

Supporting Statement
Extensions of Credit to Insiders and Transactions with Affiliates
OMB Control No. 1557-0336

A. Justification.

1. Circumstances that make the collection necessary:

National banks and Federal savings associations must comply with rules of the Board of Governors of the Federal Reserve Board (Board) regarding extensions of credit to insiders (Regulation O)¹ and transactions with affiliates (Regulation W),² which implement section 22(h) and sections 23A and 23B, respectively, of the Federal Reserve Act (FRA).³ Twelve CFR part 31 requires national banks and Federal savings associations to comply with Regulation O and Regulation W. Specifically, § 31.2 requires national banks, Federal savings associations, and their insiders to comply with Regulation O, and § 31.3 requires national banks and Federal savings associations to comply with Regulation W. Appendix A to part 31 provides interpretive guidance on the application of Regulation W to deposits between affiliated banks.

Section 31.3(c) implements the statutory standards for authorizing an exemption from section 23A of the FRA or section 11⁴ of the Home Owners' Loan Act (HOLA)⁵ in accordance with section 608 of the Dodd-Frank Act. Section 608, which became effective on July 21, 2012, amended section 23A of the FRA and section 11 of the HOLA to authorize the OCC to exempt, by order, a transaction of a national bank or Federal savings association, respectively, from the affiliate transaction requirements of section 23A and section 11 of the HOLA if: (1) the OCC and the Federal Reserve Board jointly find the exemption to be in the public interest and consistent with the purposes of section 23A or section 11, and (2) within 60 days of receiving notice of such finding, the Federal Deposit Insurance Corporation does not object in writing to the finding based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.⁶

The information collection requirement is found in § 31.3(d), which sets forth procedures that a national bank and Federal savings association must follow to request such exemptions. These procedures are modeled after the Board's procedures in Regulation W.

2. Use of the information:

A national bank or Federal savings association may request an exemption from the requirements of section 23A or section 11 of the HOLA, as applicable, and 12 CFR part 223, by

¹ 12 CFR part 215.

² 12 CFR part 223.

³ 12 U.S.C. 371c, 371c-1, 375a, and 375b. In addition, section 11 of the Home Owners' Loan Act, 12 U.S.C. 1468, includes certain restrictions on transactions with affiliates that are not included in FRA section 23A.

⁴ 12 U.S.C. 371c(f)(2)(B)(i).

⁵ 12 U.S.C. 1468(d).

⁶ See section 608(a)(4)(A)(iv) of the Dodd-Frank Act (exemptive authority for national banks); see also section 608(c) of the Dodd-Frank Act (exemptive authority for Federal savings associations).

submitting a written request to the Deputy Comptroller for Licensing with a copy to the appropriate Federal Reserve Bank. Such a request must:

- (1) Describe in detail the transaction or relationship for which the national bank or Federal savings association seeks an exemption;
- (2) Explain why the OCC should exempt the transaction or relationship;
- (3) Explain how the exemption would be in the public interest and consistent with the purposes of section 23A or section 11 of the HOLA, as applicable; and
- (4) Explain why the exemption does not present an unacceptable risk to the Deposit Insurance Fund.

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

Respondents may use any technology that allows compliance with the collection.

4. *Efforts to identify duplication:*

The information is not duplicated elsewhere.

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

This information collection imposes only the minimum burden necessary to meet the goals of the collection.

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

A less frequent collection would impair the effectiveness of the federal program and thereby impede the agency from fulfilling its responsibilities.

7. *Special circumstances that would cause an information collection to be conducted in a manner inconsistent with 5 CFR Part 1320:*

The information collection is conducted in accordance with the requirements of 5 CFR Part 1320.

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

The OCC issued a 60-day *Federal Register* notice on November 5, 2025, 90 FR 53419. No comments were received.

9. *Payment or gift to respondents:*

None.

10. *Any assurance of confidentiality:*

None.

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

There are no questions of a sensitive nature.

12. *Burden estimate (annual):*

Number of Respondents: 1 respondent.

Burden per Respondent: 10 hours.

Total Number of Responses: 1 response.

Total Time Burden (Hours): 10 hours.

Calculation of Annual Cost Burden (Dollars):

10 hours x \$131.10 = \$1,311.00

To estimate wages the OCC reviewed May 2024 data for wages (by industry and occupation) from the U.S. Bureau of Labor Statistics (BLS) for credit intermediation and related activities (NAICS 5220A1). To estimate compensation costs associated with the rule, the OCC uses \$131.10 per hour, which is based on the average of the 90th percentile for six occupations adjusted for inflation (3.6 percent as of Q1 2025), plus an additional 35.6 percent for benefits (based on the percent of total compensation allocated to benefits as of Q4 2024 for NAICS 522: credit intermediation and related activities).

13. *Estimate of total annual costs to respondents (excluding cost of hour burden in Item #12):*

None.

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

Not applicable.

15. *Change in burden:*

None.

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

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

17. Reasons for not displaying OMB approval expiration date:

Not applicable.

18. *Exceptions to the certification statement in Item 19 of OMB Form 83-I:*

None.

B. Collections of Information Employing Statistical Methods.

Not applicable.