

of onsite disposal under the Option 2 limits of the 1981 BTP the Harvard Avenue site could be released for unrestricted use, and doses to hypothetical intruders, who might construct homes and consume groundwater and foodstuffs grown in the wastes, would be acceptable. The principle comments made by CCBH were to correct technical inconsistencies, in the Site Remediation Plan, related to the design of the proposed Bert Avenue disposal cell.

A draft of this environmental assessment was also transmitted to ODH, OEPA, CCBH, and the Mayor of Newburgh Heights, Ohio. The CCBH, OEPA, and the Mayor of Newburgh Heights had no comments on the draft EA. ODH concurred with the dose assessment modeling results, and indicated that the proposed action will be protective of public health. ODH also commented that they desired a mechanism for detecting disposal cell failure and deed restrictions that would limit any type of activity that might jeopardize disposal cell integrity. As indicated above, NRC staff consider that under the Option 2 disposal conditions, the Harvard Avenue site can be released for unrestricted use, without post-closure controls related to radioactive materials.

The NRC staff requested a review by the Ohio Historic Preservation Office (OHPO) of the Harvard Avenue property. The OHPO concluded that the project, if completed as proposed, would have no effect on properties listed on or eligible for the National Register of Historical Places.

No other sources of information were used beyond those which are referenced in the report.

#### Finding of No Significant Impact

Based on the environmental assessment, the Commission concludes that the issuance of the license amendment will not have a significant impact on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

#### Opportunity for a Hearing

On April 11, 1994, the NRC published in the *FR* a notice of Consideration of Amendment to Chemetron Corporation License and Opportunity for Hearing (59 FR 17124) with respect to the matters covered in the amendment that is the subject of this notice. In response to that notice, Earth Day Coalition submitted a petition for hearing. On July 7, 1994, the Presiding Officer granted a three week period for Earth Day Coalition to

supplement a deficient hearing request. The Coalition's petition failed to demonstrate that the NRC's standing requirements were met and that its concerns were germane to the subject matter of the proceeding. Because the Coalition did not file the supplemental information, on September 1, 1994, the Presiding Officer dismissed the proceeding. Accordingly, the agency has complied with its rules in 10 CFR Part 2, Subpart L, and no further offer of an opportunity for a hearing is made regarding the subject matter of this notice.

The environmental assessment and the documents related to this proposed action are available for public inspection and copying at the NRC's Public Document Room, 2120 L Street, N.W., Washington, DC 20555, and the NRC's Local Public Document Room at the Garfield Heights Branch Library, 5409 Turney Road, Garfield Heights, Ohio, (Docket No. 040-08724).

For additional information, contact Timothy C. Johnson, Section Leader, Materials Decommissioning Section, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, (310) 415-7299.

Dated at Rockville, Maryland, this 31st day of May 1996.

For the Nuclear Regulatory Commission  
Robert A. Nelson,

*Acting Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 96-14236 Filed 6-5-96; 8:45 am]

BILLING CODE 7590-01-P

#### Advisory Committee on Nuclear Waste; Renewal Notice

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC)

**ACTION:** Notice of renewal of the Advisory Committee on Nuclear Waste for a period of two years.

**SUPPLEMENTARY INFORMATION:** The Nuclear Regulatory Commission has determined that renewal of the Charter for the Advisory Committee on Nuclear Waste for the two year period commencing on May 30, 1996, is in the public interest in connection with duties imposed on the Commission by law. This action is being taken in accordance with the Federal Advisory Committee Act after consultation with the Committee Management Secretariat, General Services Administration.

The purpose of the Advisory Committee on Nuclear Waste is to provide advice to the U.S. Nuclear

Regulatory Commission (NRC) on nuclear waste disposal facilities, as directed by the Commission. This includes 10 CFR Parts 60 and 61 and other applicable regulations and legislative mandates such as the Nuclear Waste Policy Act, the Low-Level Radioactive Waste Policy Act, and the Uranium Mill Tailings Radiation Control Act, as amended. The primary emphasis will be on disposal facilities. In performing its work, the Committee will examine and report on those areas of concern referred to it by the Commission or its designated representatives, and will undertake other studies and activities related to those issues as directed by the Commission. The Committee will interact with representatives of NRC, ACRS, other federal agencies, state and local agencies, Indian Tribes, private organizations, etc., as appropriate to fulfill its responsibilities.

For Further Information Please Contact: John T. Larkins, Executive Director of the Committee, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 415-7360.

Dated: May 30, 1996.

Andrew L. Bates,

*Federal Advisory Committee Management Officer.*

[FR Doc. 96-14237 Filed 6-5-96; 8:45 am]

BILLING CODE 7590-01-P

#### OFFICE OF GOVERNMENT ETHICS

##### Extension and Revocation of Post-Employment Waiver

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice; extension and revocation of waiver.

**SUMMARY:** The Office of Government Ethics is giving notice of the extension, for up to an additional four months (until November 1, 1996 or the effective date of any corrective legislation, if earlier), of a short-term post-Government employment waiver of certain "senior employee" restrictions it granted earlier this year to position holders who, but for the pay raise authorized by Executive Order 12984 (or a pay raise tied thereto), would not receive a rate of basic pay equal to or greater than the rate of basic pay for level V of the Executive Schedule. This additional extension is provided to allow time for full consideration of legislation pending in this Congress which contains a new definition of "senior employee" complementary to this waiver. This shall also serve as

notice that the waiver is revoked as of the same date.

**EFFECTIVE DATE:** June 6, 1996.

**ADDRESSES:** Copies of the OGE Memorandum discussed in the Supplementary Information section below may be obtained, without charge, by contacting William E. Gressman, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917. That document is also available on OGE's electronic bulletin board TEBBS ("The Ethics Bulletin Board Service"). Information regarding TEBBS may also be obtained from Mr. Gressman.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gressman at OGE, telephone: 202-208-8000, ext. 1110; FAX: 202-208-8037 (please note the new OGE telephone and FAX numbers).

**SUPPLEMENTARY INFORMATION:** On December 28, 1995, President Clinton signed Executive Order 12984, "Adjustments of Certain Rates of Pay and Allowances." See 61 FR 237-246 (part III of the January 3, 1996 issue), as amended by E.O. 12990 of February 29, 1996 as to the uniformed services (see 61 FR 8467-8470 (March 5, 1996 issue)). Executive Order 12984 raised the rate of basic pay for Senior Executive Service (SES) level 4 to \$109,400 per year, an amount greater than the rate of basic pay for level V of the Executive Schedule, at \$108,200 per year. Since the Executive Schedule level V rate of basic pay (which has not been increased since January 1993) is the threshold level for "senior employee" status under 18 U.S.C. 207(c)(2)(A)(ii) of the post-Government employment conflict of interest statute, the pay raise would have subjected employees occupying positions at SES level 4, and other similarly situated positions, to the "senior employee" restrictions set forth in 18 U.S.C. 207 (c) and (f).

On January 4, 1996, pursuant to its authority under 18 U.S.C. 207(c)(2)(C), the Office of Government Ethics granted a temporary waiver effective for six months, until June 30, 1996, from the "senior employee" post-Government employment restrictions of 18 U.S.C. 207 (c) and (f) to a specified group of executive branch employees. The group of employees to which OGE granted the waiver last January was constituted of all executive branch employees whose rate of basic pay on December 28, 1995 was less than the rate of basic pay payable for level V of the Executive Schedule and who as a direct result of Executive Order 12984, or any other Executive order or statute the terms of which are tied to the pay raise effected through that Executive order, would

have had their basic rate of pay increased to an amount equal to or greater than the rate of basic pay for level V of the Executive Schedule and whose position would then be described in 18 U.S.C. 207(c)(2)(A)(ii). See OGE's January 4, 1996 Memorandum (# DO-96-001) to heads of agencies, designated agency ethics officials and inspectors general. The Office of Government Ethics clarifies that the waiver also is (and has been) applicable to any otherwise covered position for which the rate of basic pay is (or was) administratively determined by an agency, provided that such determination is (or was) tied to the raise effected by E.O. 12984.

Thus OGE's waiver, in describing the persons covered by reference to Executive Order 12984 which dealt in part with the Senior Executive Service pay raise, directly and expressly covered those holding SES level 4 positions. In addition, the waiver also covered all other Federal executive branch personnel similarly situated in different personnel schedules and systems meeting the above-noted criteria for coverage under the waiver. The Office of Government Ethics is further clarifying that, during the period of this waiver from January 1, 1996 until its extended expiration and revocation no later than November 1, 1996, the waiver also covers all persons hired at, promoted into or otherwise entering an SES level 4 position (but not an SES level 5 or 6 position), or an equivalent level position in another executive branch schedule/system. Moreover, as to any such persons who leave a position covered by the waiver during its term of application, the post-employment waiver from senior employee status becomes permanent—they will not be subject to the restrictions at 18 U.S.C. 207 (c) and (f).

The Office of Government Ethics was not required by 5 CFR 2641.201(d) to publish its position waiver (exemption) determination in the Federal Register. Instead, the January 4, 1996 waiver determination was disseminated by memorandum and notice on OGE's electronic bulletin board to the executive branch departments and agencies. The Office of Government Ethics is required to publish any annual update to the compilation of exempted positions or categories of positions in appendix A to 5 CFR part 2641. Thus far, no update has been published in 1996. Moreover, OGE is also required to publish a 90-day advance notice of any revocation of a position waiver in the Federal Register. In accordance with that notice requirement, OGE earlier published a revocation notice at 61 FR

14326-14328 (April 1, 1996), indicating that the original six-month waiver would expire and was to be revoked effective July 1, 1996. The newly extended waiver revocation date announced in this notice supersedes the waiver revocation date set forth in the April Federal Register notice.

In granting the waiver last January, OGE indicated several reasons for its issuance. In addition to providing adequate notice to about-to-be newly affected "senior employees" as well as their agencies, one primary reason was to give OGE time to discuss with Congress any possible changes to 18 U.S.C. 207 that would take into consideration the effect of pay compression on the applicability of post-employment restrictions. One underlying concept of the post-employment restrictions is that the more severe restrictions should only apply to those serving in the most senior career and political positions. The Office of Government Ethics has seen no evidence that the goals of the post-employment restrictions have not been properly met since the new post-employment law took effect in 1991, during which time those at SES level 4, and those in equivalently compensated positions, have not been subject to "senior employee"-level restrictions.

With regard to the legislative initiative, the bill in the House of Representatives to reauthorize the Office of Government Ethics (H.R. 3235) now contains a provision that would key "senior employee" status under section 207(c)(2)(A)(ii) to employment in a position for which the basic rate of pay (excluding any locality-based pay adjustment or comparable adjustment pursuant to interim authority of the President) is equal to or greater than the rate of basic pay payable for level 5 of the SES, rather than that for level V of the Executive Schedule. H.R. 3235 was recently reported out of the House Committee on the Judiciary.

Thus, in OGE's view, there is sufficient progress on the above-noted proposed amendment to section 207 for OGE to extend the January 4, 1996 waiver for up to four more months, beyond the previously scheduled expiration date of July 1, 1996, until November 1, 1996 at the latest to allow for the possible passage, signature and effectiveness of this corrective provision and thereby avoid a gap in waiver coverage in the interim. If the statutory amendment were to take effect before November 1, 1996, the terms of the new law would then govern and this waiver would lapse by operation of law. If not, under 5 CFR 2641.201(d)(4), OGE hereby gives notice that the above-

referenced post-employment waiver, granted in its January 4, 1996 Memorandum and as extended in this document, will expire and is revoked effective on November 1, 1996. The Office of Government Ethics will keep agencies informed of further progress on the legislative initiative.

Even if the post-employment law is not amended, executive branch departments and agencies can still over the next several months consider and prepare, if appropriate, requests for the long-term exemption of individual positions or categories of positions to be submitted to OGE for consideration pursuant to 5 CFR 2641.201(d)(3) of OGE's post-Government employment regulations. Under the statute and OGE's implementing regulations, the OGE Director may determine that a waiver (exemption) is warranted with respect to a qualified position or a category of positions if he finds that the imposition of the restrictions with respect thereto would create an undue hardship to the department or agency concerned in obtaining qualified personnel to fill the position(s) and that granting the exemption would not create the potential for use of undue influence or unfair advantage based on past Government service. See 18 U.S.C. 207(c)(2)(C) and 5 CFR 2641.201(d)(5). In light of the pendency of a possible legislative amendment and because of this extension of the existing waiver, OGE requests that departments and agencies wait until late summer before filing any requests for exemption as to SES level 4 and similarly situated positions which are covered by the current OGE waiver and which they believe should be permanently exempted based on the statutory and regulatory criteria.

Approved: May 22, 1996.

Stephen D. Potts,

*Director, Office of Government Ethics.*

[FR Doc. 96-14199 Filed 6-5-96; 8:45 am]

BILLING CODE 6345-01-U

## OFFICE OF PERSONNEL MANAGEMENT

### Submission for OMB Review; Comment Request For Reclearance of Information Collection SF 2802, SF 2802B, and RI 36-7

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Public Law 104-13, May 22, 1995), this

notice announces that the Office of Personnel Management will submit to the Office of Management and Budget a request for reclearance of the following information collections. SF 2802, Application for Refund of Retirement Deductions (CSRS), SF 2802B, Current/Former Spouse's Notification of Application for Refund of Retirement Deductions, and RI 36-7, Marital Information Required of Refund Applicants. OPM must have the SF 2802 completely filled out and signed before paying a refund of retirement contributions. SF 2802B must also be completed if there are spouse(s) or former spouse(s) who must be notified of the employee's intent to take a refund. RI 36-7 is needed when the SF 2802 is incomplete as to the applicant's marital status.

Approximately 35,000 SF 2802 forms are completed annually. Each form takes approximately 45 minutes to complete. The annual estimated burden is 26,250 hours. Approximately 31,500 SF 2802B forms are completed annually. Each form takes approximately 15 minutes to complete. The annual estimated burden is 7,875 hours. Approximately 21,050 RI 36-7 forms are completed annually. Each form takes approximately 10 minutes to complete. The annual estimated burden is 3,508 hours. The combined total annual burden is 37,633 hours.

For copies of this proposal, contact Jim Farron on (202) 418-3208, or E-mail to [jmfarron@mail.opm.gov](mailto:jmfarron@mail.opm.gov)

**DATES:** Comments on this proposal should be received by July 8, 1996.

**ADDRESSES:** Send or deliver comments to—

Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street NW., Room 3349, Washington, DC 20415-0001

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 3002, Washington, DC 20503

**FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT:** Mary Beth Smith-Toomey, Management Services Division, (202) 606-0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

*Deputy Director.*

[FR Doc. 96-14250 Filed 6-5-96; 8:45 am]

BILLING CODE 6325-01-M

## POSTAL RATE COMMISSION

[Docket No. A96-17]

### In the Matter of: Huntley, Nebraska 68951: (J. Donald Schluntz, Petitioner); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued June 3, 1996.

*Docket Number:* A96-17.

*Name of Affected Post Office:*  
Huntley, Nebraska 68951.

*Name(s) of Petitioner(s):* J. Donald Schluntz.

*Type of Determination:* Closing.

*Date of Filing of Appeal Papers:* May 28, 1996.

*Categories of Issues Apparently Raised:*

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404(b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

#### *The Commission Orders*

(a) The Postal Service shall file the record in this appeal by June 12, 1996.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.  
Margaret P. Crenshaw,  
*Secretary.*

#### Appendix

May 28, 1996—Filing of Appeal letter  
June 3, 1996—Commission Notice and Order  
of Filing of Appeal