

## § 502.2

## 12 CFR Ch. V (1-1-98 Edition)

most recent quarterly Thrift Financial Report.

[55 FR 34529, Aug. 23, 1990, as amended at 62 FR 3780, Jan. 27, 1997]

### § 502.2 Examination fees for affiliates.

(a) The Office shall assess a fee to recover the costs of examinations of affiliates of savings associations, as defined in paragraph (d) of this section completed on or after this rule goes into effect.

(b) For calendar year 1990, a daily fee of \$480 shall be charged. The fee assessed under paragraph (a) of this section shall be determined by multiplying the daily fee by the number of days or portions thereof that employees of the Office devote to the examination or investigation of affiliates of savings associations as defined in paragraph (d) of this section including on-site and off-site examinations and related supervisory activities covering time spent after the examination in preparing the examination report among other items.

(c) The daily fee established in paragraph (b) of this section will be reviewed not less frequently than annually and published in a Thrift Bulletin as set forth in § 502.6 of this part. It shall be no higher than the amount determined by dividing the total budget for the expense of conducting examinations and investigations of affiliates of savings associations by the total number of days projected to be spent conducting such examinations and investigations as set forth in paragraph (b) of this section.

(d) The term "affiliate" means an affiliate as defined in 12 U.S.C. 1462(9) (1989), except that for purposes of this part only, the term "affiliate" does not include any entity that is consolidated with a savings association for purposes of the Consolidated Statement of Condition of the Thrift Financial Report.

### § 502.3 Applications processing fees.

(a) Fees must accompany certain applications, filings, notices, and requests (hereafter collectively referred to as "applications") before applications will be accepted for processing by the Office. Except as provided in paragraph (d) of this section, such fees will be determined by the Office ac-

ording to the method set forth in paragraph (b) of this section, will be announced at least annually, and will be established at rates calculated to recover the Office's total direct and indirect costs of processing such applications during the ensuing calendar year after such fees are announced.

(b) The Office will determine fees for processing applications by:

(1) Calculating, based on historical data, the average time necessary to process each type of application;

(2) Identifying for the upcoming year the amount to be budgeted for processing applications;

(3) Dividing the amount identified in paragraph (b)(2) of this section by the total number of hours available for applications processing in the ensuing year to yield the average hourly cost for processing applications; and

(4) Multiplying the average hourly cost identified in paragraph (b)(3) of this section by the number of hours spent processing each type of application identified in paragraph (b)(1) of this section and rounding the result to the nearest increment of \$100, with a minimum fee of \$100. This will yield the amount of the application fee required to recover the cost of processing each type of application;

(5)(i) The Director, or his or her designee, may reduce any fees calculated as set forth above to adjust for any inequities or any efficiencies or changes in procedure which are projected to result in reduced processing costs and which have not been taken into account as a result of application of the formula set forth in paragraphs (b)(1) through (b)(4) of this section. The Director, or his or her designee, also may adjust downward any fees calculated pursuant to paragraphs (b)(1) through (b)(4) of this section if, in the Director's discretion, he or she determines that the amount of such fee will unduly or unjustifiably discourage applications of a particular type or applications for particular categories of transactions.

(ii) In the event the Office develops a new type of application, and thus has no historical basis on which to establish an application fee, the Director