

6. The regulation of byproduct material as defined in Section 11e.(2) of the Act;

7. The regulation of the land disposal of byproduct, source, or special nuclear material waste received from other persons.

#### Article III

With the exception of those activities identified in Article II.1 through 4, this Agreement may be amended, upon application by the Commonwealth and approval by the Commission, to include one or more of the additional activities specified in Article II, whereby the Commonwealth may then exert regulatory authority and responsibility with respect to those activities.

#### Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

#### Article V

This Agreement shall not affect the authority of the Commission under Subsection 161b or 161i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

#### Article VI

The Commission will cooperate with the Commonwealth and other Agreement States in the formulation of standards and regulatory programs of the Commonwealth and the Commission for protection against hazards of radiation and to assure that Commission and Commonwealth programs for protection against hazards of radiation will be coordinated and compatible.

The Commonwealth agrees to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the Commonwealth and the Commission for protection against hazards of radiation and to assure that the Commonwealth's program will continue to be compatible with the program of the Commission for the regulation of materials covered by this Agreement.

The Commonwealth and the Commission agree to keep each other

informed of proposed changes in their respective rules and regulations, and to provide each other the opportunity for early and substantive contribution to the proposed changes.

The Commonwealth and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest.

#### Article VII

The Commission and the Commonwealth agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State.

Accordingly, the Commission and the Commonwealth agree to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

#### Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the Commonwealth, or upon request of the Governor of the Commonwealth, may terminate or suspend all or part of this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect public health and safety, or (2) the Commonwealth has not complied with one or more of the requirements of Section 274 of the Act.

The Commission may also, pursuant to Section 274j of the Act, temporarily suspend all or part of this agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the Commonwealth has failed to take necessary steps. The Commission shall periodically review actions taken by the Commonwealth under this Agreement to ensure compliance with Section 274 of the Act which requires a Commonwealth program to be adequate to protect public health and safety with respect to the materials covered by this Agreement and to be compatible with the Commission's program.

#### Article IX

This Agreement shall become effective on March 31, 2009, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at Rockville, MD, in triplicate, this 4th day of March 2009.

For The United States Nuclear Regulatory Commission.

Dale E. Klein,  
*Chairman.*

Done at Richmond, Virginia, in triplicate this 18th day of March 2009.

For The Commonwealth of Virginia.  
Timothy M. Kaine,  
*Governor.*

[FR Doc. E9-7283 Filed 3-31-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[IA-08-023; ASLBP No. 09-882-02-EA-BD01]

### In the Matter of Himat Soni; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.202, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

### In the Matter of Himat Soni; (Enforcement Action)

This proceeding concerns a request for a hearing submitted on March 13, 2009 by the law firm of Akerman Senterfitt on behalf of Mr. Himat Soni in response to a February 10, 2009 "NRC Staff Order Prohibiting Involvement in NRC-Licensed Activities," 74 FR 7932 (Feb. 20, 2009). Under the terms of that Order, the Staff concluded that Mr. Himat Soni, the President and Radiation Safety Officer of Eastern Testing and Inspection, Inc. (ETI), violated 10 CFR 30.10, which states, in part, that any Licensee or employee of a Licensee may not engage in deliberate misconduct that causes a Licensee to be in violation of any rule, regulation, or order issued by the Commission. The Order therefore prohibits Mr. Himat Soni from any involvement in NRC-licensed activities for a period of one year from the effective date of the Order.

*The Board is comprised of the following administrative judges:*

Ann Marshall Young, Chair, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.  
Paul B. Abramson, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.  
Bruce R. Matthews, 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. See 72 FR 49139 (Aug. 28, 2007).

Issued at Rockville, Maryland, this 26th day of March 2009.

**E. Roy Hawkens,**

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E9-7284 Filed 3-31-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[IA-08-022; ASLBP No. 09-881-01-EA-BD01]

### In The Matter Of Dhiraj Soni; 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 sections 2.104, 2.202, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

#### In the Matter of Dhiraj Soni; (Enforcement Action)

This proceeding concerns a request for a hearing submitted on March 13, 2009 by the law firm of Akerman Senterfitt on behalf of Mr. Dhiraj Soni in response to a February 10, 2009 "NRC Staff Order Prohibiting Involvement in NRC-Licensed Activities, 74 FR 7930 (Feb. 20, 2009). Under the terms of that Order, the Staff concluded that Mr. Dhiraj Soni, the former Vice President of Eastern Testing and Inspection, Inc. (ETI), engaged in deliberate misconduct that caused ETI to be in violation of 10 CFR 30.9 and, accordingly, that Mr. Dhiraj Soni violated 10 CFR 30.10. The Order therefore prohibits Mr. Dhiraj Soni from any involvement in NRC-licensed activities for a period of one year from the effective date of the Order.

The Board is comprised of the following administrative judges:

Ann Marshall Young, Chair, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Paul B. Abramson, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Bruce R. Matthews, 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. See 72 FR 49,139 (Aug. 28, 2007).

Issued at Rockville, Maryland, this 26th day of March 2009.

**E. Roy Hawkens,**

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E9-7277 Filed 3-31-09; 8:45 am]

BILLING CODE 7590-01-P

## OFFICE OF MANAGEMENT AND BUDGET

### Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Office of Management and Budget.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) invites the general public and Federal agencies to comment on the standard data elements that are being reviewed under emergency review procedures for use in complying with reporting requirements under section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) ("Recovery Act"). The title of the standard data element set is "Standard Data Elements for Reports under Section 1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (Grants, Cooperative Agreements and Loans)." Once the standard data elements are approved, each federal agency must require its recipients of grants, cooperative agreements and loans made under the Recovery Act to report the information and data electronically through a central Governmentwide portal or through an agency information collection process. Information on the reporting procedures will be posted to <http://www.federalreporting.gov> once available. Recipients of Recovery Act funded grants, cooperative agreements and loans may collect the data and information approved under this approved information collection from their subrecipients and subcontractors. A standard information collection for recipients of Recovery Act funded contracts directly awarded by the Federal government is being reviewed under a separate information collection process.

**DATES:** Comments must be submitted on or before May 1, 2009.

**ADDRESSES:** Due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, we

encourage respondents to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date.

Comments may be sent via <http://www.regulations.gov>—a Federal E-Government Web site that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type a key term in the information collection title such as "section 1512" in quotes in the Comment or Submission search box, click Go, and follow the instructions for submitting comments. Comments received by the date specified above will be included as part of the official record.

Comments may be e-mailed to: [mpridgen@omb.eop.gov](mailto:mpridgen@omb.eop.gov). Please include "section 1512" in the subject line of your e-mail message. Also, please include the full body of your comments in the text of the electronic message, as well as in an attachment. Please include your name, title, organization, postal address, telephone number, and e-mail address in the text of the message. Comments may also be submitted via facsimile to (202) 395-3952.

Comments may be mailed to Marguerite Pridgen, Office of Federal Financial Management, Office of Management and Budget, Room 6025, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503.

#### FOR FURTHER INFORMATION CONTACT:

Marguerite Pridgen, Office of Federal Financial Management, Office of Management and Budget, telephone (202) 395-7844 (direct) or (202) 395-3993 (main office) and e-mail: [mpridgen@omb.eop.gov](mailto:mpridgen@omb.eop.gov). The proposed data elements can be downloaded from the OMB Grants Management Web page at ([http://www.whitehouse.gov/omb/grants\\_standard\\_report\\_forms/](http://www.whitehouse.gov/omb/grants_standard_report_forms/)).

OMB Control No.: TBD.

Title: Standard Data Elements for Reports under Section 1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (Grants, Cooperative Agreements and Loans)  
Form No.: Not applicable.

Type of Review: Emergency clearance.

Respondents: States, local governments, Universities, non-profit organizations, commercial organizations, subrecipients and subcontractors under grants, cooperative agreements and loans.

Number of Responses: 993,100.

Estimated Time Per Response: 1.50 hours.

Needs and Uses: The "Standard Data Elements for Reports under Section