

SUPPORTING STATEMENT
RELEASE OF NON-PUBLIC INFORMATION
OMB Control No. 1550-0081

A. JUSTIFICATION

1. Circumstances and Need.

The principal mission of the Office of Thrift Supervision (OTS) is the regulation, supervision and examination of saving associations. Many of the documents OTS generates or gathers in the course of its activity are confidential, such as examination reports and information relating to the financial and business operations of individual savings associations and their customers. OTS receives approximately 10 requests each year for unpublished or confidential OTS information (documents and testimony) from members of the public, primarily from litigants in lawsuits to which OTS is not a party.

OTS has promulgated a regulation, codified at 12 C.F.R. § 510.5, that governs the release of unpublished information. The collection of information required by this regulation streamlines the process for requesters by ensuring that OTS receives all the information it needs to respond to their requests in a timely manner. In the absence of this regulation, the information needed from each requester is determined on a case-by-case basis. This can result in OTS asking the requester repeatedly for more information. OTS believes a formal procedure is less burdensome to the public because the information requested is standard, which allows the requester to provide all the needed information with their initial request.

The regulation in no way affects the rights and procedures that govern access to publicly available official documents pursuant to the Freedom of Information Act (FOIA).

2. Use of Information Collected.

OTS staff uses the information provided by the requesters to respond to their requests for unpublished information. The information enables the staff to locate and review responsive information, and to evaluate the burden to the agency and disruption of its supervisory activities more quickly than could be done without the information. OTS staff also uses the information to help determine whether the requester's need for the unpublished information outweighs the agency's confidentiality concerns.

3. Use of Technology to Reduce Burden.

We are not aware of any improved information technology that could reduce the amount of effort involved in submitting a request for unpublished information. Therefore, the use of automated, electronic, other technological collection techniques, or other forms of information technology, is not applicable.

4. Efforts to Identify Duplication.

This information collection is not duplicative within the meaning of the PRA and OMB regulations. Generally, each request is unique to the individual requestor and the purpose for which the information is sought. However, when requests are made by litigants to lawsuits where OTS is not a party, the requesting litigant is required to provide the released information to other litigants, thereby reducing the burden on multiple parties to lawsuits.

5. Minimizing the Burden on Small Businesses.

We do not anticipate that the collection of information will have a significant economic impact on a substantial number of small businesses.

6. Consequences of Less Frequent Collection.

Not collecting this information would make it substantially less efficient for OTS to respond to outside requests for unpublished information, thereby increasing the time and expense required for the agency to respond to such requests, as well as the time and expense incurred by requesters to obtain the information they seek. There is no practicable way to collect the information less frequently, as it is collected only when an outside party requests unpublished or confidential OTS information.

7. Special Circumstances Requiring Data Collection Inconsistent with 5 C.F.R. Part 1320.

We are not aware of any special circumstances within the meaning of this paragraph.

8. Consultation with Persons Outside OTS.

Notice of intent to renew this information collection was published in the Federal Register on March 27, 2009 (74 FR 58). No comments were received.

9. Payments or Gifts.

OTS provides no payments or gifts to respondents.

10. Confidentiality.

OTS does not provide respondents with any assurance that the information they provide in seeking access to unpublished information will be kept confidential.

This information collection provides an orderly mechanism for expeditious processing of requests from the public (including litigants in lawsuits where OTS is not a party) for non-public or confidential OTS information (documents and testimony), while preserving OTS's need to maintain the confidentiality of such information.

11. Information of a Sensitive Nature.

No question of a sensitive nature, as defined in the instructions for completing the supporting statement for Paperwork Reduction Act submissions, is required by the information collection.

12. Estimate of Annual Hour Burden.

Based on its experience to date, OTS anticipates approximately 25 respondents per year, each submitting a single request. We estimate that it will require approximately 5 hours for each respondent to prepare and submit a request meeting the criteria set forth in the regulation. The estimated burden is 125 hours.

13. Estimate of Annual Cost Burden.

We estimate the average cost per hour for each respondent to be \$100, which represents a mixture of legal, supervisory and clerical personnel. Thus, the estimated cost per respondent would be \$500 per year (5 hours x \$100 per hour).

14. Estimates of Annualized Cost to Government.

The total annualized cost to the federal government will be minimal. The information will be reviewed by OTS personnel who will determine whether justification for release of the unpublished information is satisfactory.

15. Reason for Change in Burden.

The increase in burden (from 50 to 125) is due to an increase in the number of respondents than in previous years.

16. Publication.

This collection of information will not be published.

17. Expiration Date.

Not applicable.

18. Exceptions.

There are no exceptions to the certification on the OMB Form 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

Not applicable.