

proposal to extend OMB approval of the information collection: Statement of Recovery Forms (CA/EN-1108, SOL/EN-1108, and CA/EN-1122). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before February 23, 2009.

ADDRESSES: Mr. Steven D. Lawrence, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0292, fax (202) 693-1451, E-mail Lawrence.Steven@dol.gov. Please use only one method of transmission for comments (mail, fax, or E-mail).

SUPPLEMENTARY INFORMATION:

I. *Background:* Under section 8131 a Federal employee can sustain a work-related injury, for which he or she is eligible for compensation under the Federal Employees' Compensation Act (FECA), under circumstance that create a legal liability in some third party to pay damages for the same injury. When this occurs, section 8131 of the FECA (5 U.S.C. 8131) authorizes the Secretary of Labor to either require the employee to assign his or her right of action to the United States or to prosecute the action. When the employee receives a payment for his or her damages, whether from a final court judgment on or a settlement

of the action, section 8132 of the FECA (5 U.S.C. 8132) provides that the employee "shall refund to the United States the amount of compensation paid by the United States * * *." To enforce the United States' statutory right to this refund, the Office of Workers' Compensation Programs (OWCP) has promulgated regulations that require both the reporting of these types of payments (20 CFR 10.710) and the submission of the type of detailed information necessary to calculate the amount of the required refund (20 CFR 10.707(e)). The information collected by Form CA/EN-1122 is requested from the claimant if he or she received a payment for damages without hiring an attorney. Form CA/EN-1108 requests this information from the attorney if one was hired to bring suit against the third party. Form SOL/EN-1108 request the same information as the CA/EN-1108 if the claimant's attorney contacts the Office of the Solicitor (SOL) directly. This information collection is currently approved for use through June 30, 2009.

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. *Current Actions:* The Department of Labor seeks the approval for the extension of this currently approved information collection in order to exercise its responsibility to enforce the United States' right to this refund. These forms will be used to obtain information about amounts received as the result of a final judgment in litigation, or a settlement of the litigation, brought against a third party who is liable for damages due to compensable work-related injury.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Statement of Recovery Forms.

OMB Number: 1215-0200.

Agency Number: CA/EN-1108, SOL/EN-1108, and CA/EN-1122.

Affected Public: Business or other for-profit, Individuals or households.

Form/Requirement	Responses	Respondents/ response (min.)	Time per bur- den hours
CA/EN-1108	2,550	30	1,275
SOL/EN-1108	150	30	75
CA/EN-1122	300	15	75

Total Respondents/Responses: 3,000.
Frequency: As needed.
Estimated Total Burden Hours: 1,425.
Total Burden Cost (capital/startup): \$0.
Total Burden Cost (operating/maintenance): \$1,350.00.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 18, 2008.
Hazel Bell,
Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.
 [FR Doc. E8-30525 Filed 12-23-08; 8:45 am]
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DEPARTMENT OF LABOR
Mine Safety and Health Administration

Fee Adjustment for Testing, Evaluation, and Approval of Mining Products

AGENCY: Mine Safety and Health Administration (MSHA), Labor.
ACTION: Notice of fee adjustment.

SUMMARY: This notice describes MSHA's revised fee schedule for testing, evaluating, and approving mining products as permitted by 30 CFR 5.50. MSHA charges applicants a fee to cover its costs associated with testing and evaluating equipment and materials manufactured for use in the mining industry. The new fee schedule, effective January 1, 2009, is based on MSHA's direct and indirect costs for providing services during fiscal year (FY) 2008.

DATES: This fee schedule is effective January 1, 2009.

FOR FURTHER INFORMATION CONTACT: John P. Faini, Chief, Approval and Certification Center, 304-547-2029 or 304-547-0400.

SUPPLEMENTARY INFORMATION:

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]

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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]

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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