

**ADDRESSES:** Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-ZA-J, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

**FOR FURTHER INFORMATION CONTACT:** For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619-6664, both at telefax (301) 619-5034.

**SUPPLEMENTARY INFORMATION:** anyone wishing to object to the grant of this license can file written objections along with supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate, U.S. Army Medical Research and Materiel Command, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

**Brenda S. Bowen,**  
Army Federal Register Liaison Officer.  
[FR Doc. 05-5922 Filed 3-24-05; 8:45 am]  
**BILLING CODE 3710-08-M**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### NAF Contracting Regulation, AR 215-4

**AGENCY:** Department of the Army, DOD.  
**ACTION:** Notice; final policy.

**SUMMARY:** This publication was last published October 10, 1990. It has been updated and revised to include best value acquisition practices, acquisition streamlining, participation in the government/nonappropriated fund (NAF) purchase card program, implementation of a NAF automated procurement system, and reassignment of signature authority in keeping with the Army's recent restructuring that resulted in the establishment of the new Installation Management Agency (IMA).

The public was not and will not be invited to comment on AR 215-4, NAF Contracting Regulation. Although the policy contained in this regulation affects the public as defined in Title 44, this regulation will not be codified. This notice is being published for the purpose of notifying the public as to how Nonappropriated Fund Contracting activities will conduct its business.

**EFFECTIVE DATE:** March 11, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Maary Keeney, Chief, Policy Division, Nonappropriated Fund (NAF)

Contracting Directorate, U.S. Army Community and Family Support Center (USACFSC), (703) 681-5245.

**SUPPLEMENTARY INFORMATION:** This publication applies to U.S. Army NAF contracting activities. It does not apply to the Army and Air Force Exchange Service (AAFES), the U.S. Army Reserve (USAR), the Army National Guard (ARNG), and the Chaplain's Fund, Plan Trust, and the NAF Banking and Investment Fund (investment contracts only). The public may view AR 215-4, Nonappropriated Fund Contracting Regulation is available at [http://www.apd.army.mil/pdffiles/r215\\_4.pdf](http://www.apd.army.mil/pdffiles/r215_4.pdf).

**Regulatory Flexibility Act:** This action is not considered rule-making within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

**Paperwork Reduction Act:** The Paperwork Reduction Act, 44 U.S.C. 3051 *et seq.*, does not apply because no information collection or record-keeping requirements are imposed on contractors, offerors, or members of the public.

**Brenda S. Bowen,**  
Army Federal Register Liaison Officer.  
[FR Doc. 05-5925 Filed 3-24-05; 8:45 am]  
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## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Availability of the Draft Environmental Impact Statement/Environmental Impact Report for the San Luis Obispo Creek Watershed Waterway Management Plan, City and County of San Luis Obispo, CA

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

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Army Corps of Engineers is issuing this notice to advise the public that a Draft Environmental Impact Statement (DEIS) has been prepared for the San Luis Obispo Creek Watershed Waterway Management Plan within the City and County of San Luis Obispo, California and is available for review and comment.

**DATES:** In accordance with the National Environmental Policy Act (NEPA), we have filed the DEIS with the Environmental Protection Agency (EPA) for publication of their notice of availability in the Federal Register. The EPA notice officially starts the 45-day review period for this document. It is the goal of the Corps of Engineers to have the COE notice published on the same date as the EPA notice. However,

if that does not occur, the date of the EPA notice will determine the closing date for comments on the DEIS.

Comments on the Draft EIS must be submitted to the address below under Further Contact Information and must be received no later than 5 p.m. Pacific Standard Time, Monday, May 9, 2005.

**ADDRESSES:** The Draft Environmental Impact Statement/Environmental Impact Report can be viewed online at <http://www.slocity.org/publicworks/documents.asp> (Waterway Management Plan documents). Copies of the Draft Environmental Impact Statement/Environmental Impact Report and appendices are also available for review at the following government offices and libraries:

**Government Offices—**City Public Works Department, 955 Morro Street, San Luis Obispo, California.

**Libraries:** San Luis Obispo City/County Library, 995 Palm Street, San Luis Obispo, CA 93401.

**FOR FURTHER INFORMATION CONTACT:** Bruce Henderson, Senior Project Manager, U.S. Army Corps of Engineers, Ventura Regulatory Field Office, 2151 Alessandro Drive, Suite 110, Ventura, California 93001, Telephone: 805/585-2145, [bruce.a.henderson@usace.army.mil](mailto:bruce.a.henderson@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** This EIS was prepared as part of a joint document by the U.S. Army Corps of Engineers in conjunction with the City of San Luis Obispo and the San Luis Obispo County Flood Control & Water Conservation District (Zone 9) (City/Zone 9) pursuant to corresponding responsibilities under NEPA and the California Environmental Quality Act (CEQA, resulting in preparation of an Environmental Impact Report).

The Corps of Engineers and City/Zone 9 prepared the Draft EIS/EIR evaluating the potential environmental impacts of the proposed San Luis Obispo Creek Watershed Waterway Management Plan (Program). The Program is a combination of policies, programs and plans proposed to address flooding and flood control along San Luis Obispo Creek and its tributaries on a regional or watershed-wide basis. Project planning for activities and development within and affecting the stream corridor has historically been managed or guided by policies of various agencies with little coordinated effort at consistent management techniques. The Program is comprised of a Waterway Management Plan (WMP), Stream Maintenance and Management Plan (SMMP), and Drainage Design Manual (DDM), which represent a consolidated effort to provide a consistent management

program for the waterway and watershed.

There is a history of flooding along SLO Creek, with its attendant problems of erosion, and water quality and ecological issues. However, there are relatively few structural flood control features. The City/Zone 9 identified the need to manage flooding within the SLO Creek watershed because urban uses have developed along the creek and its tributaries in the natural floodway. The under-city culvert and other manmade structures have reduced the capacity of the creek to convey floodwaters. The Program's objectives include (1) identification and prioritization of the amount and extent of flooding, erosion, water quality and ecological issues in the SLO Creek; (2) identification and development of programs to address these issues; (3) preparation of guidelines for design of future development and reconstructed developments in the SLO Creek watershed; (4) preparation of a programmatic environmental and permitting review process for implementation of Objectives 2 and 3 as applicable; and (5) development of an implementation program. It is anticipated this Program will result in a means by which the Corps and other pertinent agencies may comprehensively assess identified proposed actions within jurisdictional waters of the United States that encompass standard maintenance and replacement or improvement of existing flood structures, or repair of banks, channels, and stream habitats, and could include identified stream bank repair projects provided they are consistent with the Program. Other capital improvement projects for flood management not part of the City/Zone 9 Annual Work Plan would be subject to further review by the Corps and the local agency prior to implementation.

Currently, the Corps asserts discretionary authority over bank stabilization measures within the SLO Creek and its tributaries. This was based on a determination that proposals to channelize or otherwise substantially impact the Creek and its tributaries, such as by armoring the banks, would result in greater than minimal cumulative impacts. In 1996, the Corps requested that a comprehensive plan for the watershed be developed, the purpose and focus of which to ensure that aquatic resource impacts are avoided and minimized to the maximum extent practicable. The Corps suggested that the plan include an analysis of alternatives that meet the overall project purpose of anticipated flood control needs, an assessment of

habitat quantity and quality, an assessment of habitat fragmentation along the stream corridors, and mitigation measures to offset unavoidable adverse impacts.

Dated: March 10, 2005.

**Alex C. Dornstaeder,**

*Colonel, U.S. Army, District Engineer.*

[FR Doc. 05-5903 Filed 3-24-05; 8:45 am]

**BILLING CODE 3710-92-P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Intent To Prepare a Draft Environmental Impact Statement and Dam Safety Assurance Program Evaluation Report for Harlan County Lake Located in Harlan County, Nebraska Near the Cities of Alma and Republican City, NE

**AGENCY:** Department of the Army; U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers, Kansas City District, intends to prepare a Draft Environmental Impact Statement (DEIS) and Dam Safety Assurance Program (DSAP) Evaluation Report for Harlan County Lake. Harlan County Lake is located near the cities of Alma and Republican City, Nebraska, immediately north of the Nebraska-Kansas border. The dam provides irrigation water supply to areas on both sides of the state line and flood control for the Republican River Basin between Harlan County, Nebraska and Milford Lake located in east central Kansas near Junction City, in Clay and Geary counties. The DEIS study will analyze the economic, environmental, and social impacts that may occur as a result of the various alternatives solutions being considered in the DSAP Report for Harlan County Lake. The DSAP Report will analyze both structural and non-structural solutions for Harlan County Dam's current tainter gate operational issues, the dam's overall hydrologic adequacy, spillway stability and the interdependence of all these factors on the performance of the dam.

**FOR FURTHER INFORMATION CONTACT:** Eric S. Lynn, Project Manager, Plan Formulation Section, ATTN: CENWK-PM-PF, U.S. Army Engineer District, Kansas City, 601 East 12th Street, Kansas City, Missouri 64106-2896, Phone 816-983-3258 or e-mail to: [Eric.S.Lynn@usace.army.mil](mailto:Eric.S.Lynn@usace.army.mil). Additional information is also available on the Harlan County Dam Project Web site

<http://www.nwk.usace.army.mil/projects/hcdsap/>.

### SUPPLEMENTARY INFORMATION:

#### 1. Background

The Republican River Flood of 1935 resulted in major property damage in the Republican River Basin and the loss of 113 lives. The Harlan County Dam project was authorized under the Flood Control Act of 1941, Public Law 228, 77th Congress, as part of the Missouri River Basin Comprehensive Plan. The Flood Control Act of 1944 authorized project purposes of flood control, irrigation, fish and wildlife, and recreation. The U.S. Bureau of Reclamation manages Harlan County Dam's 150,000 acre-feet of storage allocated for irrigation. Harlan County Dam began operation in 1952 with full multipurpose pool being achieved in 1957. Engineering analysis of Harlan County Dam's 18 tainter gates indicated operating issues if the gates were required to operate as designed under full water load conditions to control reservoir water levels to the top of flood control pool elevation of 1973.5 feet, mean sea level (msl). The tainter gates are 30 feet by 40 feet made of structural steel. The design of the Harlan County Dam tainter gates is similar to the Folsom Dam tainter gates that experienced structural and mechanical failure in 1995. Harlan County Dam engineering studies resulted in the adoption in 2003 of a 5-year Interim Operating Plan for Harlan County Dam with top of flood control pool elevation being lowered to 1960.5 msl. At this lower elevation only 17.5 feet of water would be on the gates prior to releasing of floodwater as compared to approximately 30 feet of water if the gates were completely operating as designed. The maximum height on the gates to date is 12.5 feet. The Interim Operating Plan has resulted in the reduction of the flood control storage capacity of the reservoir by approximately 50 percent from 500,000 acre feet to 227,000 acre feet. To date, this lower storage capacity has had no effect on the dam's operation for flood control, irrigation, recreation, or fish and wildlife use. The Interim Operating Plan's top of flood control pool of 1960.5 msl elevation is 4.8 feet higher than the Dam's highest historic pool elevation. Engineering analysis indicates that if corrective action is not taken the gate mechanisms will probably continue to corrode and deteriorate requiring potentially more stringent operating restrictions at some point in the future. There are substantive economic, social,