

Response to, Public Comments Received on the Draft Comprehensive Conservation Plan and Environmental Impact Statement (Draft CCP/EIS) for Lake Umbagog National Wildlife Refuge." We present here some of the changes we made in our final CCP/EIS, which are also discussed in appendix O.

1. In response to concerns about local economic impacts, our expansion proposal replaces some fee acquisition with easement acquisition in Maine, and reduces the total number of acres. We now propose to acquire from willing sellers 47,807 acres (formerly, 49,718 acres), and change the acquisition ratio to 56 percent in fee and 44 percent in easement. Appendix A, "Land Protection Plan," shows our revised proposal.

2. Two new maps clarify our proposal on the roads and trails we would open for public use on both current refuge lands and refuge expansion lands. Chapter 2, "Alternatives Considered, Including the Service-preferred Alternative," clarifies them in maps 2.8 and 2.9. Item 6, below, describes them.

3. We propose to postpone our decision on whether to manage furbearer species, and whether that management could include trapping. We will conduct further analysis and prepare a more detailed Furbearer Management Plan. That change, which we propose in both alternatives B and C, is included in chapter 2, in the section "Actions Common to Alternatives B and C Only." Before trapping would be permitted under a Furbearer Management Plan, we will analyze the appropriateness of this use and issue a compatibility determination, if warranted, analyzing whether this use is compatible with the mission of the NWRS and refuge purposes, and under what conditions.

4. We propose to postpone our decision on whether to expand our current hunt program to incorporate bobcat hunting in Maine and turkey hunting in Maine and New Hampshire. That action would have made our hunt program consistent with the states' hunt programs. However, we have determined the need to conduct further analysis, in conjunction with a revised Hunt Plan and environmental assessment, and include additional public comment. We propose that change in both alternatives B and C in the same section of chapter 2. If our hunt program is expanded in the future, we will issue a new compatibility determination with any changes to the current program.

5. The same section of chapter 2 also clarifies our hunting and fishing programs. The public comments we

received revealed the misunderstanding that our implementing alternatives B and C would result in new restrictions in our programs. That is not the case. We now provide a better explanation, and point out that we intend to implement the same programs on any newly acquired lands.

6. We revise alternative B to allow certain public uses in designated areas that we originally planned not to allow. Those include dog sledding, horseback riding, bicycling, and collecting certain berries, fiddleheads, mushrooms, and shed antlers for personal use.

7. We modify our proposal in alternatives B and C regarding boat access, by eliminating our original proposals for a boat launch at Sturtevant Pond and major improvements at B Pond. We are scaling back our proposal at B Pond to include a small parking area near the road, away from the shore. We also propose keeping the boat launch at the current refuge headquarters on Route 16 North open to public access, instead of closing it.

#### Public Availability of Documents

In addition to the methods in **ADDRESSES**, above, you can view or obtain the documents at the following locations.

- Our Web site, <http://library.fws.gov/ccps.htm>.
- The Errol Town Library, during regular hours.

Dated: September 24, 2008.

**Wendi Weber,**

*Acting Regional Director, Region 5, U.S. Fish and Wildlife Service, Hadley, MA 01035.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Availability for the Record of Decision on the Final General Management Plan and Environmental Impact Statement, Pipestone National Monument, MN

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of Availability for the Record of Decision on the Final General Management Plan and Environmental Impact Statement, Pipestone National Monument, Minnesota.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), the National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the Final General

Management Plan and Environmental Impact Statement (GMP/EIS), Pipestone National Monument (national monument), Minnesota. On September 30, the Midwest Regional Director approved the ROD for the project. As soon as practicable, the NPS will begin to implement the preferred alternative contained in the final EIS.

The NPS will implement the preferred alternative as described in the Final GMP/EIS issued on March 28, 2008. Alternative 1, the preferred alternative, will reduce the development in the heart of the national monument, preserving its setting, site history, and spiritual significance as the source of pipestone. The NPS will remove the visitor center and parking, enabling visitors to see the site much as it appeared prior to 1937. The national monument will acquire a parcel of school district land to the northeast and will seek a cooperative agreement with the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources to coordinate management of the 100-acre Pipestone Wildlife Management Area. American Indian ceremonial use of the Three Maidens area will be unchanged. The Hiawatha Club will continue to use the Three Maidens as a backdrop for its pageant under permit restrictions, and the area will be restored to prairie. Sun Dances will continue, but modifications of use might be made on the basis of impact and the sustainability of resources. Quarries will continue to be allocated by permit.

The GMP/EIS evaluated this course of action and two other action alternatives, and a no action alternative. The full range of foreseeable environmental consequences were assessed and appropriate mitigating measures were identified.

The ROD includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, a finding on impairment of park resources and values, a listing of measures to minimize environmental harm, and an overview of public involvement in the decisionmaking process.

#### FOR FURTHER INFORMATION CONTACT:

Superintendent Glen Livermont, 36 Reservation Avenue, Pipestone, Minnesota 56164-1269, or by calling 507-825-5464. Copies of the ROD are available upon request from the above address or may be viewed online at <http://parkplanning.nps.gov/pipe>.

Dated: September 30, 2008.

**Ernest Quintana,**

*Regional Director, Midwest Region.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-269, 50-270, and 50-287]

### **Duke Energy Carolinas, LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Renewed Facility Operating License Nos. DPR-38, DPR-47, and DPR-55, issued to Duke Energy Carolinas, LLC (the licensee), for operation of Oconee Nuclear Station, Units 1, 2, and 3 located in Seneca, South Carolina.

The proposed amendments would accommodate the replacement of the current analog-based reactor protective system (RPS) and engineered safeguards protective system (ESPS) with a digital computer-based RPS/ESPS.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the person(s) may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person(s) whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request via electronic submission through the NRC E-filing system for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the

NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner/requestor in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov), or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered