE 7510-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 98-149]

NASA Advisory Council (NAC), Technology and Commercialization Advisory Committee (TCAC); 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, Technology and Commercialization Advisory Committee.

DATES: Tuesday, October 27, 1998, 8:30 a.m. to 3:00 p.m. and Wednesday, October 28, 1998, 8:00 a.m. to 12:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room MIC-5, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory M. Reck, Code AF, National Aeronautics and Space Administration, Washington, DC 20546 (202/358-4700).

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Enhance NASA Process for Technology and Commercialization
- Coordination of Advisory Groups
- NASA Center of Excellence Key Areas
- Enterprise Plans for Technology

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.

Dated: October 8, 1998.

Matthew M. Crouch,

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

[FR Doc. 98-27754 Filed 10-15-98; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Combined Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel, Museum/Visual Arts Section (Heritage & Preservation category) to the National Council on the Arts will be held on November 4-6, 1998. The panel will meet from 9:00 a.m. to 7:00 p.m. on November 4th, from 9:00 a.m. to 6:00 p.m. on November 5th, and from 9:00 a.m. to 5:00 p.m. on November 6th in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, D.C., 20506. A portion of this meeting, from 1:00 p.m. to 2:30 p.m. on November 6th, will be open to the public for a policy discussion on field issues and needs, Leadership Initiatives, Millennium projects, and guidelines.

The remaining portions of this meeting, from 9:00 a.m. to 7:00 p.m. on November 4th, from 9:00 a.m. to 6:00 p.m. on November 5th, and from 9:00 a.m. to 1:00 p.m. and 2:30 p.m. to 5:00 p.m. on November 6th, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 14, 1998, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National

Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, D.C., 20506, or call 202/682-5691.

Dated: October 9, 1998.

Kathy Plowitz-Worden,

*Panel Coordinator, Panel Operations,
National Endowment for the Arts.*

[FR Doc. 98-27859 Filed 10-15-98; 8:45 am]

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Combined Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel, Presenting (Multidisciplinary) Section (Planning & Stabilization/Education & Access categories) to the National Council on the Arts will be held on November 10, 1998. The panel will meet from 8:30 a.m. to 6:00 p.m. in Room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, D.C., 20506. A portion of this meeting, from 3:30 p.m. to 4:30 p.m., will be open to the public for a policy discussion on field issues and needs, Leadership initiatives, Millennium projects, and guidelines.

The remaining portions of this meeting, from 9:30 a.m. to 3:30 p.m. and from 4:30 p.m. to 6:00 p.m., are for the purposes of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 14, 1998, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, D.C., 20506, or call 202/682-5691.

Dated: October 9, 1998.

Kathy Plowitz-Worden,

*Panel Coordinator, Panel Operations,
National Endowment for the Arts.*

[FR Doc. 98-27860 Filed 10-15-98; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis in Biological Sciences: 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: Special Emphasis in Biological Sciences (1754).

Date and Time: November 9-10, 1998, 8:30am-5:00pm.

Place: National Science Foundation at 4201 Wilson Blvd., Arlington, VA 22230, Rm. 310.

Type of Meeting: Closed.

Contact Person: Lee Makowski and Patricia Moore, Program Directors, Biological Instrumentation and Instrument Development, National Science Foundation, Rm. 615, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1472.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposal for acquisition of Biological Instrumentation and Instrument Development for the Instrument Development Biological Research (IDBR) Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed 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 13, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98-27845 Filed 10-15-98; 8:45 am]

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