



BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551

ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

February 7, 2012

Mr. Matthew R. Lee
Inner City Press
PO Box 580188
Mount Carmel Station
Bronx, NY 10458

Dear Mr. Lee:

This is in response to your email message dated October 29, 2011, and received by the Board's Freedom of Information office on October 31. Pursuant to the Freedom of Information Act (the "Act" or "FOIA"), 5 U.S.C. § 552, you request

all records reflecting the Federal Reserve System's communications with Capital One (or ING) and their affiliates concerning the applications, the FRS' public meetings, and the comment period.

Staff searched Board records and located documents responsive to your request.¹ Approximately 1,040 pages of information will be provided to you in their entirety. I have determined, however, that the remainder of these documents contain or consist of the following kinds of exempt information: nonpublic financial information and business plans relating to Capital One, confidential commitments, inter-agency or intra-agency staff recommendations and pre-deliberative analyses, personal comments related to health issues, and bank examination and supervisory related information. This exempt information is subject to withholding and will be withheld from you under the authority of exemptions 4, 5, 6, and 8 of the Act, 5 U.S.C. §§ 552(b)(4), (5), (6), and (8). The documents containing the exempt information have been reviewed under the requirements of section (b) of the Act, 5 U.S.C. § 552(b), and all reasonably segregable nonexempt information will be made available to you. Approximately 230 full pages and portions of other documents (as will be apparent to you from the face of the documents to which redactions have been made) will be withheld.

¹ In processing your FOIA request, Board staff applied an "end-date" to the search for responsive records of December 31, 2011.

During the search for responsive documents, staff located 77 pages of information, which ING submitted to the Office of the Comptroller of the Currency ("OCC"). These documents will be referred to the OCC for disposition and a direct response to you.

Your request for information is granted in part and denied in part for the reasons set forth above. The Board's Freedom of Information office will provide you with copies of the documents being made available pursuant to this authorization under separate cover. If you believe that you have a legal right to any information that is being withheld, you may appeal this determination in accordance with section 261.13(i) of the Board's "Rules Regarding Availability of Information" (12 CFR 261.13(i)), a copy of which is enclosed for your reference.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer J. Johnson", with a long horizontal flourish extending to the right.

Jennifer J. Johnson
Secretary of the Board

Enclosure

RULES REGARDING AVAILABILITY OF INFORMATION 12 CFR 261; AS
AMENDED NOVEMBER 19, 1997
SECTION 261.13(i)

(i) Appeal of denial of request. Any person denied access to Board records requested under section 261.12 may file a written appeal with the Board, as follows:

- (1) The appeal shall prominently display the phrase FREEDOM OF INFORMATION ACT APPEAL on the first page, and shall be addressed to the Freedom of Information Office, Board of Governors of the Federal Reserve System, 20th & C Street, N.W., Washington, D.C. 20551; or sent by facsimile to the Freedom of Information Office, (202) 872-7565.
- (2) An initial request for records may not be combined in the same letter with an appeal.
- (3) The appeal shall be filed within 10 working days of the date on which the denial was issued, or the date on which documents in partial response to the request were transmitted to the requester, whichever is later. The Board may consider an untimely appeal if—
 - (i) it is accompanied by a written request for leave to file an untimely appeal; and
 - (ii) the Board determines, in its discretion and for good and substantial cause shown, that the appeal should be considered.
- (4) The Board shall make a determination regarding any appeal within 20 working days of actual receipt of the appeal by the Freedom of Information Office, and the determination letter shall notify the appealing party of the right to seek judicial review.
- (5) The secretary may reconsider a denial being appealed if intervening circumstances or additional facts not known at the time of the denial come to the attention of the secretary while an appeal is pending.



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ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

February 7, 2012

Mr. Frank Vance Jr.
Disclosure Officer
Comptroller of the Currency
Washington, DC 20219

Re: Board of Governors of the Federal Reserve System: Freedom of Information
Act Request 2012-0051

Dear Mr. Vance:

Enclosed are 77 pages of information that are responsive to a request under the
Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for a copy of

all records reflecting the Federal Reserve System's communications
with Capital One (or ING) and their affiliates concerning the
applications, the FRS' public meetings, and the comment period.

Because this information originated with the Comptroller of the Currency, we are
referring these documents to your office for a review for potential release under the
FOIA.

We have informed the requester of our referral, and we ask that you respond
directly to him regarding your determination with respect to release of these documents.
In addition to these documents, a copy of the FOIA request and our response letter to the
requester are enclosed. Should you have any questions, please contact Mr. Dave
Caperton of the Board's Legal Division at (202) 452-2899.

Very truly yours,


Jennifer J. Johnson
Secretary of the Board

Enclosures

cc: Mr. Matthew Lee