

whether Kohl's failed to comply with the CPSA and its underlying regulations; (4) a statement of findings of fact and conclusions of law; and (5) any claims under the Equal Access to Justice Act.

28. The Commission may publicize the terms of the Agreement and the Order.

29. The Agreement and the Order shall apply to, and be binding upon, Kohl's and each of its successors and assigns.

30. The Commission issues the Order under the provisions of the CPSA, and violation of the Order may subject Kohl's and each of its successors and assigns to appropriate legal action.

31. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. The Agreement shall not be waived, amended, modified, or otherwise altered without written agreement thereto executed by the party against whom such waiver, amendment, modification, or alteration is sought to be enforced.

32. If any provision of the Agreement and the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and Kohl's agree that severing the provision materially affects the purpose of the Agreement and the Order.

Kohl's Department Stores, Inc.

Dated: July 29, 2009.

Jeff Manby,

*Executive VP, GMM—Men's/YMen's/Children's, Kohl's Department Stores, Inc., N56 W17000 Ridgewood Drive, Menomonee Falls, WI 53051.*

Dated: August 3, 2009.

Paul Izzo, Esq.,

*One Post Office Square, Sharon, MA 02067. Counsel for Kohl's Department 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: August 11, 2009.

Seth B. Popkin,

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

## Order

Upon consideration of the Settlement Agreement entered into between Kohl's Department Stores, Inc. ("Kohl's") and the U.S. Consumer Product Safety Commission ("Commission") staff, and the Commission having jurisdiction over the subject matter and over Kohl's, 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 Kohl's shall pay a civil penalty in the amount of four hundred twenty-five thousand dollars (\$425,000.00) 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 Kohl's to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Kohl's 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 2nd day of September, 2009.

By Order of the Commission.

**Todd A. Stevenson,**

*Secretary, U.S. Consumer Product Safety Commission.*

[FR Doc. E9-21764 Filed 9-9-09; 8:45 am]

**BILLING CODE 6355-01-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Uniform Formulary Beneficiary Advisory Panel Meeting

**AGENCY:** Department of Defense, Assistant Secretary of Defense (Health Affairs).

**ACTION:** Notice of meeting.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) the Department of Defense announces that the Uniform Formulary Beneficiary Advisory Panel (hereafter referred to as the Panel) will meet to review and comment on recommendations made to the Director, TRICARE Management Activity, by the Pharmacy and Therapeutics Committee regarding the Uniform Formulary.

Due to scheduling difficulties the Uniform Formulary Beneficiary

Advisory Panel was unable to finalize its agenda in time to publish notice of its meeting in the **Federal Register** for the 15 calendar days required by 41 CFR 102-3.150(a). Accordingly, the Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15 calendar-day notification requirement.

**DATES:** The meeting will be held September 24, 2009, from 8 a.m. to 5 p.m. and is open to the public, but seating is limited. The panel will also conduct an Administrative Work Meeting from 7 a.m. to 8 a.m. that is closed to the public.

**ADDRESSES:** The meetings will be held at the Naval Heritage Center Theater, 701 Pennsylvania Avenue, NW., Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Colonel Thomas Bacon, Designated Federal Officer, Uniform Formulary Beneficiary Advisory Panel, Skyline 5, Suite 810, 5111 Leesburg Pike, Falls Church, VA 22041-3206; (703) 681-2890 (phone), (703) 681-1940 (fax), e-mail: [Bapreferences@tma.osd.mil](mailto:Bapreferences@tma.osd.mil).

#### SUPPLEMENTARY INFORMATION:

##### Meeting Accessibility

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165, and the availability of space this meeting is open to the public. Seating is limited and will be provided only to the first 220 people signing in. All persons must sign in legibly.

##### Meeting Agenda

Sign-In; Welcome and Opening Remarks; Public Citizen Comments; Scheduled Therapeutic Class Reviews—Phosphodiesterase-5 Inhibitors and New Drugs in Previously Reviewed Classes; Drugs recommended for non-formulary placement due to non-compliance with 2008 NDAA Section 703; Panel Discussions and Vote, and comments following each therapeutic class review.

##### Administrative Work Meeting

Prior to the public meeting the Panel will conduct an Administrative Work Meeting from 7 a.m. to 8 a.m. to discuss administrative matters of the Panel. Pursuant to 41 CFR 102-3.160, the Administrative Work Meeting will be closed to the public.

##### Written Statements

Pursuant to 41 CFR 102-3.105(j) and 102-3.140, the public or interested organizations may submit written statements to the membership of the Panel at any time or in response to the stated agenda of a planned meeting.

Written statements should be submitted to the Panel's Designated Federal Officer; the Designated Federal Officer's contact information can be obtained from the General Services Administration's Federal Advisory Committee Act Database at <https://www.fido.gov/facdatabase/public.asp>.

Written statements that do not pertain to the scheduled meeting of the Panel may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all the committee members.

### Public Comments

In addition to written statements, the Panel will set aside 1 hour for individual or interested groups to address the Panel. To ensure consideration of their comments, individuals and interested groups should submit written statements as outlined in this notice, but if they still want to address the Panel then they will be afforded the opportunity to register to address the Panel. The Panel's Designated Federal Officer will have a "Sign Up Roster" available at the Panel meeting, for registration on a first-come, first-serve basis. Those wishing to address the Panel will be given no more than 5 minutes to present their comments, and at the end of the 1-hour time period no further public comments will be accepted. Anyone who signs up to address the Panel but is unable to do so due to the time limitation may submit their comments in writing; however, they must understand that their written comments may not be reviewed prior to the Panel's deliberation. Accordingly, the Panel recommends that individuals and interested groups consider submitting written statements instead of addressing the Panel.

Dated: September 3, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. E9-21744 Filed 9-9-09; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Federal Advisory Committee; Defense Health Board (DHB) Meeting

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, and in accordance with section 10(a)(2) of Public Law, DoD announces that the DoD Task Force on the Prevention of Suicide by Members of the Armed Forces, a subcommittee of the Defense Health Board (DHB), will meet on October 8, 2009.

**DATES:** The meeting will be held on October 8, 2009, from 8 a.m. to 5 p.m. Subject to the availability of space, the meeting is open to the public from 9 a.m. to 12 p.m. and from 1 to 4 p.m. The meeting is closed to the public from 8 to 9 a.m., 12 to 1 p.m., and 4 to 5 p.m. for administrative working meetings.

**Registration:**

The public is encouraged to register for the meeting.

**Special Accommodations:**

If special accommodations are required to attend (sign language, wheelchair accessibility) please contact Ms. Lisa Jarrett at (703) 681-8448 ext. 1280 by September 23, 2009.

**ADDRESSES:** The meeting will be held at the Hilton Hotel San Diego Resort & Spa, 1775 E Mission Bay Dr., San Diego, CA 92109.

Written statements may be mailed to the address under **FOR FURTHER INFORMATION CONTACT**, e-mailed to [djb@ha.osd.mil](mailto:dhb@ha.osd.mil), or faxed to (703) 681-3317.

Additional information, agenda updates, and meeting registration are available online at the Defense Health Board Web site, <http://www.ha.osd.mil/dhb>.

**FOR FURTHER INFORMATION CONTACT:**

Commander Edmond F. Feeks, Executive Secretary, Defense Health Board, Five Skyline Place, 5111 Leesburg Pike, Suite 810, Falls Church, Virginia 22041-3206, (703) 681-8448, ext. 1228 (phone), (703) 681-3317 (fax), or e-mail: [edmond.feeks@tma.osd.mil](mailto:edmond.feeks@tma.osd.mil).

**SUPPLEMENTARY INFORMATION:**

### Agenda

The DoD Task Force on the Prevention of Suicide by Members of the Armed Forces will meet to receive briefings on current efforts toward the prevention of suicide among Service members of the Armed Services. The Task Force will receive briefings on the DoD Suicide Event Report, Suicide Prevention and Risk Reduction Committee, the Defense Centers of Excellence, and the Mental Health Advisory Team. The Task Force will

also participate in a panel discussion as well as discussions with families.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165 and subject availability of space, the October 8, 2009, Defense Health Board meeting is open to the public from 9 a.m. to 12 p.m. and from 1 to 4 p.m. As follows, the meeting is closed to the public from 8 to 9 a.m., 12 to 1 p.m., and 4 to 5 p.m.

8 a.m.–9 a.m. (Closed Session: Administrative Working Meeting);  
9 a.m.–12 p.m. (Open Session);  
12 p.m.–1 p.m. (Closed Session: Administrative Working Meeting);  
1 p.m.–4 p.m. (Open Session);  
4 p.m.–5 p.m. (Closed Session: Administrative Working Meeting).

### Written Statements

Anyone wishing to provide input to the Task Force on the Prevention of Suicide by Members of the Armed Forces should submit a written statement in accordance with 41 CFR 102-3.140(C) and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice. Written statements should be no longer than two type-written pages and must address the following detail: The issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and to provide any necessary background information.

Individuals desiring to submit a written statement may do so through the Board's Designated Federal Officer (DFO) at any point (see **FOR FURTHER INFORMATION CONTACT**). If the written statement is not received at least 10 calendar days prior to the meeting, then it may not be provided to for consideration by the Task Force on the Prevention of Suicide by Members of the Armed Forces until the next open meeting.

The DFO will review all timely submissions with the Task Force on the Prevention of Suicide by Members of the Armed Forces Chairperson, and ensure they are provided to members of the Task Force before the meeting that is subject to this DFO Federal Officer may choose to invite the submitter of the comments to orally present their issue during an open portion of this meeting or at a future meeting.

The DFO, in consultation with the Task Force on the Prevention of Suicide by Members of the Armed Forces Chairperson, may, if desired, allot a specific amount of time for members of the public to present their issues for review and discussion by the Task Force