

language interpretation or other reasonable accommodations, should contact Mary Dove, Commission Secretary, at (202) 694-1040, at least 72 hours prior to the hearing date.

**PERSON TO CONTACT FOR INFORMATION:** Judith Ingram, Press Officer, Telephone: (202) 694-1220.

**Mary Dove,**

*Secretary of the Commission.*

[FR Doc. E9-855 Filed 1-15-09; 8:45 am]

**BILLING CODE 6715-01-P**

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Privacy Act of 1974; System of Records

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Notice to alter a system of records.

**SUMMARY:** The Federal Retirement Thrift Investment Board (Agency) proposes to alter a system of records notice in its existing inventory of records subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

The proposed changes to FRTIB-1, Thrift Savings Plan Records, are necessary as the system location, system manager, and record access procedures have changed. These changes are also necessary in order to make clear the distinction between information available to beneficiaries and information available to someone handling a participant's estate. Finally, these changes are necessary to allow the Agency to share participant information with agency personnel and casualty assistance officers who are aiding beneficiaries, with consumer reporting agencies when necessary for the Agency to collect a debt owed to it under 5 U.S.C. 3711, and with quality control companies that are verifying documents submitted to lenders in connection with participants' commercial loan applications.

**DATES:** *Effective Date:* This proposed action will be effective without further notice on February 17, 2009 unless comments are received which result in a contrary determination.

**ADDRESSES:** Comments may be sent to Megan Graziano, Assistant General Counsel, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC 20005. The Agency's fax number is (202) 942-1676.

**FOR FURTHER INFORMATION CONTACT:** Megan Graziano on (202) 942-1660.

**SUPPLEMENTARY INFORMATION:** The Agency administers the TSP, which was

established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99-335, 100 Stat. 514. The TSP provisions of FERSA are codified, as amended, largely at 5 U.S.C. 8351 and 8401-79. The TSP is a tax-deferred retirement savings plan for Federal civilian employees and members of the uniformed services. The TSP is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

The proposed system reports, as required by 5 U.S.C. 552a(r), of the Privacy Act of 1974, as amended, were submitted to the House Committee on Government Reform, the Senate Committee on Homeland Security and Government Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996, 61 FR 6427).

**Thomas K. Emswiler,**

*General Counsel, Federal Retirement Thrift Investment Board.*

### FRTIB-1

#### SYSTEM NAME:

\* \* \* \* \*

#### SYSTEM LOCATION:

Delete the entry and replace with these two sentences: "These records are located at the office of the entity engaged by the Agency to perform record keeping services for the TSP. The current address for this record keeper is listed at <http://www.tsp.gov>."

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

\* \* \* \* \*

#### CATEGORIES OF RECORDS IN THE SYSTEM:

\* \* \* \* \*

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

\* \* \* \* \*

#### PURPOSES:

\* \* \* \* \*

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Edit subpart (e) as follows:  
 "(e). When a participant to whom a record pertains dies, to disclose the following types of information to any potential beneficiary: Information in the participant's record which could have been properly disclosed to the participant when living (unless doing so

would constitute a clearly unwarranted invasion of privacy) and the name and relationship of any other person who claims the benefits or who is entitled to share the benefits payable." Add the following subpart after (e) and redesignate all subparts thereafter:

"(f). When a participant to whom a record pertains dies, to disclose the following types of information to anyone handling the participant's estate: Information in the participant's record which could have been properly disclosed to the participant when living (unless doing so would constitute a clearly unwarranted invasion of privacy), the name and the relationship of any person who claims the benefits or who is entitled to share the benefits payable, and information necessary for the estate's administration (for example, post-death tax reporting)."

Add the following subparts after subpart (r):

"(s). To disclose to personnel from agency personnel/payroll offices or to casualty assistance officers when necessary to assist a beneficiary or potential beneficiary.

(t). To disclose to a consumer reporting agency when the Board is trying to collect a debt owed to the Board under the provisions of 5 U.S.C. 3711.

(u). To disclose to quality control companies when such companies are verifying documents submitted to lenders in connection with participants' commercial loan applications."

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

\* \* \* \* \*

#### STORAGE:

\* \* \* \* \*

#### RETRIEVABILITY:

\* \* \* \* \*

#### SAFEGUARDS:

\* \* \* \* \*

#### RETENTION AND DISPOSAL:

\* \* \* \* \*

#### SYSTEM MANAGER(S) AND ADDRESS:

Delete, the words "Executive Director" and replace with the words "Chief Financial Officer."

#### RECORD ACCESS PROCEDURES:

Delete the third sentence in the final paragraph and replace entry with these two sentences: "To use the TSP ThriftLine, the participant must have a touch-tone telephone and call the following number 1-877-968-3778. Hearing-impaired participants should dial 1-877-847-4385."

Delete the fifth and final sentence in the final paragraph.

**CONTESTING RECORD PROCEDURES:**

\* \* \* \* \*

**RECORD SOURCE CATEGORIES:**

\* \* \* \* \*

[FR Doc. E9-887 Filed 1-15-09; 8:45 am]

BILLING CODE 6760-01-P

**FEDERAL TRADE COMMISSION**

[File No. 082 3032]

**Shiva Venture Group, Inc. dba INNOVA Financial Group; Analysis of Proposed Consent Order to Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed Consent Agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before February 9, 2009.

**ADDRESSES:** Interested parties are invited to submit written comments. Comments should refer to “Innova Financial Group, File No. 082 3032,” to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 135-H, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Comments containing confidential material must be filed in paper form, must be clearly labeled “Confidential,” and must comply with Commission Rule 4.9(c). 16 CFR 4.9(c) (2005).<sup>1</sup> The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments that do not

contain any nonpublic information may instead be filed in electronic form by following the instructions on the web-based form at (<http://secure.commentworks.com/ftc-InnovaFinancialGroup>). To ensure that the Commission consider an electronic comment, you must file it on that web-based form.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC website, to the extent practicable, at [www.ftc.gov](http://www.ftc.gov). As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC’s privacy policy, at (<http://www.ftc.gov/ftc/privacy.shtm>).

**FOR FURTHER INFORMATION CONTACT:**

Carole Reynolds, Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, (202) 326-3230.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 8, 2009), on the World Wide Web, at (<http://www.ftc.gov/os/2009/01/index.htm>). A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, either in person or by calling (202) 326-2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

**Analysis of Agreement Containing Consent Order to Aid Public Comment**

The Federal Trade Commission (“FTC”) has accepted, subject to final approval, an agreement containing a consent order from Shiva Venture Group, Inc. dba Innova Financial Group (“respondent”).

The proposed consent order has been placed on the public record for thirty (30) days for the receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement’s proposed order.

The complaint alleges that respondent engaged in practices that violate Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), Section 144 of the Truth in Lending Act (“TILA”), 15 U.S.C. § 1664, and Section 226.24 of Regulation Z, 12 C.F.R. § 226.24.

Section 5(a) of the FTC Act prohibits unfair or deceptive acts or practices. Respondent violated Section 5(a) of the FTC Act, because it disseminated or has caused to be disseminated home loan advertisements which offer a low monthly payment amount and/or payment rate, but fail to disclose, or fail to disclose adequately, that this monthly payment amount and/or payment rate: (1) Apply only for a limited period of time, after which they will increase; (2) do not include the amount of interest that the consumer owes each month; and (3) are less than the monthly payment amount (including interest) and/or the interest rate that the consumer owes, with the difference added to the total amount due from the consumer or total loan balance. This information would be material to consumers shopping for a mortgage loan and the failure to disclose, or failure to disclose adequately, this information is a deceptive practice.

TILA and Regulation Z require that closed-end credit advertisers who state a periodic payment amount must also provide additional information in the advertisement, including the terms of repayment; the annual percentage rate (“APR”); and if the APR may be increased after consummation, that fact. TILA and Regulation Z also require that if an advertisement states a rate of finance charge, it must state the rate as an APR. Currently, Regulation Z also requires that if the advertisement states a payment rate, it must include additional disclosures. Respondent’s advertisements failed to disclose, or failed to disclose clearly and

<sup>1</sup> The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission’s General Counsel, consistent with applicable law and the public interest. See Commission Rule 4.9(c), 16 CFR 4.9(c).