

SUPPORTING STATEMENT
ACCOUNT BASED DISCLOSURES IN CONNECTION WITH
CONSUMER FINANCIAL PROTECTION BUREAU REGULATIONS E AND DD
AND
FEDERAL RESERVE REGULATION CC
(OMB CONTROL NO. 3064-0084)

INTRODUCTION

The FDIC is requesting OMB approval to extend, with revisions, the information collection covering reporting, recordkeeping and disclosure requirements imposed by Consumer Financial Protection Bureau (CFPB) Regulations E and DD; and for Federal Reserve Regulation CC for those institutions impacted by the regulations over which the FDIC has enforcement authority. This information collection is currently approved under Control Number 3064-0084 and the approval expires on May 31, 2021.

A. JUSTIFICATION

1. **Circumstances that make the collection necessary:**

Regulation E implements the Electronic Fund Transfer Act and is authorized by 15 U.S.C. § 1693b.¹ It affects institutions that offer electronic fund transfer (EFT) services and prepaid accounts, and it affects issuers of prepaid gift cards and gift certificates. Regulation DD implements the Truth in Savings Act and is authorized by 12 U.S.C. § 4308(a).² It affects institutions that offer deposit accounts to consumers. Regulation CC implements the Expedited Funds Availability Act and is authorized by 12 U.S.C. §§ 4008 and 5014.³ It affects institutions that provide transaction accounts to customers. For Regulations E and DD, the FDIC has enforcement responsibility for state nonmember banks, savings institutions, and insured state branches of foreign banks with \$10 billion or less in total assets.⁴ For regulation CC, the FDIC has enforcement authority for all state nonmember banks, savings institutions, and insured state branches of foreign banks.⁵

Regulation E is designed to ensure consumers receive adequate disclosure of basic terms, costs, and rights relating to EFT services provided to them so that they can make informed decisions. Institutions offering EFT services must disclose to consumers certain information, including: initial and updated EFT terms,⁶ the consumer's potential liability for unauthorized transfers,⁷ and error resolution rights and procedures.⁸

1 12 C.F.R. 1005.

2 12 C.F.R. 1030.

3 12 C.F.R. 229.

4 Regulation E, 15 U.S.C. § 1693o; Regulation DD, 12 U.S.C. § 4309; CFPB enforcement authority for insured depository institutions delineated in 12 U.S.C. § 5516.

5 12 C.F.R. 229.3 (a)(1)(iii).

6 12 C.F.R. 1005.7(b) and 1005.8(a),

7 12 C.F.R. 1005.17(c)(2), 1005.17(c)(1), and 1005.17.

8 12 C.F.R. 1005.8(b), 1005.11, and 1005.18.

Regulation DD also has similar consumer protection disclosure requirements that are intended to assist consumers in comparing deposit accounts offered by institutions, principally through the disclosure of fees, the annual percentage yield, and other account terms. Regulation DD requires depository institutions to disclose yields, fees, and other terms concerning deposit accounts to consumers at account opening, upon request, and when changes in terms occur.⁹ Depository institutions that provide periodic statements are required to include information about fees imposed, interest earned, and the annual percentage yield (APY) earned during those statement periods.¹⁰ It also contains rules about advertising deposit accounts.¹¹

Like Regulations E and DD, Regulation CC has consumer protection disclosure requirements. Specifically, Regulation CC requires depository institutions to make funds deposited in transaction accounts available within specified time periods,¹² disclose their availability policies to customers,¹³ and begin accruing interest on such deposits promptly.¹⁴ The disclosures are intended to alert customers that their ability to use deposited funds may be delayed,¹⁵ prevent unintentional (and costly) overdrafts,¹⁶ and allow customers to compare the policies of different institutions before deciding at which institution to deposit funds. The regulation also requires notice to the depository bank and to a customer of nonpayment of a check.¹⁷

2. Use of the information:

Regulations E, CC and DD promote the informed use of account services by ensuring adequate disclosure of relevant terms. The Regulations impose third-party disclosure requirements on affected institutions and are intended to provide consumers meaningful and useful information about the terms, costs and rights relating to services and consumer products to allow them to make informed decisions about which institution and product best suits their needs.

3. Consideration of the use of improved information technology:

The information collections in Regulations E, CC and DD are primarily third party disclosures. Institutions may provide electronic disclosures consistent with the Electronic Signatures in Global and National Commerce Act (E-Sign Act), 15 U.S.C. §§ 7001 et seq., 12 C.F.R. § 1005.17 and 12 C.F.R. § 1030.03(a).

4. Efforts to Identify Duplication

Regulations E, CC and DD require account related disclosures when specified events occur and the content of the disclosures do not overlap. If institutions provide periodic

9 12 C.F.R. 1030.4.

10 12 C.F.R. 1030.6.

11 12 C.F.R. 1030.8.

12 12 C.F.R. 229.10.

13 12 C.F.R. 229.16, 229.17, and 229.18(d).

14 12 C.F.R. 229.14.

15 12 C.F.R. 229.13 (g).

16 12 C.F.R. 1005.20, FRB R-1377.

17 12 C.F.R. 229.33(a) and (d).

statements concerning accounts, Regulation E and CC require certain disclosures, of different content, to be provided in those periodic statements.

5. **Methods used to minimize burden if the collection has a significant impact on a substantial number of small entities:**

Generally, the relevant statutes require the disclosures to be made notwithstanding the size of the institution.

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

The disclosure requirements are event based and may not be made less frequently consistent with the underlying statutes and regulations.

7. **Special circumstances necessitating collection inconsistent with 5 CFR Part 1320.5(d)(2):**

None. The information is collected in a manner consistent with 5 CFR 1320.5(d)(2).

8. **Efforts to consult with persons outside the agency:**

A notice seeking public comment for a 60-day period was published in the *Federal Register* on February 25, 2021 (86 FR 11771). No comments were received.

9. **Payment or gifts to respondents:**

None.

10. **Any assurance of confidentiality:**

Since the regulations only contain a third-party disclosure requirements, no issue of confidentiality arises. The disclosure of information to consumers with regard to the availability of funds is available to the public. Any information collected by the FDIC will be kept private to the extent permitted by law.

11. **Justification for questions of a sensitive nature:**

No sensitive information is collected.

12. Estimate of hour burden including annualized hourly costs:

Estimated Number of Respondents, Responses and Burden Hours

Regulation E

Potential respondents to the IC line items associated with Regulation E include state nonmember banks, savings institutions, and insured state branches of foreign banks with \$10 billion or less in consolidated assets. As of December 31, 2020, the FDIC supervises 3,172 such institutions.¹⁸ Of these institutions, 2,380 are considered small for the purposes of the RFA.¹⁹ Table 1 below shows the information collection (IC) line items associated with Regulation E, with corresponding estimates of the annual number of respondents, responses, and hourly burdens. The methodologies for the estimate of the annual number of respondents are as follows:

1. Three items (line items 1, 3, and 4) under Regulation E apply to all state nonmember banks, savings institutions, and insured state branches of foreign banks with \$10 billion or less in total assets. There are 3,172 such institutions. This estimate represents a decrease of 503 institutions from the previous estimate. A decrease of 448 institutions can be attributed to the decline in the number of FDIC-supervised institutions since September 30, 2017. The remaining decrease of 55 institutions can be attributed to the transfer of supervisory authority for Regulations E and DD to the CFPB for state nonmember banks, savings institutions, and insured state branches of foreign banks with more than \$10 billion in consolidated assets.²⁰ This transfer of authority was not considered in the 2018 ICR estimate. Of the 3,172 estimated respondents, 2,380 are small for purposes of the RFA.²¹
2. There are two line items that apply to institutions that are FDIC-supervised, have \$10 billion or less in consolidated assets, and are engaged in issuing payroll cards (line items 2 and 5). To estimate the number of respondents to these line items, FDIC uses the CFPB's Prepaid Account Agreements Database, which identifies agreements by product type. This database shows eight institutions that have prepaid product agreements under the product type "Payroll".²² FDIC therefore estimates eight respondents to these items. This estimate represents an increase of two respondents. This increase is due to a change

¹⁸ FDIC Call Report data, December 31, 2020.

¹⁹ The SBA defines a small banking organization as having \$600 million or less in assets, where an organization's "assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year." See 13 CFR 121.201 (as amended by 84 FR 34261, effective August 19, 2019). In its determination, the "SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates." See 13 CFR 121.103. Following these regulations, the FDIC uses a respondent's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the respondent is "small" for the purposes of RFA.

²⁰ See 12 USC 5516.

²¹ FDIC Call Report data, December 31, 2020.

²² FDIC excluded products issued by The Bancorp Bank, because The Bancorp Bank's prepaid accounts are usually managed by program managers. CFPB has taken the information collection burden where funds are managed by a third party and not by an FDIC-supervised institution.

in estimation methodology.²³ Of these eight institutions, two are small for the purposes of the RFA.²⁴

3. There are ten line items (numbered 6 to 15) that apply to FDIC-supervised institutions subject to the CFPB's Prepaid Accounts Rule, which modified Regulation E and was effective starting in 2019. Banks issuing prepaid account agreements are required to submit to the CFPB documents containing, among other things, the general terms and conditions of these agreements.²⁵ For ease of exposition, Table 1 groups these line items into a. items that apply to new products, b. implementation items that apply to new entrants, and c. ongoing items that apply to active products that are not new. These items were not included in the 2018 ICR.
 - a. There are two line items that apply to new products under the CFPB's Prepaid Accounts Rule (line items 6 and 7). These are disclosure burdens that FDIC-supervised institutions must incur when they launch a new prepaid product. Because the Prepaid Accounts Rule was implemented in 2019, we only have complete data for 2019 and 2020. As such, FDIC estimates the number of new products in each year by taking the number of new products in 2020, products with agreements that became effective in 2020 that did not have a prior agreement in 2019.²⁶ FDIC found four institutions with new prepaid products in 2020 and therefore estimates, on average, four respondents to these line items annually. These four banks introduced 213 new products in 2020. FDIC therefore estimates, on average, 53 responses per respondent to these line items. Of the four institutions with new products in 2020, two are small for the purposes of the RFA.²⁷
 - b. There are four line items that are implementation burdens under the CFPB's Prepaid Accounts Rule (line items 8 through 11). These implementation burdens apply to new entrants to prepaid products. Because the Prepaid Accounts Rule was implemented in 2019, we only have complete data for 2019 and 2020. As such, FDIC estimates the annual number of new entrants by taking the number of institutions with agreements in 2020 that did not have agreements in 2019. FDIC found one such institution. This institution is considered small for the purposes of the RFA.²⁸
 - c. There are four line items that are ongoing burdens under the CFPB's Prepaid Accounts Rule (line items 12 through 15). These ongoing burdens apply to the upkeep of systems and processes after a new entrant completes the corresponding

²³ The previous estimate used Call Report Data from September 30, 2017 and estimated respondents by counting FDIC-supervised institutions where item ENTTYPE was equal to 15, indicating a the institution was a "CONSUMER (NON=BANK) BANK). The CFPB Prepaid Accounts Database is a more precise data source that gives an accurate estimate, as opposed to the previous estimate which was an approximation.

²⁴ FDIC Call Report data, December 31, 2020.

²⁵ See footnote 22.

²⁶ FDIC does not include new products in 2019 in its estimate because, based on the timing of the rule's implementation, there was a glut of new product agreements that are not necessarily new products.

²⁷ FDIC Call Report data, December 31, 2020.

²⁸ Id.

implementation burden described above. As of December 31, 2020, there are 14 FDIC-supervised institutions with active prepaid product agreements. Given FDIC's previous estimate of one new implementing entrant in each year, FDIC estimates that the number of ongoing respondent to increase by one respondent a year, for a total of 15 and 16 respondents in the second and third years of this ICR, respectively. FDIC therefore estimates an annual average of 15 respondents per year. Of the initial 14 respondents, six are small for the purposes of the RFA.²⁹ Assuming the entrants are also small, there will be an average of seven small respondents each year.

4. Four line items (numbered 16 to 19) apply to banks that issue gift cards and gift certificates. Using the CFPB's Prepaid Accounts Agreements Database, FDIC initially estimated the number of respondents by counting the number of FDIC-supervised institutions with less than \$10 billion in total assets where the product had "Gift" in the name. One such bank exists. However, FDIC is uncertain whether the CFPB's Prepaid Accounts Agreements Database is a reliable indicator of the number of banks offering gift cards, because the CFPB did not require gift card providers to submit accounts agreements to the Prepaid Rule account agreement database as gift cards are not subject to the Rule. Most gift cards are offered by retailers. Given the lack of data, the FDIC believes that estimating the number of FDIC-supervised institutions with less than \$10 billion in total assets involved in issuing gift cards and gift certificates by taking the number of banks that issue multiple prepaid products is an appropriate methodology. For ease of exposition, Table 1 groups these line items into (a) implementation items that apply to new entrants and (b) ongoing items that apply to existing issuers.
 - a. There are two line items that are implementation burdens for banks issuing gift cards and gift certificates (line items 16 and 17). These implementation burdens apply to new entrants to gift cards and gift certificates. Because the Prepaid Accounts Rule was implemented in 2019, FDIC only has complete data for 2019 and 2020. As such, FDIC estimates the annual number of new entrants by taking the number of institutions with multiple products in 2020 that did not have agreements in 2019. FDIC found zero such institutions. Therefore, FDIC is estimating one respondent to these line items as a conservative placeholder for any future entrants. This estimate represents a decrease of five respondents from the previous estimate. This decrease is due to a change in methodology.³⁰
 - b. There are two line items that are ongoing burdens for banks issuing gift cards and gift certificates (line items 18 and 19). As discussed above, FDIC estimates the number of banks issuing gift cards and gift certificates by counting the number of banks actively issuing multiple products. As of December 31, 2020 there are ten such banks. As discussed above, there is no indication of new entrants with multiple products, so FDIC estimates that there will be ten respondents to these

29 Id.

30 The previous estimate used Call Report Data from September 30, 2017 and estimated respondents by counting FDIC-supervised institutions where item ENTTYPE was equal to 15, indicating a the institution was a "CONSUMER (NON=BANK) BANK). The CFPB Prepaid Accounts Database is a more precise data source that gives us an accurate estimate, as opposed to the previous estimate, which was an approximation.

items in the first, second, and third years, for an average of ten respondents per year. This estimate represents an increase of four respondents from the previous estimate. This increase is due to a change in methodology.³¹ Three respondents are small entities for the purposes of the RFA.³²

5. The FDIC reviewed the information collection lines related to the overdraft opt-in disclosures (1005.17, FRB r-1343) and the line item related to the systems change to implement a disclosure update (1005.20(e)(3)), and it has determined that these ICs are one-time burdens that do not impose ongoing burden on the public. The overdraft opt-in disclosures (1005.17, FRB r-1343) state that a financial institution shall not assess an overdraft fee for paying ATM and one-time debit card transactions that overdraw a consumer’s account, unless the consumer affirmatively consents, or opts in, to the institution’s payment of overdrafts for these transactions, pursuant to an opt-in notice that is substantially similar to Model Form A-9. The item related to the systems change to implement a disclosure update (1005.20(e)(3)) was incurred by institutions engaged in issuing gift cards and gift certificates. The FDIC notes that affected institutions have already incurred the burdens associated with these ICs and will not need to implement systems changes related to this burden a second time. The FDIC believes that, on an ongoing basis, there is no additional burden as the disclosure was sufficiently accounted for once incorporated into the current initial account disclosure section 1005.7(b).³³

The estimates for time per response and annual number of responses per respondent vary by line item. FDIC based these estimates for the new line items related to the Prepaid Accounts rule on the number of products listed in the CFPB’s Prepaid Accounts Database (to find responses per respondent) and the CFPB’s estimates in its ICR (to find the estimated time per response).³⁴ For the other line items, the FDIC determined that the estimates from the 2018 ICR remained reasonable.

The estimated annual number of respondents, responses, and burdens for the ICs under Regulation E are delineated in Table 1 below:

Table 1: Summary of Annual Burden for Regulation E (OMB No. 3064-0084)

	Type of Burden (Obligation to Respond)	Estimated Number of Respondents	Estimated Number of Responses/ Respondent	Estimated Time per Response (Hours)	Total Annual Estimated Burden (Hours)
Regulation E - 12 C.F.R. Part 1005					
<i>Initial disclosures</i>					
1. General (1005.7(b))	Disclosure (Mandatory)	3,172	83	0.025	6,582
2. Payroll cards (1005.18(c)(1))	Disclosure (Mandatory)	8	5,000	0.025	1,000
3. Change in terms (1005.8(a))	Disclosure (Mandatory)	3,172	113	0.017	6,093
<i>Error resolution rules</i>					

31 Id.

32 FDIC Call Report data, December 31, 2020.

33 This conclusion is consistent with the FRB’s determination, as documented in their ICR (OMB No. 7100-0200), last approved in 2019.

34 The CFPB reports its estimates under OMB Control No. 3170-0014.

4. General (1005.8(b) and 1005.11)	Disclosure (Mandatory)	3,172	3	0.5	4,758
5. Payroll cards (1005.18)	Disclosure (Mandatory)	8	8	0.5	32
<i>Prepaid Accounts Rule (1005.18) – New Products</i>					
6. Short Form Disclosure (1005.18(b)(2) and 100.515(c))	Disclosure (Mandatory)	4	53	40	8,480
7. Long Form Disclosure 1005.18(b)(4) and 1005.15(c)	Disclosure (Mandatory)	4	53	8	1,696
<i>Prepaid Accounts Rule (1005.18) - Implementation</i>					
8. Short Form Additional Fee Type Disclosure (1005.18(b)(2)(ix) implementation)	Disclosure (Mandatory)	1	1	4	4
9. Access to Prepaid Account Information 1005.18(c)(5) and 1005.15(d) implementation	Recordkeeping (Mandatory)	1	1	24	24
10. Error Resolution 1005.18(e)(2) and 1005.1511 implementation	Recordkeeping (Mandatory)	1	1	8	8
11. Submission of Agreements (1005.19) (b) implementation	Reporting (Mandatory)	1	1	1	1
<i>Prepaid Accounts Rule - Ongoing</i>					
12. Short Form Additional Fee Type Disclosure (1005.18(b)(2)(ix) ongoing)	Disclosure (Mandatory)	15	1	.5	8
13. Access to Prepaid Account Information 1005.18(c)(5) and 1005.15(d) ongoing	Recordkeeping (Mandatory)	15	1	.5	8
14. Error Resolution (1005.18 (e)(2) and 1005.11 ongoing)	Recordkeeping (Mandatory)	15	1	.5	8
15. Submission of Agreements (1005.19(b) ongoing)	Reporting (Mandatory)	15	1	.5	8
<i>Gift card/gift certificate (section 1005.20, FRB R-1377) - Implementation</i>					
16. Exclusion policies & procedures (1005.20(b)(2)) implementation	Recordkeeping (Mandatory)	1	1	40	40
17. Policy & procedures (1005.20(e)(1)) implementation	Recordkeeping (Mandatory)	1	1	40	40
<i>Gift card/gift certificate (section 1005.20, FRB R-1377) - Ongoing</i>					
18. Exclusion policies & procedures (1005.20(b)(2) ongoing)	Recordkeeping (Mandatory)	10	1	8	80
19. Policy & procedures (1005.20(e)(1)) ongoing	Recordkeeping (Mandatory)	10	1	8	80
Subtotal Regulation E Burden					28,950

Regulation DD

Potential respondents to information collection line items associated with Regulation DD include state nonmember banks, savings institutions, and insured state branches of foreign banks with \$10 billion or less in consolidated assets. As of December 31, 2020, the FDIC supervises 3,172 such institutions.³⁵ Of these institutions, 2,380 are considered small for the purposes of the RFA.³⁶

All five items under Regulation DD apply to all state nonmember banks, savings institutions, and insured state branches of foreign banks with \$10 billion or less in total assets. As

³⁵ FDIC Call Report data, December 31, 2020.

³⁶ Id.

discussed above, as of December 31, 2020 there are 3,172 such institutions. Therefore FDIC estimates 3,172 respondents to these eight line items. This estimate represents a decrease of 503 institutions from the previous estimate. A decrease of 448 institutions can be attributed to the decline in the number of FDIC-supervised institutions since September 30, 2017. The remaining decrease of 55 institutions can be attributed to the transfer of supervisory authority for Regulations E and DD to the CFPB for state nonmember banks, savings institutions, and insured state branches of foreign banks with more than \$10 billion in consolidated assets.³⁷ This transfer of authority was not considered in the previous ICR. Of the 3,172 estimated respondents, 2,380 are small for the purposes of the RFA.

The estimates for time per response and number of responses per respondent vary by line item. The FDIC has reviewed these estimates and determined that the estimates from the 2018 ICR remained reasonable.

The estimated annual number of respondents, responses, and burdens for the ICs under Regulation DD are delineated in Table 2 below:

Table 2: Summary of Annual Burden for Regulation DD (OMB No. 3064-0084)

	Type of Burden (Obligation to Respond)	Estimated Number of Respondents	Estimated Number of Responses/ Respondent	Estimated Time per Response (Hours)	Total Annual Estimated Burden Hours)
Regulation DD - 12 C.F.R. Part 1030					
1. Account disclosures (upon request and new accounts) (section 1030.4)	Disclosure (Mandatory)	3,172	170	0.025	13,481
<i>Subsequent notices (section 1030.5)</i>					
2. Change in terms	Disclosure (Mandatory)	3,172	380	0.017	20,491
3. Prematurity (renewal) notices to consumers	Disclosure (Mandatory)	3,172	340	0.017	18,334
4. Disclosures on periodic statements (section 1030.6)	Disclosure (Mandatory)	3,172	12	4	152,256
5. Advertising (section 1030.8)	Disclosure (Mandatory)	3,172	12	0.5	19,032
Subtotal Regulation DD Burden					223,594

Source: FDIC

Regulation CC

Potential respondents to Regulation CC include all state nonmember banks, savings institutions, and insured state branches of foreign banks. As of December 31, 2020, the FDIC supervises 3,227 such institutions.³⁸ Of these institutions, 2,380 are considered small for the purposes of the Regulatory Flexibility Act (RFA).³⁹

For 10 of the 11 items, this estimate represents a decrease of 448 institutions from the previous estimate and is due to the decline in the number of FDIC-supervised institutions

³⁷ See 12 USC 5516.

³⁸ FDIC Call Report data, December 31, 2020.

³⁹ Id.

since September 30, 2017. For one item, the fifth line item under Regulation CC, titled “Notice to consumers of changes in policy (section 229.18(e)),” this estimate represents a 3,211 respondent increase from the previous estimate. This increase is due to a change in estimation methodology.⁴⁰

The estimates for time per response and frequency of response vary by line item. The FDIC has reviewed these estimates and determined that the estimates from the 2018 ICR remained reasonable for 10 of 11 IC line items. The estimate for the remaining item, the fifth line item under Regulation CC, titled “Notice to consumers of changes in policy (section 229.18(e)),” was updated to be consistent with the estimates for the line items titled “Change in terms” under Regulations E and DD for Estimated Time Per Response and the item titled “Consumer awareness disclosure” for Estimated Number of Responses per Respondent.

The estimated annual number of respondents, responses, and burdens for the ICs under Regulation CC are delineated in Table 3 below:

Table 3: Summary of Annual Burden for Regulation CC (OMB No. 3064-0084)

	Type of Burden (Obligation to Respond)	Estimated Number of Respondents	Estimated Number of Responses/ Respondent	Estimated Time per Response (Hours)	Total Annual Estimated Burden (Hours)
Regulation CC - 12 C.F.R. Part 229					
1.	Specific availability policy disclosure (initial notice to consumers, upon request, upon change in policy) (sections 229.16, 229.17 and 229.18(d))	3,227	140	0.017	7680
2.	Case-by-case hold notice to consumers(section 229.16(c))	3,227	717	0.05	115688
3.	Notice of exceptions to hold policy (section 229.13(g))	3,227	247	0.05	39853
4.	Notice posted where consumers make deposits (including at ATMs) ⁴ (sections 229.18(b) and 229.18(c))	3,227	1	0.25	807
5.	Notice to consumers of changes in policy (section 229.18(e))	3,227	170	0.017	9,326
6.	Annual notice of new ATMs (section 229.18(e))	3,227	1	5	16,135
7.	Notice of nonpayment - notice to depository bank (section 229.33(a) and (d))	3,227	2,211	0.017	121,293
8.	Response to consumer’s re-credit claim (validation, denial, reversal) (section 229.54(e))	3,227	12	0.25	9,681
9.	Bank’s claim against an indemnifying bank (section 229.55)	3,227	5	0.25	4,034
10.	Consumer awareness disclosure (section 229.57)	3,227	170	0.017	9,326
11.	Regulation CC Consumer Burden - Expedited re-credit claim notice (section 229.54(a) and (b)(2))	3,227	8	0.25	6,454

⁴⁰ The 2018 ICR estimated the number of respondents by assuming that 0.4 percent of FDIC-supervised institutions would be subject to this IC line item. I could not find an explanation for the assumptions behind this methodology. The SMEs and I revised this estimate to bring it in line with both the other estimated number of respondents under Regulation CC and with the methodology for the items titled “Change in terms” under Regulations E and DD, which assumes all respondents in the universe of potential respondents to each regulation would be respondents to that particular item.

Subtotal Regulation CC Burden					340,277

Source: FDIC

Summary of Burdens for the three Regulations

Table 4: Summary of Annual Burden (OMB No. 3064-0084)

	Total Estimated Annual Burden
Subtotal Regulation E	28,950 Hours
Subtotal Regulation DD	223,594 Hours
Subtotal Regulation CC	340,277 Hours
Total Burden	592,821 Hours

Source: FDIC

Hourly Burden Cost Estimate

To estimate the weighted average hourly compensation cost of these employees, FDIC uses the 75th percentile hourly wages reported by the Bureau of Labor Statistics (BLS) National Industry-Specific Occupational Employment and Wage Estimates for the relevant occupations in the Depository Credit Intermediation sector, as of December, 2020.

The hourly wage rates reported do not include non-monetary compensation. According to the December 2020 Employer Cost of Employee Compensation data, compensation rates for health and other benefits are 34 percent of total compensation. To account for non-monetary compensation, FDIC adjusts the hourly wage rates reported by BLS by that percentage. It also adjusts the hourly wage by 1.71 percent based on changes in the Consumer Price Index for Urban Consumers (CPI-U) from May 2019 and December 2020 to account for inflation and ensure that the wage information is contemporaneous with the non-monetary compensation statistic.

After calculating these adjustments, FDIC uses the total estimated hourly compensation of compliance officers (\$67.35) for all line items except for the ninth line under “Regulation CC – 12 C.F.R. Part 229” titled “Bank’s claim against an indemnifying bank”. There FDIC uses the total estimated hourly compensation of legal occupations (\$151.44). This estimated allocation of labor is unchanged from the previous estimate.

FDIC estimates the total annual cost burden for this ICR by taking the product of the estimated number of respondents, estimated time per response, frequency of responses, and total estimated hourly compensation of the relevant occupation for each line item , and then summing those values, as shown below in Table 5:

Table 5: Total Estimated Cost Burden (OMB Control No. 3064-0084)

Relevant Line Item(s)	Occupation (SOC Code)	Total Estimated Hourly Compensation	Annual Estimated Burden Hours	Annual Estimated Cost Burden
All line items except for	Compliance	\$67.35	588,247	\$39,618,435

the ninth item line under “Regulation CC – 12 C.F.R. Part 229”	Officers (131040)			
Ninth line item under “Regulation CC – 12 C.F.R. Part 229” titled “Bank’s claim against an indemnifying bank”	Legal Occupations (230000)	\$151.44	4,034	\$610,909
Total			592,821	\$40,229,344

13. **Estimate of start-up costs to respondents:**

None.

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

None.

15. **Analysis of change in burden:**

See discussion in Section 12 for an analysis of the change in burden.

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

The information collected will not be published.

17. **Exceptions to Display of Expiration Date**

Not applicable.

18. **Exceptions to Certification**

None.

B. **STATISTICAL METHODS**

Not applicable.