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5.70 Federal branches and agencies.


Source: 61 FR 60363, Nov. 27, 1996, unless otherwise noted.

§ 5.3 Definitions.

(a) Applicant means a person or entity that submits a notice or application to the OCC under this part.
(b) Application means a submission requesting OCC approval to engage in various corporate activities and transactions.
(c) Appropriate district office means:
   (1) The Licensing Department for all national bank subsidiaries of those holding companies assigned to the Washington, DC, licensing unit;
   (2) The appropriate OCC district office for all national bank subsidiaries.

This part establishes rules, policies and procedures of the Office of the Comptroller of the Currency (OCC) for corporate activities and transactions involving national banks. It contains information on rules of general and specific applicability, where and how to file, and requirements and policies applicable to filings. This part also establishes the corporate filing procedures for Federal branches and agencies of foreign banks.

§ 5.2 Rules of general applicability.

(a) General. The rules in this subpart apply to all sections in this part unless otherwise stated.
(b) Exceptions. The OCC may adopt materially different procedures for a particular filing, or class of filings, in exceptional circumstances or for unusual transactions, after providing notice of the change to the applicant and to any other party that the OCC determines should receive notice.
(c) Additional information. The "Comptroller's Licensing Manual" (Manual) provides additional guidance, including policies, procedures, and sample forms. The Manual is available on the OCC's Internet Web page at http://www.occ.treas.gov. Printed copies are available for a fee from Publications, Communications Division, Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219-0001.
(d) Electronic filing. The OCC may permit electronic filing for any class of filings. The Manual identifies filings that may be made electronically and describes the procedures that the OCC requires in those cases.

§ 5.4 Filing required.

(a) Filing. A depository institution shall file an application or notice with the OCC to engage in corporate activities and transactions as described in this part.

(b) Availability of forms. Individual sample forms and instructions for filings are available in the Manual and from each district office.

(c) Other applications accepted. At the request of the applicant, the OCC may accept an application form or other filing submitted to another Federal agency that covers the proposed action or transaction and contains substantially the same information as required by the OCC. The OCC may also require the applicant to submit supplemental information.

(d) Where to file. An applicant should address a filing or other submission under this part to the attention of the Director for District Licensing at the appropriate district office. However, the OCC may advise an applicant through a pre-filing communication to send the filing or submission directly to the Licensing Department or elsewhere as otherwise directed by the OCC. Relevant addresses are listed in the Manual.

(e) Incorporation of other material. An applicant may incorporate any material contained in any other application or filing filed with the OCC or other Federal agency by reference, provided that the material is attached to the application and is current and responsive.

(f) Depository institution means any bank or savings association.

(g) Eligible bank means a national bank that:
   (1) Is well capitalized as defined in 12 CFR 6.4(b)(1);
   (2) Has a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (CAMELS);
   (3) Has a Community Reinvestment Act (CRA), 12 U.S.C. 2901 et seq., rating of “Outstanding” or “Satisfactory”; and
   (4) Is not subject to a cease and desist order, consent order, formal written agreement, or Prompt Corrective Action directive (see 12 CFR part 6, subpart B) or, if subject to any such order, agreement, or directive, is informed in writing by the OCC that the bank may be treated as an “eligible bank” for purposes of this part.

(h) Eligible depository institution means a state bank or a Federal or state savings association that meets the criteria for an “eligible bank” under §5.3(g) and is FDIC-insured.

(i) Filing means an application or notice submitted to the OCC under this part.

(j) Notice means a submission notifying the OCC that a national bank intends to engage in or has commenced certain corporate activities or transactions.

(k) Short-distance relocation means moving the premises of a branch or main office within:
   (1) One thousand foot-radius of the site if the branch is located within a central city of an MSA;
   (2) One-mile radius of the site if the branch is not located within a central city, but is located within an MSA; or
   (3) Two-mile radius of the site if the branch is not located within an MSA.