

Financial Stability Oversight Council
Authority to Require Supervision and Regulation of
Certain Nonbank Financial Companies

1. Circumstances necessitating the collection of information

Section 113 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the “DFA”) (Pub. L. 111-203) provides the Financial Stability Oversight Council (the “Council”) the authority to require that a nonbank financial company be supervised by the Board of Governors of the Federal Reserve System and be subject to prudential standards in accordance with Title I of the DFA if the Council determines that material financial distress at the firm, or the nature, scope, size, scale, concentration, interconnectedness, or mix of the activities of the firm, could pose a threat to the financial stability of the United States. The rule describes the criteria that will inform, and the processes and procedures established under the DFA for, the Council’s determinations regarding nonbank financial companies under Section 113 of the DFA.

2. Use of the data

The information collected under § 1310.20 from state and federal regulatory agencies and from nonbank financial companies will be used by the Council to carry out its duties under Title I of the Dodd-Frank Act, for the purpose of assessing the extent to which a nonbank financial company poses a threat to the financial stability of the United States. The collections of information in §§ 1310.21, 1310.22 and 1310.23 provide an opportunity to request a hearing or submit written materials to the Council concerning whether, in the company’s view, material financial distress at the company, or the nature, scope, size, scale, concentration, interconnectedness, or mix of the activities of the company, could pose a threat to the financial stability of the United States.

3. Use of information technology

When appropriate, the Council may request that information be submitted electronically.

4. Efforts to identify duplication

The information is not collected or reported in any other information collection.

5. Impact on small entities

It is unlikely that small entities will be affected by the information collections.

6. Consequences of less frequent collection and obstacles to burden reduction

If the information is not collected, the Council will not be able to adequately meet its responsibilities under the DFA.

7. Circumstances requiring special information collection

Not applicable.

8. Solicitation of comments on information collection

A notice of proposed rulemaking that describes the information collection was published in the Federal Register.

9. Provision of payments to recordkeepers

Not applicable.

10. Assurance of confidentiality

Any confidential information provided will be maintained as confidential consistent with applicable provisions of the Trade Secrets Act, Freedom of Information Act, and the Privacy Act, and in accordance with Section 112(d)(5) of the DFA.

11. Justification of sensitive questions

Not applicable.

12. Estimated burden of information collection

Based on data currently available to the Council through existing public and regulatory sources, the Council has estimated that fewer than 50 nonbank financial companies meet the Stage 1 thresholds. Estimated total annual burden: 1,000 hours.

13. Estimated total annual cost burden to respondents

Estimated annual cost associated with information collection: \$450,000.

14. Estimated cost to the federal government.

There will be no annualized capital/start-up costs for the government to receive this information.

15. Reasons for change in burden

Not applicable.

16. Plans for tabulation, statistical analysis and publication

Not applicable.

17. Reasons why displaying the OMB expiration date is inappropriate

Not applicable.

18. Exceptions to certification requirement of OMB Form 83-I

Regarding this request for OMB approval, there are no exceptions to the certification statement in item 19 of Form 83-I.