

when loaded at the vehicle normal load, slightly exceed 88 percent of the respective tires maximum load rating. Specifically, the vehicle's normal load exceeds 88 percent of the maximum load rating by approximately 6kg, which means that the normal load is 89.5 percent of the maximum load rating. The noncompliance resulted from a running change during the 1995 model year that added a three-speed automatic transmission that increased the curb weight by 15kg resulting in a front axle load increase of 12kg and a rear axle load increase of 3kg. FMVSS No. 110 requires that the vehicle's normal load on each tire must not be greater than the high speed performance test load, which is 88 percent of the maximum load rating as stated on the tire sidewall. Compliance with FMVSS No. 110, S4.2.2, was calculated, by MMNA, based on the original curb weight (without the three-speed transmission) at the vehicle normal load.

Noting that the noncompliance occurred with vehicles manufactured prior to August of 1995, NHTSA agrees that motor vehicle safety would not be adversely impacted since the original equipment tires fitted to the affected vehicles have more than likely been replaced with a larger tire size. This is because the original equipment P145/80R13 size tire is no longer being manufactured by most tire manufacturers and has been eliminated from the Tire and Rim Association Year Book after 1998 causing its availability to drop significantly. MMNA believes, and the agency agrees, that most consumers would have likely replaced their original equipment tires with P155/80R13 size tires, which have a high enough load carrying capacity to meet the requirements of FMVSS No. 110 when fitted to the affected vehicles.

NHTSA believes that the true measure of inconsequentiality to motor vehicle safety in this case is the effect of the noncompliance on the operational safety of vehicles on which these tires are mounted. The fact that most of these vehicles have been in operation for close to nine years and likely have worn out the original equipment tires leads the agency to believe that the original noncompliance has no effect on the performance of the subject vehicles today.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance is inconsequential to motor vehicle safety. Accordingly, its application is granted and the applicant is exempted from providing the notification of the noncompliance as required by 49 U.S.C. 30118, and from

remediating the noncompliance, as required by 49 U.S.C. 30120.

(Authority: 49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: June 4, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Office of Thrift Supervision

### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Agency Information Collection Activities; Proposed Revision of Information Collection; Comment Request

**AGENCIES:** Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); and Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Joint notice and request for comment.

**SUMMARY:** The OCC, Board, FDIC, and OTS (Agencies), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on proposed revisions to a continuing information collection, as required by the Paperwork Reduction Act of 1995. The Agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Agencies are soliciting comments on proposed revisions to the information collections titled: "Interagency Biographical and Financial Report" and "Interagency Notice of Change in Control." Additionally, the OCC is making other clarifying changes to the Comptroller's Licensing Manual. Also, the Board is proposing to extend, without revision, the Interagency Notice of Change in Director or Senior Executive Officer.

**DATES:** You should submit written comments by August 9, 2004.

**ADDRESSES:** Interested parties are invited to submit comments to any or all of the Agencies and the OMB Desk Officer. All comments, which should refer to the OMB control number, will be shared among the Agencies:

**OCC:** Office of the Comptroller of the Currency, Public Information Room, 250 E Street, SW., Mail Stop 1-5, Attention: 1557-0014, Washington, DC 20219. Due to delays in paper mail delivery in the Washington area, commenters are urged to fax comments to (202) 874-4448, or e-mail comments to [regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov). You may make an appointment to inspect and photocopy comments by calling (202) 874-5043.

**Board:** Comments may be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. However, because paper mail in the Washington area and at the Board of Governors is subject to delay, please consider submitting your comments by e-mail to [regs.comments@federalreserve.gov](mailto:regs.comments@federalreserve.gov), or faxing them to the Office of the Secretary at 202-452-3819 or 202-452-3102. Members of the public may inspect comments in Room MP-500 between 9 a.m. and 5 p.m. on weekdays pursuant to 261.12, except as provided in 261.14, of the Board's Rules Regarding Availability of Information, 12 CFR 261.12 and 261.14.

**FDIC:** Comments may be mailed to Tom Nixon, Paperwork Clearance Officer, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. Comments also may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. or submitted by e-mail to [tnixon@fdic.gov](mailto:tnixon@fdic.gov). Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC between 9 a.m. and 4:30 p.m. on business days.

**OTS:** Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: 1550-0005, -0015, -0032, -0047, FAX Number (202) 906-6518, or e-mail to [infocollection.comments@ots.treas.gov](mailto:infocollection.comments@ots.treas.gov). OTS will post comments and the related index on the OTS Internet Site at [www.ots.treas.gov](http://www.ots.treas.gov). In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906-

5922, send an e-mail to [publicinfo@ots.treas.gov](mailto:publicinfo@ots.treas.gov), or send a fax to (202) 906-7755.

**OMB Desk Officer for the Agencies:** Mark Menchik, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503, or e-mail to [mmenchik@omb.eop.gov](mailto:mmenchik@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** You may request additional information from:

**OCC:** John Ference, OCC Clearance Officer, or Camille Dixon, (202) 874-5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219. For subject matter information, you may contact Cheryl Martin at (202) 874-4614, Licensing Activities, Licensing Department, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

**Board:** Michelle Long, Acting Federal Reserve Board Clearance Officer, (202) 452-3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, D.C. 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263-4869.

**FDIC:** Tom Nixon, Paperwork Clearance Officer, (202) 898-3907, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

**OTS:** Marilyn K. Burton, OTS Clearance Officer, (202) 906-6467; Frances C. Augello, Senior Counsel, Business Transactions Division, (202) 906-6151; Patricia D. Goings, Regulatory Analyst, Supervision Policy, (202) 906-5668; or Damon C. Zaylor, Regulatory Analyst, Supervision Policy, (202) 906-6787, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** Proposal to extend for three years, with revision, the following currently approved collections of information:

**Report Titles:** Interagency Biographical and Financial Report and Interagency Notice of Change in Control.

**OCC's Title:** Comptroller's Licensing Manual (Manual). The specific portions of the Manual covered by this notice are those that pertain to the "Background Investigations" and "Change in Bank Control" booklets of the Manual and various portions to which the OCC is making technical and clarifying changes.

**Board's Additional Title:** Interagency Notice of Change in Director or Senior Executive Officer. The Board also is

proposing to extend this form, without revision, which is part of this information collection.

**OMB Numbers:**

**OCC:** 1557-0014.

**Board:** 7100-0134.

**FDIC:** Interagency Biographical and Financial Report, 3064-0006; Interagency Notice of Change in Control, 3064-0019.

**OTS:** Interagency Biographical and Financial Report, 1550-0005, 1550-0015, 1550-0047; Interagency Notice of Change in Control, 1550-0032.

**Form Numbers:**

**OCC:** None.

**Board:** FR 2081a, b, c.

**FDIC:** Interagency Biographical and Financial Report, Form 6200-06; Interagency Notice of Change in Control, Form 6822-01

**OTS:** Interagency Biographical and Financial Report, Form 1623; Interagency Notice of Change in Control, Form 1622.

**Affected Public:** Individuals or households; Businesses or other for-profit.

**Type of Review:** Revision of a currently approved collection.

**Estimated Number of Respondents:**

**OCC:** Interagency Biographical and Financial Report—450; Interagency Notice of Change in Control—17; Satisfaction Survey—680; Conversion—20; Capital—150.

**Board:** Interagency Biographical and Financial Report—850; Interagency Notice of Change in Control—120; and Interagency Notice of Change in Director or Senior Executive Officer—121.

**FDIC:** Interagency Biographical and Financial Report—1,769; Interagency Notice of Change in Control—27.

**OTS:** Interagency Biographical and Financial Report—886; Interagency Notice of Change in Control—35.

**Frequency of Response:** On occasion.

**Estimated Annual Burden Hours per Response:**

**OCC:** Interagency Biographical and Financial Report—4; Interagency Notice of Change in Control—30; Satisfaction Survey—0.50; Conversion—4.5; Capital—1.

**Board:** Interagency Biographical and Financial Report—4; Interagency Notice of Change in Control—30; Interagency Notice of Change in Director or Senior Executive Officer—2.

**FDIC:** Interagency Biographical and Financial Report—4; Interagency Notice of Change in Control—30.

**OTS:** Interagency Biographical and Financial Report—4; Interagency Notice of Change in Control—30.

**Estimated Total Annual Burden Hours:**

**OCC:** Interagency Biographical and Financial Report—1,800; Interagency

Notice of Change in Control—510; Satisfaction Survey—340; Conversion—90; Capital—150.

**Board:** Interagency Biographical and Financial Report—3,400; Interagency Notice of Change in Control—3,600; and Interagency Notice of Change in Director or Senior Executive Officer—242.

**FDIC:** Interagency Biographical and Financial Report—7,076; Interagency Notice of Change in Control—810.

**OTS:** Interagency Biographical and Financial Report—3,544; Interagency Notice of Change in Control—1,050.

**General Description of Report:** This information collection is mandatory. 12 U.S.C. 1828(c) (OCC, FDIC, and OTS), and 12 U.S.C. 1817(j), and 12 U.S.C. 1813(q) (Board). Except for select sensitive items, this information collection is not given confidential treatment. Small businesses, that is, small institutions, are affected.

**Abstract:** This submission covers a revision to the Agencies' Interagency Biographical and Financial Report. The biographical information is used to evaluate the competence, experience, character, and integrity of the persons proposed as organizers, senior executive officers, directors, or principal shareholders of depository institutions or their holding companies. The financial information is used to evaluate the financial ability of those persons. This form also is used to evaluate proposed acquisitions.

This submission also covers a revision to the Agencies' Interagency Notice of Change in Control. An individual, a group, or a company that proposes to acquire control of a depository institution or its holding company must submit prior notice of that intent to the appropriate Agency pursuant to the Change in Bank Control Act and the Agencies' applicable regulations.

The Agencies need the information from both of these forms to ensure that the proposed transactions are permissible under law and regulation and are consistent with safe and sound banking practices. For example, the Agencies are required to consider the financial and managerial resources and future earnings prospects of an institution and its acquirers, directors, and executive management. Accordingly, the Agencies use the information to evaluate specific individuals' qualifications. Individuals organizing, acquiring control of, or managing a financial institution must provide this information.

This submission also covers the OCC's Satisfaction Survey, and the Conversion and Capital sample application. The OCC sends a Satisfaction Survey to applicants after

the processing of a filing asking for information about the process. The survey is voluntary, but information received enables the OCC to refine its application process. The Conversion and Capital sample document have been reformatted from a letter submission to a numbered question type of submission that will facilitate the OCC's development of an electronic submission.

This submission also covers the Board's Interagency Notice of Change in Director or Senior Executive Officer (FR 2081b), which is being extended without revision. The FR 2081b is used by an insured depository institution or its parent holding company(ies) to notify the appropriate regulatory agency of a proposed change in the board of directors or senior executive officer of such institution or holding company(ies). A notice of change is required if the depository institution is viewed to be in troubled condition by its primary federal regulatory agency. The requirement is applicable to a depository institution or its holding company that is not in compliance with all minimum capital requirements, is in troubled condition or, otherwise, is required by the Board to provide such notices.

**Current Actions:** The Agencies modified certain sections of the Interagency Biographical and Financial Report, especially section 5, to improve the Agencies' capacity to evaluate the character and integrity of a filer. The Agencies also amended the form to make it easier to understand the type and scope of information that must be provided. For example, the Agencies made each question in section 5 more descriptive to clarify for filers the circumstances under which further explanatory information should be provided with the Report.

In addition, the Agencies made changes to comply with Section 508 of the Rehabilitation Act, which requires Federal departments and agencies, when developing and using electronic and information technology, to ensure that the relevant information and technology is accessible to individuals with disabilities. Specifically, the Agencies amended the report to improve the ability of the form to be read by screen reader software applications used by individuals with visual impairments.

The Agencies modified the Interagency Notice of Change in Control to gather relevant information to comply with Section 307(c) of the Gramm-Leach-Bliley Act (GLBA). This section of GLBA requires the appropriate Agency to consult with the appropriate state insurance regulator prior to making any determination relating to the affiliation of a depository institution with a company engaged in insurance activities. As a result, the Agencies propose to add an item to the Interagency Notice of Change in Control to collect information regarding the name of an affiliated insurance company, a description of its insurance activities, and the name of the state in which the company is domiciled or in which it has a resident license. **Exception:** The OTS requires a company filing for a change in control of a federal savings bank or savings and loan association to use the appropriate holding company application and therefore, it will not have any company filing this form.

The Agencies made technical corrections to the General Instructions for both forms to make them uniform with revisions to other recently issued interagency forms and to ensure consistency, where appropriate, with other forms the Agencies use. The Agencies also added definitions for certain essential terms to the General Instructions for the Interagency Biographical and Financial Report to make it easier for filers to determine whether a given request for information is applicable.

Further, the OCC is changing its "General Policies and Procedures" booklet of the Manual by adding questions to its Satisfaction Survey (survey). The OCC sends a survey to applicants after the processing of the filing is final. This survey, which is voluntary, provides the OCC with information that enables the agency to refine and improve its application process. The additional questions relate to the electronic submission of certain types of applications and the effectiveness of the electronic system. The OCC also is changing to the format of the conversion and capital applications that are part of the "Conversions" and "Capital and Dividends" booklets of the Manual. Previously the OCC used a letter format. The OCC is changing that format to an

application type of filing so that it will be able to accept the submission electronically. The changes to these documents are not material and are technical in nature. These changes are an administrative adjustment, and do not change the requirements on national banks.

**Comments:** Comments submitted in response to this notice will be summarized in each Agency's request for OMB approval, and analyzed to determine the extent to which the collection should be modified. All comments will become a matter of public record.

Written comments are invited on:

a. Whether the information collection is necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

b. The accuracy of the agencies' estimates of the burden of the information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 2, 2004.

**Stuart E. Feldstein,**

*Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.*

Board of Governors of the Federal Reserve System, May 27, 2004.

**Jennifer J. Johnson,**

*Secretary of the Board.*

Dated at Washington, DC, this 27th day of February, 2004.

**Robert E. Feldman,**

*Executive Secretary, Federal Deposit Insurance Corporation.*

Dated: February 26, 2004.

By the Office of Thrift Supervision.

**Richard M. Riccobono,**

*Deputy Director.*

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