



# RESCINDED

OCC 2002-44

**Subject: Notice of Comptroller of the Currency  
Fees for year 2003  
Date: December 2, 2002**

**To: Chief Executive Officers of All National  
Banks, Federal Branches and Agencies,  
Department and Division Heads, and All  
Examining Personnel**

## Description: Year 2003 Fee Structure

Any attachments to this document are rescinded only as they relate to national banks and federal savings associations.

### SEMIANNUAL ASSESSMENT

Reference: 12 CFR 8.2 and 8.6

Assessments are due January 31 and July 31, 2003 based on call report information as of December 31, 2002, and June 30, 2003, respectively. Assessments are paid in advance. For example, the assessment due January 31, 2003, covers the period January 1 through June 30, 2003.

### Assessment Changes

The OCC is implementing the following changes effective January 1, 2003:

- The marginal rates of the OCC's general assessment schedule continue to be indexed to reflect inflation, as measured by the Gross Domestic Product Implicit Price Deflator (GDIPIPD) for the previous June-to-June period. The GDIPIPD adjustment is 1.1 percent. As was the case in 2002, the indexation adjustment will apply only to the first \$20 billion in a national bank's assets.
- Fees assessed independent trust banks and independent credit card banks have changed. The schedules shown below reflect these changes.
- Beginning with the assessment due 1/31/03, the OCC will charge interest on all payments received after the due date. The interest rate charged will be the United States Treasury Department's current value of funds rate that is published quarterly in the Federal Register.

The OCC's assessment schedule also continues to include a surcharge for banks that require increased supervisory resources. The surcharge ensures that fees reflect the increased cost of supervision that applies to those banks, federal branches and agencies of foreign banks, and District of Columbia banks, rated 3, 4, or 5 under the uniform financial institution rating system (UFIRS) or the risk management, operational controls, compliance and asset quality (ROCA) rating system as of the relevant call date (i.e., December 31, 2002, or June 30, 2003). The surcharge is to be applied to all components of an institution's assessment, including book assets, assets under management (for independent trust banks), and receivables attributable (for independent credit card banks). National banks, federal branches and agencies of foreign banks, and District of Columbia banks that are subject to the surcharge determine their surcharge by multiplying the sum of the assessment based on the institution's book assets up to \$20 billion, the independent trust bank assessment (if applicable), and the independent credit card assessment (if applicable) by 50 percent for 3-rated institutions and 100 percent for 4- and 5-rated institutions.

The OCC will continue to reduce the assessment of nonlead national banks by 12 percent. A nonlead bank for this purpose is a national bank, federal branch or agency, or District of Columbia bank that is not the largest national bank, based on total assets, controlled by a company owning two or more national banks. Nonlead national banks within any company should multiply their calculated general assessment by 0.88 to recognize the 12 percent discount. The 12 percent discount does not apply to the independent trust bank assessment or the independent credit card bank assessment, given that independent trust banks and independent credit card banks are not affiliated with full-service national banks.

Each national bank, federal branch or agency, or District of Columbia bank pays the general assessment fee. Independent trust banks pay the general assessment fee and the independent trust bank assessment. Independent credit card banks pay the general assessment fee and the independent credit card bank assessment. Assessments should be calculated using the schedules below and then adjusted for the nonlead discount and/or condition charge.

#### General Assessment Fee Schedule

If the amount of total balance sheet assets (consolidated domestic and foreign subsidiaries) is: (millions)		The Semiannual Assessment will be:			
Over	But Not Over	This Amount	Plus	Of Excess Over (millions)	
\$	\$	\$		\$	
0	2	5,000	0.000000000	0	
2	20	5,000	0.000007491	2	
20	100	8,735	0.00016599	20	
100	200	22,014	0.000107894	100	
200	1,000	32,803	0.000091294	200	
1,000	2,000	105,838	0.000074696	1,000	
2,000	6,000	180,534	0.000066397	2,000	
6,000	20,000	446,122	0.000056496	6,000	
20,000	40,000	1,237,066	0.000050403	20,000	
40,000		2,245,126	0.000033005	40,000	

#### Independent Trust Bank Semiannual Assessment Schedule

If the total amount of Fiduciary and Related Assets is: (millions)		The Independent Trust Bank Semiannual Assessment will be:			
Over	But Not Over	This Amount	Plus	Of Excess Over (millions)	
\$	\$	\$		\$	
0	1,000	19,000	0.000000000	0	
1,000	10,000	19,000	0.000003785	1,000	
10,000	100,000	53,065	0.000000634	10,000	
100,000		110,125	0.000000404	100,000	

**Independent Credit Card Bank Semiannual Assessment Schedule**

If the bank's total off-balance sheet receivables attributable are: (millions)		The Independent Credit Card Bank Semiannual Assessment will be:
Over	But Not Over	
\$	\$	\$
0	100	40,500
100	1,000	60,500
1,000	5,000	81,000
5,000		101,000

**HOURLY RATE FOR EXAMINATION AND INVESTIGATIONS**

Reference: 12 CFR 8.6

Effective Date: Examinations and investigations subject to the fee beginning after January 1, 2003.

Rate: \$110 per hour to recover the cost of conducting special examinations and investigations described in 12 CFR 8.6.

**LICENSING FEES <sup>1</sup>**

Reference: 12 CFR 5.5

**The Licensing Fee Schedule is as follows:**

Application Type	Fee
<b>New National Bank Charter</b>	
Individuals and Nonbank Holding Company Sponsored <sup>2</sup>	
-Full Service	\$25,000
-Credit Card	35,000
-Trust	25,000
-Internet – Primary <sup>3</sup>	50,000
<b>Bank Holding Company Sponsored</b>	
-Full Service	10,000
-Credit Card	10,000
-Trust	10,000
-Internet – Primary <sup>3</sup>	50,000
-Bankers' Bank	25,000
<b>Low- and Moderate-Income Area <sup>4</sup></b>	
	0
<b>Conversion to a National Bank</b>	

Standard	5,000
Expedited	2,500
<b>Business Combination Between Banks <sup>5</sup></b>	
Standard	6,000
Expedited - Business Reorganization <sup>5</sup>	2,000
Expedited - Streamlined Applications <sup>5</sup>	4,000
<b>Combination with Nonbank Subsidiary or Affiliate <sup>6</sup></b>	
Expedited Reorganization <sup>7</sup>	250
<b>Failure Resolution</b>	
Acquisition by De Novo Group	7,500
Acquisition by Existing Bank, Bank Holding Company, Experienced Group	2,000
<b>Branches <sup>8</sup></b>	
Standard	350
Expedited	0
Low- and Moderate-Income Area <sup>4</sup> or Indian Reservations <sup>8</sup>	0
<b>Branch Relocation</b>	
Standard	350
Expedited	0
Short-Distance	0
<b>Main Office Relocation</b>	
To Existing Branch Within City Limits	0
Other – Standard	700
Other – Expedited	350
<b>Subsidiary</b>	
Standard	2,700
Multi-Bank Operating Subsidiary	as above +100 for each add'l bank
After-the-fact	0
<b>Change in Bank Control <sup>9</sup></b>	
New Entrant to System	10,000
After-the-fact	5,000
Existing Officer/Director/National Bank	2,000
<b>Fundamental Change in Asset Composition of Bank</b>	
Stripping of Charter by Sale or Other Disposition of Assets	0
Reactivation of Dormant/Stripped Charter <sup>10</sup>	10,000

<b>Increase in Permanent Capital <sup>11</sup></b>	
Standard Request for Approval	500
Expedited Request for Approval	250
<b>Reduction of Permanent Capital <sup>12</sup></b>	
Standard	500
Expedited	250
<b>Subordinated Debt as Capital</b>	
Standard Application for Approval	1,000
Expedited Approval	500
Request to Prepay	250
<b>Fiduciary Powers</b>	
Standard	1,600
Expedited	800
<b>Bank Service Corporation</b>	
Standard	2,000
After-the-Fact	500
<b>Dividend</b>	
Cash Dividend	0
Dividend-in-Kind	250
<b>Stock Appraisal <sup>14</sup></b>	
	8,200
<b>Section 914 Notice</b>	
(Changes in directors or senior executive officers)	35
<b>Federal Branches and Agencies <sup>15</sup></b>	
Initial Federal Branch or Agency	10,000
Additional Federal Branch or Agency	
-Standard	1,000
-Expedited	500
<b>Relocation</b>	
-Standard <sup>16</sup>	350
-Expedited	0
-Short-Distance	0
<b>Change of Status – State to Federal</b>	
-Standard	3,600
-Expedited	1,800
<b>Change of Status – Other <sup>17</sup></b>	

-Standard	700
-Expedited	350
Fiduciary Power	
-Standard	1,600
-Expedited	800
Voluntary Liquidation	0

#### LICENSING FEES - Endnotes

<sup>1</sup> Expedited processing is available to eligible banks as defined in 12 CFR 5 and 28. Applicants may request a reduced fee for transactions requiring multiple filings, steps, or banks. Applicants requesting reduced fees should consult with the licensing director in the appropriate district office in advance of filing. Generally, fee concessions are not granted unless savings in the OCC's processing costs are demonstrated.

<sup>2</sup> These fees are appropriate for charter applications submitted by a group of individuals or a sponsor that is not a bank holding company for purposes of the Bank Holding Company Act; or a sponsor that has received Federal Reserve Board approval as a bank holding company but has been in operation for less than three years prior to filing the application to organize a new national bank.

<sup>3</sup> Includes banks that will operate predominantly on the Internet, but also have limited branch or non-branch physical facilities, such as kiosks or ATMs (limited facility bank), as well as banks that will operate solely via the Internet (Internet-only bank).

<sup>4</sup> The OCC does not require a licensing filing fee for applications for new national bank charters or branches to be located in a low- or moderate-income area as defined in 12 CFR 25.12(l), (n)(l), and (n)(2), and where no other depository institution operates a branch or main office.

<sup>5</sup> The stated fees are for a transaction involving two banks. If more than two affiliated banks are involved, and, if the following criteria are met, the OCC may charge a fee of \$100 for each additional intrastate charter and \$200 for each additional interstate charter involved in the transaction. Criteria: a) the acquiring bank is eligible, b) current national bank assets exceed non-national bank assets, and c) the combination presents no expected complications. Otherwise, additional fees will be required (equal to no more than one-half the stated fee times the number of banks), based on the marginal increases in the OCC's processing costs attributable to the additional banks.

An application that does not qualify for expedited review because it involves either an interim bank, a trust bank, or a credit card bank, is nonetheless charged the expedited-business reorganization fee if (1) the interim bank is merging with an eligible bank or (2) the trust bank or credit card bank is a subsidiary of a bank holding company of which its lead bank is an eligible national bank or is a subsidiary of an eligible national bank. However, the application is not eligible for expedited review.

The "Expedited – Business Reorganization" fee is charged for branch purchase and assumption transactions between affiliated institutions. Purchase and assumption transactions between unaffiliated banks are charged either the "Standard" or the "Expedited–Streamlined Application" fee, as appropriate.

The definition of business reorganization is found at 12 CFR 5.33(d)(2). The definition of a streamlined application is found at 12 CFR 5.33(j)(1).

<sup>6</sup> Transactions conducted pursuant to 12 USC 215a-3.

<sup>7</sup> Transactions conducted pursuant to 12 USC 215a-2.

<sup>8</sup> The fee listed is for one branch. Multiple branches filed together and published on the same date may be charged \$100 per additional bank branch. The OCC does not require a licensing filing fee for applications for branches to be located on an Indian reservation.

<sup>9</sup> The fee for exchange of bank-control filing should be borne by the party(ies) acquiring the shares. The fee for increases in the existing officer or director is available for persons who have been associated with the bank for more than three years.

<sup>10</sup> The OCC will charge a fee for an application to reactivate a charter of a formerly dormant bank or a national bank that recently was stripped of its assets and liabilities and became dormant under 12 CFR 5.53. Reactivation of a charter can occur by subsequent purchase of assets, other acquisitions of assets, other expansion of its operations, or by any other means not herein identified.

<sup>11</sup> A national bank generally need only submit a notice to increase its permanent capital. However, prior OCC approval is required to increase permanent capital if a bank is required by the OCC to obtain prior approval; it plans to sell common or preferred stock for consideration other than cash; or it will receive a material noncash contribution to capital surplus.

<sup>12</sup> Includes distributions from surplus or surplus accounts (unless to pay dividends from surplus that was transferred from prior period earnings); acquisitions of treasury stock; or retirement of outstanding shares. The expedited fee applies to an application to conduct a reverse stock split. No fee is required for applications to pay a dividend pursuant to 12 USC 60(b) unless the dividend is stock-kind.

<sup>13</sup> Prior approval is required if the OCC has notified the bank that it must receive prior approval or the bank will become inadequately capitalized after the transaction. Otherwise, a bank may issue subordinated debt without prior OCC approval. However, if the bank would like the subordinated debt to count as Tier 2 capital, it must provide the OCC with notification after the debt has been issued. No fee is charged for this request. No approval is required for eligible banks to repay subordinated debt.

<sup>14</sup> The fee for a stock appraisal must be borne by the bank, which, in the case of a business combination, is the surviving bank.

<sup>15</sup> After-the-fact merger applications could be subject to a fee. If a fee is required, it will be determined based on the specific circumstances surrounding the transaction.

<sup>16</sup> Interstate relocations are processed under standard procedures.

<sup>17</sup> There is no fee for a downgrade in the status of the federal branch or agency.

## **PUBLICATIONS**

The OCC has an extensive list of paper-based publications available for a fee, as well as publications available free of charge. For a list of publications and current prices, consult the attached price list. Please note that publication prices are subject to change before the next schedule of fees is published.

Copies of an array of items, including news releases, job announcements, issuances (such as bulletins, advisories, and alerts) and other materials may be downloaded free of charge from the agency's Web site at: [<http://www.occ.gov>]. For your convenience, the site contains a search engine to locate materials by subject.

## **MISCELLANEOUS FEES**

Prepayment is *required* for bank histories and certifications.

Bank History – for single bank:

Bank History – for single bank:		
-Less than 50 years	\$	50.00
-Fifty years or more	\$	125.00

Bank histories are provided to determine the successor to an inactive national bank. They include corporate transactions such as name changes, mergers, closings, and the current address of the successor institution, if available.

Certificates relating to licensing bank activities:	\$	100.00
-Title Changes		
-Mergers		
-Articles of Association		
-Declaration of Insolvency		
-Charter		
-Corporate Existence		
-Fiduciary Powers		

<b>Certificate of Authenticity (12 CFR 4)</b>	\$	100.00
<b>Copies of certificates</b>	\$	10.00

Freedom of Information Act and Privacy Act Requests:

<b>-Search and Review</b>	\$	35.00 an hour
<b>-Photocopying</b>	\$	0.20 a page

Examination Reports:

<b>-Initial Copy</b>	\$	Free
<b>Additional Copies – Each</b>	\$	10.00
<b>Special Requests – Each</b>	\$	50.00

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