



Comptroller of the Currency
Administration of National Banks
US Department of the Treasury

RESCINDED

OCC 2006-45

**Subject: Notice of Comptroller of the Currency
Fees for Year 2007
Date: December 1, 2006**

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

Description: Year 2007 Fee Structure

Any attachments to this document are rescinded only as they relate to national banks and federal savings associations.

The fee for an expedited subordinated debt filing of \$500 has been eliminated since the publication of the 2006 Fee Schedule. There is no longer an expedited process for subordinated debt filing.

SEMIANNUAL ASSESSMENT

Reference: 12 CFR 8.2 and 8.6

2007 Assessment Schedule

Effective January 1, 2007:

- Several permanent changes to the assessment collection process were implemented in 2006. These changes were based on revisions to the assessment regulations adopted by the OCC (see 71 Federal Register 42017, dated July 25, 2006).
 - Assessments are due March 31 and September 30, based on call report information as of December 31 and June 30, respectively. The assessments cover the six-month period beginning on January 1 and July 1, respectively. For example, the assessment due March 31, 2007, covers the period January 1 through June 30, 2007.
 - Banks are no longer required to calculate their assessment and call in the amount to be debited from their account. The OCC will calculate the assessment due and draft the amount due on March 31 and September 30. The OCC will provide a seven-business-days notice (at least) of the amounts to be drafted from an institution's account. The institution is responsible for ensuring that the accounts are properly funded on the due dates.
- 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 3.2 percent for 2007. As was the case the previous five years, 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 been adjusted for inflation as well. The schedules shown below reflect these changes.
- As was the case in 2005 and 2006, 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*.
- National banks that depart the national banking system on or before December 31, 2006, or June 30, 2007, will not be subject to the semi-annual assessment for the period beginning January 1, 2007, or July 1, 2007, respectively. Only those institutions leaving the national banking system

prior to the close of business on those dates avoid paying the semi-annual assessment for the period beginning January 1, 2007, or July 1, 2007, as applicable.

The OCC's assessment schedule 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 national banks and federal branches and agencies of foreign 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, 2006, or June 30, 2007). The surcharge is also 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 and federal branches and agencies of foreign banks that are subject to the surcharge calculate 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 for nonlead national banks by 12 percent. A nonlead bank, for this purpose, is a national bank and federal branch or agency 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, by definition, are not affiliated with full-service national banks.

Each national bank and federal branch or agency 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 nonlead discount and/or condition surcharge.

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	5,480	0.000000000	0	
2	20	5,480	0.000227454	2	
20	100	9,574	0.000181963	20	
100	200	24,131	0.000118274	100	
200	1,000	35,958	0.000100078	200	
1,000	2,000	116,020	0.000081883	1,000	
2,000	6,000	197,903	0.000072785	2,000	
6,000	20,000	489,043	0.000061932	6,000	
20,000	40,000	1,356,091	0.000050403	20,000	
40,000		2,364,151	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	20,815	0.000000000	0
1,000	10,000	20,815	0.000004149	1,000
10,000	100,000	58,156	0.000000695	10,000
100,000		20,706	0.000000442	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		44,375
100	1,000		66,300
1,000	5,000		88,750
5,000			110,695

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 ¹

Reference: 12 CFR 5.5

The Licensing Fee Schedule is as follows:

Application Type	Fee
New National Bank Charter	
Individuals and Nonbank Holding Company Sponsored ²	
-Full Service	\$25,000
-Credit Card	35,000
-Trust	25,000
-Internet – Primary ³	50,000

Bank Holding Company Sponsored	
-Full Service	10,000
-Credit Card	10,000
-Trust	10,000
-Internet – Primary	50,000
-Bankers' Bank	25,000
Low- and Moderate-Income Area ⁴	
	0
Conversion to a National Bank	
Standard	5,000
Expedited	2,500
Business Combination Between Banks ⁵	
Standard	6,000
Expedited - Business Reorganization ⁵	2,000
Expedited - Streamlined Application ⁵	4,000
Combination with Nonbank Subsidiary or Affiliate ⁶	
Expedited Reorganization ⁷	250
Failure Resolution	
Acquisition by De Novo Group	7,500
Acquisition by Existing Bank, Bank Holding Company, or Experienced Group	2,000
Branches ⁸	
Standard	350
Expedited	0
Low- and Moderate-Income Area ⁴ or Indian Reservations ⁸	0
Branch Relocation	
Standard	350
Expedited	0
Short-Distance	0
Main Office Relocation	
To Existing Branch Within City Limits	0
Other – Standard	700
Other – Expedited	350
Subsidiary	

Standard	2,700
Multi-Bank Operating Subsidiary	as above +100 for each add'l bank
After-the-fact	0
Change in Bank Control	
New Entrant to System	10,000
After-the-fact	5,000
Existing Officer/Director/National Bank	2,000
Fundamental Change in Asset Composition of Bank	
Stripping of Charter by Sale or Other Disposition of Assets	0
Reactivation of Dormant/Stripped Charter ¹⁰	10,000
Increase in Permanent Capital ¹¹	
Standard Request for Approval	500
Expedited Request for Approval	250
Reduction in Permanent Capital ¹²	
Standard	500
Expedited	250
Subordinated Debt as Capital ¹³	
Standard Application for Approval	1,000
Expedited Approval	500
Request to Prepay	250
Fiduciary Powers	
Standard	1,600
Expedited	800
Bank Service Corporation	
Standard	2,000
After-the-Fact	500
Dividend	
Cash Dividend	0
Dividend-in-Kind	250
Stock Appraisal ¹⁴	8,200
Section 914 Notice	
(Changes in directors or senior executive officers)	35
Federal Branches and Agencies ¹⁵	
Initial Federal Branch or Agency	10,000

Additional Federal Branch or Agency	
-Standard	1,000
-Expedited	500
Relocation	
-Standard ¹⁶	350
-Expedited	0
-Short-Distance	0
Change of Status – State to State	
-Standard	3,600
-Expedited	1,800
Change of Status – Other ¹⁷	
-Standard	700
-Expedited	350
Fiduciary Powers	
-Standard	1,600
-Expedited	800
Voluntary Liquidation	0

LICENSING FEES - Endnotes

¹ 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.

² 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.

³ 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).

⁴ 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.

⁵ 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(c)(1).

⁶ Transactions conducted pursuant to 12 USC 215a-3.

⁷ Transactions conducted pursuant to 12 USC 215a-2.

⁸ 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.

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

¹⁰ 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.

¹¹ 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.

¹² 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 it is a dividend-in-kind.

¹³ 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.

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

¹⁵ 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.

¹⁶ Interstate relocations are processed under standard procedures.

¹⁷ 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 arrangements, 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		

Certificate of Authenticity (12 CFR 4)	\$	100.00
Copies of certificates	\$	10.00

Freedom of Information Act and Privacy Act Requests:

-Search and Review	\$	35.00 an hour
-Photocopying	\$	0.20 a page

Examination Reports:

-Initial Copy	\$	Free
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Additional Copies – Each	\$	10.00
Special Requests – Each	\$	50.00

Thomas R. Brown
Senior Deputy Comptroller of the Office of Management
and Chief Financial Officer

Related Links

- [71 FR 42017](#)
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RESCINDED

Rules and Regulations

Federal Register

Vol. 71, No. 142

Tuesday, July 25, 2006

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

to determine the amount of assessment due to the OCC. Previously, national banks were required to make the initial calculation of the amount due to the OCC. Under the interim rule, the OCC, rather than each national bank, calculates the semiannual assessment based on the most recent Consolidated Reports of Condition and Income (Call Report). The assessment is due by March 31 and September 30 of each year, two months later than under the previous process. Thus, payments that would have been due on January 31 of each year are instead due on March 31, and payments that would have been due on July 31 are due on September 30 of each year. The OCC will notify each national bank of the amount of its semiannual assessment and automatically deduct that amount from each bank's designated account on the payment due date. The interim rule changed the assessment collection process only; it did not make any changes to the method for calculating assessments due from national banks.

DATES: *Effective Date:* This rule is adopted as final, effective August 24, 2006.

FOR FURTHER INFORMATION CONTACT: Jean Campbell, Senior Attorney, or Mitchell Plave, Counsel, Legislative and Regulatory Activities Division, (202) 874-5090; or Colette Baylson, Accounting Operations Manager, Financial Management, (202) 874-4403, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

I. Background

The National Bank Act authorizes the OCC to collect assessments, fees, or other charges as necessary or appropriate to carry out its responsibilities. 12 U.S.C. 482. Under this authority, the OCC collects semiannual assessments from national banks, as described in 12 CFR part 8 and in the Notice of Comptroller of the Currency Fees, which is published no later than the first business day of December each year.¹ Prior to adoption of the interim final rule on November 17, 2005, 70 FR 69641, part 8 required

¹ Under part 8, the OCC also collects assessments from Federal branches and Federal agencies. The changes provided for in this final rule will also apply to payment of assessments by Federal branches and Federal agencies.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 8

[Docket No. 06-08]

RIN 1557-AC96

Assessment of Fees

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is adopting in final form, without change, an interim final rule that amended our regulations at 12 CFR part 8 concerning the timing of payments of OCC assessments. The interim rule replaced the process used

each national bank to compute the amount of its semiannual assessment and pay that amount to the OCC by January 31 and July 31 of each year. Banks based their assessments on the data each bank submitted in its most recent Call Report.

Under the procedure in effect prior to November 17, 2005, the OCC reviewed each assessment computation after receiving Call Report data from the Federal Deposit Insurance Corporation (FDIC) in March and September of each year. When the OCC found an overpayment or underpayment of a semiannual assessment, we contacted the national bank, explained the error, and refunded (or collected, as the case may be) the funds electronically. This assessment collection process was cumbersome and outdated, and the procedure for reviewing and correcting miscalculations was inefficient. For these reasons the OCC revised the assessment process as described below.

II. The Interim and Final Rules

On November 17, 2005, the OCC published and requested comment on an interim rule amending 12 CFR part 8. The comment period ended on December 17, 2005, and no comments were received. Accordingly, the OCC is adopting the interim rule as a final rule with no modifications.

Calculation of the Semiannual Assessment Fee

The final rule provides that the OCC will calculate the semiannual assessment due from each bank based on the most recent Call Report data. Under the new assessment process, the OCC will send each national bank an assessment collection notification no later than 7 business days prior to March 31 and September 30 of each year. The assessment covers the six-month period beginning on January 1 and July 1 before each payment date. The OCC will automatically deduct the assessed amount from the bank's designated account on March 31 and September 30. By delaying the assessment calculation date by two months, the OCC will collect assessments based on final Call Report data, and thus eliminate the cumbersome correction process that we previously used. Under the final rule, a national bank can notify the OCC of any errors in the calculation of semiannual assessments or errors in the electronic transfer process, and the Comptroller is required to respond to such notices within 30 days of receipt.

This streamlining of the OCC's assessment collection process reduces regulatory burden for national banks

and is therefore consistent with the objectives of section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996,² which calls for the periodic review of the OCC's regulations and the elimination of unnecessary burden.

Technical and Conforming Amendments

The final rule eliminates an erroneous sentence in § 8.7(a) regarding delinquent semiannual assessment payments. The final rule also makes conforming changes to § 8.7(b) to describe the new streamlined procedure to correct errors in the assessment process. The final rule makes non-substantive changes to conform part 8 to the new assessment collection process and other minor technical changes. Finally, in § 8.6(a)(1), (2), and (4), and § 8.7(a), the final rule eliminates references to "District of Columbia," "District of Columbia banks" and "each district bank" to reflect the provisions of the 2004 District of Columbia Omnibus Authorization Act, section 8, Public Law 108-386, 118 Stat. 2228 (2004), which shifted regulatory responsibility of District of Columbia banks from the OCC to the FDIC and Board of Governors of the Federal Reserve System.

Effective Date

This final rule takes effect 30 days after publication in the **Federal Register**. 5 U.S.C. 553(d). Under 12 U.S.C. 4802(b)(1), Federal banking agency regulations or amendments to regulations "which impose additional reporting, disclosure, or other requirements on insured depository institutions" must be effective on the first day of a calendar quarter which begins on or after the date on which the regulations are published in final form. As described above, this final rule imposes no new requirements on national banks. Accordingly, the delayed effective date requirement in section 4802(b)(1) does not apply to this final rule.

Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (Pub. L. 96-354, Sept. 19, 1980) (RFA) applies only to rules for which an agency publishes a general notice of proposed rulemaking (NPRM) pursuant to 5 U.S.C. 553(b).³ Because the OCC did not publish an NPRM, the RFA does not apply to this final rule. In any case, however, the final rule affects only the

process for calculating the semiannual assessment and the timing of required payment. It does not affect the amount of assessment a bank must pay.

Executive Order 12866

The OCC has determined that this final rule is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates Reform Act of 1995 Determinations

Section 202 of the Unfunded Mandates Reform Act of 1995⁴ (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires the agency to identify and consider a reasonable number of regulatory alternatives before promulgating the rule. The OCC has determined that this final rule will not result in expenditures by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed any regulatory alternatives.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 3506; 5 CFR 1320 Appendix A.1), we have reviewed the final rule to determine whether it contains any information collections. There are no collections of information as defined by the Paperwork Reduction Act in the final rule.

Lists of Subjects in 12 CFR Part 8

Assessment of fees.

PART 8—ASSESSMENT OF FEES

■ Accordingly, the interim final rule amending 12 CFR part 8 which was published at 70 FR 69641 on November 17, 2005, is adopted as a final rule without change.

Dated: July 18, 2006.

John C. Dugan,

Comptroller of the Currency.

[FR Doc. E6-11804 Filed 7-24-06; 8:45 am]

BILLING CODE 4810-33-P

² Pub. L. 104-208, § 2222, 110 Stat. 3009-414 to 3009-415 (Sept. 30, 1996).

³ 5 U.S.C. 601(2).

⁴ 2 U.S.C. 1532.