

Dated: April 5, 1999.

**Ronald D. Murphy,**

*Assistant Secretary.*

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## FEDERAL RESERVE SYSTEM

### Agency information collection activities: Announcement of Board approval under delegated authority and submission to OMB

**AGENCY:** Board of Governors of the Federal Reserve System

#### SUMMARY

*Background.* Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

#### FOR FURTHER INFORMATION CONTACT:

Chief, Financial Reports Section--Mary M. West--Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829)

OMB Desk Officer--Alexander T. Hunt--Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7860)

### Final approval under OMB delegated authority of the extension for three years, without revision, of the following reports:

#### 1. Report title: Notification of Foreign Branch Status

*Agency form number:* FR 2058

*OMB Control number:* 7100-0069

*Frequency:* On occasion

*Reporters:* State member banks, national banks, bank holding companies, Edge and agreement corporations.

*Annual reporting hours:* 20 hours.

*Estimated average hours per response:* 15 minutes.

*Number of respondents:* 20

Small businesses are not affected.

*General description of report:* This information collection is mandatory (12 U.S.C. 321, 601, 602, 615, and 1844(c)) and is not given confidential treatment.

*Abstract:* Member banks, bank holding companies, and Edge and agreement corporations are required to notify the Federal Reserve System of the opening, closing, or relocation of an approved foreign branch. The notice requests information on the location and extent of service provided by the branch, and is filed within thirty days of the change in status. The Federal Reserve System needs the information requested on the FR 2058 form to fulfill supervisory responsibilities specified in Regulation K including the supervision of foreign branches of U.S. banking organizations.

Regulation K, "International Banking Operations," sets forth the conditions under which a foreign branch may be established. For their initial establishment of foreign branches, organizations must request prior Federal Reserve approval as directed in Attachment A of the FR K-1, "International Applications and Prior Notifications Under Subparts A and C of Regulation K" (OMB No. 7100-0107). For subsequent branch establishments into additional foreign countries, organizations must give the Federal Reserve System forty-five days prior written notice using Attachment B of FR K-1. Organizations use the FR 2058 notification to notify the Federal Reserve when any of these branches has been opened, closed, or relocated.

#### 2. Report title: International Applications and Prior Notifications under Subparts A and C of Regulation K.

*Agency form number:* FR K-1

*OMB control number:* 7100-0107

*Effective date:* May 10, 1999.

*Frequency:* On occasion

*Reporters:* State member banks, national banks, bank holding companies, Edge and agreement corporations, and certain foreign banking organizations.

*Annual reporting hours:* 636 hours.

*Estimated average hours per response:* Attachments A - G: 10; Attachments H, I: 15; and Attachment J: 20.

*Number of respondents:* 36

Small businesses are not affected.

*General description of report:* This information collection is mandatory (12 U.S.C. 601-604(a), 611-631, 1843(c)(13), 1843(c)(14), and 1844(c)) and is not given confidential treatment. The applying organization has the opportunity to request confidentiality for information that it believes will

qualify for a Freedom of Information Act exemption.

*Abstract:* The FR K-1 comprises a set of applications and notifications that govern the formation of Edge or agreement corporations and the international and foreign activities of U.S. banking organizations. The applications and notifications collect information on projected financial data, purpose, location, activities, and management. The Federal Reserve requires these applications for regulatory and supervisory purposes and to allow the Federal Reserve to fulfill its statutory obligations under the Federal Reserve Act and the Bank Holding Company Act of 1956.

*Regulatory Flexibility Act Statement:* The Board certifies that the extension of the above applications and notifications is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

### Final approval under OMB delegated authority of the extension for three years, with revision, of the following reports:

#### 1. Report title: Reports Related to Public Welfare Investments of State Member Banks.

*Agency form number:* FR H-6

*OMB control number:* 7100-0278

*Effective date:* May 10, 1999.

*Frequency:* Event-generated

*Reporters:* State member banks.

*Annual reporting hours:* 78 hours.

*Estimated average hours per response:*

Investment Notice: 2; Application: 2.75;

Extension of divestiture period: 5

*Number of respondents:* 35

Small businesses are not affected.

*General description of report:* This information collection is required to obtain a benefit (12 U.S.C. 338a) and is generally not given confidential treatment. However, if the information collected contains an examination rating (or other supervisory information), that information would be exempt from disclosure (5 U.S.C. 552(b)(4)).

*Abstract:* The FR H-6 comprises of an investment notice, application for Board approval of an investment, and request for extension of the divestiture period of an investment. The state member banks may make certain public welfare investments without prior Board approval, they need only notify the Federal Reserve. Certain other public welfare investments require prior approval and the request must be submitted to the Board. If an investment ceases to conform to certain requirements the state member bank must divest itself of the investment. In some cases the bank must submit a

request for extension of the divestiture period. The proposed revisions for the FR H-6 would conform the information collection with the recently revised Regulation H. The Board is eliminating the requirement that, to avoid applying for Board approval, the investment must be smaller than 2 percent of capital and surplus. This should result in fewer applications and more notices of investments not requiring Board approval. Additionally, a requirement has been added to the application for Board approval: if the bank is not permitted to make the investment without Board approval, the institution must explain the reason(s) why the investment is ineligible.

**Regulatory Flexibility Act Analysis:** Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)) the Federal Reserve hereby certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

**2. Report title:** Application for Prior Approval to Become a Bank Holding Company, or for a Bank Holding Company to Acquire an Additional Bank or Bank Holding Company  
**Agency form number:** FR Y-3  
**OMB control number:** 7100-0121  
**Frequency:** Event-generated  
**Reporters:** Corporations seeking to become bank holding companies, or bank holding companies and state chartered banks that are members of the Federal Reserve System

**Annual reporting hours:** 30,443 hours.  
**Estimated average hours per response:** Section 3(a)(1): 49 hours; Section 3(a)(3) and 3(a)(5): 59.5 hours

**Number of respondents:** Pursuant to Section 3(a)(1): 274; Pursuant to Section 3(a)(3) and 3(a)(5): 286  
Small businesses are affected.

**General description of report:** This information collection is mandatory (12 U.S.C. sections 1842(a)(1), (a)(3), and (a)(5) and 12 U.S.C. section 1844(c)). Individual respondent data are available to the public except any portions which have been granted confidential treatment at the applicant's request (5 U.S.C. 552 (b)(4) and (b)(8)).

**Abstract:** This application collects information concerning proposed bank holding company formations, acquisitions, and mergers between banks and bank holding companies for review by the Federal Reserve. The application collects financial and managerial information and data on competitive and public convenience factors.

**Current Actions:** Tier 3 capital is now included in the information requested for question 4.d of the FR Y-3 due to

changes in the international risk-based capital standards. Information on debt servicing has been added to the FR Y-3 to conform the report with revisions to sections 225.24 and 225.17 of Regulation Y.

Clarifications have been made to the "Competition and Convenience and Needs" section of the application to remove certain outdated references. Question 11 of this section has been clarified and question 12 of this section has been revised to conform with proposed changes to the Interagency Bank Merger Act Application (FR 2070; OMB No. 7100-0171). In addition, clarifications were made to the publication requirements for this application.

**3. Report title:** Application for Prior Approval to Engage Directly or Indirectly in Certain Nonbanking Activities.

**Agency form number:** FR Y-4  
**OMB control number:** 7100-0121  
**Frequency:** Event-generated

**Reporters:** Bank holding companies  
**Annual reporting hours:** 4,147 hours.

**Estimated average hours per response:**  
Post-consummation: 0.50 hours;  
Expedited notification: 5 hours;  
Complete notification: 12 hours.

**Number of respondents:** Post-consummation: 29; Expedited notification: 92; Complete notification: 306.  
Small businesses are affected.

**General description of report:** This information collection is mandatory (12 U.S.C. § 1843 and 1844 (c)). Individual respondent data are available to the public except any portions granted confidential treatment at the applicant's request (5 U.S.C. § 552(b)(4) and (8)).

**Abstract:** This form is completed by a bank holding company seeking prior approval (1) to acquire or retain the assets or shares of a nonbank company or (2) to engage *de novo* in nonbank activities. Most applications require information on the proposed transaction, information on competition and public benefits, and financial and managerial information. For applications to engage *de novo* in nonbank activities permissible under Regulation Y, less detailed information is required.

**Current Actions:** The Federal Reserve has revised the FR Y-4 to reflect changes to Regulation Y that provide for two separate streamlined procedures for certain nonbanking proposals that are intended to reduce significantly regulatory burden and to improve the ability of well-run bank holding companies to respond quickly to changes in the market place. The FR Y-

4 has become a notification form instead of an application.

**Final approval under OMB delegated authority the implementation of the following report:**

**1. Report title:** Notice for Prior Approval to Become a Bank Holding Company, or for a Bank Holding Company to Acquire an Additional Bank or Bank Holding Company

**Agency form number:** FR Y-3N  
**OMB control number:** 7100-0121  
**Frequency:** Event-generated

**Reporters:** Corporations seeking to become bank holding companies, or bank holding companies and state chartered banks that are members of the Federal Reserve System.

**Annual reporting hours:** 945 hours.

**Estimated average hours per response:** 5 hours.

**Number of respondents:** 189

Small businesses are affected.

**General description of report:** This information collection is mandatory (12 U.S.C. § 1844(c)). Individual respondent data are available to the public except any portions which have been granted confidential treatment at the applicant's request (5 U.S.C. 552 (b)(4) and (b)(8)).

**Abstract:** The Federal Reserve is implementing the FR Y-3N due to Regulation Y revisions that provide for streamlined processes for reviewing applications and notifications from respondents meeting certain qualifying criteria. The FR Y-3N requests substantially less information than the previous FR Y-3 for respondents that meet the qualifying criteria.

**Current Actions:** The FR Y-3N reporting form is used for: (1) notifications filed using the abbreviated notice procedures for certain BHC formations, as described in section 225.17 of Regulation Y; (2) notifications filed to acquire shares, assets, or control of a bank, or a merger or consolidation between BHCs, filed under the streamlined procedures described in section 225.14 of Regulation Y, and (3) notifications filed to acquire a nonbank insured depository institution that require approval under section 4 of the BHC Act, if the BHC and the proposal would meet all of the criteria for expedited action under section 225.14 if the nonbank insured depository institution were a bank.

Board of Governors of the Federal Reserve System, April 5, 1999.

**Jennifer J. Johnson**

*Secretary of the Board.*

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