

§ 516.80

12 CFR Ch. V (1–1–10 Edition)

If you file . . .	You must publish in the following communities . . .
(a) An application for permission to organize under § 543.2 of this chapter, a Bank Merger Act application under 563.22(a) of this chapter, an application to convert to is a federal charter under § 543.8 or § 552.2–6 of this chapter, or an application for a mutual to stock conversion under part 563b of this chapter . . .	The community in which your home office is located.
(b) An application to establish a branch office under § 545.95 of this chapter . . .	The community to be served by the branch office.
(c) An application for the change of permanent location of a home or branch office under § 545.95 of this chapter . . .	The community in which the existing office is located and the community to be served by the new office.
(d) A holding company application or a change of control notice under part 574 of this chapter . . .	The community in which the home office of the savings association whose stock is to be acquired is located and, if applicable, the community in which the home office of the acquiror’s largest subsidiary savings association is located.

[69 FR 68246, Nov. 24, 2004]

§ 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 may submit a written comment supporting or opposing an application.

[62 FR 64144, Dec. 4, 1997, as amended at 66 FR 13003, Mar. 2, 2001]

§ 516.120 What information should a comment include?

(a) A comment should recite relevant facts, including any demographic, eco-

nomic, or financial data, supporting the commenter’s position. A comment opposing an application should also:

(1) Address at least one of the reasons why OTS may deny the application under the relevant statute or regulation;

(2) Recite any relevant facts and supporting data addressing these reasons; and;

(3) Address how the approval of the application could harm the commenter or any community.

(b) A commenter must include any request for a meeting under § 516.170 in its comment. The commenter must 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.

[66 FR 13003, Mar. 2, 2001, as amended at 69 FR 68247, Nov. 24, 2004]

§ 516.130 Where are comments filed?

A commenter must file with the appropriate OTS Regional Office (See table at § 516.40(a)(2)). The commenter must simultaneously send a copy of the comment to the applicant.

[66 FR 13003, Mar. 2, 2001]

§ 516.140 How long is the comment period?

(a) *General.* Except as provided in paragraph (b) of this section, a commenter must file a written comment with OTS within 30 calendar days after the date of publication of the initial public notice.

Office of Thrift Supervision, Treasury

§ 516.200

(b) *Late-filed comments.* OTS may consider late-filed comments if OTS determines that the comment will assist in the disposition of the application.

[69 FR 68247, Nov. 24, 2004]

Subpart D—Meeting Procedures

SOURCE: 69 FR 68247, Nov. 24, 2004, unless otherwise noted.

§ 516.160 What does this subpart do?

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

§ 516.170 When will OTS conduct a meeting on an application?

(a) OTS will grant a meeting request or conduct a meeting on its own initiative, if it finds that written submissions are insufficient to address facts or issues raised in an application, or otherwise determines that a meeting will benefit the decision-making process. OTS may limit the issues considered at the meeting to issues that OTS decides are relevant or material.

(b) OTS will inform the applicant and all commenters requesting a meeting of its decision to grant or deny a meeting request, or of its decision to conduct a meeting on its own initiative.

(c) If OTS decides to conduct a meeting, OTS will invite the applicant and any commenters requesting a meeting and raising an issue that OTS intends to consider at the meeting. OTS may also invite other interested persons to attend. OTS will inform the participants of the date, time, location, issues to be considered, and format for the meeting a reasonable time before the meeting.

§ 516.180 What procedures govern the conduct of the meeting?

(a) OTS may conduct meetings in any format including, but not limited to, a telephone conference, a face-to-face meeting, or a more formal meeting.

(b) The Administrative Procedure Act (5 U.S.C. 551 *et seq.*), the Federal Rules of Evidence (28 U.S.C. Appendix), the Federal Rules of Civil Procedure (28 U.S.C. Rule 1 *et seq.*) and the OTS Rules

of Practice and Procedure in Adjudicatory Proceedings (12 CFR part 509) do not apply to meetings under this section.

§ 516.185 Will OTS approve or disapprove an application at a meeting?

OTS will not approve or deny an application at a meeting under this subpart.

§ 516.190 Will a meeting affect application processing time frames?

If OTS decides to conduct a meeting, it may suspend applicable application processing time frames, including the time frames for deeming an application complete and the applicable approval time frames in subpart E of this part. If OTS suspends applicable application processing time frames, the time period will resume when OTS determines that a record has been developed that sufficiently supports a determination on the issues considered at the meeting.

Subpart E—OTS Review

SOURCE: 66 FR 13003, Mar. 2, 2001, unless otherwise noted.

EXPEDITED TREATMENT

§ 516.200 If I file a notice under expedited treatment, when may I engage in the proposed activities?

If you are eligible for expedited treatment and you have appropriately filed your notice with OTS, you may engage in the proposed activities upon the expiration of 30 days after the filing date of your notice, unless OTS takes one of the following actions before the expiration of that time period:

(a) OTS notifies you in writing that you must file additional information supplementing your notice. If you are required to file additional information, you may engage in the proposed activities upon the expiration of 30 calendar days after the date you file the additional information, unless OTS takes one of the actions described in paragraphs (b) through (d) of this section before the expiration of that time period;