Any attachments to this document are rescinded only as they relate to national banks and federal savings associations.

SEMIANUAL ASSESSMENT


2010 Assessment Schedule

Effective January 1, 2010:

- 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, 2010, covers the period January 1 through June 30, 2010.
- 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 (GDPIPD) for the previous June-to-June period. The GDPIPD adjustment is 1.4 percent for 2010. The indexation adjustment will apply to the first $20 billion in a national bank's assets.
- Fees assessed on independent trust banks and on independent credit card banks have been adjusted for inflation as well.
- The OCC will calculate the assessment fee due and draft the fee amount on March 31 and September 30. The OCC will provide seven business days notice of the amount that will be drafted from an institution's designated account. The institution is responsible for ensuring that the account is funded properly on the due dates.
- The OCC will continue to 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 exit the national banking system on or before December 31, 2009, or June 30, 2010, will not be subject to the semi-annual assessment for the period beginning January 1, 2010, or July 1, 2010, 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, 2010, or July 1, 2010, 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, 2009,
or June 30, 2010). 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 and federal branches and agencies of foreign banks that are subject to the surcharge calculate the surcharge by multiplying the sum of the general assessment (based on the institution's book assets up to $20 billion) plus the independent trust bank assessment or the independent credit card bank assessment by 50 percent for 3-rated institutions or by 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 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 88 percent to recognize the nonlead 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 its 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 will be calculated using the schedules below and then adjusted for the nonlead discount and/or condition surcharge.

General Assessment Fee Schedule

<table>
<thead>
<tr>
<th>If the amount of total balance sheet assets (consolidated domestic and foreign subsidiaries) is: (millions)</th>
<th>The Semiannual Assessment will be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over</td>
<td>But Not Over</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>$0</td>
<td>$2</td>
</tr>
<tr>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>100</td>
<td>200</td>
</tr>
<tr>
<td>200</td>
<td>1,000</td>
</tr>
<tr>
<td>1,000</td>
<td>2,000</td>
</tr>
<tr>
<td>2,000</td>
<td>6,000</td>
</tr>
<tr>
<td>6,000</td>
<td>20,000</td>
</tr>
<tr>
<td>20,000</td>
<td>40,000</td>
</tr>
<tr>
<td>40,000</td>
<td>250,000</td>
</tr>
<tr>
<td>250,000</td>
<td></td>
</tr>
</tbody>
</table>

Independent Trust Bank Semiannual Assessment Schedule

<table>
<thead>
<tr>
<th>If the total amount of Fiduciary and Related Assets is: (millions)</th>
<th>The Independent Trust Bank Semiannual Assessment will be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over</td>
<td>But Not Over</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>$0</td>
<td>$1,000</td>
</tr>
<tr>
<td>1,000</td>
<td>10,000</td>
</tr>
</tbody>
</table>
Independent Credit Card Bank Semiannual Assessment Schedule

<table>
<thead>
<tr>
<th>If the bank's total off-balance sheet receivables attributable are: (millions)</th>
<th>The Independent Credit Card Bank Semiannual Assessment will be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>$100</td>
</tr>
<tr>
<td>100</td>
<td>1,000</td>
</tr>
<tr>
<td>1,000</td>
<td>5,000</td>
</tr>
<tr>
<td>5,000</td>
<td></td>
</tr>
</tbody>
</table>

**HOURLY RATE FOR EXAMINATION AND INVESTIGATION**

Reference: 12 CFR 8.6

Effective Date: Examinations and investigations 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**

Reference: 12 CFR 5.5

All licensing fees have been suspended for calendar year 2010.

**PUBLICATIONS**

The OCC has a number of paper-based publications that are available at no charge. These also are available electronically on the OCC's Web site at http://www.occ.gov. The list of these publications is attached.

Other items, including news releases, 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: |
|---|---|
| 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:

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>-Title Changes</td>
<td>$ 100.00</td>
</tr>
<tr>
<td>-Mergers</td>
<td></td>
</tr>
<tr>
<td>-Articles of Association</td>
<td></td>
</tr>
<tr>
<td>-Declaration of Insolvency</td>
<td></td>
</tr>
<tr>
<td>-Charter</td>
<td></td>
</tr>
<tr>
<td>-Corporate Existence</td>
<td></td>
</tr>
<tr>
<td>-Fiduciary Powers</td>
<td></td>
</tr>
</tbody>
</table>

### Certificate of Authenticity (12 CFR 4)

| Cost  | $ 100.00 |

### Copies of certificates

| Cost  | $ 10.00 |

### Freedom of Information Act and Privacy Act Requests:

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Search and Review</td>
<td>$35.00 an hour</td>
</tr>
<tr>
<td>Photocopying</td>
<td>$0.20 per page</td>
</tr>
</tbody>
</table>

### Examination Reports:

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Copy</td>
<td>Free</td>
</tr>
<tr>
<td>Additional Copies – Each</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>Special Requests – Each</td>
<td>$ 50.00</td>
</tr>
</tbody>
</table>

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

### Related Links

- OCC Publications List
- Safety and Soundness
- Compliance
- Asset Management
- Comptroller's Licensing Manual
- Description of Publications
- Publication Order Form
- Final Rule 73 FR 52576
were received in response to the request for comment on the interim final rule.  

DATES: Effective Date: Effective September 10, 2008 the rule published on February 19, 2008 (73 FR 9012) and corrected at 73 FR 9625, Feb. 21, 2008 is adopted as final without change.


SUPPLEMENTARY INFORMATION:  

Background  

The National Bank Act authorizes the OCC to fund the expenses of its operations through assessments on national banks. Under this authority, the OCC collects semiannual assessments from national banks in accordance with part 8 of our regulations and with the OCC’s Notice of the Comptroller of the Currency Fees (Notice of Fees). Part 8 establishes categories, or brackets, each of which comprises a range of size values for a national bank’s total assets. Each national bank’s assessment is the sum of a base amount, which is the same for every national bank in that asset-size bracket, plus a marginal amount, which is computed by applying a marginal assessment rate to the amount of total assets in excess of the lower boundary of the asset-size bracket. The marginal assessment rate declines as asset size increases, reflecting economies of scale in bank examination and supervision, which factor into the OCC’s overall cost of operations. Both the base amounts and the marginal rates applicable to each asset-size bracket are published at least once a year in the OCC’s Notice of Fees.

Prior to the issuance of the interim final rule, the national bank assessments were based on asset-size brackets that had been last updated in 1992 and no longer reflected the structure and distribution of assets in the national banking system as a whole. For example, since 1992, there has been a significant increase not only in the amount of assets held by the largest banks, but also in the assets held by national banks in other asset-size brackets, resulting in a general upward shift in the distribution of the population of national banks on the asset-size bracket table in 12 CFR 8.2(a).

The growth in the average assets held by national banks reflects the consolidation in the banking industry that has occurred since 1992.

Given these developments, the OCC has determined that it is appropriate to update the existing asset-size brackets to reflect the current structure of the national banking system. The interim final rule has enabled the OCC to adjust the assessment framework to better reflect industry structure and the OCC’s corresponding expenses of operations.

Interim Final Rule and Comments  

On February 19, 2008, the OCC published and requested comment on an interim final rule that expanded the number of asset-size assessment brackets in the table at 12 CFR 8.2(a) by revising the current top bracket, presently $40 billion and above, to cover banks with assets between $40 billion and $250 billion. In addition, the interim final rule created a new top bracket that applies to banks with assets in excess of $250 billion.

The OCC also made a conforming change to delete the word “ten” from the description of the asset-size brackets in § 8.2(a)(1) of the assessment rules since it no longer accurately described the number of brackets.

The OCC received no comments in response to the interim final rule and has determined that it is appropriate to adopt as final the interim final rule as originally published on February 19, 2008.

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 pursuant to 5 U.S.C. 553(b). Pursuant to the Administrative Procedure Act (APA), at 5 U.S.C. 553(b), notice and an opportunity for public comment are not required prior to the issuance of a final rule if an
agency, for good cause, finds that
“notice and public procedure thereon
are impracticable, unnecessary, or
contrary to the public interest.”

As we have described, the asset
brackets in the assessments table in 12
CFR 8.2(a) were last revised in 1992 and
did not reflect the current structure of
the national banking industry. The OCC
adopted the changes to that framework
in the form of an interim final rule
because completion of notice and
comment rulemaking procedures prior
to issuing the interim final rule would
have required delaying implementation
of the new asset brackets beyond the
next scheduled assessment date. Such a
delay would have been contrary to the
public interest since it would have
resulted in national banks’ continued
payment of assessments under a
framework that the OCC has determined
is no longer representative of current
industry structure and the OCC’s
corresponding expenses of operation.
Issuance of the interim final rule also
furthered the public interest and
reduced regulatory burden because it
allowed the OCC, as appropriate, to
issue an amended Notice of Fees that
better reflects the structure of the
national banking system and allocates
the OCC’s expenses of operation on that
basis. For the same reasons, the OCC
found good cause to publish the interim
final rule with an immediate effective

Because the OCC determined for good
cause that the APA did not require
public notice and comment on the
interim final rule, we did not publish a
general notice of proposed rulemaking.
Thus, the RFA, pursuant to 5 U.S.C.
601(2), does not apply to this final rule
because it is not a rule for which the
OCC was required to publish a general
notice of proposed rulemaking pursuant
to section 553(b) of the APA.

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 1995 (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 the regulatory alternatives
considered.

Paperwork Reduction Act

In accordance with the Paperwork
Reduction Act of 1995 (44 U.S.C. 3506;
5 CFR 1320 appendix A.1), we have
reviewed the final rule to assess 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 under the authority at 12
U.S.C. 482 the interim rule amending 12
CFR part 8 which was published at 73
FR 9012 on February 19, 2008, and
corrected at 73 FR 9012, Feb. 21, 2008
is adopted as final without change.

Dated: August 11, 2008.

John C. Dugan,

Comptroller of the Currency.

[FR Doc. E8–20905 Filed 9–9–08; 8:45 am]

BILLING CODE 4810–33–P