

B. PWBA has issued a no action letter to the applicant pursuant to the VFC Program with respect to a transaction described in Section I.

#### Section IV: Notice

A. Written notice of the transaction(s) for which the applicant is seeking relief pursuant to the VFC Program and this exemption, and the method of correcting the transaction, was provided to interested persons within 60 calendar days following the date of the submission of an application under the VFC Program. A copy of the notice was provided to the appropriate Regional Office of the United States Department of Labor, Pension and Welfare Benefits Administration within the same 60-day period, and the applicant indicated the date upon which notice was distributed to interested persons. Plan assets were not used to pay for the notice. The notice included an objective description of the transaction and the steps taken to correct it, written in a manner reasonably calculated to be understood by the average plan participant or beneficiary. The notice provided for a period of 30 calendar days, beginning on the date the notice was distributed, for interested persons to provide comments to the appropriate Regional Office. The notice included the address and telephone number of such Regional Office.

B. Notice was given in a manner that was reasonably calculated, taking into consideration the particular circumstances of the plan, to result in the receipt of such notice by interested persons, including but not limited to posting, regular mail, or electronic mail, or any combination thereof. The notice informed interested persons of the applicant's participation in the VFC Program and intention of availing itself of relief under the exemption.

Signed at Washington, DC, this 11th day of November, 2002.

**Ivan L. Strasfeld,**

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

[FR Doc. 02-29799 Filed 11-22-02; 8:45 am]

**BILLING CODE 4510-29-P**

## NATIONAL LABOR RELATIONS BOARD

### Order Delegating Authority to the General Counsel; Before Members Wilma B. Liebman, William B. Cowen, and Michael J. Bartlett

November 19, 2002.

The Board is faced with the prospect that it may for a temporary period have

fewer than three Members of its statutorily prescribed full complement of five Members. The Board recognizes that it has a continuing responsibility to fulfill its statutory obligations in the most effective and efficient manner possible. To assure that the Agency will be able to meet its obligations, the Board has decided to temporarily delegate to the General Counsel full authority to certify the results of any secret ballot election conducted under the National Emergency provisions of the Labor Management Relations Act, sections 206-210, 29 U.S.C. 176-180.<sup>1</sup> This delegation shall be effective during any time when the Board has fewer than three Members and is made under the authority granted to the Board under sections 3, 4, 6, and 10 of the National Labor Relations Act.

Accordingly, the Board delegates to the General Counsel full and final authority and responsibility on behalf of the Board to certify to the Attorney General the results of any secret ballot elections held among employees on the question of whether they wish to accept the final offer of settlement made by their employer pursuant to section 209(b) of the Labor Management Relations Act, 29 U.S.C. 179(b). This delegation shall cease to be effective whenever the Board has at least three Members.

This delegation relates to the internal management of the National Labor Relations Board and is therefore, pursuant to 5 U.S.C. 553, exempt from the notice and comment requirements of the Administrative Procedure Act. Further, public notice and comment is impractical because of the immediate need for Board action. The public interest requires that this delegation take effect immediately.

All existing delegations of authority to the General Counsel and to staff in effect prior to the date of this order remain in full force and effect, including the December 14, 2001, delegation regarding court litigation authority and the April 1, 1955, delegation by the Board to the General Counsel of the authority and responsibility to conduct secret ballots pursuant to section 209(b) of the Labor Management Relations Act, 29 U.S.C. 179(b). For the reasons stated above, the Board finds good cause to make this order effective immediately in accordance with 5 U.S.C. 553(d).

By direction of the Board.

<sup>1</sup> On December 14, 2001, the Board previously delegated to the General Counsel, on the same basis, full authority on all court litigation matters that would otherwise require Board authorization, effective during any time when the Board has fewer than three Members. See 66 FR 65998 (December 21, 2001).

Dated in Washington, DC, November 19, 2002.

**Lester A. Heltzer,**

*Acting Executive Secretary, National Labor Relations Board.*

[FR Doc. 02-29917 Filed 11-22-02; 8:45 am]

**BILLING CODE 7545-01-P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permits Issued Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

**FOR FURTHER INFORMATION CONTACT:** Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

**SUPPLEMENTARY INFORMATION:** On October 11, 2002, the National Science Foundation published a notice in the **Federal Register** of a permit applications received. Permits were issued on November 19, 2002 to: Arthur L. DeVries, Permit No. 2003-013; Joan Myers, Permit No. 2003-2003-015.

**Nadene G. Kennedy,**  
*Permit Officer.*

[FR Doc. 02-29875 Filed 11-22-02; 8:45 am]

**BILLING CODE 7555-01-M**

## NUCLEAR REGULATORY COMMISSION

### Notice of Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision with regard to a petition dated March 11, 2002, and supplements dated March 21, 22, and 27, 2002 (the Petition), submitted by Mr. David A. Lochbaum, a Nuclear Safety Engineer in the Washington, DC Office of the Union of Concerned Scientists (UCS), and the co-petitioners identified in the petition supplements dated March 21 and March 22, 2002 (the Petitioners). The Petitioners have requested that the U.S. Nuclear Regulatory Commission (NRC or the Commission) take action with regard to the nuclear power facilities listed in Attachment 1 to the Petition (multiple nuclear power facilities). The

Petitioners request that the NRC immediately issue Orders to the owners of all operating nuclear power plants to take measures that will reduce the risk from sabotage of irradiated fuel. Specifically, those measures are:

(1) The NRC should “impose a 72-hour limit for operation when the number of operable onsite alternating current power sources (*i.e.*, emergency diesel generators) is one less than the number in the Technical Specification limiting condition for operation. This 72-hour limit would be applicable when the nuclear plant is in any mode of operation other than hot shutdown, cold shutdown, refueling, or defueled.” Oconee Nuclear Station does not rely on emergency diesel generators, but “equivalent protection for its emergency power supply” should be provided. The NRC should also “cease and desist issuing NOEDs [Notices of Enforcement Discretion] that allow nuclear reactors to operate for longer periods of time with broken emergency diesel generators.” This requested action would apply to the facilities listed in Attachment 1 to the Petition.

(2) The NRC should “impose a minimum 24-hour time-to-boil for the spent fuel pool water. This limit would be applicable at all times.” This requested action would apply to the facilities listed in Attachment 1 to the Petition.

The Petition also requested that the NRC hold a public meeting to precede “the Petition Review Board (PRB) non-public meeting regarding this petition” and assign “someone other than the Director of NRR [Office of Nuclear Reactor Regulation] to be responsible for our petition. The Deputy Executive Director for Reactor Programs or the Deputy Director of NRR would be acceptable to UCS.”

As the basis for the Petition, the Petitioners cite the need to reduce the risk from sabotage of irradiated fuel.

On March 26, 2002, in lieu of a public meeting, the Petitioners accepted and participated in a telephone conference (teleconference) with the NRC’s PRB to discuss the Petition. The transcript of the teleconference was considered as a supplement to the Petition. After the teleconference, the PRB discussed the Petition. The PRB considered the contributions of the Petitioners to the teleconference in deciding on the requests for immediate action and in setting the schedule for the review of the Petition. The PRB concluded that the Petition satisfied the criteria for review under title 10 of the Code of Federal Regulations (10 CFR) Subsection 2.206.

By letter dated May 8, 2002, the NRC staff acknowledged receiving the Petition, informed the Petitioners that the Petition met the requirements for review under 10 CFR 2.206, and the Petition had been referred to the Director of NRR for action and would be acted upon within a reasonable time. The petitioners were also informed in that letter that the NRC staff declined to grant the Petitioners’ request for immediate action.

The NRC sent a copy of the proposed Director’s Decision to the Petitioners for comment by letter dated September 4, 2002. The Petitioners responded with comments by letter dated September 23, 2002. The Petitioners’ comments and the NRC staff responses to the comments are addressed in Enclosure No. 2 and No. 3 to the November 15, 2002, letter to Mr. David A. Lochbaum, Union of Concerned Scientists.

The Director, NRR, concluded that the information contained in the Petition does not warrant NRC staff action to: “Impose a 72-hour limit for operation when the number of operable onsite alternating current power sources (*i.e.*, emergency diesel generators) is one less than the number in the Technical Specification limiting condition for operation” during plant operation. In addition, the Director, NRR, concluded that the information contained in the Petition does not warrant NRC staff action to “cease and desist issuing NOEDs that allow nuclear reactors to operate for longer periods of time with broken emergency diesel generators.” These requests are denied.

With regard to the Petitioners’ second request, that the NRC “impose a minimum 24-hour time-to-boil for the spent fuel pool water. This limit would be applicable at all times,” the Director, NRR, has concluded that this request is partially granted by staff actions already taken. However, for the reasons discussed in the Director’s Decision, the NRC staff concludes that the actions specifically requested by the Petitioners are not necessary. The reasons for these decisions are explained in the Director’s Decision pursuant to 10 CFR 2.206 (DD-02-07), the complete text of which is available in the Agencywide Documents Access and Management System (ADAMS) for inspection in the Commission’s Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and electronically accessible in ADAMS through the NRC Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html> (ADAMS Accession No. ML022800647). Persons who do not have access to ADAMS or who encounter problems in

accessing documents located in ADAMS should contact the NRC PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

A copy of the Director’s Decision will be filed with the Secretary of the Commission for the Commission’s review in accordance with 10 CFR 2.206 of the Commission’s regulations. As provided for by this regulation, the Director’s Decision will constitute the final action of the Commission 25 days after the date of the decision, unless the Commission, on its own motion, institutes a review of the Director’s Decision in that time.

Dated at Rockville, Maryland, this 15th day of November, 2002.

For the U.S. Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 02-29873 Filed 11-21-02; 8:45 am]

BILLING CODE 7590-01-P

---

## OFFICE OF PERSONNEL MANAGEMENT

### Excepted Service

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** This gives notice of OPM decisions, granting authority to make appointments under Schedule C in the excepted service as required by 5 CFR 6.1 and 213.103.

**FOR FURTHER INFORMATION CONTACT:** Pam Shivery, Director, Washington Service Center, Employment Service (202) 606-1015.

**SUPPLEMENTARY INFORMATION:** Appearing in the listing below are the individual authorities established under Schedule C between between October 01, 2002 and October 31, 2002. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 is published each year.

### Schedule C

#### *Broadcasting Board of Governors*

Special Assistant to the Director, International Broadcasting Bureau. Effective October 11, 2002.

Special Assistant to the Director, International Broadcasting Bureau of America. Effective October 23, 2002.