

the Commission's bid withdrawal procedures.

36. Applying this reasoning, the Bureau proposes to limit each bidder in Auction No. 61 to withdrawing provisionally winning bids in no more than one round during the course of the auction. To permit a bidder to withdraw bids in more than one round may encourage insincere bidding or the use of withdrawals for anti-competitive purposes. The round in which withdrawals may be used will be at the bidder's discretion; withdrawals otherwise must be in accordance with the Commission's rules. There is no limit on the number of provisionally winning bids that may be withdrawn in the round in which withdrawals are used. Withdrawals will remain subject to the bid withdrawal payment provisions specified in the Commission's rules. The Bureau seeks comment on this proposal.

F. Stopping Rule

37. The Bureau has discretion "to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time." For Auction No. 61, the Bureau proposes to employ a simultaneous stopping rule approach. A simultaneous stopping rule means that all licenses remain available for bidding until bidding closes simultaneously on all licenses.

38. Bidding will close simultaneously on all licenses after the first round in which no bidder submits any new bids, applies a proactive waiver, or places any withdrawals. Thus, unless circumstances dictate otherwise, bidding will remain open on all licenses until bidding stops on every license.

39. However, the Bureau proposes to retain the discretion to exercise any of the following options during Auction No. 61:

i. Use a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder applies a waiver, places a withdrawal or submits any new bids on any license for which it is not the provisionally winning bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the provisionally winning bidder would not keep the auction open under this modified stopping rule. The Bureau further seeks comment on whether this modified stopping rule should be used at any time or only in stage two of the auction.

ii. Keep the auction open even if no bidder submits any new bids, applies a

waiver or places any withdrawals. In this event, the effect will be the same as if a bidder had applied a waiver. The activity rule, therefore, will apply as usual and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

iii. Declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the specified final round(s) and the auction will close.

40. The Bureau proposes to exercise these options only in certain circumstances, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising these options, the Bureau is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. The Bureau seeks comment on these proposals.

IV. Conclusion

41. Comments are due on or before February 18, 2005, and reply comments are due on or before February 25, 2005. Because of the disruption of regular mail and other deliveries in Washington, DC, the Bureau requires that all comments and reply comments be filed electronically. Comments and reply comments and copies of material filed with the Commission pertaining to Auction No. 61, must be sent by electronic mail to the following address: auction61@fcc.gov. The electronic mail containing the comments or reply comments must include a subject or caption referring to Auction No. 61. Comments and the name of the commenting party. The Bureau requests that parties format any attachments to electronic mail as Adobe® Acrobat® (pdf) or Microsoft® Word documents. Copies of comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554, and will also be posted on the Web page for Auction No. 61 at <http://wireless.fcc.gov/auctions/61/>.

42. This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are

reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

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BILLING CODE 6712-01-P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval under Delegated Authority and Submission to OMB

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Michelle Long—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829)

OMB Desk Officer—Mark Menchik—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503, or email to mmenchik@omb.eop.gov.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: Notification of Foreign Branch Status.

Agency form number: FR 2058.

OMB control number: 7100-0069.

Frequency: on occasion.

Reporters: Member banks, bank holding companies (BHCs), and Edge and agreement corporations.

Annual reporting hours: 20 hours.

Estimated average hours per response: 15 minutes.

Number of respondents: 79.

General description of report: This information collection is mandatory (12 U.S.C. 321, 601, and 602 (member banks)); (12 U.S.C. 615 (Edge corporations)); (12 U.S.C. 601 (agreement corporations)); and (12 U.S.C. 1844(c) (BHCs)) and is not regarded as confidential.

Abstract: Member banks, BHCs, and Edge and agreement corporations are required to notify the Federal Reserve of the opening, closing, or relocation of a foreign branch. The Federal Reserve needs the information collected on the FR 2058 to fulfill supervisory responsibilities specified in Regulation K including the supervision of foreign branches of U.S. banking organizations. The information submitted on the FR 2058 notification is the primary means by which the Federal Reserve monitors the current operating status of foreign branches of U.S. banking organizations. The information is needed in order to evaluate the organization's international exposure and to update the Federal Reserve's structure files on U.S. banking organizations. The information enables the Federal Reserve to evaluate an organization's development over time. The FR 2058 notification is the only source of this information.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following reports:

1. *Report title:* Financial Statements for Bank Holding Companies.

Agency form number: FR Y-9C, FR Y-9LP, FR Y-9SP, FR Y-9CS, and FR Y-9ES.

OMB control number: 7100-0128.

Frequency: Quarterly, semiannually, and annually.

Reporters: BHCs.

Annual reporting hours: 399,192.

Estimated average hours per response:

FR Y-9C: 35.40 hours,

FR Y-9LP: 4.75 hours,

FR Y-9SP: 4.85 hours,

FR Y-9ES: 30 minutes,

FR Y-9CS: 30 minutes.

Number of respondents:

FR Y-9C: 2,240,

FR Y-9LP: 2,590,

FR Y-9SP: 3,253,

FR Y-9ES: 87,

FR Y-9CS: 600.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6) and (b)(8) of the Freedom of Information Act [5 U.S.C. 522(b)(4), (b)(6) and (b)(8)].

Abstract: The FR Y-9C collects basic financial data from a domestic BHC on a consolidated basis in the form of a balance sheet, an income statement, and detailed supporting schedules, including a schedule of off-balance-sheet items, similar to the Federal Financial Institutions Examination Council (FFIEC) Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031 & 041; OMB No. 7100-0036). The FR Y-9C collects data from the BHC as of the end of March, June, September, and December. The FR Y-9C is filed by top-tier BHCs with total consolidated assets of \$150 million or more and lower-tier BHCs that have total consolidated assets of \$1 billion or more. In addition, multibank holding companies with total consolidated assets of less than \$150 million with debt outstanding to the general public or engaged in certain nonbank activities must file the FR Y-9C.

The FR Y-9LP collects basic financial data from domestic BHCs on an unconsolidated, parent-only basis in the form of a balance sheet, an income statement, and supporting schedules relating to investments, cash flow, and certain memoranda items. This report is filed as of the end of March, June, September, and December on a parent company only basis by each BHC that files the FR Y-9C. In addition, for tiered BHCs, a separate FR Y-9LP must be filed for each lower-tier BHC.

The FR Y-9SP is a parent company only financial statement filed by smaller BHCs as of the end of June and December. Respondents include one-bank holding companies with total consolidated assets of less than \$150 million and multibank holding companies with total consolidated assets of less than \$150 million that meet certain other criteria. This form is a simplified or abbreviated version of the more extensive parent company only financial statement for large BHCs (FR Y-9LP). This report collects basic balance sheet and income information for the parent company, information on intangible assets, and information on intercompany transactions.

The FR Y-9CS is a free form supplement that may be utilized to

collect any additional information deemed to be critical and needed in an expedited manner. It is intended to supplement the FR Y-9C and FR Y-9SP reports.

The FR Y-9ES collects financial information from employee stock ownership plans (ESOPs) that are also BHCs on their benefit plan activities as of December 31. It consists of four schedules: Statement of Changes in Net Assets Available for Benefits, Statement of Net Assets Available for Benefits, Memoranda, and Notes to the Financial Statements.

Current Actions: On October 25, 2004, the Federal Reserve issued for public comment proposed revisions to BHC reports (69 FR 62269). The comment period expired on December 27, 2004. The Federal Reserve received comment letters from two BHCs and one trade association. The comments received are addressed below.

Accelerated Filing Deadline – FR Y-9C

Effective in June 2005 top-tier BHCs are scheduled to accelerate the filing of their FR Y-9C reports to 35 days after the reporting date and each quarter thereafter, except for the December reporting date. Consistent with a delay in the implementation date announced by the Securities and Exchange Commission regarding its phased-in approach for accelerated filings, the Federal Reserve proposed to postpone commencement of its 35-day accelerated filing deadline until the June 2006 reporting date.

All three commenters supported delaying the effective date of this action and requested confirmation that the filing deadline for BHCs other than top-tier FR Y-9C filers would remain at 45 days after the reporting date. They also asked for reconfirmation that the 35-day deadline is defined as 30 calendar days plus 5 business days after the report date. The Federal Reserve confirms that the filing deadline for BHCs other than top-tier FR Y-9C filers and the definition of the 35-day filing deadline are correct.

Accelerated Filing Deadline – FR Y-9LP

As requested by a number of BHCs, the Federal Reserve proposed to make the filing deadline for the FR Y-9LP consistent with the filing deadline for top-tier FR Y-9C respondents. Because the FR Y-9LP serves as source information for completing the FR Y-9C, much of the information on the FR Y-9LP must be compiled prior to filing the FR Y-9C. Therefore filing the FR Y-9LP on the same time frame was not believed to entail additional reporting burden and could result in less

reporting burden due to fewer follow-up calls from the Federal Reserve.

All three commenters strongly opposed the shortened filing deadline for FR Y-9LP reports. They cited increased demands to prepare and complete required SEC filings, bank Call Report data, and the FR Y-9C data approximately one month after the reporting period date, and added that BHCs who wish to file their FR Y-9 data ahead of the deadline are not precluded from doing so. Further they stated that although data in the FR Y-9LP are used for completing the FR Y-9C, BHCs need to gather additional information (e.g., cash flow data, detail on investment in subsidiaries, memoranda information) for the FR Y-9LP that is not required on the FR Y-9C and additional analysis is required for the preparation of a parent company only presentation.

The Federal Reserve concurs with the commenters' argument that accelerating the filing deadline for the FR Y-9LP would impose additional burden to respondents. The Federal Reserve will retain the current filing deadline for the FR Y-9LP of 45 calendar days following the reporting date.

2. Report title: Financial Statements of U.S. Nonbank Subsidiaries of U.S. Bank Holding Companies.

Agency form number: FR Y-11 and FR Y-11S

OMB control number: 7100-0244.

Frequency: Quarterly and annually.

Reporters: BHCs.

Annual reporting hours: 31,877 hours.

Estimated average hours per response:

FR Y-11 (quarterly): 6 hours,

FR Y-11 (annual): 6 hours,

FR Y-11S (annual): 1 hour.

Number of respondents:

FR Y-11 (quarterly): 1,246,

FR Y-11 (annual): 218,

FR Y-11S (annual): 665.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6) and (b)(8) of the Freedom of Information Act [5 U.S.C. 522(b)(4), (b)(6) and (b)(8)].

Abstract: The FR Y-11 and FR Y-11S collect financial information for individual U.S. nonbank subsidiaries of BHCs located in the United States. The FR Y-11 consists of a balance sheet and income statement; information on changes in equity capital, changes in the allowance for loan and lease losses, off-balance-sheet items, and loans; and a memoranda section. The FR Y-11S is an

abbreviated form that collects four data items: net income, total assets, equity capital, and total off-balance-sheet items. The data are used in conjunction with data from other BHC reports to assess the condition of BHCs that are heavily engaged in nonbanking activities and to monitor the volume, nature, and condition of their nonbanking operations.

Current Actions: On October 25, 2004, the Federal Reserve issued for public comment proposed revisions to the FR Y-11 reports (69 FR 62269) effective with the March 31, 2005, report date. The comment period expired on December 27, 2004. The Federal Reserve received one comment from a BHC.

The Federal Reserve proposed to revise the FR Y-11 reporting instructions for "all other assets" to exclude investments in unconsolidated subsidiaries and associated companies and include them in "balances due from related organizations." The commenter agreed with the proposed revision.

3. Report title: Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations.

Agency form number: FR 2314 and FR 2314S.

OMB control number: 7100-0073.

Frequency: Quarterly and annually.

Reporters: Foreign subsidiaries of U.S. state member banks (SMBs), BHCs, and Edge or agreement corporations.

Annual reporting hours: 4,855 hours.

Estimated average hours per response:

FR 2314 (quarterly): 6 hours,

FR 2314 (annual): 6 hours,

FR 2314S (annual): 1 hour.

Number of respondents:

FR 2314 (quarterly): 156,

FR 2314 (annual): 143,

FR 2314S (annual): 253.

General description of report: This information collection is mandatory (12 U.S.C. 324, 602, 625, and 1844). Confidential treatment is not routinely given to the data in these reports.

However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6) and (b)(8) of the Freedom of Information Act [5 U.S.C. 522(b)(4), (b)(6) and (b)(8)].

Abstract: The FR 2314 data are collected from U.S. member banks, Edge and agreement corporations, and BHCs for their direct or indirect foreign subsidiaries. The FR 2314 consists of a balance sheet and income statement; information on changes in equity capital, changes in the allowance for loan and lease losses, off-balance-sheet items, and loans; and a memoranda section. The FR 2314S is an abbreviated form that collects four data items: net

income, total assets, equity capital, and total off-balance sheet items. The data are used to identify current and potential problems at the foreign subsidiaries of U.S. parent companies, to monitor the activities of U.S. banking organizations in specific countries, and to develop a better understanding of activities within the industry, in general, and of individual institutions, in particular. The FR 2314 is the only source of comprehensive and systematic data on the assets, liabilities, and earnings of the foreign bank and nonbank subsidiaries of U.S. SMBs, BHCs, and Edge and agreement corporations.

Current Actions: On October 25, 2004, the Federal Reserve issued for public comment proposed revisions to the FR 2314 reports (69 FR 62269) effective with the March 31, 2005, report date. The comment period expired on December 27, 2004. The Federal Reserve received one comment from a BHC.

The Federal Reserve proposed to revise the FR 2314 reporting instructions for "all other assets" to exclude investments in unconsolidated subsidiaries and associated companies and include them in "balances due from related organizations." The commenter agreed with the proposed revision.

Board of Governors of the Federal Reserve System, February 7, 2005.

Jennifer J. Johnson,

Secretary of the Board.

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BILLING CODE: 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-R-43]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper