

# Thrift Bulletin

Handbook: Thrift Activities  
Subject: Assessments

Rescinded 11/30/98 by TB 48-15

Section: 071  
TB 48

September 6, 1990

## Guidelines for Implementation of 12 CFR Parts 502 and 563d Pertaining to Assessments

**RESCINDED**

*Summary:* This Bulletin is intended to provide guidelines for the payment of fees to recover the expenses of the agency and the costs of the supervision of savings associations, the examinations of affiliates of savings associations, and the processing of applications, filings, notices, and requests of associations and other entities filed with the Office of Thrift Supervision ("OTS"). These fees shall stay in effect until superseded by a later Thrift Bulletin.

*For Further Information Contact:*  
Your District Office, the Corporate Activities Division, Supervision or the Corporate and Securities Division of the Office of Thrift Supervision, Washington, DC.

*Thrift Bulletin 48*

### Background

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") amended certain sections of the Home Owners' Loan Act ("HOLA") to allow for the assessment of fees to fund the agency. The HOLA gives the Director of the OTS authority to prescribe and issue regulations to collect such fees. The OTS published a notice of proposed rulemaking for the Assessment Regulation on February 22, 1990. The final rule was published in the *Federal Register* on August 23, 1990. The Application fees schedule set forth in this bulletin will become effective 10 days from the date of the thrift bulletin publication. The fees include: (1) asset-based assessments to be levied on savings associations ("asset-based assessments"); (2) fees to recover the cost of examinations of certain affiliates of savings associations ("examination fees for affiliates"); (3) fees to recover the costs of processing various types of applications, filings, notices and requests with the OTS ("application

fees"); and (4) fees to recover the costs of providing other services such as seminars and publications ("publication fees").

### Guidelines

#### Asset-based Assessment Fees

The OTS is adopting a two-pronged sliding-scale assessment approach. This approach enables the OTS to recover the different costs of supervising and examining troubled versus non-troubled savings associations. The assessment for non-troubled associations is called a "general assessment," whereas the assessment for troubled associations is called a "premium assessment." The premium assessment is 50% higher than the general assessment because troubled institutions require longer and more involved examination and supervision. Assessments will be computed using the general assessment schedule or the premium assessment schedule (see attached).

A troubled savings association is generally defined as an association in conservatorship that requires increased supervision and examination or one having a MACRO rating of "4" or "5." Once an association has been in conservatorship for approximately one year, it usually will have stabilized. At that time, the

OTS will generally charge the association the general assessment rate. Should conditions at the association remain unstable or again deteriorate, the OTS may charge the premium assessment rate to recover the costs of increased supervision. The determination whether to apply the premium or general assessment rate for a non-conservatorship association is based on its most recent MACRO update (either on-site or off-site), provided to the association in writing.

Assessments will be assessed on a quarterly basis for the remainder of 1990. Thus, the fourth quarter assessment will be due on October 31, 1990. For the fourth quarter assessment in 1990, each savings association will pay an asset-based assessment on all of its assets as reported on its most recent quarterly Thrift Financial Report. As discussed more thoroughly in the Preamble to the final rule, the OTS retains the flexibility to assess either quarterly or semiannually, as determined on an annual basis by the Director. Notice of any change in the frequency of the assessment will be published in a Thrift Bulletin at least 30 days before the beginning of the next calendar year.

The assessment is based on the savings association's total assets including consolidated subsidiaries. The

# Thrift Bulletin

TB 48

amount of total consolidated assets will fall within one of the seven asset-size brackets in Columns A and B of the appropriate assessment schedule. For example, an association with total consolidated assets of \$250 million would fall into the third asset-size bracket. The \$250 million in total consolidated assets is over \$215 million in Column A but not over \$1 billion in Column B. The first portion of the quarterly assessment is then calculated by using the figure in the third bracket of Column C. The excess amount of the total consolidated assets over \$215 million is \$35 million. The \$35 million excess falls into the third asset-size bracket of Column E. The second portion of the quarterly assessment is then calculated by multiplying the rate in the third bracket of Column D by the excess \$35 million. The total assessment would be the sum of the amount which appears in the third bracket of Column C plus the excess over Column E which has been multiplied by the rate which appears in the third bracket of Column D.

## Examination Fees for Affiliates

The OTS will charge separate examination fees for examinations of savings association affiliates which are not consolidated with a savings association in the most recent Thrift Financial Report. The term "affiliates" includes, but is not limited to, savings and loan holding companies and subsidiaries of a savings association that would not be consolidated with the savings association for purposes of the Thrift Financial Report. At this time, the OTS will not charge examination fees for fiduciary examinations. The OTS will charge a daily fee of \$480 for the remainder of the calendar year 1990 for all examinations under way or begun on the effective date of the final rule. The fee will be de-

termined by multiplying the daily fee by the number of days or portions of days that regulatory personnel or the OTS devote to the examination and investigation of affiliates of savings associations. This includes on-site and off-site examinations and related supervisory activities covering time spent after the examination in preparing the examination report.

## Application Fees

The OTS will calculate annually its costs of processing various types of applications, filings, notices, and requests. The OTS will make these fees public, on an annual basis through publication of a Thrift Bulletin at least 30 days before such fees are effective, except that for 1990, the fees will be effective on the 10th day following the publication of this Thrift Bulletin (see Application Fee Schedule attached).

An application or notice will not be accepted as properly filed unless a check for the amount of the appropriate fee accompanies the application or notice at the time it is filed. Applicants should submit the appropriate fees for both delegated and non-delegated applications to their respective District Offices, except for all securities filings pursuant to 12 CFR Part 563g and 12 CFR Section 563d.1, and all Standard and Modified Conversion Applications pursuant to 12 CFR Part 563b (see Securities Filing Fees Section below). The applicant should also submit a cover sheet stating the name of the association, the amount of the fee for each application submitted, the aggregate amount of the fee and how the fee was calculated. All checks should be made payable to the Office of Thrift Supervision. All fees are non-refundable. If an application is materially deficient and the

OTS determines not to accept it for processing, the fee will not be refunded, and a new fee is required upon the filing of any new, revised application. If an applicant voluntarily withdraws an application and then re-files it, a new filing fee must be paid upon re-submission. If the OTS determines that an application should have been filed instead of a notice, the applicant must pay the difference between the application fee and the notice fee upon submission of the application.

The OTS may publish from time to time throughout the year, updated fee schedules to include new types of applications for which fees will be imposed. The fees will become effective 30 days after publication in a Thrift Bulletin. If an applicant submits an application that does not have a fee on the Application Fee Schedule, the applicant will not be charged a fee for that application. If a transaction requires the filing of several types of applications, the fees for each type of application should be paid, except as otherwise provided in the Application Fee Schedule.

## Securities Filing Fees

The OTS is imposing fees for securities filings pursuant to 12 CFR Parts 563b, 563d and 563g. Associations should refer to the attached Application Fee Schedule for such fees.

A securities filing will not be accepted as properly filed pursuant to 12 CFR Part 563d or 563g unless a check for the amount of the fee accompanies the securities filing at the time it is filed. Applicants should also submit a cover sheet stating the name of the association, the amount of the fee for each filing submitted, the aggregate amount of the fee and how the fee was calculated. The checks and securities filings should

# Thrift Bulletin

TB 48

be sent directly to the Corporate and Securities Division, Chief Counsel's Office, 1700 G Street, N.W., Washington, DC 20552. All checks should be made payable to the Office of Thrift Supervision.

If the OTS determines that a Form 10-K, Form 10-Q, Schedule 13D or Schedule 13G is deficient and requires that an amendment be filed to correct the deficiencies, the filer will be required to pay an additional fee. See the Application Fee Schedule for the amount of the additional fee.

Applicants should submit all standard and modified mutual-to-stock conversion applications pursuant to 12 CFR Part 563b, together with the appropriate fee, to the Corporate and Securities Division, Chief Counsel's Office, 1700 G Street, N.W., Washington, DC 20552. All checks should be made payable to the Office of Thrift Supervision. If the conversion transaction entails the filing of any additional applications, including a holding company application, merger application, application for permission to organize, subordinated debt application, etc., such additional application(s), together with the appropriate fee(s) for such application(s), should be filed in accordance with the appropriate filing instructions for that type of application.

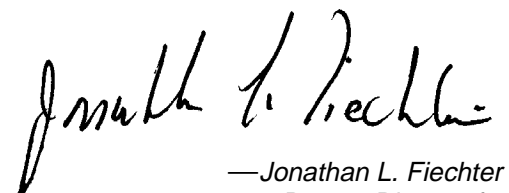
Applicants should refer to the Application Fee Schedule for the appropriate fees; note that the fee list for certain types of conversion applications includes the fee for the related holding company or merger application. Such combined applications (for the conversion application and any related holding company or merger application) should be submitted to the respective District Office at the time the holding company or merger application is filed. Applicants should also submit a cover sheet stating the name of the association, the amount of the fee for each application submitted, the aggregate amount of the fee, and how the fee was calculated. When applicants submit a conversion application that has a related application to the Corporate and Securities Division, the transmittal letter accompanying such application should indicate that the combined application fee was submitted to the respective District Office along with the related application.

## Publication Fees

The OTS is currently charging fees for certain handbooks and publications (see the attached Publication Fees Schedule). The OTS also offers subscription services for Thrift and Regulatory Bulletins and Legal

Alert Memos. The current Publications Brochure can be obtained from the Controller, Office of Thrift Supervision, 1700 G Street, N.W., Washington DC 20552, (202) 906-6155. The current fees for publications, Certification of True Copies and FOIA requests are listed in the Publication Fee Schedule. One copy of the Thrift Activities, Compliance Activities and Service Corporations Handbooks and "Compliance: A Self-Assessment Guide" are provided to all OTS-regulated associations without charge. Any associations that are owned by holding companies, and holding companies themselves, are provided with a Holding Companies Handbook without charge. Any associations with Trust Departments are provided a Trust Activities Handbook without charge. OTS regulated associations will be charged for the Application Processing Handbook and the FFIEC EDP Handbook. Further, all OTS-regulated associations receive a copy of all Bulletins without charge except Legal Alert Memos.

## Attachments

  
—Jonathan L. Fiechter  
Deputy Director for  
Washington Operations

## Assessment Schedule

### General Assessment

If the savings association's total assets (including consolidated subsidiaries) are:

Over— Column A (Million)	But not over— Column B (Million)
\$ 0	\$67
67	215
215	1000
1000	6030
6030	18000
18000	35000
35000	

The quarterly assessment is:

The amount— Column C	Plus Column D	Of excess over— Column E (Million)
\$0	0.01164%	0
\$7,799	0.00902%	67
\$21,148	0.00611%	215
\$69,112	0.00430%	1000
\$285,402	0.00398%	6030
\$761,808	0.00363%	18000
\$1,378,908	0.00308%	35000

### Premium Assessment

If the savings association's total assets (including consolidated subsidiaries) are:

Over— Column A (Million)	But not over— Column B (Million)
\$0	\$67
67	215
215	1000
1000	6030
6030	18000
18000	35000
35000	

The quarterly assessment is:

The amount— Column C	Plus Column D	Of excess over— Column E (Million)
\$0	0.01746%	0
\$11,699	0.01353%	67
\$31,722	0.00917%	215
\$103,668	0.00645%	1000
\$428,103	0.00597%	6030
\$1,142,712	0.00545%	18000
\$2,068,362	0.00462%	35000

## Application Fee Schedule for 1990

### MAJOR APPLICATION CATEGORIES

#### Branch

Interstate.....	\$2,400
Intrastate.....	\$1,900
Change of Control .....	\$12,400(P)
Mutual to Stock Conversion-Part 563b .....	(P)
Standard Conversion	
Form AC .....	\$6,400
Forms OC/PS .....	(A) below
Merger Conversion (Section 563b.10(c))	
Form AC .....	\$17,400(B)
Forms OC/PS .....	(A)
Modified Conversion	
Form AC .....	\$15,700(E)
Forms OC/PS .....	(A)
Holding Company Conversion .....	\$18,700(C)
Holding Company Merger Conversion .....	\$18,700(C)
Holding Company Modified Conversion .....	\$18,700(C)
Charter Conversion	
State Mutual to Federal Mutual .....	\$1,400
State Stock to Federal Stock .....	\$1,400
Thrift to Bank .....	\$5,700
Mutual Holding Company Reorganization (12 U.S.C. 1467a(o))	
Form MHC-1 .....	\$10,000(D)
Form MHC-2, Private Placement .....	\$6,400
Form MHC-2, Public Offering .....	(A)
Holding Company .....	(P)
Form H-(e)1 .....	\$18,100(E)
Form H-(e)2 .....	\$18,100(E)
Form H-(e)3 .....	\$18,100(E)
Form H-(e)4 .....	\$1,000
Merger, Consolidation, Transfer of Assets, Assumption of Liabilities .....	(P)
Voluntary .....	\$10,400
Cross Industry .....	\$11,400
Purchase or Sale of Office .....	\$5,000
Permission to Organize .....	(P)
Original Submission .....	\$16,400
Compliance .....	\$4,300
Interim .....	\$2,400
Supervisory Acquisition .....	(P)
Holding Company .....	\$18,100(F)(O)
Change of Control .....	\$12,400(F)(O)
Merger or Purchase and Assumption.....	\$11,400(O)
Voluntary Supervisory Conversion .....	\$18,700(G)(H)
Interim used in transaction .....	\$2,400(O)

## OTHER APPLICATION CATEGORIES

Affiliated Transaction .....	\$3,500
Agency Office .....	\$1,400
Approval of Directors and Officers .....	\$600(P)
Bylaw Amendment .....	\$1,400
Capital	
Dividend Notification (Form H-(f)) .....	\$250
Mandatorily Redeemable Preferred Stock .....	\$4,000
Capital Distribution (Section 563.134) .....	\$250
Repurchase of Stock (Section 563b.3(g)(4)) .....	\$1,000
Subordinated Debt .....	\$5,300
Charter Amendment .....	\$1,400
Change of Location .....	\$900
Direct Sales of Securities at an Office (Section 563g.17) .....	\$800
Extension of Time .....	\$700
Extension of Forbearance .....	\$2,800
Equity Risk Investment .....	\$3,900
Finance Subsidiary .....	\$6,650
Investment in Office Building .....	\$2,600
Liability Growth .....	\$3,200
Management Interlock .....	\$2,600
Modification of Condition of Approval .....	\$2,700
Notice of New Activity (Section 545.74(b)(7) & 563.37(c)) .....	\$100
Permissible Bank Holding Company Activities of Savings and Loan Holding Companies (Section 584.2-2) .....	\$150
Form H-(c)1 (Section 584.2-1) .....	\$150
Rebuttal of Concerted Action .....	\$5,600
Rebuttal of Control .....	\$5,700
Replacement of Charter Certificate .....	\$100
Service Corporation (Section 545.74(c)) .....	\$6,700
Securities Brokerage Notice (Section 545.74(c)(4)) .....	\$5,000
Section 563b.3(i) .....	\$4,700
Securities Offerings-Part 563g .....	(A) (I)
Trust Powers .....	\$4,200
Waiver .....	\$2,500
Liquidity Penalty	
Regulatory Requirements	
Loans to One Borrower	
Non-residential Lending	

SECURITIES EXCHANGE ACT OF 1934 FILINGS

Proxy Statement .....	(J)
Proxy Statement/Contest .....	(K)
Merger Proxy Statement.....	(L)
Form 3 .....	no fee
Form 4 .....	no fee
Form 8 .....	no fee, but see below
Form 8-A.....	\$250
Form 8-B.....	\$250
Form 8-K .....	no fee
Form 10 .....	\$250
Form 10-C.....	no fee
Form 10-K.....	\$250
Form 10-Q .....	no fee, but see below
Form 12b-25 .....	no fee
Form 15 .....	no fee
Schedule 13D.....	\$100
Schedule 13G.....	\$100
Schedule 13E-3.....	(M)
Schedule 13E-4.....	(M)
Schedule 14D-1 .....	(N)
Schedule 14D-9 .....	no fee
Schedule 14B.....	no fee

Amendments to the following forms and schedules when required by the Office of Thrift Supervision:

Form 10-K (Amend on Form 8) .....	\$250
Form 10-Q (Amend on Form 8) .....	\$250
Schedule 13D.....	\$100
Schedule 13G.....	\$100

Footnotes

- (A) A fee of 1/40th of one percent of the maximum aggregate price at which the securities are proposed to be offered. See also Rule 457 under the Securities Act of 1933.
- (B) The fee includes related merger application.
- (C) The fee includes related holding company and merger applications (or change of control notice where applicable with respect to a modified conversion).
- (D) If the reorganization application is being filed by more than one savings association, add \$7,000 for each additional association. This fee includes related holding company and merger applications.
- (E) The fee includes related merger application (where applicable).
- (F) The fee includes related merger application (where applicable).
- (G) The fee includes the related holding company application, change of control notice, and merger application (where applicable). If the conversion transaction involves the public offering of securities, pay an additional fee of 1/40th of one percent of the maximum aggregate price at which the securities are proposed to be offered.
- (H) The acquiror(s) must pay all fees; fees cannot be paid by the savings association.
- (I) There is no fee for securities sales reports filed pursuant to Section 563g.12 for offerings under Sections 563g.2 and 563g.4.
- (J) 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. See Rule 14a-6(j) 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. See Rule 14a-6(j) under the Exchange Act.
- (K) For preliminary proxy material where a contest as set forth in Rule 14a-11 under the Exchange Act is involved, a fee of \$4,100 from each party to the controversy.
- (L) For preliminary proxy material involving acquisitions, mergers, consolidations, and reorganizations, a fee of 1/50th of one percent of the proposed cash payment or of the value of the securities and other property to be transferred to securities holders in the transaction. See Rule 14a-6(j) and Rule 0-11 under the Exchange Act. If the transaction involves the filing of a registration statement with the Securities and Exchange Commission 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 Office of Thrift Supervision shall be \$800.
- (M) A fee of 1/50th of one percent of the value of the securities proposed to be acquired by the acquiring person. See Rule 0-11 under the Exchange Act.
- (N) A fee of 1/50th of one percent of the aggregate of the cash or of the value of the securities or other property offered by the bidder. See Rule 0-11 under the Exchange Act.
- (O) The fee for Supervisory Acquisitions will only be charged to the winning bidder as a condition of approval of the transaction.
- (P) Any application that requires an FBI fingerprint request must submit an additional \$20 per FBI fingerprint request to cover the FBI processing fee.



## Publication Fee Schedule

	<b>OTS-Regulated Associations</b>	<b>Others</b>
<b>Regulatory Handbooks</b>		
Thrift Activities	\$50	\$75
Compliance Activities	\$50	\$75
Service Corporation	\$50	\$75
Holding Companies	\$50	\$75
Trust Activities	\$50	\$75
Application Processing	\$50	\$75
FFIEC EDP Handbook	\$75	\$75
<b>Bulletin Subscription Series</b>		
Thrift Bulletins	\$175/year	\$175/year
Legal Alert Memos	\$200/year	\$200/year
Back Issues	\$35/year	\$35/year
<b>Others</b>		
Compliance: A Self-Assessment Guide	\$20	\$20
Director Information Guidelines	\$3	\$3
CEBA Guide	\$3	\$3
Compliance Assistance Series		
Bank Secrecy Act	\$3	\$3
Truth in Lending-Discounted Variable Rate Mortgages	\$3	\$3
Holding Company Reports	\$25	\$25
OTS Market Value Model Manual	\$25	\$25
Monthly Thrift Data	\$30	\$30
Capital Regulations Training Manual	\$50	\$75

Certification of True Copies provided by the Information Services Division will cost \$25.00 per gold seal requested.

FOIA requests are free up to 100 pages and 15 cents per page thereafter.