

RESCINDED

Office of Thrift Supervision

December 9, 2009

Department of the Treasury

Thrift Bulletin

TB 48-28

TB 48-28 rescinded 12/2/10 with the issuance of TB 48-29. Click to link to TB 48-29.



Handbook: **Examination**
Subject: **Assessments**

Section: 070

Assessments and Fees Under 12 CFR Part 502


Summary: TB 48-28 adjusts for inflation the savings association assessment rates charged by OTS under 12 CFR Part 502. This Bulletin supersedes TB 48-26, dated December 8, 2008. This Bulletin also supersedes TB 48-21, dated May 28, 2004, by incorporating the schedules of fees that OTS charges. The schedule of fees is unchanged from TB 48-21 and shall remain in effect until further notice. The savings and loan holding company assessment schedule in TB 48-27 remains in effect. This Bulletin is effective with the January 2010 savings association assessment and shall remain in effect until further notice.

For Further Information Contact: Your Regional Office or Financial Operations, Washington, DC. You may access this bulletin at our web site: www.ots.treas.gov.

Thrift Bulletin 48-28

The Office of Thrift Supervision imposes semiannual assessments on thrifts based on three components: the thrift's size, its condition, and the complexity of its portfolio under 12 CFR Part 502. Thrift Bulletin 48-28 adjusts the size component of the savings association rate schedule. These changes are effective for the January 2010 savings association assessment.

The marginal rates of OTS's savings association assessment schedule continue to be indexed to reflect inflation, as measured by the change in the Gross Domestic Product Implicit Price Deflator (GDPIPD) from June 2008 to June 2009. The GDPIPD adjustment is 1.5 percent for 2010. The index adjustment will apply only to the first \$18 billion in assets. The assessment schedule also reflects an increase in the lowest base assessment from \$2,310 to \$2,345.


—Thomas A. Barnes
Deputy Director

Attachment

Semi-annual Savings Association Assessment Schedule					
Size Component	If total assets (SC60) is:		The size component is:		
	Over:	But not over:	This amount:	Plus:	Of excess over:
	\$0	\$67 million	\$2,345	.00019212	\$0
	\$67 million	\$215 million	\$15,217	.00012816	\$67 million
	\$215 million	\$1 billion	\$34,185	.00010252	\$215 million
	\$1 billion	\$6.03 billion	\$114,663	.00008200	\$1 billion
	\$6.03 billion	\$18 billion	\$527,123	.00007035	\$6.03 billion
	\$18 billion	\$35 billion	\$1,369,213	.00004518	\$18 billion
		\$2,137,273	.00003295	\$35 billion	
Condition Component	If the composite rating is:		Then the condition component is:		
	1 or 2		Zero		
	3		50 percent of the size component		
	4 or 5		100 percent of the size component		
Complexity Component for non-trust assets	Complexity component category			Assessment rate	
	Principal amount of loans serviced for others (SI390), over \$1 billion, up to \$10 billion			.000010	
	Principal amount of loans serviced for others (SI390), over \$10 billion, up to \$500 billion			.000005	
	Principal amount of off-balance-sheet assets covered by recourse obligations or direct credit substitutes (CC455), over \$1 billion			.000030	
Complexity Component for trust assets	If the amount of assets in columns A, B, or C is:		Column A	Column B	Column C
	Over	But not over	The assessment rate for Fiduciary Managed Assets (FS20) is:	The assessment rate for Fiduciary Non-Managed Assets (FS21) is:	The assessment rate for Custody and Safekeeping Assets (FS280) is:
	0	\$1 billion	.000015	.0000105	.000002
	\$1 billion	\$10 billion	.000005	.0000035	.000001
	\$10 billion	\$40 billion	.000001	.0000007	.00000025
	\$40 billion		.0000005	.00000035	.0000001

Application Fee Schedule

Adjustable Rate Mortgage Index	
Applications to use an Alternative ARM Index.....	\$2,500
Notices to Establish or Adjust an ARM Index	\$300
Agency Office.....	\$900
If an application contains a request to establish more than one agency office, include \$100 for each additional agency office.	
Approval of Director and Officer	\$500
The \$500 fee is per individual. The applicant must also include \$23 per each FBI background check required.	
Branch	
Standard.....	\$1,900
Expedited.....	\$500
Change of Location	
Standard.....	\$500
Expedited.....	\$0
If an application contains a request to establish more than one branch office or more than one standard change of location, include \$100 for each additional branch office.	
Bylaw Amendments	
Applications under 12 C.F.R. §§ 544.5(c)(1) and 552.5(b)(1)	\$1,400
Notices under 12 C.F.R. §§ 544.5(c) and 552.5(b).....	\$0
Preapproved under 12 C.F.R. §§ 544.5(c)(1)(iii), 544.5(c)(3), 552.5(b)(1)(iii) and 552.5(b)(3)	\$0
Capital	
Dividend Application (12 C.F.R. § 563.143(a)	\$750
Dividend Notice.....	\$0
Release of Dividend Agreement.....	\$1,000
Release of Capital Maintenance Agreement.....	\$1,000
Repurchase of Stock (12 C.F.R. § 563b.3(g)(3)	\$2,500
Sub Debt/Mandatorily Redeemable Preferred Stock in Capital (12 C.F.R. § 563.81)	
Standard.....	\$5,300
Expedited.....	\$1,700
Change in Business Plan	
Application to engage in full-service operations (from limited purpose or wholesale).....	\$10,400
Changes in a business plan submitted in response to a condition of approval that involves expansion into new product lines or significant operational changes.....	\$4,000
Change of Control	\$12,400
Additional increases in ownership by approved control parties	\$2,000
No additional fee is required for related interim and merger applications (if applicable). The applicant must also include \$23 per each FBI background check required.	

Charter Amendments

Applications (12 C.F.R. §§ 544.2(a)(2)(i) and 552.4(a)(2)(i))	\$1,400
Notices (12 C.F.R. §§ 544.2(a)(2)(ii) and 552.4(a)(2)(ii))	\$0
Preapproved (12 C.F.R. §§ 544.2(b) and 552.4(b)).....	\$0

Charter Certificate\$100

This fee is for associations that request a new or replacement charter certificate. A charter certificate is optional.

Charter Conversions

Conversion of OTS-regulated State-Chartered Savings Assoc. to OTS-regulated Federal Savings Association.....	\$100
Conversion of a National Bank, Commercial Bank, Credit Union or non OTS-regulated State Bank to Federal Savings Association	\$5,000

(If an OTS Holding Company application is involved, then only holding company fees apply.)

Combinations and Transfers

Bank Merger Act Transactions (Under OTS)

Combinations Involving Thrifts	\$4,000
Combinations with Bank (Thrift Survives)	\$8,000
Branch Purchase From Thrift	\$4,000
Branch Purchase From Bank.....	\$4,000

(Per OTS-regulated institution)

(If an OTS Holding Company application is involved, then only holding company fees apply.)

Non-Bank Merger Act Transactions (Under OTS)

Conversion to National or State Bank	
Applications	\$5,200
Notifications.....	\$1,200

Combinations with Bank (Bank Survives)

Notifications	\$2,000
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Transfer of Assets or Liabilities (12 C.F.R. § 563.22(c))

Application	\$4,000
Notice	\$2,000

(Fees for all combination and transfer applications are per OTS-regulated institution.)

Conversions (Mutual to Stock)

Standard Conversions (Form AC)	\$10,000
w/H-(e)1-S (Form AC included)	\$12,000
Merger Conversion (Form AC included)	\$18,000

If the conversion involves a public offering of the savings association's stock, the savings association must also pay a fee for the registration of its securities in the same amount as the registration fee currently in effect for the registration of securities with the Securities and Exchange Commission under the Securities Act of 1933. See Rule 45.

Deregistration as a Holding Company (12 C.F.R. § 584.1(d)).....\$0

Divestiture of Control.....\$900

Extension of Time\$0

Holding Company	
Form H-(e)1	\$14,400
Form H-(e)1 where holding company's investment in thrift represents less than 50% of total assets	\$20,000
Form H-(e)2	\$14,400
Form H-(e)3	\$14,400
Form H-(e)4	\$1,000
Form H-(e)1-S	\$2,000

No additional fee is required for related interim and merger applications (if applicable). The applicant must also include \$23 per each FBI background check required. If an H-(e)1-S becomes an H-(e)1, the applicant must pay an additional \$12,400.

Holding Company applications in connection with Charter Conversions or Combinations with banks	\$7,200
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(Fees for holding company applications include certain fees for all related filings. Fees for holding company applications filed in connection with Permission to Organize applications are outlined in the *Permission to Organize* section.)

Acquisition of a non-controlling interest in a savings association or savings and loan holding company (12 U.S.C. § 1467a(e)(1)(A)(iii))	\$4,000
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HOLA 10(l) Elections	
Existing savings and loan holding company	\$2,000
Non-savings and loan holding company	\$5,000

Non-savings and loan and non-bank holding companies seeking to acquire a depository institution and request a HOLA 10(l) election must also file a holding company application and include the additional holding company application fee.

Loans to One Borrower	
Standard	\$2,500
Expedited	\$800
Lending Limits Pilot Program (12 U.S.C. §§ 84 and 1464(u))	\$800

Management Interlock	\$2,600
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Modification of Condition of Approval	\$1,500
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Mutual Holding Company Reorganization (12 U.S.C. 1467a(o))	
Form MHC-1	\$8,000
Form MHC-2 (Initial Public or Private Offering)	\$6,400
Form MHC-2 (Secondary Public or Private Offering)	\$6,400
Waiver of Dividends to MHC	\$300
Multi-tier Reorganization	\$2,000

Operating Subsidiary	
Standard Application	\$5,000
Expedited Notice	\$1,000

Permissible Bank Holding Company Activities of Savings and Loan Holding Companies (12 C.F.R. § 584.2-2).....\$500

(Includes new activity notices filed pursuant to 12 C.F.R. § 575.11(a).)

Permission to Organize.....\$20,000

Applicants seeking to form a holding company must also file a holding company application and pay an additional filing fee based on the holding company’s investment in the thrift, in accordance with the following schedule:

The investment in thrift represents less than 50% of total assets\$14,400
 The investment is greater than 50%, but is not a shell holding company.....\$5,000
 Shell holding companies.....\$0

Prescribed Services and Activities of Savings and Loan Holding Companies (12 C.F.R. § 584.2-1)\$500

(Includes new activity notices filed pursuant to 12 C.F.R. § 575.11(a).)

Qualified Stock Issuance (12 C.F.R. § 574.8)\$12,400

Rebuttal of Concerted Action\$5,600

Rebuttal of Control\$5,600

Request for Exception from a Regulation.....\$4,000

12 C.F.R. § 563b.525 filing for acquisition of more than 10 percent of any class of equity security of a savings association within three years following a conversion to stock under 12 C.F.R. Part 563b\$6,000

Securities Offerings - Part 563g
 The fee is the same amount as if the registrant’s securities were being registered with the Securities and Exchange Commission under the Securities Act of 1933. See Section 6(b) of the Securities Act of 1933 and the most recent Securities and Exchange Commission Fee Rate Advisory.

Form G - 12

There is no fee for securities sales reports filed pursuant to 12 C.F.R. § 563g.12 for offerings under 12 C.F.R. §§ 563g.2 and 563g.4.

Service Corporations

Application to Engage in New Activity (12 C.F.R. § 559.3(e)(2))\$5,000
 Notice to Engage in New Activity (12 C.F.R. § 559.3(e)(2))\$1,000
 Increase of Investment Notice (12 C.F.R. § 559.5).....\$300

Trust Powers

Application for initial trust powers.....\$4,000
 Establish additional trust powers\$2,000

Voluntary Dissolution (12 C.F.R. § 546.4)\$2,500

Fee not required where all of the assets and all of the liabilities of a thrift are acquired by another bank or thrift.

Miscellaneous Fee Schedule

Examination Fees

Holding Companies	\$145/hr.
Affiliates	\$145/hr.
Trust Examinations of Savings Associations Administering Less Than \$1 Billion of Trust Assets	\$145/hr.
Justice Department Criminal Referrals	\$425/day

Publication Fee Charges

Refer to the OTS Publications listing for the current publications fees. The listing is published on the OTS website, www.ots.treas.gov and can also be obtained from OTS, Publications Division, 700 G Street, N.W., Washington, D.C. 20552.

Freedom of Information Act (FOIA) Fee Charges

In accordance with regulations issued by the U.S. Treasury Department, 31 C.F.R. § 1.7, OTS charges the fees listed below for processing FOIA requests. This fee schedule is arranged by category of requester (e.g., "commercial") and shows the fee for each service that OTS provides in processing FOIA requests. In the event that the Treasury Department changes its FOIA fee provisions, OTS will make corresponding changes in its fee schedule.

Commercial

Duplication and Printing	\$0.20 per page
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Note: For information provided on a non-paper medium (e.g., tape, cd-rom) OTS charges the actual cost of furnishing the information on that medium.

Search/Review	\$30.00 per hour or fraction thereof for FOIA Specialists
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For searches and document reviews by other employees, charges are based on the employee's hourly rate of pay plus 16%.

Educational Institutions, Non-Commercial Scientific Institutions, Representatives of the News Media

The first 100 pages shall be furnished without charge. Additional documents/reports will be furnished for reproduction costs alone (no search or review fees).

All other Requests

The first 100 pages and the first two hours of search time shall be furnished without charge. Thereafter they shall be charged the same as commercial requesters, except that there will be no charge for review time.

Thrift Financial Report

Processing Fee Per Request (Computer Charges)	\$4.00
Statement of Condition/Operation (first 3 pages).....	\$3.00
Full Thrift Financial Report.....	\$10.00

(There will be no charge for requests under \$10.00.)

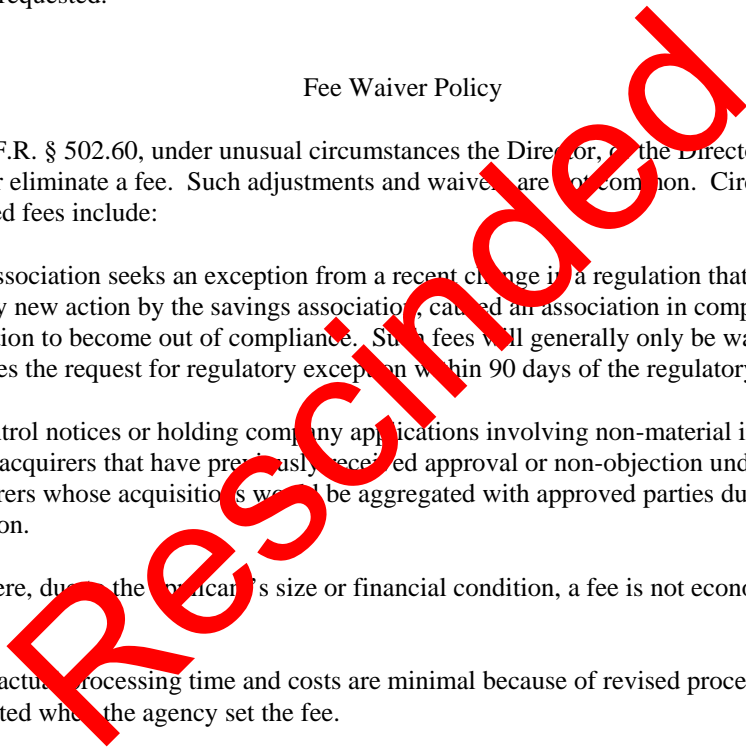
Gold Seal Fee Charges

All documents issued by the Office of Thrift Supervision requiring affixation of the official gold seal will cost \$50.00 per gold seal requested.

Fee Waiver Policy

As set forth in 12 C.F.R. § 502.60, under unusual circumstances the Director, or the Director's designee, may adjust, add, waive, or eliminate a fee. Such adjustments and waivers are not common. Circumstances in which the agency has waived fees include:

- (i) The savings association seeks an exception from a recent change in a regulation that in and of itself, rather than any new action by the savings association, caused an association in compliance with the former regulation to become out of compliance. Such fees will generally only be waived if the savings association files the request for regulatory exception within 90 days of the regulatory change.
- (ii) Change in control notices or holding company applications involving non-material increases in share ownership by acquirers that have previously received approval or non-objection under 12 C.F.R. Part 574 or other acquirers whose acquisitions would be aggregated with approved parties due to a presumption of concerted action.
- (iii) Situations where, due to the institution's size or financial condition, a fee is not economically feasible or justifiable.
- (iv) The agency's actual processing time and costs are minimal because of revised procedures or efficiencies not contemplated when the agency set the fee.



Securities Exchange Act of 1934 Filings

For any other securities filings not listed, the Office of Thrift Supervision (OTS) generally will charge the same fee as the Securities and Exchange Commission (SEC).

Proxy Statement.....	(A)
Proxy Statement/Contest	(B)
Merger Proxy Statement	(C)
Form 3	no fee
Form 4	no fee
Form 5	no fee
Form 8-A	no fee
Form 8-B.....	no fee
Form 8-K	no fee
Form 10	\$250
Form 10-SB	\$250
Form 10-C.....	no fee
Form 10-K	\$250
Form 10-KSB	\$250
Form 10-Q	no fee
Form 10-QSB	no fee
Form 11-K	no fee
Form 12b-25	no fee

Rescinded

Form 15	no fee
Schedule 13D.....	no fee
Schedule 13G.....	no fee
Schedule 13E-3.....	(D)
Schedule 13E-4.....	(D)
Schedule 14D-1	(E)
Schedule 14D-9	no fee
Submission to exclude a shareholder proposal under Rule 14a-8	\$250

FOOTNOTES

(A) Proxy Statements

1. For definitive proxy material relating to a solicitation for which the savings association does not file preliminary proxy material, a fee of \$125 is charged. See Rule 14a-6(i) under the Securities Exchange Act of 1934 (Exchange Act).
2. For preliminary proxy material that solicits proxies for business for which a stockholder vote is necessary, but apparently no controversy is involved, a fee of \$125 is charged. See Rule 14a-6(i) under the Exchange Act.

(B) For preliminary proxy material involving a proxy contest, each party to the controversy must pay a fee of \$4,100.

(C) For preliminary proxy material involving acquisitions, mergers, consolidations and reorganizations, a fee equal to the current fee charged by the SEC based on the proposed cash payment or of the value of the securities and other property to be transferred to securities holders in the transaction is charged. See Rule 14a-6(i) and Rule 0-11 under the Exchange Act. If the transaction involves the filing of a registration statement with the SEC for the registration under the Securities Act of 1933 of securities to be issued by a holding company in the transaction, the fee for the preliminary proxy material filed with the OTS is \$1,000. If the preliminary proxy material involves a simple holding company reorganization that is exempt from registration pursuant to Section 3(a)(12) of the Exchange Act, the fee for the preliminary proxy material filed with the OTS is \$1,000.

(D) A fee equal to the current fee charged by the SEC based on the value of the securities proposed to be acquired by the acquiring person is charged. See Rule 13a-1(b) and Rule 0-11 under the Exchange Act.

(E) A fee equal to the current fee charged by the SEC based on the aggregate case or the value of the securities or other property offered by the bidder is charged. See Rule 0-11 under the Exchange Act.