I. Background

Under 30 CFR 5.50, MSHA may revise the fee schedule for testing, evaluation, and approval of mining products at least once every three years although the fee schedule must remain in effect for at least one year. MSHA's existing fee schedule, revised December 27, 2007 (72 FR 73380), became effective January 1, 2008.

Under 30 CFR 5.30(a), the new fee adjustment does not apply to the 30 CFR part 15 testing (explosives and sheathed explosive units). In addition, under 30 CFR 5.40, it does not apply to travel expenses incurred under this Part. When the nature of the product requires MSHA to test and evaluate the product at a location other than on MSHA premises, MSHA must be reimbursed for the travel, subsistence, and incidental expenses of its representative according to Federal government travel regulations. This reimbursement is separate from, and in addition to, the fees charged for evaluation and testing.

II. Fee Computation

MSHA computed the 2009 fees using FY 2008 costs for baseline data. MSHA calculated a weighted-average based on the direct and indirect costs to applicants for testing, evaluation, and approval services rendered during FY 2008. From this average, MSHA computed a single hourly rate, which applies uniformly to all applications.

As a result of this process, MSHA has determined that as of January 1, 2009, the fee will be $90 per hour of services rendered.

III. Applicable Fee

- *Applications postmarked before January 1, 2009:* MSHA will process these applications under the 2008 hourly rate of $84.
- *Applications postmarked on or after January 1, 2009:* MSHA will process these applications under the 2009 hourly rate of $90. This information is available on MSHA's Web site at *http://www.msha.gov.*

Richard E. Stickler,

Acting Assistant Secretary for Mine Safety and Health.

[FR Doc. E8–30623 Filed 12–23–08; 8:45 am]

BILLING CODE 4510–43–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–027–COL and 52–028–COL; ASLBP No. 09–875–03–COL–BD01]

South Carolina Electric & Gas Company, Acting for Itself and as Agent for the South Carolina Public Service Authority (also Referred to as Santee Cooper); Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

South Carolina Electric & Gas Company, Acting for Itself and as Agent for the South Carolina Public Service Authority (also Referred to as Santee Cooper) (Virgil C. Summer Nuclear Station, Units 2 and 3)

This proceeding concerns Petitions to Intervene from (1) Joseph Wojcicki, and (2) the Sierra Club and Friends of the Earth, which were submitted in response to an October 10, 2008 Notice of Order, Hearing, and Opportunity to Petition for Leave to Intervene regarding an application seeking approval of a combined license for the Virgil C. Summer Nuclear Station, Units 2 and 3, to be located in Fairfield County, South Carolina (73 FR 60,362). The South Carolina Office of Regulatory Staff also filed a request to participate in any hearing as an interested State.

The Board is comprised of the following administrative judges: Paul B. Abramson, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Michael F. Kennedy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Jeffrey D. E. Jeffries, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 18th day of December 2008.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E8–30665 Filed 12–23–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–017]

Virginia Electric and Power Company, D/B/A Dominion Virginia Power, and Old Dominion Electric Cooperative; Notice of Availability of the Draft Supplemental Environmental Impact Statement and Public Meeting for North Anna Power Station Unit 3 Combined License Application

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC, Commission) has published a draft Supplemental Environmental Impact Statement (SEIS), NUREG–1917, for the North Anna Unit 3 Combined License (COL) and is making it available for comment. This document is a supplement to the Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP site, NUREG–1811, dated December 2006. The North Anna site is located near the Town of Mineral in Louisa County, Virginia on the southern shore of Lake Anna.

Virginia Electric and Power Company, doing business as Dominion Virginia Power, and Old Dominion Electric Cooperative, collectively referred to as Dominion, submitted an application on November 27, 2007, for a COL at its North Anna Power Station (North Anna). A COL is an authorization to construct and (with specified conditions) operate a nuclear power plant at a specific site, in accordance with established laws and regulations. In November 2007, the NRC issued ESP–003 to Dominion Nuclear North Anna, LLC, for the North Anna ESP Site (the site of proposed Unit 3). An ESP is an NRC approval of a site as suitable for construction and operation of one or more new nuclear units. The application for a COL for North Anna Unit 3 submitted by Dominion references the ESP for the North Anna ESP site, ESP–003.

Pursuant to NRC regulations in 10 CFR 51.50(c)(1), a COL applicant referencing an ESP need not submit information or analyses regarding environmental issues that were resolved in the ESP EIS, except to the extent the COL applicant has identified new and significant information regarding such