

§ 516.50

(2) Savings associations receiving standard treatment shall be required to file complete applications under the applicable regulations of this chapter with the OTS. Such applications will be denied unless the association affirmatively demonstrates how the application will clearly improve its financial and/or managerial condition or improve its compliance with the CRA or other consumer-related statutes without adversely affecting its financial or managerial resources.

(c) *Composite rating.* Composite rating means the composite numerical rating assigned to the savings association by the OTS under the Uniform Financial Institutions Rating System¹ or an equivalent rating under a comparable rating system adopted by the OTS, and refers to the most recent rating (as determined either on-site or off-site by the most recent examination) of which the savings association has been notified in writing.

(d) *CRA rating.* Through June 30, 1989, savings associations received one of five CRA ratings: Outstanding (1), Good (2), Satisfactory (3), Needs Improvement (4), or Unsatisfactory (5). For examinations begun between July 1, 1989 and June 30, 1990, savings associations received numerical ratings of 1 through 5. During this period, ratings of 1 and 2 were considered satisfactory or better and 3, 4, and 5 were less than satisfactory. Savings associations examined for CRA performance after July 1, 1990 receive one of four ratings: Outstanding, Satisfactory, Needs to Improve, or Substantial Noncompliance.

(e) *Compliance rating.* A savings association's Compliance rating is determined pursuant to the OTS Compliance Rating System which measures an association's compliance with civil rights, consumer protection, and public interest regulations, including the Bank Secrecy Act, Bank Protection Act, Equal Employment Opportunity, Economic Sanctions, and Advertising.

[57 FR 14336, Apr. 20, 1992, as amended at 60 FR 66717, Dec. 26, 1995; 62 FR 3780, Jan. 27, 1997]

¹Copies are available at the address specified in § 516.1 of this part.

12 CFR Ch. V (1-1-99 Edition)

Subpart B—Publication Requirements

SOURCE: 62 FR 64143, Dec. 4, 1997, unless otherwise noted.

§ 516.50 Who must publish a public notice of an application?

This subpart applies whenever an OTS regulation requires an applicant ("you") to follow the public notice procedures in this subpart.

§ 516.60 When must I publish the public notice?

You must publish a public notice of the application no earlier than seven days before and no later than the date of filing of the application.

§ 516.70 Where must I publish the public notice?

You must publish the notice in a newspaper having a general circulation in the following communities:

(a) The community in which your home office(s) are located, or if you are filing an application for permission to organize, the community in which your home office will be located; and

(b) If you are filing a branch application, the community to be served by the branch office.

§ 516.80 What language must I use in my publication?

(a) *English.* You must publish the notice in a newspaper printed in the English language.

(b) *Other than English.* If the OTS determines that the primary language of a significant number of adult residents of the community is a language other than English, the OTS may require that you simultaneously publish additional notice(s) in the community in the appropriate language(s).

Subpart C—Comment Procedures

SOURCE: 62 FR 64144, Dec. 4, 1997, unless otherwise noted.

§ 516.100 What does this subpart do?

This subpart contains the procedures governing the submission of public

comments on certain types of applications or notices (“applications”) pending before the OTS. It applies whenever a regulation incorporates the procedures in this subpart, or where otherwise required by the OTS.

§ 516.110 Who may submit a written comment?

Any person (“you”) may submit a written comment supporting or opposing an application.

§ 516.120 What information should I include in my comment?

(a) Your comment should recite relevant facts, including any demographic, economic, or financial data, supporting your position. If you file a comment opposing an application, your comment should also:

- (1) Address at least one of the reasons a relevant regulation lists as to why the OTS may deny an application;
- (2) Recite any relevant facts and supporting data addressing these reasons; and
- (3) Address how the approval of the application could harm you or any community.

(b) If you wish to request an informal meeting under § 516.170, you must file a request with your comment. You should describe the nature of the issues or facts to be discussed and the reasons why written submissions are insufficient to adequately address these facts or issues.

§ 516.130 Where do I file my comment?

You must file your comment with the OTS office(s) set forth at § 516.1(c). If you request an informal meeting under § 516.170, you must simultaneously send a copy of the request to the applicant.

§ 516.140 When do I file my comment?

(a) *General.* Except as provided in paragraph (b) of this section, you must file a written comment with the OTS within 25 days after the application is filed with the OTS.

(b) *Late-filed comments.* The OTS will consider your late-filed comment if:

- (1) Within the comment period, you demonstrate to the OTS good cause why you could not submit a timely comment; and

(2) The OTS concludes that your comment addresses a significant regulatory concern and will assist in disposing of the application.

§ 516.150 Will I have additional opportunities to discuss the application?

The OTS may provide you with additional opportunities to discuss the application in informal or formal meetings under subpart D of this part.

Subpart D—Meeting Procedures

SOURCE: 62 FR 64144, Dec. 4, 1997, unless otherwise noted.

§ 516.160 What does this subpart do?

This subpart contains informal and formal meeting procedures. It applies whenever a regulation incorporates the procedures in this subpart, or when otherwise required by the OTS.

§ 516.170 What procedures govern informal meetings on applications?

(a) *When will the OTS arrange an informal meeting?* The OTS may arrange an informal meeting with the applicant, commenters, or any other interested persons to clarify and narrow the issues and to facilitate the resolution of the issues. If a commenter has filed a written request for an informal meeting containing the information described at § 516.120(b), the OTS will arrange an informal meeting. The OTS also may arrange an informal meeting on its own initiative.

(b) *What action will the OTS take on an informal meeting request?* The OTS will inform the applicant and commenters requesting an informal meeting of the OTS decision on a request for an informal meeting, or of its decision to hold an informal meeting on its own initiative.

(c) *How will the OTS inform the informal meeting participants of the date, time, location and format for the informal meeting?* The OTS will invite the applicant and the commenter filing the request for the informal meeting. The OTS may also invite any other interested persons to attend. The OTS will inform the participants of the date, time, location, and format for the informal meeting a reasonable time in advance of the informal meeting.