

SUPPORTING STATEMENT
INTERAGENCY NOTICE OF CHANGE IN DIRECTOR
OR EXECUTIVE OFFICER
OMB No. 3064-0097

INTRODUCTION

The FDIC is requesting OMB approval to renew the currently approved information collection captioned above. OMB approval for the collection expires on April 30, 2009.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (“FIRREA”) requires an insured depository institution to notify the appropriate federal banking agency of the proposed addition of any individual to the board of directors or the employment of any individual as a senior executive officer of such institution at least 30 days before such addition or employment becomes effective, if the insured depository institution (a) became insured or has undergone a change in control within the past two years or (b) is not in compliance with the applicable capital requirements or is otherwise in a troubled condition. This collection implements that provision of law.

A. JUSTIFICATION

1. Circumstance and Need

Section 32 of the FDIC Act (12 U.S.C. 183li), as added by FIRREA (section 914, P.L. 101-73), provides that the FDIC may disapprove an individual’s service as a director or senior executive officer of certain state nonmember banks (as defined above) if upon assessing the individual’s competence, experience, character and integrity it is determined that the individual’s service would not be in the best interest of the depositors of the bank or the public. The Notice with a financial form as an attachment is used by the FDIC to collect information relevant to assess the individual’s competence, experience, character and integrity.

2. Use of Information Collected

The information is used by the FDIC for assessing the general character of individuals wishing to serve as directors or senior executive officers of the specified state nonmember banks as defined above. The FDIC’s evaluation of these individuals is required by statute.

3. Use of Technology to Reduce Burden

No technology is involved in the preparation of the report. The report is the personal financial and biographical statement of the submitter.

4. Efforts to Identify Duplication

There is no duplication of reporting. Each report is a unique personal financial and biographical statement of the individual submitter.

5. Minimizing the Burden on Small Banks

All individuals filing notice to serve as a director or a senior executive officer of the class of state nonmember banks defined above are subject to the same reporting requirements. The information is the minimum needed by the FDIC to assess the general character of the submitter.

6. Consequence of Less Frequent Collection

The information is reported only once by the individual.

7. Special Circumstances

None.

8. Consultation with Persons Outside the FDIC

A first Federal Register notice (attached) seeking comment was published on February 13, 2009 (74 FR 7231). No comments were received. A second Federal Register Notice seeking comment was published on April 21, 2009 (74 FR 18234) (attached).

9. Payment or Gift to Respondents

None.

10. Confidentiality

The "Privacy Act Statement" disclosed on the notice advises the respondent of possible uses of portions of the information. Disclosure to other parties is generally exempted under Section 552(b) of the Freedom of Information Act.

11. Information of a Sensitive Nature

No question of a sensitive nature is included in this collection.

12. Estimate of Annual Burden

The number of respondents is estimated to be approximately 400. The

respondents each submit the report only once. The average burden time is estimated at 2 hours per report. Therefore, the total annual burden is estimated as $400 \times 2 = 800$ hours.

13. Capital, Start-Up, Operating, and Maintenance Costs

None.

14. Estimates of Annualized Cost to the Federal Government

None.

15. Reason for Change in Burden

The number of respondents is estimated to be approximately 400 or twice the previous estimate of 200, due to the increase in problem banks.

16. Publication

There is no publication of the information collected.

17. Display of Expiration Date

Will be displayed.

18. Exceptions to Certification

None.

B. STATISTICAL METHODS

Not applicable.

Attachments

1. Interagency notice.
2. "First" Federal Register notice; "second" Federal Register notice