

Supporting Statement
Mandatory Contractual Stay Requirements for Qualified Financial Contracts
OMB Control No. 1557-NEW

A. Justification.

1. *Circumstances that make the collection necessary:*

Twelve CFR 47.6 provides that a covered bank may request that the OCC approve as compliant with the requirements of section 47.5, regarding insolvency proceedings, provisions of one or more forms of covered Qualified Financial Contracts (QFCs), or amendments to one or more forms of covered QFCs, with enhanced creditor protection conditions. The request must include: (1) an analysis of the proposal under each consideration of the relevance of creditor protection provisions; (2) a written legal opinion verifying that proposed provisions or amendments would be valid and enforceable under applicable law of the relevant jurisdictions, including, in the case of proposed amendments, the validity and enforceability of the proposal to amend the covered QFCs; and (3) any additional information relevant to its approval that the OCC requests.

The proposed rule applies to national banks or FSAs (including any subsidiary) that are subsidiaries of a global systemically important bank holding company that has been designated pursuant to 12 CFR 252.82(a)(1) of the Federal Reserve Board's Regulation YY; Banks or FSAs (including any subsidiary) that are subsidiaries of a global systemically important foreign banking organization designated pursuant to 12 CFR 252.87 of the Federal Reserve Board's Regulation YY; and Federal branches and agencies (including any U.S. subsidiary of a Federal branch or agency) of a global systemically important foreign banking organization designated pursuant to 12 CFR 252.87 of the Federal Reserve Board's Regulation YY.

2. *Use of the information:*

The proposed rule is intended to promote U.S. financial stability by enhancing the safety and soundness of the national banking system by mitigating potential negative impacts that could result from the disorderly resolution of certain systemically important national banks, Federal savings associations, Federal branches and agencies, and the subsidiaries of these entities. Specifically, the information collected under Section 47.6 is necessary to permit the OCC to determine which of the proposed alternative sets of credit protections would achieve the policy goals of this proposed rule.

3. *Consideration of the use of improved information technology:*

Any information technology that allows respondents to meet the requirements of the collection may be used.

4. Efforts to identify duplication:

This information collection is unique and does not duplicate any other information already collected.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information required is the minimum necessary to meet the requirements of the regulation.

6. Consequences to the Federal program if the collection were conducted less frequently:

Less frequent collection would present safety and soundness concerns.

7. Special circumstances necessitating collection inconsistent with 5 CFR part 1320:

This information collection is conducted in accordance with OMB's guidelines at 5 CFR part 1320.

8. Efforts to consult with persons outside the agency:

The information collection requirements have been issued for comment in connection with a notice of proposed rulemaking.

9. Payment to respondents:

None.

10. Any assurance of confidentiality:

The information will be kept private to the extent permitted by law.

11. Justification for questions of a sensitive nature:

No personally identifiable information is collected.

12. Burden estimate:

Estimated Number of Respondents: 42.

Estimated Burden Per Respondent: 40 hours.

Total Estimated Burden: 1,680 hours.

Cost of burden hours:

$$1,680 \times \$101 = \$169,680$$

To estimate average hourly wages we reviewed data from May 2015 for wages (by industry and occupation) from the U.S. Bureau of Labor Statistics (BLS) for depository credit intermediation (NAICS 522100). To estimate compensation costs associated with the proposed rule, we use \$101 per hour, which is based on the average of the 90th percentile for seven occupations adjusted for inflation (2 percent), plus an additional 30 percent to cover private sector benefits. Thirty percent represents the average private sector costs of employee benefits.

13. *Estimate of annualized costs to respondents:*

Not applicable.

14. *Estimate of annualized costs to the government:*

None.

15. *Change in burden:*

The increase in burden is due to the fact that this is a new collection.

16. *Information regarding collections whose results are planned to be published for statistical use:*

The OCC has no plans to publish the data for statistical purposes.

17. *Approval to not display expiration date:*

Not applicable.

18. *Exceptions to certification statement:*

None.

B. *Collections of Information Employing Statistical Methods.*

Not applicable.