provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and Ross agree that severing the provision materially affects the purpose of the Agreement and the Order.

Ross Stores, Inc.

Dated: *6/25/09*

By:

Mark LeHocky,

Senior Vice President
General Counsel & Corporate Secretary
ROSS STORES, INC.
4440 Rosewood Drive
Pleasanton, CA 94588

Dated: *6/26/09*

By:

Jeffrey B. Margulies,

Fulbright & Jaworski L.L.P.
555 South Flower Street, Forty-First Floor
Los Angeles, CA 90071
Counsel for Ross Stores, Inc.

U.S. CONSUMER PRODUCT SAFETY COMMISSION STAFF

Cheryl A. Falvey,
General Counsel.

Ronald G. Yelenik,
Assistant General Counsel,
Office of the General Counsel.

Dated: *6/29/09*

By:

Renee K. Haslett,

Trial Attorney
Division of Compliance,
Office of the General Counsel.

In the Matter of Ross Stores, Inc.; Order

Upon consideration of the Settlement Agreement entered into between Ross Stores, Inc. (''Ross'') and the U.S. Consumer Product Safety Commission (''Commission'') staff, and the Commission having jurisdiction over the subject matter and over Ross, and it appearing that the Settlement Agreement and the Order are in the public interest, it is

ordered, that the Settlement Agreement be, and hereby is, accepted; and it is

further ordered, that Ross shall pay a civil penalty in the amount of five hundred thousand dollars ($500,000.00) within twenty (20) calendar days of service of the Commission's final Order accepting the Agreement. The payment shall be made by check payable to the order of the United States Treasury. Upon the failure of Ross to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Ross at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b).

Provisionally accepted and provisional Order issued on the *5th* day *August,* 2009.

BY ORDER OF THE COMMISSION:

Todd A. Stevenson, Secretary
U.S. Consumer Product Safety Commission

[FR Doc. E9–19370 Filed 8–11–09; 8:45 am]

BILLING CODE 6355–01–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

[Recommendation 2009–1]

Risk Assessment Methodologies at Defense Nuclear Facilities

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice, recommendation.

SUMMARY: The Defense Nuclear Facilities Safety Board has made a recommendation to the Secretary of Energy pursuant to 42 U.S.C. 2286a(a)(5) which identifies the need for adequate policies and associated standards and guidance on the use of quantitative risk assessment methodologies at the Department of Energy's (DOE) defense nuclear facilities.

DATES: Comments, data, views, or arguments concerning the recommendation are due on or before September 11, 2009.

ADDRESSES: Send comments, data, views, or arguments concerning this recommendation to: Defense Nuclear Faculties Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2001.

FOR FURTHER INFORMATION CONTACT: Brian Grosner or Andrew L. Thibadeau at the address above or telephone number (202–694–7000).

Dated: August 5, 2009.

Joseph F. Bader,

Acting Vice Chairman.

RECOMMENDATION 2009–1 TO THE SECRETARY OF ENERGY

Risk Assessment Methodologies at Defense Nuclear Facilities Pursuant to 42 U.S.C. 2286(a)(5), Atomic Energy Act of 1954, As Amended

Dated: July 30, 2009.

Overview

Quantitative risk assessment techniques are widely used to improve the safety of complex engineering systems. Such techniques have been relied upon in the nuclear industry for decades. One of the seminal documents, known as WASH–1400, used an event-tree, fault-tree methodology to assess the risk of accidents at nuclear power reactors operating in the United States.[1] Today, the U.S. Nuclear Regulatory Commission (NRC) employs a more sophisticated set of risk assessment tools and methodologies.[2] Likewise, the National Aeronautics and Space Administration (NASA) has developed and implemented a detailed policy on the use of quantitative risk assessment for its missions.[3]

The Department of Energy (DOE) has historically endorsed a ''bounding'' or deterministic approach to hazard and accident analysis, which continues to have important applications at defense nuclear facilities. Beginning in the early 1990s, the Defense Nuclear Facilities Safety Board (Board) observed increasing use of quantitative risk assessment techniques by DOE. This increased use was not viewed by the Board as objectionable in itself; the Board's concern was that DOE was using quantitative risk assessment methods without having in place a clear policy and set of procedures to govern the application of these methods at facilities that perform work ranging from assembly and disassembly of nuclear weapons to nuclear waste processing and storage operations. For this reason, the Board wrote to the Secretary of Energy on April 5, 2004, and made the following observation:

''[T]he Board has reviewed the DOE's use of risk management tools at defense nuclear facilities. This review revealed that DOE and its contractors have employed risk assessment in a variety of activities, including the development of documented safety analyses and facility-level decision making. The level of formality of these assessments varies over a wide range. The Board's review also revealed that DOE does not have mechanisms (such as standards or guides) to control the use of risk management tools nor does it have an internal organization assigned to maintain cognizance and ensure the adequacy and consistency of risk assessments. Finally, the Board's review showed that other Federal agencies involved in similar high-risk activities (e.g., National Aeronautics and Space Administration, U.S. Nuclear Regulatory Commission) have, to varying degrees, formalized the use of quantitative risk assessment in their operations and decision-making activities. These agencies have relevant standards and defined organizational elements, procedures, and processes for the development and use of risk management tools.''

On this basis, the Board requested that the Secretary ''brief the Board within 60 days of receipt of this letter as to DOE's ongoing and planned programs and policies for assessing, prioritizing, and managing risk.''

The Board's initial concerns on this issue have been reiterated in letters dated November 23, 2005, and May 16, 2007. In the Board's 2006 Annual Report to Congress, the section on Risk Assessment Methodologies noted ''the slow pace of its development,'' and the 2008 report noted that ''all progress [has come] to a halt.'' The Board's most recent annual report stated that at ''a time when governments, financial institutions and industries worldwide are expediting the implementation of enterprise-wide risk governance programs, DOE's slow pace for developing a policy is of serious concern.''

DOE's most recent correspondence on this issue, dated January 9, 2007, outlined plans

[1] The Reactor Safety Study, October 1975 (sometimes known as the ''Rasmussen Report'').

[2] The NRC approach is summarized at *http://www.nrc.gov/about-nrc/regulatory/risk-informed.html.*

[3] NASA's policies and methods can be found at *http://www.hq.nasa.gov/office/codeq/risk/index.htm.*

and progress toward developing a policy and accompanying guidance document on the use of risk assessment at defense nuclear facilities. This DOE letter indicated that the draft policy and guidance document would be ready for submittal to the DOE directives system in March 2007. Despite periodic meetings with the Board's staff and briefings to the Board, as of July 2009, the draft policy and guidance document has not been entered into the DOE Directives system, and near-term resolution of the issue is not evident. Without such a policy, DOE has little basis to accept the validity of existing risk management tools that use quantitative risk assessment. This is particularly important since the managers of DOE's field elements are allowed to accept the safety risks that high-hazard operations pose toward workers and the public based on widely varying levels of assessments.

Though Title 10, Part 830 of the Code of Federal Regulations (10 CFR 830, *Nuclear Safety Management*) and its associated quality assurance considerations govern nuclear safety evaluations at a fundamental level, these existing requirements are not of sufficient specificity to guide the use of complex quantitative risk assessments. The continued pursuit of ad hoc applications of risk assessment in the absence of adequate DOE policy and guidance is contrary to the standards-based approach to nuclear safety espoused by DOE and endorsed by the Board.[4]

Recommendation

Therefore, the Board recommends that DOE:

1. Establish a policy on the use of quantitative risk assessment for nuclear safety applications.

2. Consistent with this policy, establish requirements and guidance in a DOE directive or directives that prescribe controls over the quality, use, implementation, and applicability of quantitative risk assessment in the design and operation of defense nuclear facilities.

3. Evaluate current ongoing uses of quantitative risk assessment methodologies at defense nuclear facilities to determine if interim guidance or special oversight is warranted pending the development of formal policy and guidance.

4. Establish a requirement to identify deficiencies and gaps in ongoing applications of quantitative risk assessment along with the additional research necessary to fill those gaps in support of the development and implementation of the final policy and guidance.

A. J. Eggenberger,
Chairman.

[FR Doc. E9–19245 Filed 8–11–09; 8:45 am]

BILLING CODE 3670–01–P

[4] The Board's Recommendation 2008–1 is similarly directed at DOE's use of a safety methodology (in this case, classifying fire protection systems as safety-class or safety-significant) in advance of developing criteria and guidance.

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Record of Decision for Undersea Warfare Training Range

AGENCY: Department of the Navy, DOD.

ACTION: Notice of record of decision.

SUMMARY: The United States (U.S.) Department of the Navy (Navy), after carefully weighing the environmental consequences of the installation and operation of the proposed action, announces its decision to develop an undersea warfare training range (USWTR) within the Preferred Alternative Site, the Jacksonville Operating Area (JAX OPAREA). At this time the Navy is implementing only a portion of the proposed action, a decision to move forward with installation of the USWTR, which consists of installing undersea cables and up to 300 nodes over a 500 square-nautical-mile area of the ocean. This location is approximately 50 nm from the northeast coast of Florida. The underwater nodes will be linked by underwater cable to a cable termination facility located ashore on Naval Station Mayport, Florida.

Although both the installation phase and training phase of the USWTR are fully analyzed in the Final Overseas Environmental Impact Statement/Environmental Impact Statement (OEIS/EIS), and informs the decision as to the site selected for installation of the USWTR, this Record of Decision (ROD) implements only a portion of the proposed action by authorizing the installation of the USWTR. Because the USWTR is not anticipated to be ready for operation until at least 2014, the analysis regarding the environmental effects from training on the range will be updated in a future OEIS/EIS document closer in time to the date when the training will begin. The principal type of training activities on the USWTR will be anti-submarine warfare. The decision to implement training on USWTR will be based on the updated analysis of environmental effects in a future OEIS/EIS in conjunction with appropriate coordination and consultation with the National Marine Fisheries Service.

SUPPLEMENTARY INFORMATION: The complete text of the ROD is available on the public web site: *http://projects.earthtech.com/uswtr/USWTR_index.htm* along with the complete Final OEIS/EIS and accompanying documentation. Single copies of the ROD will be made available upon request by contacting Naval Facilities Engineering Command Atlantic, Attn: USWTR OEIS/EIS Project Manager, Code EV22LL, 6506 Hampton Boulevard, Lafayette River Annex Building A, Norfolk, Virginia 23508–1278.

Dated: August 5, 2009.

A.M. Vallandingham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9–19346 Filed 8–11–09; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 13, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper