

§516.185

12 CFR Ch. V (1-1-04 Edition)

(2) 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 formal 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 formal or informal meeting under this subpart.

[66 FR 13003, Mar. 2, 2001]

§516.190 Will a meeting affect application processing time frames?

If OTS has arranged a meeting, it will suspend applicable application processing time frames, including the time frames for deeming an application complete and the applicable approval time frames specified in subpart E of this part. The time period will resume when OTS determines that a record has been developed that sufficiently supports a determination on the issues raised in the comments.

[66 FR 13003, Mar. 2, 2001]

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

If OTS * * *	Then * * *
(1) Notifies you, in writing, that your application is complete * * *	The applicable review period will begin on the date that OTS deems your application complete.
(2) Notifies you, in writing, that you must submit addition information to complete your application * * *	You must submit the required additional information under §516.220.
(3) Notifies you, in writing, that your application is materially deficient * * *	OTS will not process your application.
(4) Takes no action * * *	Your application is deemed complete. The applicable review period will begin on the day the 30-day time period expires.

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;

(b) OTS notifies you in writing that your notice is subject to standard treatment under this subpart. OTS will subject your notice to standard treatment if it raises a supervisory concern, raises a significant issue of law or policy, or requires significant additional information;

(c) OTS notifies you in writing that it is suspending the applicable time frames under §516.190; or

(d) OTS notifies you that it disapproves your notice.

STANDARD TREATMENT

§516.210 What will OTS do after I file my application?

(a) *OTS action.* Within 30 calendar days after the filing date of your application, OTS will take one of the following actions:

(b) *Waiver requests.* If your application includes a request for waiver of an

information requirement under §516.25(b), and OTS has not notified

you that you must submit additional information under paragraph (a)(2) of this section, your request for waiver is granted.

§ 516.220 If OTS requests additional information to complete my application, how will it process my application?

(a) You may use the following chart to determine the procedure that applies to your submission of additional information under § 516.210(a)(1):

If, within 30 calendar days after the date of OTS's request for additional information * * *	Then, OTS may * * *	And * * *
(1) You file a response to all information requests * * *.	(i) Notify you in writing within 15 days after the filing date of your response that your application is complete * * * applicable to all response that your application is complete * * *. (ii) Notify you in writing within 15 calendar days after the filing date of your response that you must submit additional information regarding matters derived from or prompted by information already furnished or any additional information necessary to resolve the issues presented in your application * * *. (iii) Notify you in writing within 15 calendar days after the filing date of your response that your application is materially deficient * * *. (iv) Take no action within 15 calendar days after the filing date of your response * * *.	The applicable review period will begin on the date that OTS deems your application complete. You must respond to the additional information request within the time period required by OTS. OTS will review your response under the procedures described in this section. OTS will not process your application.
(2) You request an extension of time to file additional information * * *.	(i) Grant an extension, in writing, specifying the number of days for the extension * * *. (ii) Notify you in writing that your extension request is disapproved * * *.	Your application is deemed complete. The applicable review period will begin on the day that the 15-day time period expires. You must fully respond within the extended time period specified by OTS. OTS will review your response under the procedures described under this section. OTS will not process your application further. You may resubmit the application for processing as a new filing under the applicable regulation.
(3) You fail to respond completely * * * ..	(i) Notify you in writing that your application is deemed withdrawn * * *. (ii) Notify you, in writing, that your response is incomplete and extend the response period, specifying the number of days for the respond extension * * *.	OTS will not process your application further. You may resubmit the application for processing as a new filing under the applicable regulation. You must fully respond within the extended time period specified by OTS. OTS will review your response under the procedures described under this section.

(b) OTS may extend the 15-day period referenced in paragraph (a)(1) of this section by up to 15 calendar days, if OTS requires the additional time to review your response. OTS will notify you that it has extended the period before the end of the initial 15-day period and will briefly explain why the extension is necessary.

(c) If your response filed under paragraph (a)(1) of this section includes a request for a waiver of an informational requirement, your request for a

waiver is granted if OTS fails to act on it within 15 calendar days after the filing of your response, unless OTS extends the review period under paragraph (b). If OTS extends the review period under paragraph (b), your request is granted if OTS fails to act on it by the end of the extended review period.

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