

**Corps of Engineers, Department of the Army**

**Intent To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) for Proposed Tanana River Levee Completion as Part of the Fairbanks Flood Control Project Near Fairbanks, Alaska**

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement (DSEIS).

**SUMMARY:** 1. Completion of the Tanana River Levee and construction of 16 protective groins are proposed to provide flood protection for the Fairbanks International Airport and western Fairbanks. The levee completion near the airport would require placement of approximately 348,000 cubic yards of rock and gravel and would extend approximately 10,000 feet. The structure would cross a major channel of the Tanana River twice, would require a temporary diversion structure, excavation of a pilot channel, and placement of three of the 16 protective groins. The remainder of the protective groins placed at intervals along the entire length of the levee would vary in length from 2,000 feet to 6,000 feet, requiring a total of approximately 750,000 cubic yards of rock and gravel. Crown widths would vary from 12 feet to 80 feet. Minor river diversions would be necessary for many of the groins. Most groins would extend into the river and across some active river braids.

2. A variety of levee alignments have been considered including those which would require crossing the river channels and those which would not require working in the water. An alternative design for levee protection would require 15 shorter groins and 2 slough blockages. Crown widths would be similar to the proposed plan; however, the lengths of the groins would be less, varying from 1,000 ft. to 5,000 ft. Most of these dikes would not cross active channels of the Tanana River. Another alternative would be to design and construct the protective groins as they are needed.

3. A scoping meeting is expected to be held in Fairbanks, Alaska in the month of November 1979. Federal, State and local agencies as well as interested private organizations and parties will be invited to participate. The exact date, time and location have not been determined.

Significant issues to be analyzed in depth in the DSEIS are the impacts on

the Tanana River fishery, to navigation, to vegetation and terrestrial habitat on both the north and south banks and to ground water in the Fairbanks area.

4. Interested persons, agencies and organizations desiring to submit comments or suggestions for consideration in connection with the preparation of the DSEIS are invited to do so. Upon completion of the DSEIS, estimated to be March 1980, it will be available for public comment and review.

**ADDRESS:** Questions about the proposed action and DSEIS can be answered by: William D. Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510.

Dated: October 25, 1979.

Lee R. Nunn,  
*Colonel, Corps of Engineers, District Engineer.*

[FR Doc. 79-34303 Filed 11-5-79; 8:45 am]  
BILLING CODE 3710-NL-M

**Office of the Secretary**

**DoD-HEW Title VI Memorandum of Understanding**

Notice is hereby given that certain delegations of compliance responsibilities, under Title VI of the 1964 Civil Rights Act, have been agreed to by the Department of Defense and the Department of Health, Education and Welfare. These delegations are contained in the Memorandum of Understanding (MOU) set forth below. This MOU became effective on September 20, 1979.

*Department of Defense-Department of Health, Education, and Welfare Memorandum of Understanding*

This Memorandum of Understanding between the Department of Defense (DoD) and the Department of Health, Education and Welfare (HEW) is being implemented to further the objectives of Executive Order 11764, dated January 21, 1974, "Non-discrimination in Federally Assisted Programs". These objectives are to develop and implement agreements, policies and practices designed to maximize effort, promote efficiency and eliminate conflict, duplication and inconsistency among the operations, functions and jurisdictions of the parties to this Memorandum, concerning the enforcement of Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-2000d-4). The parties to this Memorandum agree as follows:

1. Pursuant to the authority in 32 Code of Federal Regulations (CFR) 300.5(c)(1978) and 28 CFR 42.413(a)(1978), DoD hereby assigns and HEW accepts the responsibilities set forth below with respect to certain medical facilities receiving funds from the Civilian Health and Medical program of the Uniformed Services (CHAMPUS):

a. Compliance reports, including the mailing, receiving, and evaluation thereof under 32 CFR 300.7(b)(1978);

b. Other actions under 32 CFR 300.7(1978);

c. All actions under 32 CFR 300.8(1978), including periodic compliance reviews, receipt of complaints, investigations, determination of recipients apparent failure to comply, and resolution of matters by informal means.

2. The Department of Defense expressly reserves to itself all compliance responsibility for medical treatment facilities receiving CHAMPUS funds and not monitored for compliance with Title IV by HEW. Among the types of medical treatment facilities not monitored for Title VI compliance by HEW are certain residential treatment centers, specialized treatment facilities, and those facilities approved for CHAMPUS funding under the program for the handicapped established pursuant to 10 U.S.C. 1079(d).

3. The Department of Defense also reserves to itself the methods to achieve compliance under 32 CFR 300.9, 300.10, and 300.11(1978) for all medical facilities receiving CHAMPUS funds as well as the right to exercise the responsibilities delegated by this Memorandum in special cases after consulting with the appropriate HEW official.

4. DoD and HEW shall adopt adequate written procedures to assure that the same standards of compliance with Title VI are used at the operational levels by each of the agencies in accordance with 28 CFR 42.413(b)(1978).

This Memorandum of Understanding shall become effective when signed by both parties.

Dated: June 8, 1979.

Robert B. Pirie,  
*Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Department of Defense.*

Dated: September 20, 1979.

Patricia Roberts Harris,  
*Secretary, Department of Health, Education and Welfare.*

November 1, 1979.

H. E. Lofdahl,  
*Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.*

[FR Doc. 79-34306 Filed 11-6-79; 8:45 am]  
BILLING CODE 3810-70-M

**Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance**

The Department of Defense hereby gives notice that the effective date of the Age Discrimination Act's prohibition of age discrimination is July 1, 1979, the date the Act's general implementing regulations became effective (44 FR 33768, June 12, 1979, to be codified at 45 CFR Part 90). The Department of Defense will then issue a proposed rulemaking document that will prescribe

DoD implementation of the Act. The general regulations establish standards for determining what is age discrimination and procedures for enforcing the Act. Recipients and beneficiaries under all programs receiving Federal financial assistance from the Department of Defense are therefore on notice that complaints alleging acts of age discrimination occurring on or after July 1, 1979, may be filed from July 1, 1979, forward. Any person, individually or as a member of a class or on behalf of others, may file a complaint with the Department of Defense alleging discrimination prohibited by the Act. Address complaints concerning recipients and beneficiaries of Federal financial assistance from the Department of Defense to: The Deputy Assistant Secretary of Defense (Equal Opportunity), Room 3E318, The Pentagon, Washington, D.C. 20301.

The Department of Defense staff will screen all complaints and refer those considered sufficient under the Act and general regulations to the Federal Mediation and Conciliation Service (FMCS), Washington, D.C., for mediation. The FMCS will begin mediating complaints on November 1, 1979.

The Act states that a complainant may file a civil action 180 days from the date the complaint was filed if the agency has taken no action, or upon the date the agency makes a determination in favor of the recipient. For purposes of exhaustion of administrative remedies within the Department of Defense, the 180 day period will run from the date the complaint is filed. In cases where the Department of Defense has taken no action on a complaint, and 180 days have passed, the complainant retains the option either to file a civil action, or to pursue the complaint through DoD's administrative process.

H. E. Lofdahl,

*Director, Correspondence and Directives,  
Washington Headquarters Services,  
Department of Defense.*

November 1, 1979.

[FR Doc. 79-34437 Filed 11-6-79; 8:45 am]

BILLING CODE 3810-70-M.

## DEPARTMENT OF ENERGY

### Conduct of Employees; Waiver Pursuant to Section 602(c) of the Department of Energy Organization Act (Pub. L. 95-91)

Section 602(c) of the Department of Energy Organization Act (Public Law 95-91, the "Act") authorizes the Secretary of Energy to grant waivers

from the divestiture requirements of section 602(a) of the Act to "supervisory employees" (as defined in section 601(b) of the Act), where exceptional hardship would result.

It has been established to my satisfaction that a short-term waiver of the requirements of section 602(a) of the Act for the individual "Supervisory employee" of the Department of Energy whose name is listed below is justified and I so find. This waiver shall expire on December 31, 1979.

#### *Name, Energy Concern*

John A. Hewitt, Virginia Power and Electric Company NVF Company.

Mr. Hewitt's official duties as Chief Financial Officer will require little if any involvement on his part in particular matters that could have a direct and predictable impact on any of the listed energy concerns. Nevertheless, he is directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on any of the listed energy concerns, unless the General Counsel and I agree that the financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him.

Dated: October 31, 1979.

Charles W. Duncan, Jr.,

*Secretary of Energy.*

[FR Doc. 79-34429 Filed 11-6-79; 8:45 am]

BILLING CODE 6450-01-M

### Notice of Proposed Consent Order With Cities Service Company

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of Proposed Consent Order and Opportunity for Public Comment.

**SUMMARY:** The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR § 205.199J that it entered into a consent order with Cities Service Company on October 31, 1979. The consent resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations, with two exceptions noted below, for the period August 1973 through September 1979. To remedy any overcharges that may have occurred during the period, Cities Service agrees to \$220 million in remedies. In a related action, Cities Service announced its intention to increase its expenditures for domestic exploration and production by \$150 million in 1980 and 1981.

As required by the regulation cited above, OSC will receive comments on the consent order for a period of not less than 30 days following publication of this notice. OSC will consider any comments received before determining whether to make the consent order final. Although the consent order has been signed and accepted by the parties, the OSC may, after the expiration of the comment period, withdraw its acceptance of the consent order and attempt to obtain a modification of the consent order or issue the consent order as proposed.

**COMMENTS:** Comments must be received by 5:00 p.m. December 10, 1979 to be considered. Address comments to: Cities Service Consent Order Comments, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Rm. 3109, Washington, D.C. 20461.

**FOR FURTHER INFORMATION CONTACT:** Leslie Wm. Adams, Associate Solicitor to the Special Counsel, for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, 202-633-8288.

Copies of the consent order may be received free of charge by written request to: Cities Service Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Rm. 3109, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W. Room GB-145.

**SUPPLEMENTARY INFORMATION:** Cities Service Company is one of the 34 major refiners presently subject to audit by the Special Counsel to determine compliance with the DOE Petroleum Price and Allocation Regulations (Regulations). Cities Service engages in production, refining and marketing of crude oil and refined petroleum products. The audit included a review of Cities Service's records relating to compliance with the Regulations during the period August 19, 1973 through September 30, 1979 (the audit period). During the audit, questions and issues were raised and enforcement documents were issued. This consent order resolves not previously resolved, with the exceptions noted below, concerning the allocation and sale of covered products during the audit period, whether or not raised in a previous enforcement action.

#### Conclusion of OSC Audit

The consent order addresses all aspects of Cities Service's compliance with applicable price and allocation regulations pertaining to the production,