

**CNO Executive Panel; Closed Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel will meet June 20-21, 1995, from 9:00 a.m. to 4:00 p.m., on each day. The meeting will be held at the Applied Physics Laboratory, JHU, Johns Hopkins Road, Laurel MD. This session will be closed to the public.

The purpose of this meeting is to conduct discussions on strategies for an uncertain future to include information warfare, reserve structure and mobilization, and the changing strategic environment. Additionally, the panel members will discuss and synthesize recommendations and conclusions which will appear in the Task Force final report. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Timothy J. Galpin, Assistant for CNO Executive Panel Management, 4401 Ford Avenue, Suite 601, Alexandria, VA 22302-0268, Phone: (703) 756-1205.

Dated: May 4, 1995

L. R. McNees,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 95-12089 Filed 5-16-95; 8:45 am]

BILLING CODE 3810-FF-F

**DELAWARE RIVER BASIN COMMISSION****Notice of Commission Meeting and Public Hearing**

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, May 24, 1995. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 11:00 a.m. in Conference Room Two, 30th Floor, 290 Broadway, New York, New York.

An informal conference among the Commissioners and staff will be open for public observation at 10:00 a.m. at the same location and will include reports on the Upper Delaware ice diversion project; New York State's FY

1996 budgetary contribution to the Commission; review policy for depletive water uses exceeding 100,000 gpd and possible local sponsorship of a Lehigh River Basin automated flood warning system.

The subjects of the hearing will be as follows:

**Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact****1. West Deptford Township D-79-82 CP RENEWAL-2**

An application for the renewal of a ground water withdrawal project to supply up to 108.5 million gallons (mg)/30 days of water to the applicant's distribution system from Well Nos. 3 through 8. Commission approval on December 23, 1986 was limited to five years. The applicant requests that the total withdrawal from all wells be increased from 105 mg/30 days to 108.5 mg/30 days. The project is located in West Deptford Township, Gloucester County, New Jersey.

**2. Rollins Environmental Services Inc. D-93-63**

An application for approval of an industrial wastewater treatment plant (IWTP) modification project. The applicant proposes to replace its existing outfall flume with a submerged outfall diffuser for its current discharge to Raccoon Creek in Water Quality Zone 4. The project IWTP will continue to serve the applicant's commercial hazardous waste treatment facility situated just south of U.S. Route 322 and north of Raccoon Creek in Logan Township, Gloucester County, New Jersey.

**3. Seabrook Water Corporation D-94-48 CP**

An application for approval of an existing ground water withdrawal project to supply up to 20 mg/30 days of water to the applicant's distribution system from existing Well Nos. 12 and 13, and to limit the withdrawal from all wells to 20 mg/30 days. The project is located in Upper Deerfield Township, Cumberland County, New Jersey.

**4. Pocono Farms Water Company D-94-65 CP**

An application for approval of a ground water withdrawal project to supply up to 15.75 mg/30 days of water to the applicant's distribution system from Well Nos. 4, 5 and 7, and to increase the existing withdrawal limit of 4.84 mg/30 days from all wells to 15.75 mg/30 days. The project is located in

Coolbaugh Township, Monroe County, Pennsylvania.

**5. Thornbury Township, Delaware County D-94-76 CP**

A project to expand an existing 0.06 million gallons per day (mgd) sewage treatment plant (STP) to 0.12 mgd to serve growth in the planned residential development of Thornbury Hunt in Thorny Township, Delaware County, Pennsylvania. The STP will continue to provide secondary biological treatment and discharge to Chester Creek near the Penn Central Railroad in Thornbury Township.

**6. Jericho National Golf Club, Inc. D-95-2**

An application for approval of a ground water withdrawal project to supply up to 9 mg/30 days of water to the applicant's golf course irrigation system from existing Well Nos. B-100 and B-C, and to limit the withdrawal from all wells to 9 mg/30 days. The project is located in Upper Makefield Township, Bucks County, Pennsylvania.

**7. Town of Thompson, Emerald Green STP D-95-16 CP**

A STP upgrade project that will replace a 0.41 mgd capacity secondary level plant with a 0.41 mgd capacity tertiary plant. The upgraded STP will continue to serve development in the Emerald Green/Lake Louise Marie Sewer District in the Town of Thompson, Sullivan County, New York. The STP will be situated on the site of the existing STP located just south of Route 17 and north of Lake Louise Marie in the Town of Thompson, and will continue to discharge to McKee Brook, a tributary of the Neversink River, via the existing outfall.

**8. Outletter Associates D-95-17**

A project to expand the existing 0.017 mgd tertiary STP to 0.024 mgd by replacing the existing extended aeration biological treatment process with a sequencing batch reactor process, along with other modifications. The STP will continue to serve the Crossings Outlet Square shopping center located in Pocono Township, Monroe County, Pennsylvania. Treated effluent, after ultraviolet disinfection, will continue to discharge to Pocono Creek in Pocono Township.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing

are requested to register with the Secretary prior to the hearing.

Dated: May 9, 1995.

**Susan M. Weisman,**

*Secretary.*

[FR Doc. 95-12070 Filed 5-16-95; 8:45 am]

BILLING CODE 6360-01-P

## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services; Office of Administrative Law Judges; Intent To Compromise Claims, South Carolina Commission for the Blind

**AGENCY:** Department of Education.

**ACTION:** Notice of intent to compromise claims.

**SUMMARY:** The Department intends to compromise claims against the South Carolina Commission for the Blind (Commission) now pending before the Office of Administrative Law Judges (OALJ), Docket Nos. 93-131-R and 93-141-R (20 U.S.C. 1234a(j)).

**DATES:** Interested persons may comment on the proposed action by submitting written data, views, or arguments on or before July 3, 1995.

**ADDRESSES:** All comments concerning this notice should be addressed to Jeffrey B. Rosen, Office of the General Counsel, U.S. Department of Education, 600 Independence Avenue SW., Room 5411, FB-10B, Washington, D.C. 20202-2242.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey B. Rosen. Telephone: (202) 401-6009. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Single Audit Act of 1984 (P.L. 98-502) and the provisions of Office of Management and Budget (OMB) Circular A-128, the Office of the State Auditor, State of South Carolina, conducted an audit of the Commission for the period July 1, 1987 through June 30, 1989. A final audit report was issued on February 11, 1993 (ACN: 04-23147 SC) (hereinafter "SC I").

Based upon this audit report, the Regional Commissioner, Region IV, Rehabilitation Services Commission, U.S. Department of Education (ED), issued a Preliminary Department Decision (PDD) on September 28, 1993 in which he requested that the Commission repay \$294,232 of funds misspent under Title I of the Rehabilitation Act of 1973, as amended

(the Act), 29 U.S.C. 701 et seq. There were seven different monetary findings as follows:

- a. Finding 1(b)—\$8,528.23—Unallowable vehicle purchase.
- b. Finding 2—\$1,217.00—Purchases not properly allocated to particular cost objectives.
- c. Finding 4—\$51,294.74—Time distribution records not maintained for employees.
- d. Finding 6(a)—\$205,640.00—Documentation not maintained for Federal activities.
- e. Finding 8—\$8,109.41—Computer lease payments not properly allocated.
- f. Finding 9—\$17,614.62—Expenditures obligated after project end.
- g. Finding 12—\$1,828.00—Unallowable interest charges.

On October 27, 1993 the Commission filed an application for review of the PDD with the Office of Administrative Law Judges (OALJ). On September 26, 1994, the Regional Commissioner filed a Notice of Reduction of Claim notifying the OALJ that, based upon new information submitted by the Commission, Finding 6(a) was reduced by \$139,353.37. Thus, the total amount outstanding in the appeal was reduced to \$154,878.63.

The Office of the State Auditor conducted another audit covering the period July 1, 1990 through June 30, 1991. A final audit report was issued on February 23, 1993 (ACN: 04-23165G SC) (hereinafter "SC II"). In SC II, the Regional Commissioner issued a PDD on September 29, 1993 in which he requested that the Commission repay \$129,369.26 of funds under the Act. There were three different monetary findings as follows:

- a. Finding 1—\$88,805.26—Time distribution records not maintained for employees.
- b. Finding 2—\$18,156.80—Using funds under the Act for unallowable expenditures.
- c. Finding 3—\$22,407.20—Purchases not properly allocated to particular cost objectives.

The Commission filed an appeal of the PDD with the OALJ on November 3, 1993.

The Commission and ED have agreed to settle all of the issues in these cases. The outstanding amounts in the two cases are covered by the Settlement Agreements.

Under the terms of the proposed agreement in SC I, the Commission owes ED a total of \$68,955. This repayment amount, including four percent interest accruing from July 15, 1995, is to be paid in three equal annual

payments of \$23,904 beginning July 15, 1995 and continuing through July 15, 1997. The Commission would be assessed interest at a rate of four percent per year if any of the foregoing payments are not made in a timely fashion. Failure to make timely payment within 20 days would result in a late payment fee of 10 percent of the payment due. Finally, under the agreement, the parties would jointly move for dismissal of the appeal.

For the following reasons, ED recommends approval of the proposed Settlement Agreement in SC I. The Commission has agreed to repay in full the cost disallowances in Findings 1, 2, 8, and 12. In Finding 9, ED determined that there was insufficient evidence of harm to the Federal interest and, as a result, agreed not to seek any recovery on this issue in the agreement.

With respect to Finding 4, which pertains to a time distribution issue for employees, the parties agreed that the Commission should repay \$15,826, which represents a repayment of greater than 30 percent of the original disallowed amount of \$51,294.74. The evidence presented by the Commission demonstrated that the employees in question worked a substantial portion of time on grant activities. Although the Commission clearly had an obligation to keep time distribution records, it presented other less reliable and circumstantial evidence that could persuade an administrative law judge or a Federal court to rule in substantial part or in full for its position.

With respect to the final issue, Finding 6(a), ED originally recommended a cost disallowance of \$205,640 for the failure of the Commission to maintain proper documentation for Federal activities. Following an on-site review of the documentation in question in this issue, ED agreed to reduce the cost disallowance to \$66,286.63, which consisted of obligations the liquidation of which the Commission had been unable to verify. Notwithstanding the Commission's failure to satisfy its burden of providing this information, ED did not have evidence demonstrating that all of these outstanding obligations were, in fact, unliquidated or detailing the extent to which the Federal interest was harmed. In order to reach a settlement of all the issues in this case, ED agreed to a 50 percent payback of \$33,143 on this issue.

Based upon the foregoing, ED believes that it is prudent to accept the settlement offer in SC I, which represents almost 45 percent of the disallowed costs outstanding in this case.