

incur debt. In the Upper Colorado River Basin, Section 8 of the Colorado River Storage Project Act authorizes and directs the Secretary of the Interior to investigate, plan, construct, operate, and maintain facilities to improve conditions for and mitigate losses of fish and wildlife. Funds authorized by this section of the Act are nonreimbursable and nonreturnable, and therefore must be appropriated by Congress. Section 5(a) specifies that the Basin Fund will not be applied to Section 8 (fish and wildlife mitigation). The Grand Canyon Protection Act states that power revenues may be used for activities designed to conserve the environment downstream from Glen Canyon Dam, but does not exclude the use of other funding mechanisms.

Mitigation and enhancement activities are typically identified and proposed on a project-by-project basis through project planning and environmental compliance. Reclamation has programmed and expended funds for fish and wildlife mitigation and enhancement for impacts associated with previous activities where appropriate. Most often these activities are identified in Fish and Wildlife Coordination Act Reports and National Environmental Policy Act documents. Reclamation will continue to use this approach. Since no changes are being proposed, there is no specific mitigation or enhancement necessary for this action. Reclamation will continue to comply with NEPA and other appropriate environmental laws in identifying, planning, and carrying out mitigation and enhancement activities.

Issue #5

Is there a need to change the Operating Criteria.

Background

The Operating Criteria are to accomplish the objectives of Section 602(a) of the Colorado River Basin Project Act. Modification of the Operating Criteria can be done by the Secretary of the Interior “* * * as a result of actual operating experiences or unforeseen circumstances * * * to better achieve the purposes specified in (Section 602(a) of the Colorado River Basin Project Act).”

Some commentators stated that they believe “* * * there are no conditions resulting from actual operating experiences or unforeseen circumstances, since the last review, that justify the need to modify the existing Criteria,” and that the reservoirs have been operating satisfactorily under the present Operating Criteria. These comments

support not changing the criteria at this time.

Others stated that we are entering a new era and that the Operating Criteria should be changed to reflect different circumstances and concerns. The Lower Basin States have reached their annual apportionment of 7.5 million acre-feet for consumptive use. Environmental and recreational issues have increased in value in the eyes of the public. There were also those who stated that the Operating Criteria need to be changed to include specific guidelines that allow the Secretary of the Interior to make surplus, shortage, and normal determinations. These comments all support a need for change.

Analysis and Response

The Operating Criteria provide guidelines for the operation of Upper Basin Reservoirs and Lake Mead. Specific operational needs are not detailed in the Operating Criteria. The specific needs have, in the past, been addressed in the Annual Operating Plan development process.

The Operating Criteria may be modified from time to time as a result of actual operating experiences or unforeseen circumstances. A significant amount of operating experience has been gained over the 27-year period since the Operating Criteria were issued. Furthermore, Reclamation has developed and used analytical tools which allow operations of the Colorado River system reservoirs to be projected into the future with the inclusion of alternative operating strategies.

With the above in mind, the evaluation of operational experiences over the next several years will determine whether or not to change the Operating Criteria. But in the interim, the recommendation is not to change the Operating Criteria.

Issue #6

Water marketing and banking.

Background

Several years ago the Bureau of Reclamation advanced draft regulations for administering Colorado River water entitlements in the Lower Basin States of Arizona, California, and Nevada. The draft regulations contained provisions for water banking and water marketing in the Lower Basin. Because there was not consensus with the states regarding the draft regulations, they have been held in abeyance while the three states attempt to reach some agreement on numerous issues, including water marketing and banking. This negotiation process among the states is continuing. Many people believe that some form of

water banking and marketing will be essential to meeting future water needs in the Lower Colorado River Basin.

Analysis and Response

Reclamation initiated a rule making process focused on water banking in groundwater aquifers or off-mainstem storage reservoirs in the Lower Basin. Reclamation published the draft administrative rule on Offstream Storage of Colorado River Water in the **Federal Register** on December 31, 1997. In addition, the Environmental Assessment was released in the same timeframe. Both documents are out for review and comment until March 2, 1998. This administrative rule is considered a responsibility of the Secretary of the Interior under the Boulder Canyon Project Act, and focuses only on the three Lower Basin States.

Reclamation believes that the limited water marketing and banking currently under consideration would not require a change to the current Operating Criteria.

Final Decision

The Department considered issues arising from the review of the Operating Criteria. After a careful review of the issues, solicitation of involved parties' responses to Reclamation's analysis, and consultation with the Governors' representatives of the seven Basin States, the Department has decided not to modify the Operating Criteria at this time.

Dated: February 18, 1998.

Bruce Babbitt,

Secretary, Department of the Interior.

[FR Doc. 98-4570 Filed 2-23-98; 8:45 am]

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DEPARTMENT OF JUSTICE

Supplemental Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation & Liability Act

On February 5, 1998, the Department of Justice published notice of lodging of a proposed consent decree on January 21, 1998, with the United States District Court for the Northern District of Illinois, in *United States et al. v. City of Rockford, Illinois*, Civil No. 98 C 50026, under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (“CERCLA”), 42 U.S.C. 9601 *et seq.* See 63 FR 5967 (February 5, 1998). The Department of Justice hereby supplements its Notice to indicate that under section 7003(d) of the Resource

Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973(d), the public may request an opportunity for a public meeting at which time they may offer comment.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98-4644 Filed 2-23-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Harold Shane et al.*, Civil Action No. 90-0102-C (S.D. Ohio) entered into by the United States and Harold Shane, was lodged on February 11, 1998, with the United States District Court for the Southern District of Ohio. The proposed Consent Decree will resolve claims of the United States against Harold Shane for recovery of response costs incurred by the U.S. Environmental Protection Agency at the Arcanum Iron & Metals Superfund Site in Arcanum, Ohio pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.* ("CERCLA"). The settlement requires Harold Shane to make payment of \$354,112 to the United States following entry of the proposed Consent Decree.

The Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and under section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973 ("RCRA").

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States v. Harold Shane et al.*, Civil Action No. 90-0102-C, and the Department of Justice Reference No. 90-11-3-504. Commenters may request an opportunity for a public hearing in the affected area, in accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed Consent Decree, and attached exhibits, may be examined at the Office of the United States Attorney for the Southern District of Ohio, 200 West Second Street, Dayton, Ohio 45402; the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590; and at the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005, telephone no. (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005. In requesting a copy with attached exhibits, please refer to DJ #90-11-3-504, and enclose a check in the amount of \$5.50 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98-4643 Filed 2-23-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—AMMAP Venture Team

Notice is hereby given that, on December 23, 1997, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the AMMAP Venture Team ("the AMMAP Team") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Ovonic Battery Company, Troy, MI; Manufacturing Sciences Corporation, Oak Ridge, TN; Oak Ridge National Laboratory, Oak Ridge, TN; Energy Conversion Devices, Inc., Troy, MI; Colorado School of Mines, Golden, CO; and Iowa State University, Ames, IA.

The objective of the AMMAP Team is to perform a research program with the goal of developing a Mg-based high-capacity hydrogen storage material and its production technology. The activities of the AMMAP Team will be partially funded by an award from the Advanced

Technology Program, National Institute of Standards and Technology, Department of Commerce.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98-4645 Filed 2-23-98; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement

SUMMARY: The Department of Justice (DOJ), National Institute of Corrections (NIC) announces the availability of funds in FY '98 for a cooperative agreement to fund the "Prison Health Care Initiative" project.

Purpose: The National Institute of Corrections is seeking applications for a cooperative agreement for researching, updating and expanding the monograph, *Prison Health Care: Guidelines for the Management of an Adequate Delivery System*. The award recipient will conduct research and develop a new edition of this comprehensive guide on providing medical care and health services in a correctional environment.

Authority: Public Law 93-415

Funds Available: The award will be limited to a maximum total of \$100,000.00 (direct and indirect costs) and project activity must be completed within 18 months of the date of the award. Funds may not be used for construction, or to acquire or build real property. This project will be a collaborative venture with the NIC Prisons Division.

Deadline for Receipt of Applications: Applications must be received in NIC's Washington, D.C. office by 4:00 p.m. Eastern Time, Friday, April 17, 1998.

ADDRESSES AND FURTHER INFORMATION:

Request for application kit, which includes further details on the project's objectives, etc., should be directed to *Judy Evens, Cooperative Agreement Control Office, National Institute of Corrections, 320 First Street N.W., Room 5007, Washington, D.C. 20534* or by calling 800-995-6423, ext. 159. You may also obtain an application kit by an E-mail request to Ms. Evens, jevans@bop.gov.

Any technical and/or programmatic information/questions on this announcement should be directed to Mr. Keith O. Nelson at the above address or by calling 800-995-6423, ext. 141 or 202-307-3106, ext. 141, or by E-mail via knelson@bop.gov.