

from Oct 1–March 31 and seasonally closed from April 1–Sept 30 each year. Future changes to these closure dates may be necessary as ongoing bat migration research at Crystal Cave is accomplished. Any changes to access dates will be given via subsequent **Federal Register** notice.

**FOR FURTHER INFORMATION CONTACT:** For information regarding public access to Crystal Cave, contact the BLM's Salt Lake Field Office at (801) 977-4300.

**SUPPLEMENTARY INFORMATION:** This seasonal closure to public access of Crystal Cave will serve to protect both a maternity colony of Townsend's Big-eared Bats and unique geologic cave formations, and to ensure visitor safety and compliance through the installation of a bat-friendly locking gate. The BLM decision is to manage access to Crystal Cave by constructing a bat-friendly gate and implementing a Cave Management Plan coupled with a visitor use permit system.

With increasing visitation, additional measures are needed to effectively protect the cave. Formations are being illegally removed and critical bat habitat is being disturbed. A permit system will provide an opportunity to educate the public on the importance of protecting critical cave resources.

Installation of a gate will provide the maximum security for Crystal Cave resources while minimizing the negative effects on the cave's ecology. The gate will be constructed as a joint effort between the Salt Lake BLM Field Office, Timpanogos Cave National Monument, Salt Lake NSS Grotto, the Timpanogos NSS Grotto, and other interested individuals.

The Crystal Cave Management Plan will set forth direction for long-range management planning and oversight of this important resource and identify specific management actions for recreation use at Crystal Cave. The management plan will emphasize recreational use while providing for natural resource conservation and enhancement.

The authority for establishing this restriction is found at 43 CFR 8364.1(a). This restriction does not apply to:

(1) Any Federal, State or local government officer or member of an organized rescue or fire fighting force while in the performance of an official duty.

(2) Any Bureau of Land Management employee, agent, contractor, or cooperater while in the performance of an official duty.

(3) Any Federal, State, local, or contract law enforcement officer, while in the performance of their official

duties, or while enforcing this closure notice.

Violation of this closure is punishable by a fine not to exceed \$100,000 and/or imprisonment not to exceed 12 months as provided in 43 CFR 8360-0.7 as further defined in 18 U.S.C. 3571.

Dated: September 20, 2004.

**Glenn A. Carpenter,**

*Field Office Manager.*

[FR Doc. 04-24662 Filed 11-1-04; 1:52 pm]

**BILLING CODE 4310-DQ-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Review of Existing Coordinated Long-Range Operating Criteria for Colorado River Reservoirs (Operating Criteria)

**AGENCY:** Bureau of Reclamation (Reclamation), Interior.

**ACTION:** Notice of proposed decision regarding the operating criteria and announcement of public consultation meeting.

**SUMMARY:** The purpose of this action is to provide notice of a public consultation meeting. In addition, based on information submitted for review by the Department of the Interior, Reclamation is proposing that the Secretary of the Interior (Secretary) make a number of identified modifications to the text of the Operating Criteria developed pursuant to Section 602 of the Colorado River Basin Project Act of 1968. The bases for the proposed changes are: (1) Specific changes in Federal law applicable to the Operating Criteria, (2) language in the current text of the Operating Criteria that is outdated, and (3) specific modifications to Article IV(b) of the Operating Criteria that reflect actual operating experience.

**DATES:** To receive input on the proposed decision regarding specific limited changes to the Operating criteria, Reclamation will conduct a public consultation meeting in Henderson, Nevada. The meeting will be held at the following time and location:

- November 19, 2004—9 a.m. to 1 p.m. at the Henderson Convention Center, 200 South Water Street, Henderson, Nevada.

All comments relevant to the proposed decision should be received no later than December 6, 2004.

**ADDRESSES:** Interested parties should send comments or questions to: Regional Director, Attention: BCOO-4600, Bureau of Reclamation, Lower Colorado Region, P.O. Box 61470, Boulder City, Nevada 89006-1470.

#### FOR FURTHER INFORMATION CONTACT:

Jayne Harkins, Bureau of Reclamation, Lower Colorado Region, P.O. Box 61470, Boulder City, Nevada 89006-1470; telephone (702) 293-8411; faxogram (702) 293-8614; e-mail:

*jharkins@lc.usbr.gov*; or Tom Ryan, Bureau of Reclamation, Upper Colorado Region, 125 South State Street, Room 6107, Salt Lake City, Utah 84138-1147; telephone (801) 524-3732; faxogram (801) 524-5499; e-mail: *tryan@uc.usbr.gov*.

**SUPPLEMENTARY INFORMATION:** The public review process began with a **Federal Register** Notice published on January 15, 2002, announcing the sixth review of the Operating Criteria and inviting comments regarding whether the Operating Criteria should be modified, and if so, how they should be modified. The January 15, 2002, Notice provided for a comment period that ended on March 18, 2002. On March 6, 2002, a second Notice was published in the **Federal Register** extending the comment period to March 29, 2002, and inviting public feedback on whether or not Reclamation should conduct a public meeting to solicit comments as part of the sixth review of the Operating Criteria. A letter was then sent to all interested parties, tribes, and stakeholders on March 7, 2002, that included copies of both **Federal Register** Notices and the Operating Criteria.

On June 27, 2002, a Fact Sheet providing information on the Operating Criteria, scope of the review process, public participation, timeline for the review process, and contact information was sent to all interested parties and stakeholders. In addition to the Fact Sheet, Reclamation set up a Web site (<http://www.usbr.gov/lc/region/g4000/lroc>) for the sixth review of the Operating Criteria that contained further information on the review, copies of all comment letters received, and links to technical documents Reclamation felt would be useful during the review process.

Detailed written comments were received from 16 interested parties providing Reclamation with numerous issues, comments, and concerns regarding possible changes to the Operating Criteria. The comment letters were posted on the Operating Criteria Web site in May 2002 and have been reviewed by Reclamation for identification and analysis of the issues.

As required by Federal law, formal consultation with the representatives of the seven Basin States, and with members of the general public, was conducted during this review of the

Operating Criteria. The January 15, 2002, **Federal Register** Notice stated that open public meetings would be conducted as part of this review, and in the March 6, 2002, **Federal Register** Notice, Reclamation asked for comments on whether or not a public meeting should be held. At the end of the comment period (March 29, 2002), several of those who provided comments stated that a public meeting to solicit comments on the need to revise the Operating Criteria was not needed. Accordingly, Reclamation did not conduct a public meeting at that point in the review process. However, pursuant to this **Federal Register** Notice, a public consultation meeting will be conducted on November 19, 2004, allowing interested parties and the general public an opportunity to provide comments on the proposed changes to the Operating Criteria identified in this **Federal Register** Notice. This meeting will be considered a consultation with the States, interested parties, and stakeholders, as well as government-to-government consultation with tribal representatives.

Following analysis of any additional comments received as a result of this Notice, any proposed Federal action will be evaluated by Reclamation to determine the applicability of National Environmental Policy Act compliance. A final Secretarial decision regarding this five-year review will be published in the **Federal Register**.

#### **Public Disclosure**

It is Reclamation's practice to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent

allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

*Background:* The Operating Criteria, promulgated pursuant to Section 602 of the 1968 Colorado River Basin Project Act (Pub. L. 90-537), were published in the **Federal Register** on June 10, 1970 (35 FR 8951). In order to comply with and carry out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty, the Operating Criteria provide for the coordinated long-range operation of the reservoirs constructed and operated under the authority of the Colorado River Storage Project Act and the Boulder Canyon Project Act.

The Operating Criteria state that the Secretary will sponsor a formal review of the Operating Criteria at least every five years with participation by Colorado River Basin State representatives as each Governor may designate and other parties and agencies as the Secretary may deem appropriate. As required by Pub. L. 102-575 (the Grand Canyon Protection Act of 1992), the Secretary also consults in this review process with the general public including representatives of academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of federal power produced at Glen Canyon Dam.

Previous reviews of the Operating Criteria were conducted in 1975, 1980, 1985, 1990, and 1995. These reviews did not propose any changes to the Operating Criteria. Prior to 1990, reviews were conducted primarily through meetings with and correspondence among representatives of the seven Basin States and Reclamation. Because the long-range operation of the Colorado River Reservoirs is important to many agencies and individuals, in 1990, through an active public involvement process, Reclamation expanded the review of the Operating Criteria to include all interested stakeholders. A team consisting of Reclamation staff from Salt Lake City, Utah, and Boulder City, Nevada, was organized to conduct the 1995 review. For this review, Reclamation staff from Boulder City and Salt Lake City followed a similar public process.

The scope of the review has been consistent with the statutory purposes of the Operating Criteria which are "to comply with and carry out the provisions of the Colorado River Compact, Upper Colorado River Basin Compact, and Mexican Water Treaty" 43 U.S.C. 1552(a). Long-range operations generally refer to the planning of reservoir operations over several decades, as opposed to the Annual Operating Plan which details specific reservoir operations for the next operating year, as required by 43 U.S.C. 1552(b).

*Proposed Modifications to the Operating Criteria:* As a result of this review, Reclamation is proposing the following modifications to the Operating Criteria (additions are shown with highlighted text and deletions are shown with a line):

**BILLING CODE 4310-MN-M**

## LONG-RANGE OPERATING CRITERIA

### CRITERIA FOR COORDINATED LONG-RANGE OPERATION OF COLORADO RIVER RESERVOIRS PURSUANT TO THE COLORADO RIVER BASIN PROJECT ACT OF SEPTEMBER 30, 1968 (P.L. 90-537)

These Operating Criteria are promulgated in compliance with Section 602 of Public Law 90-537. They are to control the coordinated long-range operation of the storage reservoirs in the Colorado River Basin constructed under the authority of the Colorado River Storage Act (hereinafter "Upper Basin Storage Reservoirs") and the Boulder Canyon Project Act (Lake Mead). The Operating Criteria will be administered consistent with applicable Federal laws, the Mexican Water Treaty, interstate compacts, and decrees relating to the use of the waters of the Colorado River.

The Secretary of the Interior (hereinafter the "Secretary") may modify the Operating Criteria from time to time in accordance with Section 602(b) of P.L. 90-537. The Secretary will sponsor a formal public review of the Operating Criteria at least every 5 years, with participation by State representatives as each Governor may designate and such other parties and agencies as the Secretary may deem appropriate.

#### I. Annual Report

(1) On ~~January 1, 1972, and on~~ January 1 of each year thereafter, the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report describing the actual operation under the adopted criteria for the preceding compact water year and the projected plan of operation for the current year.

(2) The plan of operation shall include such detailed rules and quantities as may be necessary and consistent with the criteria contained herein, and shall reflect appropriate consideration of the uses of the reservoirs for all purposes, including flood control, river regulation, beneficial consumptive uses, power production, water quality control, recreation, enhancement of fish and wildlife, and other environmental factors. The projected plan of operation may be revised to reflect the current hydrologic conditions, and the Congress and the Governors of the Colorado River Basin States be advised of any changes by June of each year.

#### II. Operation of Upper Basin Reservoirs

(1) The annual plan of operation shall include a determination by the Secretary of the quantity of water considered necessary as of September 30 of each year to be in storage as required by Section 602(a) of P.L. 90-537 (hereinafter "602(a) Storage"). The quantity of 602(a) Storage shall be determined by the Secretary after consideration of all applicable laws and relevant factors, including, but not limited to, the following:

- (a) Historic streamflows;
- (b) The most critical period of record;
- (c) Probabilities of water supply;
- (d) Estimated future depletions of the upper basin, including the effects of recurrence of critical periods of water supply;
- (e) The "Report of the Committee on Probabilities and Test Studies to the Task Force on Operating Criteria for the Colorado River," dated October 30, 1969, and such additional studies as the Secretary deems necessary;
- (f) The necessity to assure that upper basin consumptive uses not be impaired because of failure to store sufficient water to assure deliveries under Section 602(a)(1) and (2) of P.L. 90-537.

(2) If in the plan of operation, either:

- (a) the Upper Basin Storage Reservoirs active storage forecast for September 30 of the current year is less than the quantity of 602(a) Storage determined by the Secretary under Article II(1) hereof, for that date; or
- (b) the Lake Powell active storage forecast for that date is less than the Lake Mead active storage forecast for that date;

the objective shall be to maintain a minimum release of water from Lake Powell of 8.23 million acre-feet for that year. ~~However, for the years ending September 30, 1971 and 1972, the release may be greater than 8.23 million acre feet if necessary to deliver 75,000,000 acre-feet at Lee Ferry for the 10 year period ending September 30, 1972.~~

(3) If, in the plan of operation, the Upper Basin Storage Reservoirs active storage forecast for September 30 of the current water year is greater than the quantity of 602(a) Storage determination for that date, water shall be released annually from Lake Powell at a rate greater than 8.23 million acre-feet per year to the extent necessary to accomplish any or all of the following objectives:

- (a) to the extent it can be reasonably applied in the States of the Lower Division to the uses specified in Article III(e) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead,
- (b) to maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and
- (c) to avoid anticipated spills from Lake Powell.

(4) In the application of Article II(3)(b) herein, the annual release will be made to the extent that it can be passed through Glen Canyon Powerplant when operated at the available capability of the powerplant. Any water thus retained in Lake Powell to avoid bypass of water at the Glen Canyon Powerplant will be released through the Glen Canyon Powerplant as soon as practicable to equalize the active storage in Lake Powell and Lake Mead.

(5) Releases from Lake Powell pursuant to these criteria shall not prejudice the position of either the upper or lower basin interests with respect to required deliveries at Lee Ferry pursuant to the Colorado River Compact.

### III. Operation of Lake Mead

(1) Water released from Lake Powell, plus the tributary inflows between Lake Powell and Lake Mead, shall be regulated in Lake Mead and either pumped from Lake Mead or released to the Colorado River to meet requirements as follows:

- (a) Mexican Treaty obligations;
- (b) Reasonable consumptive use requirements of mainstream users in the Lower Basin;
- (c) Net river losses;
- (d) Net reservoir losses;
- (e) Regulatory wastes.

~~(2) Until such time as mainstream water is delivered by means of the Central Arizona Project, the consumptive use requirements of Article III(1)(b) of these Operating Criteria will be met. Deleted [Adopted: 6/10/1970, Deleted: X/X/2004]~~

(3) After commencement of delivery of mainstream water by means of the Central Arizona Project, the consumptive use requirements of Article III(1)(b) of these Operating Criteria will be met to the following extent:

(a) Normal: The annual pumping and release from Lake Mead will be sufficient to satisfy 7,500,000 acre-feet of annual consumptive use in accordance with the decree in *Arizona v. California*, 376 U.S. 340 (1964).

(b) Surplus: The Secretary shall determine from time to time when water in quantities greater than "Normal" is available for either pumping or release from Lake Mead pursuant to Article II(b)(2) of the decree in *Arizona v. California* after consideration of all relevant factors, including, but not limited to, the following:

- (i) the requirements stated in Article III(1) of these Operating Criteria;
- (ii) requests for water by holders of water delivery contracts with the United States, and of other rights recognized in the decree in *Arizona v. California*;
- (iii) actual and forecast quantities of active storage in Lake Mead and the Upper Basin Storage Reservoirs; and
- (iv) estimated net inflow to Lake Mead.

(c) Shortage: The Secretary shall determine from time to time when insufficient mainstream water is available to satisfy annual consumptive use requirements of 7,500,000 acre-feet after consideration of all relevant factors, including, but not limited to, the following:

- (i) the requirements stated in Article III(1) of these Operating Criteria;
- (ii) actual and forecast quantities of active storage in Lake Mead;
- (iii) estimate of net inflow to Lake Mead for the current year;
- (iv) historic streamflows, including the most critical period of record;
- (v) priorities set forth in Article II(A) of the decree in *Arizona v. California*; and
- (vi) the purposes stated in Article I(2) of these Operating Criteria.

The shortage provisions of Article II(B)(3) of the decree in *Arizona v. California* shall thereupon become effective and consumptive uses from the mainstream shall be restricted to the extent determined by the Secretary to be required by Section 301(b) of Public Law 90-537.

#### IV. Definitions

(1) In addition to the definitions in Section 606 of P.L. 90-537, the following shall also apply:

- (a) "Spills," as used in Article II(3)(c) herein, means water released from Lake Powell which cannot be utilized for project purposes, including, but not limited to, the generation of power and energy.
- (b) "Surplus," as used in Article III(3)(b) herein, is water which can be used to meet consumptive use demands in the three Lower Division States in excess of 7,500,000 acre-feet annually. The term "surplus" as used in these Operating Criteria is not to be construed as applied to, being interpretive of, or in any manner having reference to the term "surplus" in either the Colorado River Compact or the 1944 Mexican Treaty.
- (c) "Net inflow to Lake Mead," as used in Article III(3)(b)(iv) and (c)(iii) herein, represents the annual inflow to Lake Mead in excess of losses from Lake Mead.
- (d) "Available capability," used in Article II(4) herein, means that portion of the total capacity of the powerplant that is physically available for generation.

**BILLING CODE 4310-MN-C**

*Proposed Decision:* The Department of the Interior has considered the comments received during this review of the Operating Criteria. After a careful review of the comments received, solicitation of public review to Reclamation's responses, and consultation with the Governor's representatives of the seven Basin States, Reclamation is proposing that the Secretary of the Interior make a number of identified modifications to the text of the Operating Criteria. The bases for the proposed changes are (1) specific changes in Federal law applicable to the Operating Criteria, (2) language in the current text of the Operating Criteria that is outdated, and (3) specific modifications to Article IV(b) of the Operating Criteria that reflect actual operating experience.

Dated: September 28, 2004.

**William E. Rinne,**

*Deputy Commissioner, Bureau of Reclamation.*

[FR Doc. 04-24552 Filed 11-2-04; 8:45 am]

**BILLING CODE 4310-MN-M**

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**INTERNATIONAL TRADE COMMISSION**

[Investigation No. NAFTA-103-009]

**Certain Sanitary Articles of Tri-Lobal Rayon Staple Fibers: Effect of Modification of NAFTA Rules of Origin for Goods of Canada and Mexico**

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and request for written submissions.

**EFFECTIVE DATE:** October 27, 2004.

**SUMMARY:** Following receipt of a request on October 20, 2004, from the United States Trade Representative (USTR) under authority delegated by the President and pursuant to section 103 of the North American Free Trade Agreement (NAFTA) Implementation Act (19 U.S.C. 3313), the Commission instituted investigation No. NAFTA-103-009, Certain Sanitary Articles of Tri-Lobal Rayon Staple Fibers: Effect of Modification of NAFTA Rules of Origin for Goods of Canada and Mexico.

**FOR FURTHER INFORMATION CONTACT:**

Information may be obtained from Kimberlie Freund, Office of Industries (202-708-5402, [kimberlie.freund@usitc.gov](mailto:kimberlie.freund@usitc.gov)); for information on legal aspects, contact William Gearhart of the Office of the General Counsel (202-205-3091, [wgearhart@usitc.gov](mailto:wgearhart@usitc.gov)). The media should contact Margaret O'Laughlin, Office of Public Affairs (202-205-1819, [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov)).

**Background:** Annex 300-B, Chapter 4, and Annex 401 of the NAFTA contain the rules of origin for textiles and apparel for application of the tariff provisions of the NAFTA. These rules are set forth for the United States in general note 12 to the Harmonized Tariff Schedule (HTS). According to the USTR request letter, U.S. negotiators have recently reached agreement in principle with representatives of the Governments of Canada and Mexico to modify the NAFTA rule of origin for certain sanitary towels or tampons classified in HTS subheading 5601.10 and made from tri-lobal rayon staple fibers (38 mm, 3.3 decitex) of HTS subheading 5504.10. If implemented, the proposed rule of origin would apply to U.S. imports from and exports to the NAFTA parties. Section 202(q) of the North

American Free Trade Agreement Implementation Act (the Act) authorizes the President, subject to the consultation and layover requirements of section 103 of the Act, to proclaim such modifications to the rules of origin as are necessary to implement an agreement with one or more of the NAFTA countries pursuant to paragraph 2 of section 7 of Annex 300-B of the Agreement. One of the requirements set out in section 103 of the Act is that the President obtain advice from the United States International Trade Commission.

In his letter, the USTR requested that the Commission provide advice on the probable effect of the proposed modification of the NAFTA rule of origin for certain sanitary articles (as described above) on U.S. trade under the NAFTA, on total U.S. trade, and on domestic producers of the affected articles. As requested, the Commission will submit its advice to the USTR by December 20, 2004, and soon thereafter, issue a public version of the report with any confidential business information deleted. Additional information concerning the articles and the proposed modifications can be obtained by accessing the electronic version of this notice at the Commission Internet site (<http://www.usitc.gov>). The current NAFTA rules of origin applicable to U.S. imports can be found in general note 12 of the 2004 HTS (see "General Notes" link at [http://hotdocs.usitc.gov/tariff\\_chapters\\_current/toc.html](http://hotdocs.usitc.gov/tariff_chapters_current/toc.html)).

**Written Submissions:** No public hearing is planned. However, interested parties are invited to submit written statements concerning the matters to be addressed by the Commission in this investigation. Submissions should be addressed to the Secretary, United States International Trade Commission,