



Office of the  
Comptroller of the Currency

COMPTROLLER'S LICENSING MANUAL

# PUBLIC NOTICE AND COMMENTS

APRIL 2022

# Contents

---

- Introduction.....1**
- Public Notice..... 2
- Public Comment..... 5
- Community Reinvestment Act..... 7
- Removal of an Application From the Expedited Review Process
- Due to Receipt of a Comment..... 10
- Convenience and Needs ..... 11
- Meetings..... 11
- Public Hearings..... 12
- Public Decisions..... 13
  
- References .....14**
  
- Table of Updates Since Publication.....16**

# Introduction

---

This booklet of the *Comptroller's Licensing Manual* provides guidance concerning the licensing procedures of the Office of the Comptroller of the Currency (OCC) for public notice and comments. The requirements referred to in this guidance document reflect provisions in existing statutes and regulations. The relevant statutes and regulations are listed at the end of this booklet or referenced as applicable throughout the document.<sup>1</sup>

This booklet of the *Comptroller's Licensing Manual* addresses general requirements related to the public notice process, impact of Community Reinvestment Act (CRA) performance on certain applications or notices (filings), application of the convenience and needs standard under the Bank Merger Act, and requirements and procedures for conducting public hearings, public meetings, and private meetings.<sup>2</sup> The booklet applies to national banks and federal savings associations (FSA) (collectively, banks) unless otherwise noted and should be used with other OCC *Licensing Manual* booklets.<sup>3</sup>

Certain transactions or activities require prior OCC approval. Specific laws and regulations require a bank to publish notice of its filing.<sup>4</sup> This publication process allows the public to submit written comments to the OCC in support of or in opposition to the filing.<sup>5</sup> Generally, when a notice is published, interested persons have 30 days from the initial date of publication of the notice to submit a written comment to the OCC (see the “Duration of Public Comment Period” section of this booklet).<sup>6</sup> The public may request an extension of the comment period, a meeting, or a public hearing. Publication requirements vary depending on the type of filing and can be found in the *Licensing Manual* booklet for the specific filing type.<sup>7</sup>

---

<sup>1</sup> This booklet also includes procedures that banks must follow in connection with filing applications and notices with the OCC. Such procedures are not substantive rules that establish decision criteria. Rather, they are steps a bank must take to allow the OCC to assess whether a bank has met the substantive requirements for the application or notice in existing statutes and regulations. Consistent with the Administrative Procedure Act (APA), the OCC may issue guidance concerning licensing that has binding procedural steps a bank must take to allow the OCC to assess a bank's application or notice. See 5 USC 553(b)(A).

<sup>2</sup> The OCC may adopt materially different procedures for a particular filing or class of filings pursuant to 12 CFR 5.2.

<sup>3</sup> This booklet also applies to federal branches and agencies of foreign banks.

<sup>4</sup> For example, refer to 12 CFR 5.8 and 5.33(f)(1)(ii). For a change in control of a bank, the person(s) or entity seeking to acquire control is generally required to publish a public notice. Refer to 12 CFR 5.50(f).

<sup>5</sup> Refer to 12 CFR 5.10.

<sup>6</sup> Refer to 12 CFR 5.10(b).

<sup>7</sup> This booklet addresses public comments regarding a specific filing. General comments regarding a bank can be addressed to the OCC's Customer Assistance Group at [www.HelpWithMyBank.gov](http://www.HelpWithMyBank.gov).

## Public Notice

In general, a filer is required to publish a notice of its filing in a newspaper of general circulation in the community where it proposes to engage in business.<sup>8</sup> For example, if a bank proposes to establish a branch, it generally must publish notice in a newspaper of general circulation in the community where the branch will be located.<sup>9</sup> In a merger between two banks, each headquartered in a different city, the filer generally must publish notices in newspapers in both cities.<sup>10</sup> The publication must occur on the same date as the filing or as soon as practicable before or after the date of filing.<sup>11</sup>

Public notice is required for certain types of filings, generally including:<sup>12</sup>

- Organizing a bank (other than conversions from another type of depository institution to a bank)
- Establishing domestic branches<sup>13</sup>
- Relocating a national bank's main office, a FSA's home office, or branches of either<sup>14</sup>
- Certain business combinations<sup>15</sup>
- Changes in bank control<sup>16</sup>
- Initial and additional establishment of federal branches and agencies of foreign banks
- Relocating federal branches and agencies of foreign banks

For those business combinations that require public notice, the OCC encourages the filer and target institution (in addition to the required newspaper notice) to announce on their respective websites the proposed transaction. The announcement should occur on or before the date the filer files the business combination filing with the OCC.

In certain instances, laws and regulations require a filer to publish a newspaper notice in connection with a filing even when 12 CFR 5.8 does not apply. These notices are not subject

---

<sup>8</sup> Refer to 12 CFR 5.3 and 5.8(a).

<sup>9</sup> Refer to 12 CFR 5.30 and 5.31.

<sup>10</sup> Refer to 12 USC 1828(c)(3)(D).

<sup>11</sup> Refer to 12 CFR 5.8(a).

<sup>12</sup> Refer to 12 CFR 5.8, as well as the applicable *Comptroller's Licensing Manual* booklet and respective forms.

<sup>13</sup> Refer to 12 CFR 5.30 and 5.31.

<sup>14</sup> Refer to 12 CFR 5.30, 5.31, and 5.40. Although branch closings typically do not require a published notice, a bank must send advance notification of branch closings to its customers and post a notice at the closing branch(es). Refer to 12 USC 1831r-1 and the "[Branch Closings](#)" booklet of the *Comptroller's Licensing Manual*).

<sup>15</sup> Refer to 12 CFR 5.33(f).

<sup>16</sup> Refer to 12 CFR 5.50(f)(1) and (g).

to a comment period under 12 CFR 5.10. Examples of these include the notice of shareholder meeting for business combinations and the publishing of notice for a voluntary liquidation.<sup>17</sup>

<sup>18</sup> Filers should refer to the respective *Comptroller's Licensing Manual* booklet for each filing type for information on the types of publication required.

## Public Notice Content and Confirmation

Generally, the public notice must contain the following:<sup>19</sup>

- A statement that the filing is being made
- The date of the filing
- The filer's name and address<sup>20</sup>
- The subject matter of the filing, including the name(s) of the institution(s) that is the subject of the filing
- A statement that the public may comment to the OCC
- The appropriate OCC office address where comments should be sent
- A statement that the public portion of the filing is available on request
- The closing date of the comment period (if known at the time the notice is published)
- A statement that information about the filing may be found in the OCC's [Weekly Bulletin](#) available on the OCC website
- Any other related information required by the OCC

**Note:** Refer to the relevant booklet of the *Comptroller's Licensing Manual* to obtain specific public notice requirements and sample public notices for each filing type.

Promptly after publication, the filer must provide to the appropriate director for District Licensing (DDL) a statement containing the date of publication, the name and address of the newspaper(s) that published the public notice, a copy of the public notice, and any other information required by the OCC.<sup>21</sup> The bank should submit to the DDL an affidavit of publication prepared by the publishing newspaper(s) once the affidavit is available.

---

<sup>17</sup> Refer to 12 USC 215a. There is no similar requirement for FSAs.

<sup>18</sup> Refer to 12 CFR 5.48 and 12 USC 182.

<sup>19</sup> Refer to 12 CFR 5.8(b). Although there is no requirement for the OCC to review a proposed public notice, a review may help avoid errors that could result in the OCC requiring republication of the notice.

<sup>20</sup> Public notices for changes in control do not require the bank's address. Refer to 12 CFR 5.50(f)(1). The public notice should include the bank's legal name (and any names used in the community where the public notice will be made), city or town, and state. Refer to the sample "[Publication Notice](#)" form for change in bank control.

<sup>21</sup> Refer to 12 CFR 5.8(c).

## Special Considerations

If the filing is part of a multiple-step transaction or a series of transactions, the filer should explain the entire transaction in one public notice, as if it were a single filing, so the public will understand the entire transaction. For example, a bank should not publish a relocation of a main office in one public notice, establishment of a branch at the current main office location in a second public notice, and a merger in a third public notice because they are all steps in the transaction. In addition, the description of the multiple-step transaction should include all steps, even if one particular step would not require a public notice if it were treated as a single, separate transaction. The filer must explain in the notice how the transactions are related.<sup>22</sup>

When a bank operates under more than one name or under a name substantially different from its legal name, each public notice should include both the bank's legal name and the name(s) it is using or intends to use in the community where the publication circulates.

The bank should consider the languages used by the residents of the communities where public notice is required. The notice must be published in English, but if the OCC determines that the primary language of a significant number of adult residents of the community is not English, the OCC may require that an additional notice be published in the appropriate language(s).<sup>23</sup>

## Additional Public Notice

In addition to the public notices required by law, the OCC may require a new public notice if the filer submits either a revised filing or new or additional information related to the filing, a major issue of law or change in circumstances arises after the filing, or the agency determines that a new public notice is appropriate.<sup>24</sup> The OCC usually provides the filer with specific guidance about the form and content of a new notice, based on the filing type and the issues presented.

When the filer is not required by statute to publish a notice, the OCC has the authority to publish a notice requesting comment on the filing.<sup>25</sup> If the OCC decides to provide public notice, it may publish the notice in any manner it determines appropriate for the particular filing, such as the *Federal Register* or local or regional newspapers. The OCC considers such public notices when

- the filing presents novel or complex issues.

---

<sup>22</sup> Refer to 12 CFR 5.8(d).

<sup>23</sup> Refer to 12 CFR 5.8(a).

<sup>24</sup> Refer to 12 CFR 5.8(g).

<sup>25</sup> Refer to 12 CFR 5.8(f).

- the filing is likely to be controversial.
- the filing may have widespread implications for banks or customers.
- the OCC would benefit from public comments.

## Another Agency's Public Notice

Upon a filer's request, the OCC may accept the public notice required by another federal agency to satisfy the filer's public notice requirements for its OCC filing. The public notice must adequately satisfy the OCC's requirements and state that comments must be submitted to the OCC and, if applicable, the other federal agency.<sup>26</sup>

## Weekly Bulletin

The OCC publishes in its [Weekly Bulletin](#) report all filings subject to public notice and other filings received or acted on each week. Although the Weekly Bulletin indicates the public comment period end date for filings that require public notice, it does not satisfy the filer's public notice requirement.

## Notification Upon Request

The public may request OCC notification of filings for a specific bank that require consideration of that bank's record of performance under the CRA.<sup>27</sup> The public should direct the notification request to the DDL at the [appropriate OCC district office](#) that processes filings for that bank.

## Public Comment

The OCC welcomes public comments and is committed to providing the public with easy access to public information on filings. Any person may comment in writing on any filing for which public notice has been published.

The public may submit comments by email, mail, or fax to the appropriate DDL. If a business combination application receives an adverse public comment, the comment, any subsequent comments, and a copy of the public portion of the application are made available on [Regulations.gov](#) and the "[Public Comments on Applications](#)" page of the OCC's website. Once the comment is available on those two websites, subsequent comments may be submitted through [Regulations.gov](#).

Comments should be specific and contain data or references to support conclusions or recommendations. Specific comments help the OCC understand the matters that commenters believe merit investigation and consideration and allow the OCC to review potential issues more completely.

---

<sup>26</sup> Refer to 12 CFR 5.8(e).

<sup>27</sup> Refer to 12 CFR 25.29.

The OCC is committed to processing filings and reaching decisions without unnecessary delay. The OCC, however, also intends to provide each filing with the scope and depth of review warranted, even if that review requires an extension of time. The OCC considers all comments it receives within the comment period. The OCC also considers comments received by other federal regulators processing parallel filings.

The OCC places all comments received on a filing in the official OCC file for that filing. The OCC forwards copies of all comments it receives on a filing to the bank. When comments relate to the bank's performance in helping to meet community credit needs, the bank places these comments in its CRA public file.<sup>28</sup>

A public copy of any filing is available upon request to the DDL. In addition, the OCC makes available on its website all business combination applications for which the resulting entity is a bank. The public can access the public copy of the application in the [Freedom of Information Act Electronic Reading Room](#) ((FOIA RR).

In addition, during the public comment period, any person can write to the OCC and request<sup>29</sup>

- a copy of the public file (refer to the “Requests for Copies of Public Portion of Applications and Notices” section of the [“General Policies and Procedures”](#) booklet of the *Comptroller’s Licensing Manual*).
- an extension of the public comment period (refer to the “Requests for Extension of the Public Comment Period” section of this booklet).
- that the OCC conduct a public hearing; arrange a public meeting; or arrange a private meeting (refer to the “Meetings” and “Public Hearings” sections of this booklet).

Because of concerns over confidentiality and fairness, the OCC refrains from commenting publicly on the merits of a filing under review. As discussed above, the OCC provides a filer with a copy of any comment received. The OCC encourages the filer to provide any response to both the OCC and the commenter. If the filer does not provide a copy of any response to the commenter, the OCC will do so.

## Duration of Public Comment Period

Commenters generally have 30 days from the initial date of publication of the notice of the filing to provide written comments to the OCC.<sup>30</sup> Under certain circumstances, such as natural disasters or unusual transactions, the OCC may adjust a public comment period.<sup>31</sup> If

---

<sup>28</sup> Refer to 12 CFR 25.43(a)(1). The compliance date for this requirement is April 1, 2022.

<sup>29</sup> Refer to 12 CFR 5.9-5.11.

<sup>30</sup> Refer to 12 CFR 5.10(b)(1).

<sup>31</sup> Refer to 12 CFR 5.10(b)(2).



the closing date is available, the filer is required to include the filing’s comment period closing date in the public notice.<sup>32</sup>

For de novo charters and for those business combinations subject to a public comment period, the OCC makes the public portions of such filings available on [FOIA RR](#). The OCC strives to post the public portions to the FOIA RR within seven days of receipt of a filing. To provide the public with an opportunity to review the public portion of these filings before submitting a public comment, the OCC will consider public comments received within 30 days from the date the public portion of the filing is posted to the FOIA RR. Comments received within that timeframe will be considered even if the filing’s comment period, based upon the date of its public notice, has closed.

## Requests for Extension of the Public Comment Period

During the public comment period, anyone may make a written request to the DDL for additional time to submit comments. The OCC may extend any public comment period if<sup>33</sup>

- the filer does not file all required publicly available information to permit interested persons to review it in a timely manner or makes a request for confidential treatment not granted by the OCC that delays the public availability of that information.
- a person requesting an extension of time satisfactorily demonstrates to the OCC that additional time is necessary to develop factual information that the OCC determines is necessary for its consideration of the filing.
- the OCC determines that other extenuating circumstances exist.

The OCC promptly notifies the filer and any interested party if it decides to extend the public comment period.

## Community Reinvestment Act

Congress enacted the CRA to require federal banking regulators to assess an institution’s record of helping to meet the credit needs of the local communities where the institution is chartered, consistent with safe and sound banking practices.<sup>34</sup> Pursuant to the CRA, the OCC periodically evaluates each bank subject to the CRA, assigns a CRA rating, and issues a performance evaluation (PE). The OCC assigns a bank a CRA composite performance rating of “outstanding,” “satisfactory,” “needs to improve,” or “substantial noncompliance.” CRA PEs and ratings for OCC-regulated banks are published on the OCC’s website. Pursuant to

---

<sup>32</sup> Refer to 5.8(b). For additional guidance on mergers, consolidations, and purchase and assumption transactions, refer to the [Weekly Bulletin](#).

<sup>33</sup> Refer to 12 CFR 5.10(b)(2).

<sup>34</sup> Refer to 12 USC 2901 and 2903.

the CRA, the OCC takes into account a bank's record of CRA performance in considering a filing for<sup>35</sup>

- establishing a domestic branch for insured national banks or a domestic branch or other facility that would be authorized to take deposits for FSAs.
- relocating a main office or a branch.
- the merger or consolidation with or the acquisition of assets or assumption of liabilities of an insured depository institution requiring approval under the Bank Merger Act (12 USC 1828(c)).
- converting an insured depository institution to a national bank or FSA charter.
- acquisitions subject to section 10(e) of the Home Owners' Loan Act (12 USC 1467a(e)).

This record may be the basis for conditionally approving or denying a filing.<sup>36</sup>

An applicant for a new bank (other than a depository institution that has applied to convert its charter to a bank charter) must submit a description of how it will meet its CRA objectives. The OCC evaluates the description in considering the application.<sup>37</sup>

The OCC's CRA information is available on the OCC [website](#), including a quarterly [list](#) of banks scheduled for CRA evaluation as well as completed [CRA](#) PEs.

## CRA Comments Unrelated to a Filing

The OCC encourages members of the public, including community and civic organizations, to express their views about a bank's CRA performance to the bank and the OCC at any time. The OCC will consider these comments when assessing a bank's CRA performance, consistent with the OCC's CRA regulation.<sup>38</sup>

The CRA regulation facilitates the public's ability to provide comments to banks and the OCC. Under 12 CFR 25.43, every bank must maintain a public file that includes the following:

- All written comments received from the public for the current year and each of the previous two calendar years that specifically relate to the bank's performance in helping to meet community credit needs, and any of the bank's responses to the comments, unless exempted.
- A copy of the public section of the bank's most recent CRA PE prepared by the OCC.

---

<sup>35</sup> Refer to 12 CFR 25.29(a).

<sup>36</sup> Refer to 12 CFR 25.29(d). Also, see OCC Bulletin 2017-51, "Community Reinvestment Act: Impact of CRA Ratings on Licensing Applications."

<sup>37</sup> Refer to 12 CFR 25.29(b) and 195.29(b).

<sup>38</sup> Refer to 12 CFR 25.21(b), 25.26(b), and 25.43(a).

- A list of the bank’s branches, their street addresses, and geographies.<sup>39</sup>
- A list of branches opened or closed during the current year and each of the previous two calendar years, their street addresses, and geographies.
- A list of services generally offered at the branches and descriptions of material differences in the availability or costs of services at particular branches, if any.
- A map of each assessment area.

## CRA Comments on a Filing

The OCC considers written public comments that address a bank’s CRA performance in connection with certain filings. These comments should have specific information about a bank’s lending, investments, or services in one or more particular geographic areas. Comments that provide specific details identifying and explaining issues or concerns help the OCC evaluate these matters thoroughly as part of the decision-making process. Accordingly, commenters are encouraged to include analyses about specific issues. The OCC forwards a copy of all public comments to the bank and gives it an opportunity to respond. The OCC forwards any responses to the commenter if not already provided by the bank.

There may be instances when a filer or depository institutions that are parties to a filing have entered into CRA-related agreements that are covered agreements and reported pursuant to 12 CFR 35.

Pursuant to the CRA Sunshine provision of the OCC’s licensing rules,<sup>40</sup> a filer is required to

- disclose whether it has entered into and disclosed a covered agreement;<sup>41</sup> and
- provide summaries of, or documents relating to, all substantive discussions with respect to the development of the content of a covered agreement that include the names of participants, dates, and synopsis of the discussions.

Although the OCC neither monitors compliance with nor enforces these private agreements between depository institutions and private parties, the disclosure of any covered agreements better enables the OCC to review the filer’s CRA record and any CRA-related comments received on the filing.

---

<sup>39</sup> A bank may include information regarding the availability of alternative systems for delivering retail banking services and any other information the bank chooses. Refer to 12 CFR 25.43(a)(5) and (a)(7).

<sup>40</sup> Refer to 12 CFR 5.33(e)(1)(iii)(C).

<sup>41</sup> Refer to 12 CFR 35.2, 12 CFR 35.6 and 12 CFR 35.7.

## Removal of an Application From the Expedited Review Process Due to Receipt of a Comment

As discussed in the [“General Policies and Procedures”](#) booklet of the *Comptroller’s Licensing Manual*, the OCC provides expedited review for certain filings to qualifying national banks and FSAs.<sup>42</sup> The OCC may extend the expedited review period or remove a filing from expedited review if the filing, or an adverse public comment about the filing, presents a significant supervisory, CRA (if applicable), or compliance concern, or raises a significant legal or policy issue that requires additional OCC review.

For example, the OCC may remove a filing from expedited review for CRA issues if

- the bank’s most recent CRA PE indicates a less than satisfactory rating for any assessment area.
- an adverse public comment is received with information that will require OCC analysis past the expedited review period.
- additional time is needed to obtain or analyze information relevant to a filing, regardless of whether adverse public comments are filed, including information from a targeted CRA or fair lending review or a comment raising multiple issues about a complex proposal.
- additional time is needed to schedule and hold a public or private meeting or a public hearing.
- the filer requests the removal.

The OCC notifies the bank promptly whenever the agency removes a filing from expedited review, with a written explanation of the reasons for the decision to process it under standard procedures.<sup>43</sup> The OCC will not remove a filing from the expedited review process if it determines that an adverse public comment does not raise a significant supervisory, CRA (if applicable), or compliance concern or a significant legal or policy issue; is frivolous, nonsubstantive, or appears to have been filed primarily to delay action on the filing; or raises CRA concerns that the OCC determines have already been resolved satisfactorily.<sup>44</sup>

The OCC considers a comment to be nonsubstantive if it is a generalized opinion that a filing should or should not be approved or a conclusory statement, lacking factual or analytical support.

---

<sup>42</sup> Refer to 12 CFR 5.13(a)(2). Expedited review generally means that a filing subject to a public comment period will be considered approved as of a certain day after the close of the comment period, unless the OCC acts sooner on the filing, formally extends the expedited review period, or removes the filing from the expedited review process. The length of the expedited review period varies by the type of filing (see, e.g., 12 CFR 5.20(j); 12 CFR 5.30(f)(6); 12 CFR 5.33(i)).

<sup>43</sup> Refer to 12 CFR 5.13(a)(2)(i).

<sup>44</sup> Refer to 12 CFR 5.13(a)(2)(ii).

The OCC considers a CRA concern to have been resolved satisfactorily if the OCC previously reviewed (e.g., in an examination, other supervisory activity, or a prior filing made by the current filer) a concern presenting substantially the same issue in substantially the same assessment area during substantially the same time, and the OCC determined that the concern would not warrant denial or imposition of a condition on approval of the application. The OCC construes these standards narrowly. The OCC may consider a CRA concern to be unresolved, for example, if the agency receives new information on a matter that it reviewed previously.

## **Consideration of Convenience and Needs in Certain Licensing Filings**

The OCC considers the convenience and needs of the community to be served when reviewing Bank Merger Act filings.<sup>45</sup> The convenience and needs factor is distinguished from the CRA requirements in that the convenience and needs analysis is prospective, whereas the CRA requires the OCC to consider the applicant's record of performance. The OCC considers any plans of the resulting, combined bank to open or close branches, particularly in low- or moderate-income areas, expand or reduce services, or provide more or less costly services to the community.<sup>46</sup>

## **Meetings**

The OCC considers all written information when making a decision on a filing. The OCC also may obtain information through meetings and considers all such information in making a decision.<sup>47</sup> Such meetings, which are informal, should not be confused with formal public hearings. Information on public hearings appears later in this booklet.

The OCC may arrange for a meeting either upon receipt of a written request for such a meeting made during the public comment period or on the OCC's own initiative if the agency determines that written submissions are insufficient to address facts or issues raised in the filing or otherwise determines that a meeting will benefit the decision-making process.<sup>48</sup> A person or group that desires to have the OCC hear oral statements relevant to a filing should submit a written request for a meeting to the OCC during the public comment period. The request should explain why a written submission is not sufficient. If the OCC agrees that such a meeting is warranted, the OCC will arrange a public or private meeting.

A public meeting is advertised and open to participation or observation by all members of the public, including individuals and community organizations. The OCC appoints a presiding officer to arrange and preside over the public meeting, and summarizes and places in the

---

<sup>45</sup> Refer to 12 CFR 5.33(e)(1)(ii).

<sup>46</sup> Refer to 12 CFR 5.33(e)(1)(ii)(C).

<sup>47</sup> Refer to 12 CFR 5.11(i).

<sup>48</sup> Refer to 12 CFR 5.11(i)(1).

official file significant information it obtains during those meetings. If warranted, to help narrow issues or facilitate their resolution, the OCC may also arrange a private meeting with a filer or other interested parties.<sup>49</sup>

## Public Hearings

In general, the OCC relies on any written public comments in reaching a decision on a filing. However, the OCC may hold a public hearing to clarify facts or issues about a filing and to receive additional information that may help the agency make a decision.<sup>50</sup> A hearing is neither an adversarial proceeding nor a forum for the presentation or settlement of legal arguments. All persons may participate in the hearing process. Persons challenging the legality of a filing should submit comments separately in writing.

Before the end of the public comment period, any person may submit a written request for a hearing on a filing. The request must describe the nature of the issues or facts to be presented and the reasons written submissions are insufficient.<sup>51</sup> A person requesting a hearing must simultaneously submit a copy of the request to the filer.<sup>52</sup> The OCC may grant or deny a request or may limit the issues to those it deems relevant or material. The OCC generally grants a hearing request only if the agency determines that written submissions would be insufficient or that a hearing would otherwise benefit the decision-making process. The OCC may order a hearing if it concludes that it would be in the public interest.<sup>53</sup> If the OCC denies a hearing request, the agency notifies the person requesting the hearing of the reason for the denial.<sup>54</sup>

The OCC issues a Notice of Hearing if the agency grants a hearing request or orders a hearing.<sup>55</sup> The OCC sends a copy of the Notice of Hearing to the filer, to the person(s) requesting the hearing, and anyone else requesting a copy. The Notice of Hearing states the subject and date of the filing, the time and place of the hearing, and the issues to be addressed. The OCC appoints a presiding officer who conducts the hearing.<sup>56</sup> The OCC also arranges for a hearing transcript.<sup>57</sup>

---

<sup>49</sup> Refer to 12 CFR 5.11(i)(2).

<sup>50</sup> Refer to 12 CFR 5.11(a)–(h).

<sup>51</sup> Refer to 12 CFR 5.11(a).

<sup>52</sup> Refer to 12 CFR 5.11(a).

<sup>53</sup> Refer to 12 CFR 5.11(b).

<sup>54</sup> Refer to 12 CFR 5.11(c).

<sup>55</sup> Refer to 12 CFR 5.11(d)(1).

<sup>56</sup> Refer to 12 CFR 5.11(d)(2).

<sup>57</sup> A person requesting the hearing may be required to bear the cost of one copy of the transcript for their use. Refer to 12 CFR 5.11(f).

Any persons wishing to appear or participate must notify the appropriate OCC licensing office of their intent to participate in the hearing within 10 days of the date the OCC issues the Notice of Hearing.<sup>58</sup> At least five days before the hearing, each participant must submit the names of witnesses and one copy of each exhibit the participant intends to present to the appropriate OCC licensing office, the filer, and any other person the OCC requires.<sup>59</sup>

Subject to the rulings of the presiding officer, the filer and participants may make opening statements and present witnesses, materials, and data.<sup>60</sup> A person presenting documentary material must furnish one copy to the OCC, the filer, and each participant.<sup>61</sup> At the filer's or participant's request, the OCC may keep the hearing record open for up to 14 days following the agency's receipt of the transcript.<sup>62</sup> The OCC resumes processing the filing after the record is closed.

## Public Decisions

The OCC issues a public decision when a decision represents a new or changed policy or presents issues of general interest to the banking industry or the public.<sup>63</sup> This includes decisions in which a condition is imposed and enforceable under 12 USC 1818 or that address adverse public comments related to CRA, compliance, or convenience and needs. These decisions are posted to the OCC's monthly publication, "[Interpretations and Actions](#)," on the OCC's website.

---

<sup>58</sup> Refer to 12 CFR 5.11(e).

<sup>59</sup> Refer to 12 CFR 5.11(e).

<sup>60</sup> Refer to 12 CFR 5.11(g)(1).

<sup>61</sup> Refer to 12 CFR 5.11(g)(2).

<sup>62</sup> Refer to 12 CFR 5.11(h).

<sup>63</sup> Refer to 12 CFR 5.13(e).

# References

---

In this section, “NB” denotes that the referenced law, regulation, or issuance applies to national banks, and “FSA” denotes that the reference applies to FSAs.

## **Bank Merger Act**

Law 12 USC 1828(c) (NB and FSA)

## **Branch Closures**

Law 12 USC 1831r-1 (NB and FSA)

## **Business Combinations**

Regulation 12 CFR 5.33 (NB and FSA)

## **Changes in Control**

Regulation 12 CFR 5.50 (NB and FSA)

## **Comments and Requests for Hearings and Other Meetings**

Regulation 12 CFR 5.10 and 5.11 (NB and FSA)

## **Community Reinvestment Act of 1977**

Law 12 USC 2901-2908 (NB and FSA)

Regulation 12 CFR 25 (NB and FSA)

## **Decisions**

Regulation 12 CFR 5.13 (NB and FSA)

## **Definitions**

Regulation 12 CFR 5.3 (NB and FSA)

## **Disclosure and Reporting of CRA-Related Agreements**

Regulation 12 CFR 35 (NB and FSA)

## **Establishment and Relocation of Branches**

Regulation 12 CFR 5.30 (NB) and 12 CFR 5.31 (FSA)

## **Home Owners’ Loan Act**

Law 12 USC 1464 et seq. (FSA)

## **Notice of Shareholder Meeting**

Law 12 USC 215a (NB)

## **Organizing a National Bank or Federal Savings Association**

Regulation 12 CFR 5.20 (NB and FSA)



**Public Availability of Information**

Regulation

12 CFR 5.9 (NB and FSA)

**Public Notice Requirement**

Regulation

12 CFR 5.8 (NB and FSA)

**Relocation of a Main Office or a Home Office**

Regulation

12 CFR 5.40 (NB and FSA)

**Rules of General Applicability**

Regulation

12 CFR 5.2 (NB and FSA)

**Voluntary Liquidation**

Law

12 USC 182 (NB)

Regulation

12 CFR 5.48 (NB and FSA)

## Table of Updates Since Publication

---

| Date of Last Publication: November 2017 |                |
|---|----------------|
| Reason                                  | Affected pages |
| Policy changes                          | 3, 7           |
| Clarifying language                     | Various        |