

Privacy Act Impact Assessment: N/A.  
Nature and Extent of Confidentiality:  
There is no need for confidentiality.

Needs and Uses: The Commission will submit this revised information collection to the Office of Management and Budget (OMB) during this comment period to obtain the full three year clearance from them. The Commission has reduced the annual burden hours by 200,003 hours (78,573 hours program change reduction and 121,430 hours adjusted due to recalculations of the burden estimates) since this was last submitted to OMB.

The Commission is revising this collection in an effort to streamline the application process for the federal universal service schools and libraries support mechanism (also referred to as the "E-rate" program) and to remove outdated and unneeded questions. We propose revising the forms by removing questions that were originally intended to assist service providers but are no longer useful; and by removing questions that are outside the scope of the information needed for the Universal Service Administrative Company (USAC), the administrator of the federal universal service fund and to process E-rate applications. We further proposed limiting data collection to information that is not already available through other USAC forms or review processes. Finally, applicants will be required to include their FCC Registration Number (FRN) and consultants must provide their contact information, when applicable, on FCC Forms 470 and 471.

Federal Communications Commission.

**Bulah P. Wheeler,**  
*Acting Associate Secretary,*  
*Office of the Secretary,*  
*Office of Managing Director.*

[FR Doc. 2010-18864 Filed 7-30-10; 8:45 am]

**BILLING CODE 6712-01-S**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Determination of Insufficient Assets To Satisfy Claims Against Financial Institution in Receivership

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice.

**SUMMARY:** The FDIC has determined that insufficient assets exist in the receivership of Downey Savings and Loan Association, F.A., Newport Beach, California, to make any distribution to general unsecured claims, and therefore

such claims will recover nothing and have no value.

**DATES:** The FDIC made its determination on July 26, 2010.

**FOR FURTHER INFORMATION CONTACT:** If you have questions regarding this notice, you may contact an FDIC Claims Agent at (972) 761-8677. Written correspondence may also be mailed to FDIC as Receiver of Downey Savings and Loan Association, F.A., Attention: Claims Agent, 1601 Bryan Street, Dallas, Texas 75201.

**SUPPLEMENTARY INFORMATION:** On November 21, 2008, Downey Savings and Loan Association, F.A., Newport Beach, California (FIN #10023), was closed by the Office of Thrift Supervision and the Federal Deposit Insurance Corporation ("FDIC") was appointed as its Receiver. In complying with its statutory duty to resolve the institution in the method that is least costly to the deposit insurance fund, see 12 U.S.C. 1823(c)(4), the FDIC facilitated a transaction with U.S. Bank, National Association, Minneapolis, Minnesota, to acquire the deposits and most of the assets of the failed institution. Section 11(d)(11)(A) of the Federal Deposit Insurance Act, 12 U.S.C. 1821(d)(11)(A), sets forth the order of priority for distribution of amounts realized from the liquidation or other resolution of an insured depository institution to pay claims. Under the statutory order of priority, administrative expenses and deposit liabilities must be paid in full before any distribution may be made to general unsecured creditors or any lower priority claims. The FDIC has determined that the assets of Downey Savings and Loan, F.A. are insufficient to make any distribution on general unsecured claims and therefore such claims, asserted or unasserted, will recover nothing and have no value.

Dated: July 27, 2010.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2010-18818 Filed 7-30-10; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Determination of Insufficient Assets To Satisfy Claims Against Financial Institution in Receivership

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice.

**SUMMARY:** The FDIC has determined that insufficient assets exist in the

receivership of PFF Bank & Trust, Pomona, California, to make any distribution to general unsecured claims, and therefore such claims will recover nothing and have no value.

**DATES:** The FDIC made its determination on July 26, 2010.

**FOR FURTHER INFORMATION CONTACT:** If you have questions regarding this notice, you may contact an FDIC Claims Agent at (972) 761-8677. Written correspondence may also be mailed to FDIC as Receiver of PFF Bank & Trust, Attention: Claims Agent, 1601 Bryan Street, Dallas, Texas 75201.

**SUPPLEMENTARY INFORMATION:** On November 21, 2008, PFF Bank & Trust, Pomona, California, (FIN # 10024) was closed by the Office of Thrift Supervision and the Federal Deposit Insurance Corporation ("FDIC") was appointed as its Receiver. In complying with its statutory duty to resolve the institution in the method that is least costly to the deposit insurance fund, see 12 U.S.C. 1823(c)(4), the FDIC facilitated a transaction with U.S. Bank, National Association, Minneapolis, Minnesota, to acquire the deposits and most of the assets of the failed institution. Section 11(d)(11)(A) of the Federal Deposit Insurance Act, 12 U.S.C. 1821(d)(11)(A), sets forth the order of priority for distribution of amounts realized from the liquidation or other resolution of an insured depository institution to pay claims. Under the statutory order of priority, administrative expenses and deposit liabilities must be paid in full before any distribution may be made to general unsecured creditors or any lower priority claims. The FDIC has determined that the assets of PFF Bank & Trust are insufficient to make any distribution on general unsecured claims and therefore such claims, asserted or unasserted, will recover nothing and have no value.

Dated: July 27, 2010.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2010-18819 Filed 7-30-10; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL TRADE COMMISSION

[File No. 072 3121]

### Rite Aid Corporation; 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 August 27, 2010.

**ADDRESSES:** Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to “Rite Aid, File No. 072 3121” to facilitate the organization of comments. Please note that your comment — including your name and your state — will be placed on the public record of this proceeding, including on the publicly accessible FTC website, at (<http://www.ftc.gov/os/publiccomments.shtm>).

Because comments will be made public, they should not include any sensitive personal information, such as an individual’s Social Security Number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any “[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential. . . .” as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and Commission Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c).<sup>1</sup>

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following weblink: (<https://ftcpublic.commentworks.com/ftc/riteaid/>) and following the instructions on the web-based form. To ensure that the Commission considers an electronic

comment, you must file it on the web-based form at the weblink: (<https://ftcpublic.commentworks.com/ftc/riteaid/>). If this Notice appears at (<http://www.regulations.gov/search/index.jsp>), you may also file an electronic comment through that website. The Commission will consider all comments that [regulations.gov](http://www.regulations.gov) forwards to it. You may also visit the FTC website at (<http://www.ftc.gov/>) to read the Notice and the news release describing it.

A comment filed in paper form should include the “Rite Aid, File No. 072 3121” 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 H-135 (Annex D), 600 Pennsylvania Avenue, NW, Washington, DC 20580. 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.

The Federal Trade Commission Act (“FTC Act”) and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC website, to the extent practicable, at (<http://www.ftc.gov/os/publiccomments.shtm>). As a matter of discretion, the Commission 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:** Loretta Garrison (202-326-3043) or Alain Sheer (202-326-3321), Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.

**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 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 July 27, 2010), on the World Wide Web, at (<http://www.ftc.gov/os/actions.shtm>). 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 has accepted, subject to final approval, a consent agreement from Rite Aid Corporation (“Rite Aid”).

The proposed consent order has been placed on the public record for thirty (30) days for 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 and take appropriate action or make final the agreement’s proposed order.

The Commission’s proposed complaint alleges that Rite Aid is in the business of selling prescription and non-prescription medicines and supplies, as well as other products. It operates, among other things, approximately 4,900 retail pharmacy stores in the United States (collectively, “Rite Aid pharmacies”) and an online pharmacy business. The company allows consumers buying products in Rite Aid pharmacies to pay for their purchases with credit, debit and electronic benefit transfer cards; insurance cards; personal checks; or cash.

The complaint alleges that in conducting its business, Rite Aid routinely obtains information from or about its customers, including, but not limited to, name; telephone number; address; date of birth; bank account number; payment card account number and expiration date; prescription information, such as medication and dosage, prescribing physician name, address, and telephone number, health insurer name, and insurance account

<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 FTC Rule 4.9(c), 16 CFR 4.9(c).

number and policy number; and Social Security number. The company also collects and maintains sensitive information from or about its employees and job applicants, which includes, among other things, Social Security numbers.

The complaint further alleges that Rite Aid engaged in a number of practices that, taken together, failed to provide reasonable and appropriate security for sensitive information from consumers, employees, and job applicants. In particular, Rite Aid failed to: (1) implement policies and procedures to dispose securely of such information, including, but not limited to, policies and procedures to render the information unreadable in the course of disposal; (2) adequately train employees to dispose securely of such information; (3) use reasonable measures to assess compliance with its established policies and procedures for the disposal of such information; or (4) employ a reasonable process for discovering and remedying risks to such information.

The complaint alleges that as a result of these failures, Rite Aid pharmacies discarded materials containing sensitive information in clear readable text (such as pharmacy labels and job applications) in unsecured, publicly-accessible trash dumpsters on numerous occasions. For example, in July 2006 and continuing into 2007 and 2008, television stations and other media outlets reported finding such information in unsecured dumpsters used by Rite Aid pharmacies in at least 7 cities throughout the United States. When discarded in publicly-accessible dumpsters, such information can be obtained by individuals for purposes of identity theft or the theft of prescription medicines.

The proposed order applies to sensitive information about consumers, employees, and job applicants obtained by Rite Aid. It contains provisions designed to prevent Rite Aid from engaging in the future in practices similar to those alleged in the complaint.

Part I of the proposed order prohibits misrepresentations about the security, confidentiality, and integrity of sensitive information. Part II of the order requires Rite Aid to establish and maintain a comprehensive information security program that is reasonably designed to protect the security, confidentiality, and integrity of such information (whether in paper or electronic format) about consumers, employees, and those seeking to become employees. The order covers health and other sensitive information obtained by all Rite Aid entities, including, but not limited to, retail pharmacies. The

security program must contain administrative, technical, and physical safeguards appropriate to Rite Aid's size and complexity, the nature and scope of its activities, and the sensitivity of the information collected from or about consumers and employees. Specifically, the order requires Rite Aid to:

- Designate an employee or employees to coordinate and be accountable for the information security program.

- Identify material internal and external risks to the security, confidentiality, and integrity of sensitive information that could result in the unauthorized disclosure, misuse, loss, alteration, destruction, or other compromise of such information, and assess the sufficiency of any safeguards in place to control these risks.

- Design and implement reasonable safeguards to control the risks identified through risk assessment, and regularly test or monitor the effectiveness of the safeguards' key controls, systems, and procedures.

- Develop and use reasonable steps to select and retain service providers capable of appropriately safeguarding sensitive information they receive from Rite Aid, and require service providers by contract to implement and maintain appropriate safeguards.

- Evaluate and adjust its information security programs in light of the results of testing and monitoring, any material changes to operations or business arrangements, or any other circumstances that it knows or has reason to know may have a material impact on its information security program.

Part III of the proposed order requires Rite Aid to obtain within one year, and on a biennial basis thereafter for a period of twenty (20) years, an assessment and report from a qualified, objective, independent third-party professional, certifying, among other things, that: (1) it has in place a security program that provides protections that meet or exceed the protections required by Part II of the proposed order; and (2) its security program is operating with sufficient effectiveness to provide reasonable assurance that the security, confidentiality, and integrity of sensitive consumer, employee, and job applicant information has been protected.

Parts IV through VIII of the proposed order are reporting and compliance provisions. Part IV requires Rite Aid to retain documents relating to its compliance with the order. For most records, the order requires that the documents be retained for a five-year period. For the third-party assessments

and supporting documents, Rite Aid must retain the documents for a period of three years after the date that each assessment is prepared. Part V requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part VI ensures notification to the FTC of changes in corporate status. Part VII mandates that Rite Aid submit a compliance report to the FTC within 60 days, and periodically thereafter as requested. Part VIII is a provision "sunsetting" the order after twenty (20) years, with certain exceptions.

The Commission conducted its investigation jointly with the Office for Civil Rights in the Department of Health and Human Services ("OCR-HHS"). Working together, the Commission and OCR-HHS each entered into separate but coordinated agreements with Rite Aid to resolve all the issues of both agencies.

This is the Commission's twenty-ninth case to challenge the failure by a company to implement reasonable information security practices, and the second case: (1) involving a health provider, (2) proceeding jointly with OCR-HHS, and (3) challenging the security of employee data.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

**Donald S. Clark**

*Secretary.*

[FR Doc. 2010-18941 Filed 7-30-10; 8:45 am]

**BILLING CODE 6750-01-S**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS-0990-New; 30-Day Notice]

### Agency Information Collection Request; 30-Day Public Comment Request

**AGENCY:** Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed