

having its full effect if OMB receives it within 30 days of publication.

**Authority:** 49 CFR 1.66.

Issued in Washington, DC on May 20, 2005.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 05-10504 Filed 5-25-05; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 10, 2005. No comments were received.

**DATES:** Comments must be submitted on or before June 27, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Celia Luck, Maritime Administration, 400 Seventh Street Southwest, Washington, DC 20590. Telephone: 202-366-3581, FAX: 202-366-6988, or e-mail: [celia.luck@marad.dot.gov](mailto:celia.luck@marad.dot.gov). Copies of this collection also can be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration (MARAD).

**Title:** Intermodal Access to Shallow Draft Ports and Terminals Survey.

**OMB Control Number:** 2133-0534.

**Type of Request:** Extension of currently approved collection.

**Affected Public:** Officials at the Nation's key shallow draft marine ports and terminals.

**Forms:** MA-1024B.

**Abstract:** The Maritime Administration (MARAD) has primary responsibility for ensuring the availability of efficient water transportation service to shippers and consumers. This information collection is designed to be a survey of critical infrastructure issues that impact the Nation's shallow draft marine ports and

terminals. The survey will provide MARAD with key road, rail, and waterside access data as well as security information and highlight the issues that affect the flow of cargo through U.S. shallow draft marine ports and terminals.

**Annual Estimated Burden Hours:** 8.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, Northwest, Washington, DC 20503, Attention MARAD Desk Officer.

**Comments are invited on:** Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

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## DEPARTMENT OF THE TREASURY

#### Financial Crimes Enforcement Network; Proposed Collection; Comment Request; Suspicious Activity Report by the Securities and Futures Industry

**AGENCY:** Financial Crimes Enforcement Network ("FinCEN"), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** FinCEN invites comment on a proposed information collection contained in a revised form, "Suspicious Activity Report by the Securities and Futures Industry (SAR-SF)." The form will be used by the securities and futures industry to report suspicious activity to the Department of the Treasury. This request for comments also covers 31 CFR 103.17 and 31 CFR 103.19. This request for comments is being made pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A).

**DATES:** Written comments are welcome and must be received on or before July 25, 2005.

**ADDRESSES:** Written comments should be submitted to: Regulatory Policy and Programs Division, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, Virginia 22183, Attention: PRA Comments—SAR-Securities and Futures Industry Form. Comments also may be submitted by electronic mail to the following Internet address:

[regcomments@fincen.treas.gov](mailto:regcomments@fincen.treas.gov), again with a caption, in the body of the text, "Attention: PRA Comments—SAR-Securities and Futures Industry Form."

**Inspection of comments.** Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Washington, DC. Persons wishing to inspect the comments submitted must request an appointment by telephoning (202) 354-6400.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Regulatory Helpline at 800-949-2732, select option 3.

#### SUPPLEMENTARY INFORMATION:

**Title:** Suspicious Activity Report by the Securities and Futures Industry (SAR-SF), 31 CFR 103.17, and 31 CFR 103.19.

**OMB Number:** 1506-0019.

**Form Number:** FinCEN Form 101.

**Abstract:** The statute generally referred to as the "Bank Secrecy Act," Titles I and II of Public Law 91-508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311-5332, authorizes the Secretary of the Treasury, *inter alia*, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities, to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.<sup>1</sup> Regulations implementing Title II of the Bank Secrecy Act appear at 31 CFR part 103. The authority of the Secretary to administer the Bank Secrecy Act has been delegated to the Director of FinCEN.

The Secretary of the Treasury was granted authority in 1992, with the enactment of 31 U.S.C. 5318(g), to require financial institutions to report suspicious transactions. On July 1, 2002,

<sup>1</sup> Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the "USA PATRIOT Act"), P.L. 107-56.

FinCEN issued a final rule requiring brokers or dealers in securities ("broker-dealers") to report suspicious transactions ("Broker-Dealer SAR rule"). (67 FR 44048). The final Broker-Dealer SAR rule can also be found at 31 CFR 103.19. On August 5, 2002, FinCEN issued a final rule requiring futures commission merchants and introducing brokers in commodities to report suspicious transactions ("FCM SAR rule"). The final FCM SAR rule can also be found at 31 CFR 103.17.

The information collected on the revised form is required to be provided pursuant to 31 U.S.C. 5318(g), 31 CFR 103.17 and 31 CFR 103.19. This information will be made available, in accordance with strict safeguards, to appropriate criminal law enforcement and regulatory personnel, and to the registered securities associations and national securities exchanges (so-called self-regulatory organizations) for use in official performance of their duties, for regulatory purposes and in investigations and proceedings involving domestic and international money laundering, terrorist financing, tax violations, fraud, and other financial crimes.

Broker-dealers, futures commission merchants, and introducing brokers in commodities required to report suspicious transactions, or reporting such transactions voluntarily, will be subject to the protection from liability contained in 31 U.S.C. 5318(g)(3) and to the prohibition contained in 31 U.S.C. 5318(g)(2) against notifying any person involved in the transaction that a suspicious activity report has been filed.

The draft revised SAR-SF is presented only for purposes of soliciting public comment on the form. A number of editorial and simplifying changes are

being made to the current SAR-SF, FinCEN Form 101. Item 13, e-mail address, is removed. Item 23(s) (item 22s on the revised form), market where traded, is expanded to accept a three to five letter code entry. Part III, Law Enforcement or Regulatory Contact Information, is deleted and the instructions modified to provide that this information should be included in the narrative when appropriate. Part IV is relabeled as Part III and an optional block has been added for the reporting institution to add an internal control or tracking number to facilitate any coordination with jointly filed reports. In Part IV (new Part III) the type of institution or individual is spelled out for clarity. The guide for completing the narrative is moved to the bottom of page two and the narrative to page three. This change shortens the form by one full page. Finally, the instructions are amended to reflect these changes. In developing the revised form, FinCEN worked with the Securities and Exchange Commission and the Commodity Futures Trading Commission on these changes. This draft form should not be used at this time to report suspicious activity. A final version of the form will be made available at a later date.

*Type of Review:* Revision of an approved information collection.

*Affected public:* Business or other for-profit institutions.

*Frequency:* As required.

*Estimated Reporting Burden:* Average of 60 minutes per response. (The reporting burden of the regulations (31 CFR 103.17 and 103.19) is reflected in the burden for the form.)

*Estimated Recordkeeping Burden for* 31 CFR 103.17 or 31 CFR 103.19: 2 hours.

Estimated number of respondents = 8,300.

Estimated Total Annual Responses = 5,600.

Estimated Total Annual Reporting and Recordkeeping Burden: 16,800 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the Bank Secrecy Act must be retained for five years.

#### *Request for Comments*


Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: May 16, 2005.

**William J. Fox,**

*Director, Financial Crimes Enforcement Network.*

**BILLING CODE 4810-0 2-P**

<b>FinCEN</b> <b>Form 101</b> January 2006 Previous editions will not be accepted after July 2006	<b>Suspicious Activity Report by the</b> <b>Securities and Futures Industries</b> Please type or print. Always complete entire report. Items marked with an asterisk * are considered critical. (See instructions.)	 OMB No. 1506 - 0019
1 Check the box if this report corrects a prior report (See instructions) <input type="checkbox"/>		
<b>Part I Subject Information</b>		
2 Check box a <input type="checkbox"/> if multiple subjects box b <input type="checkbox"/> subject information unavailable		
*3 Individual's last name or entity's full name	*4 First name	5 Middle initial
6 Also known as (AKA - individual), doing business as (DBA - entity)		7 Occupation or type of business
*8 Address		*9 City
*10 State	*11 ZIP code	*12 Country code (If not U.S.) (See instructions)
*13 SSN/ITIN (individual), or EIN (entity)		15 Date of birth
*14 Account number(s) affected, if any. Indicate if closed. Acc't # _____ yes <input type="checkbox"/> Acc't # _____ yes <input type="checkbox"/> Acc't # _____ yes <input type="checkbox"/> Acc't # _____ yes <input type="checkbox"/>		MM / DD / YYYY
*16 Government issued identification (If available)		
a <input type="checkbox"/> Driver's license/state ID      b <input type="checkbox"/> Passport      c <input type="checkbox"/> Alien registration      d <input type="checkbox"/> Corporate/Partnership Resolution e <input type="checkbox"/> Other _____ f ID number _____      g Issuing state or country (2 digit code) _____		
17 Phone number - work ( ) - - - - -	18 Phone number - home ( ) - - - - -	19 Is individual/business associated/affiliated with the reporting institution? (See instructions) a <input type="checkbox"/> Yes      b <input type="checkbox"/> No
<b>Part II Suspicious Activity Information</b>		
*20 Date or date range of suspicious activity From MM / DD / YYYY To MM / DD / YYYY		*21 Total dollar amount involved in suspicious activity \$ _____ .00
22 Instrument type (Check all that apply)		
a <input type="checkbox"/> Bonds/Notes      i <input type="checkbox"/> Commodity options      q <input type="checkbox"/> Commodity type _____ (Please identify) b <input type="checkbox"/> Cash or equiv.      j <input type="checkbox"/> Security futures products      r <input type="checkbox"/> Instrument description _____ c <input type="checkbox"/> Commercial paper      k <input type="checkbox"/> Stocks      s <input type="checkbox"/> Market where traded _____ (Enter appropriate three to five-letter code.) d <input type="checkbox"/> Commodity futures contract      l <input type="checkbox"/> Warrants      t <input type="checkbox"/> Other (Explain in Part V) e <input type="checkbox"/> Money Market Fund      m <input type="checkbox"/> Other securities f <input type="checkbox"/> Mutual Fund      n <input type="checkbox"/> Other non-securities g <input type="checkbox"/> OTC Derivatives      o <input type="checkbox"/> Foreign currency futures/options h <input type="checkbox"/> Other derivatives      p <input type="checkbox"/> Foreign currencies		
23 CUSIP* number	24 CUSIP* number	25 CUSIP* number
26 CUSIP* number	27 CUSIP* number	28 CUSIP* number
*29 Type of suspicious activity (Check all that apply):		
a <input type="checkbox"/> Bribery/gratuity      h <input type="checkbox"/> Identity theft      o <input type="checkbox"/> Significant wire or other transactions without economic purpose b <input type="checkbox"/> Check fraud      i <input type="checkbox"/> Insider trading      p <input type="checkbox"/> Suspicious documents or ID presented c <input type="checkbox"/> Computer intrusion      j <input type="checkbox"/> Mail fraud      q <input type="checkbox"/> Terrorist financing d <input type="checkbox"/> Credit/debit card fraud      k <input type="checkbox"/> Market manipulation      r <input type="checkbox"/> Wash or other fictitious trading e <input type="checkbox"/> Embezzlement/theft      l <input type="checkbox"/> Money laundering/Structuring      s <input type="checkbox"/> Wire fraud f <input type="checkbox"/> Commodity futures/options fraud      m <input type="checkbox"/> Prearranged or other non-competitive trading      t <input type="checkbox"/> Other (Describe in Part V) g <input type="checkbox"/> Forgery      n <input type="checkbox"/> Securities fraud		

<b>Part III Reporting Financial Institution Information</b>				<b>2</b>
*30 Name of financial institution or sole proprietorship			*31 EIN / SSN / ITIN	
*32 Address				
*33 City	*34 State	*35 ZIP code	36 Internal control/file number (Optional)	
37 Additional branch address locations handling account, activity or customer.			38 <input type="checkbox"/> Multiple locations (See instructions)	
39 City	40 State	41 ZIP code		
42 Central Registration Depository number	43 SEC ID number		44 NFA ID number	
45 Has this reporting individual/entity jointly filed this report with another reporting individual/entity? Yes <input type="checkbox"/> (Provide details in Part V) No <input type="checkbox"/>				
<b>46 Type of institution or individual- Check box(es) for functions that apply to this report</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> a <input type="checkbox"/> Agricultural trade option merchant  b <input type="checkbox"/> Affiliate of bank or bank holding co.  c <input type="checkbox"/> Commodity Pool Operator  d <input type="checkbox"/> Commodity Trading Advisor  e <input type="checkbox"/> Direct participation program  f <input type="checkbox"/> Futures Commission Merchant  g <input type="checkbox"/> Futures floor broker  h <input type="checkbox"/> Futures floor trader  i <input type="checkbox"/> Introducing Broker-Commodities </div> <div style="width: 33%;"> j <input type="checkbox"/> Investment Adviser  k <input type="checkbox"/> Investment company - mutual fund  l <input type="checkbox"/> Market maker  m <input type="checkbox"/> Municipal securities dealer  n <input type="checkbox"/> National Futures Association  o <input type="checkbox"/> Registered Entity-Futures  p <input type="checkbox"/> Other Registered Futures Association  q <input type="checkbox"/> Securities broker-dealer - clearing  r <input type="checkbox"/> Securities broker-dealer - introducing </div> <div style="width: 33%;"> s <input type="checkbox"/> Securities dealer  t <input type="checkbox"/> Securities floor broker  u <input type="checkbox"/> Securities options broker-deal  v <input type="checkbox"/> SRO-securities  w <input type="checkbox"/> Specialist  x <input type="checkbox"/> Subsidiary of bank or bank holding co.  y <input type="checkbox"/> U.S. Government broker-dealer  z <input type="checkbox"/> U.S. Government interdealer broker  aa <input type="checkbox"/> Other (Describe in Part V) </div> </div>				
<b>Part IV Contact For Assistance</b>				
*47 Last name of individual to be contacted regarding this report		*48 First name		*49 Middle initial
*50 Title/Position		*51 Work phone number ( ) - -		*52 Date report prepared MM DD YYYY
Send completed reports to: <b>Detroit Computing Center, Attn: SAR-SF, P.O. Box 33980, Detroit, MI 48232</b>				
<b>Part V Suspicious Activity Information - Narrative Checklist</b>				
<p><b>Explanation/description of suspicious activity(ies).</b> This section of the report is critical. <u>The care with which it is completed may determine whether or not the described activity and its possible criminal nature are clearly understood by investigators.</u> Provide a clear, complete and chronological narrative description of the activity. The narrative should address as much of the information listed below as possible.</p>				
<div style="display: flex;"> <div style="width: 50%;"> <p>a. <b>Describe</b> conduct that raised suspicion and the date discovered.</p> <p>b. <b>Explain</b> whether the transaction(s) was completed or only attempted.</p> <p>c. <b>Describe</b> supporting documentation (e.g. transaction records, new account information, tape recordings, e-mail messages, correspondence, etc.) and retain such documentation in your file for five years.</p> <p>d. <b>Explain</b> who benefited, financially or otherwise, from the transaction(s), how much, and how (if known).</p> <p>e. <b>Describe and retain</b> any admission or explanation of the transaction(s) provided by the subject(s) or other persons. Indicate to whom and when it was given.</p> <p>f. <b>Describe and retain</b> any evidence of cover-up or evidence of an attempt to deceive federal or state examiners, SRO, or others.</p> <p>g. <b>Indicate</b> where the possible violation of law(s) took place (e.g., main office, branch, other).</p> <p>h. <b>Indicate</b> whether the suspicious activity is an isolated incident or relates to another transaction. Note if this a 90-day follow-up.</p> <p>i. <b>Indicate</b> whether there is any related litigation. If so, specify the name of the litigation and the court where the action is pending.</p> <p>j. <b>Indicate</b> whether U.S. or foreign currency and/or U.S. or foreign negotiable instrument(s) were involved. If foreign, provide the amount, name of currency, and country of origin.</p> <p>k. <b>Indicate</b> "Market where traded" and "Wire transfer identifier" information when appropriate.</p> </div> <div style="width: 50%;"> <p>l. <b>Indicate</b> whether funds or assets were recovered and, if so, enter the dollar value of the recovery in whole dollars only.</p> <p>m. <b>Indicate</b> any additional account number(s), and any foreign bank(s) account number(s) which may be involved.</p> <p>n. <b>Indicate</b> for a foreign national any available information on subject's passport(s), visa(s), and/or identification card(s). Include date, country, city of issue, issuing authority, and nationality.</p> <p>o. <b>Describe</b> any suspicious activities that involve transfer of funds to or from a foreign country, or transactions in a foreign currency. Identify the country, sources and destinations of funds.</p> <p>p. <b>Describe</b> subject(s) position if employed by the financial institution.</p> <p>q. <b>Indicate</b> whether securities, futures, or options were involved. If so, list the type, CUSIP* number or ISID* number, if applicable, and amount.</p> <p>r. <b>Describe</b> the type of institution filing this report, if this is not clear from Part IV. Specifically, state if the institution engages in more than one type of business.</p> <p>s. <b>Indicate</b>, in instances when the subject or entity has a CRD or NFA number, what that number is.</p> <p>t. If a law enforcement agency has been contacted, list the name of the agency, the name of any person contacted, their title, their telephone number, and when they were contacted here in Part V.</p> <p>u. <b>If correcting a prior report complete the form in its entirety and note the corrected items here in Part V</b></p> </div> </div>				

**Suspicious Activity Information - \*Narrative (continued from page 2)****3**

Information already provided in earlier parts of this form need not necessarily be repeated if the meaning is clear.

**Supporting documentation should not be filed with this report.** *Maintain the information for your files.*  
Tips on SAR form preparation and filing are available in the SAR Activity Review at [www.fincen.gov/pub\\_reports.html](http://www.fincen.gov/pub_reports.html)  
Enter explanation/description in the space below.

DRAFT

## FinCEN Form 101a

## Suspicious Activity Report (SAR-SF) Instructions

1

**Safe Harbor** Federal law (31 U.S.C. 5318(g)(3)) provides complete protection from civil liability for all reports of suspicious transactions made to appropriate authorities, including supporting documentation, regardless of whether such reports are filed pursuant to this report's instructions or are filed on a voluntary basis. Specifically, the law provides that a financial institution, and its directors, officers, employees, and agents, that make a disclosure of any possible violation of law or regulation, including in connection with the preparation of suspicious activity reports, "shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure or any other person identified in the disclosure."

**Notification Prohibited** Federal law (31 U.S.C. 5318(g)(2)) provides that a financial institution, and its directors, officers, employees, and agents who, voluntarily or by means of a suspicious activity report, report suspicious transactions to the government, may not notify any person involved in the transaction that the transaction has been reported.

**In situations involving violations that require immediate attention, such as terrorist financing or ongoing money laundering schemes, the financial institution shall immediately notify by telephone an appropriate law enforcement authority in addition to filing a timely suspicious activity report.**

### When to file a report

1. Every broker or dealer in securities (BD), futures commission merchant (FCM), and introducing broker in commodities (IB-C) within the United States shall file with FinCEN, to the extent and in the manner required by 31 CFR 103.19 and 103.17, a report of any suspicious transaction relevant to a possible violation of law or regulation. A BD, FCM or IB-C may also file with FinCEN a report of any suspicious transaction that it believes is relevant to the possible violation of any law or regulation but whose reporting is not required by 31 CFR 103.19 or 103.17. A voluntary filing does not relieve a BD, FCM or IB-C from the responsibility of complying with any other reporting requirements imposed by the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), a self-regulatory organization ("SRO") (as defined in section 3(a)(26) of the Securities Exchange Act of 1934, 15 U.S.C. 78c (a)(26)), or any registered futures association (RFA) or registered entity (RE) as these terms are defined in the Commodity Exchange Act (CEA), 7 U.S.C. 21 and 7 U.S.C. 1a(29).

2. A transaction requires reporting if it is conducted or attempted by, at, or through a BD, FCM or IB-C, it involves or aggregates funds or other assets of at least \$5,000, and the BD, FCM, or IB-C knows, suspects, or has reason to suspect that the transaction (or a pattern of transactions of which the transaction is a part):

i. Involves funds derived from illegal activity or is intended or conducted in order to hide or disguise funds or assets derived from illegal activity (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any federal law or regulation or to avoid any transaction reporting requirement under federal law or regulation;

ii. Is designed, whether through structuring or other means, to evade any requirements of 31 CFR 103 or of any other regulations promulgated under the Bank Secrecy Act, Pub. L. 91-508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311 - 5314, 5316 - 5332;

iii. Has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the BD, FCM or IB-C knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction; or

iv. Involves use of the BD, FCM or IB-C to facilitate criminal activity.

3. The obligation to identify and properly and timely report a suspicious transaction rests with each BD, FCM, and IB-C involved in the transaction, provided that no more than one report is required to be filed by any of the BDs, FCMs, or IB-Cs involved in a particular transaction (so long as the report filed contains all relevant facts).

4. A SAR-SF shall be filed no later than 30 calendar days after the date of the initial detection by the reporting BD, FCM, or IB-C of facts that may constitute a basis for filing a SAR-SF. If no suspect is identified on the date of such initial detection, a BD, FCM, or IB-C may delay filing a SAR-SF for an additional 30 calendar days to identify a suspect, but in no case shall reporting be delayed more than 60 calendar days after the date of such initial detection. In situations involving violations that require immediate attention, such as terrorist financing or ongoing money laundering schemes, the BD, FCM, or IB-C shall immediately notify by telephone an appropriate law enforcement authority in addition to filing timely a SAR-SF. BDs, FCMs, or IB-Cs wishing voluntarily to report suspicious transactions that may relate to terrorist activity may call FinCEN's Financial Institutions Hotline at 1-866-556-3974 in addition to filing timely a SAR-SF. The BD, FCM, or IB-C may also, but is not required to, contact the SEC or the CFTC to report in such situations.

5. **Exceptions.** A BD, FCM, or IB-C is not required to file a SAR-SF to report:

i. A robbery or burglary committed or attempted that is reported to appropriate law enforcement authorities, or for lost, missing, counterfeit, or stolen securities with respect to which the BD files a report pursuant to the reporting requirements of 17 CFR 240.17f-1;

ii. A violation otherwise required to be reported on a SAR-SF: (a) of any of the federal securities laws or rules of an SRO by the BD or any of its officers, directors, employees or other registered representatives, other than a violation of 17 CFR 240.17a-8 or 17 CFR 405.4, so long as such violation is appropriately reported to the SEC or an SRO; or (b) under the CEA (7 U.S.C. 1 et seq.), the regulations of the CFTC (17 CFR Chpt.1), or the rules of any RFA or RE as those terms are defined in the CEA, 7 U.S.C. 21 and 7 U.S.C. 1a(29), by the FCM or IB-C or any of its officers, directors, employees or associated persons, other than a violation of 17 CFR 42.2, as long as such violation is appropriately reported to the CFTC or an RFA or RE.

6. The Bank Secrecy Act requires financial institutions to file currency transaction reports (CTRs) in accordance with the Department of the Treasury's implementing regulations (31 CFR Part 103). These regulations require a financial institution to file a CTR whenever a currency transaction exceeds \$10,000. If a currency transaction exceeds \$10,000 and is suspicious, the institution must file both a CTR (reporting the currency transaction) and a suspicious activity report (reporting the suspicious aspects of the transaction). If a currency transaction is \$10,000 or less and is suspicious, the institution should only file a suspicious activity report. Appropriate records must be maintained in each case.

See: 31 CFR Part 103; 17 CFR 240.17a-8; 17 CFR 405.4; 17 CFR 42.2

### General Instructions

#### A. Abbreviations and Definitions

- |              |   |
|--------------|---|
| 1. AKA--     | also known as (individual)                      |
| 2. ASE--     | American Stock Exchange                         |
| 3. BD--      | Broker or Dealer in Securities                  |
| 4. CBOE--    | Chicago Board Options Exchange                  |
| 5. CBOT--    | Chicago Board of Trade                          |
| 6. CME--     | Chicago Mercantile Exchange                     |
| 7. CPO--     | Commodity Pool Operator                         |
| 8. CRD--     | Central Registration Depository                 |
| 9. CFTC--    | Commodity Futures Trading Commission            |
| 10. CTA--    | Commodity Trading Advisor                       |
| 11. CUSIP®-- | Committee on Uniform Securities ID Procedures   |
| 12. DEA--    | Drug Enforcement Administration                 |
| 13. DBA--    | doing business as (entity)                      |
| 14. EIN--    | Employer Identification Number                  |
| 15. EUREX--  | European Exchange                               |
| 16. FBI--    | Federal Bureau of Investigation                 |
| 17. FCM--    | Futures Commission Merchant                     |
| 18. IA--     | Investment Adviser                              |
| 19. IB-C--   | Introducing Broker-Commodities                  |
| 20. ICE--    | Immigration & Customs Enforc.                   |
| 21. IRS--    | Internal Revenue Service                        |
| 22. ITIN--   | Individual taxpayer ID number                   |
| 23. ISID®--  | International Securities ID Directory           |
| 24. KCBOT    | Kansas City Board of Trade                      |
| 25. LIFFE--  | London International Financial Futures Exchange |

26. MATIF--	Marche a Terme International de France
27. MGEX	Minneapolis Grain Exchange
28. NASD--	NASD
29. NASDAQ--	Nasdaq Stock Market
30. NFA--	National Futures Association
31. NYBOT--	New York Board of Trade (CSCE, CTN, FINEX, NYFE)
32. NYMEX--	New York Mercantile Exchange
33. NYSE--	New York Stock Exchange
34. NQLX--	Nasdaq Life Markets
35. OTC--	Over-the-counter
36. PCX--	Pacific Exchange
37. PHLX--	Philadelphia Stock Exchange
38. RE--	Registered Entity
39. RFA--	Registered Futures Association
40. SEC--	Securities and Exchange Commission
41. SRO--	Self-Regulatory Organization
42. SSN--	social security number
43. USFE--	U. S. Futures Exchange

#### 8. How to make a report:

1. This form can be e-filed through the Bank Secrecy Act E-filing System. Go to <http://bsaeifiling.fincen.treas.gov/index.jsp> to register. This form is also available for download on the Financial Crimes Enforcement Network's Web site at [www.fincen.gov](http://www.fincen.gov), or may be ordered by calling the IRS Forms Distribution Center at (800) 829-2437.

Send each completed suspicious activity report to:

Detroit Computing Center  
Attn: SAR-SF  
P.O. Box 33980  
Detroit, MI 48232

2. Items marked with an asterisk (\*) are considered critical and must be completed if known.

3. If the information for a critical item is not known or not applicable, enter special responses "None," "Not Applicable," "Unknown," or "XX" (state/country/middle initial) as appropriate to complete the item.

4. Complete each suspicious activity report by providing as much information as possible on initial and corrected reports.

5. Do not include supporting documentation with the suspicious activity report filed. Identify and retain a copy of the suspicious activity report and all supporting documentation (e.g. transaction records, new account information, tape recordings, E-mail messages, correspondence, etc.) or business record equivalent for your files for five (5) years from the date of the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.

6. If more than one subject is being reported, make a copy of page 1, complete only the subject information in Part I, and attach the additional page(s) behind page 1. If more space is needed to complete any other item(s), identify that item in Part V by "item number," and provide the additional information.

7. Type or complete the report using block written letters.

8. Enter all dates in MM/DD/YYYY format where MM=month, DD=day, and YYYY=year. Precede any single number with a zero, i.e., 01,02, etc.

9. List all Telephone numbers with (area code) first and then the seven numbers, using the format (XXX) XXX-XXXX. List international telephone and fax numbers in Part V.

10. Always enter an individual's name by entering the last name, first name, and middle initial (if known). If a legal entity is listed, enter its name in the last name field.

11. Enter all identifying numbers (alien registration, Corporate/Partnership Resolution, CRD, CUSIP,\* driver's license/state ID, EIN, ITIN, Foreign National ID, ISID,\* NFAID, passport, SEC, and SSN, etc.) starting from left to right. Do not include spaces, dashes, or other punctuation.

12. Enter all Post Office ZIP codes with at least the first five numbers (all nine (ZIP + 4)) if known and listed from left to right.

13. Enter all monetary amounts in U.S.Dollars. Use whole dollar amounts rounded up when necessary. Use this format: \$0,000,000.00. If foreign currency is involved, state name of currency and country of origin in Part V.

14. Addresses, general. Enter the permanent street address, city, two letter state/territory abbreviation used by the U.S. Postal Service, and ZIP code (ZIP+4 if known) of the individual or entity. A post office box number should not be used for an individual, unless no other address is available. For an individual, also enter any apartment number or suite number, road or route number. If a P.O. Box is used for an entity, enter the street name, suite number, and road or route number. If the address of the individual or entity is in a foreign country, enter the city, province or state, postal code, and the name of the country (country codes may be found at [www.fincen.gov/reg\\_bsaforms.html](http://www.fincen.gov/reg_bsaforms.html)). Complete any part of the address that is known, even if the entire address is not known. If from the United States, leave country item blank.

#### C. Specific Suspicious Activity Report Preparation Instructions

Item 1-- Type of report. Check Box if this report is filed to correct a previously filed SAR-SF. To correct a report, a new SAR-SF must be completed in its entirety. Note corrected items in Section VI (see line "u").

#### Part I Subject Information

Enter information about the person(s) or entity involved that was the cause of this report, not the victim of the activity.

Item 2 -- Multiple Subjects. Check box (a) if multiple subjects are involved. Attach additional copy(ies) of Part I to this report for each subject. Check box (b) if subject information unavailable.

Items 3, 4, and 5--\*Name of Subject. See General Instruction B10. If the organization is oper-

ated under a different trade or business name than its legal name, enter the organization's legal name in Item 3 (e.g., Smith Enterprises, Inc.) and the name of the business in Item 6 (e.g., Smith's Tours). If more than one Part I is required, make a copy of page 1 and provide the additional information.

Item 6-- Also known as, or doing business as. If a reporting institution has knowledge of a subject's separate "AKA" and/or entity's "DBA" name, enter it in Item 6.

Item 7-- Occupation/type of business. If known, identify the occupation, profession, or business that best describes the individual in Part I (e.g., attorney, car dealer, carpenter, doctor, farmer, plumber, truck driver, etc.). Do not use non-descript terms such as businessman, merchant, store owner (unless store's name is provided). If self employed, unemployed, or retired are used, add current/former profession if known (e.g. self-employed building contractor, unemployed teacher, retired attorney etc.). If the individual's business activities can be described more fully, provide the additional information in Part V.

Items 8, 9, 10, 11, and 12-- \*Address. See General Instructions B12 and B14.

Item 13-- \*SSN/ITIN (individual) or EIN (entity). See General Instruction B11 and definitions. If the subject named in Items 3 through 6 is a U.S. Citizen or an alien with a SSN, enter his or her SSN in Item 13. If that individual is an alien who has an ITIN, enter that number. If the subject is an entity, enter the EIN.

Item 14-- \*Account number(s). See General Instruction B11. Enter up to four affected account numbers in or through which the suspicious activity occurred. If no account number is affected leave item 14 blank. Check the "yes" box to indicate if the account is closed. If more than four accounts are affected, provide the additional information in Part V.

Item 15-- Date of birth. See General Instruction B8. If an individual is named in Items 3 through 5, enter the date of birth. If the month and/or day is not available or unknown, fill in with zeros (e.g., "01/00/1969" indicates an unknown date in January, 1969).

Item 16-- \*Government issued identification. See General Instruction B11. Check the appropriate box showing the type of document used to verify the subject's identity. Box "d" denotes that a corporate or partnership resolution was used to identify an entity. If you check the "Other" box "e", be sure to specify the type of document used. In box "f", list the ID number of the identifying document. In box "g", list the issuing authority.

Items 17 & 18-- Telephone numbers. See General Instruction B9. List any additional number(s) (e.g., hotel, cell, etc.) in Part V.

Item 19-- Institution association. Indicate whether the subject identified in Part I is, or was, associated with the reporting institution as an "as-

sociated person," as defined in section 3(a)(18) of the Securities Exchange Act of 1934 or CFTC rule 1.3(aa), or is, or was, "affiliated with" the reporting institution, as defined in CFTC rule 4.7(a)(1)(i). If so, explain in Part V.

## Part II Suspicious Activity Information

**Item 20-- \*Date or date range of suspicious activity.** See General Instruction B8. Enter the date of the reported activity in the "From" field. If more than one day, indicate the duration of the activity by entering the first date in the "From" field and the last date in the "To" field. If the same individual or organization conducts multiple or related activities within the 30 calendar day period after the date of initial detection, the reporting institution may consider reporting the suspicious transactions on one form, but only if doing so will fully describe what has occurred. A new report must be filed for other related suspicious transactions committed after the initial detection period.

**Item 21-- \*Total dollar amount.** See General Instruction B13. Enter the total dollar value of the funds or assets involved in the suspicious activity that is conducted by the same individual or organization within the 30 calendar day period after the date of initial detection. For multiple or related suspicious transactions, show the breakdown of this aggregated total in Part V. For abuse by a person associated with the institution, the value of this item can be zero (0). Do not use any words, such as "thousand", "million", etc. For foreign currency, convert to U.S. Dollars.

**Item 22-- Instrument type.** Mark the type of instrument identified in Item 22. (Check all that apply.) In Item 22b, indicate U.S. Dollars only. For Item 22c, indicate currency if other than U.S. Dollars. For Item 22d, enter appropriate three to five-letter code.

**Items 23, 24, 25, 26, 27, and 28-- CUSIP® Numbers.** Enter up to six (6) securities numbers. If more, enter additional in Part V.

**Item 29-- \*Type of suspicious activity.** Check the box(es) that identifies the suspicious activity. More than one box may be checked. Provide a brief explanation in Part V of why each box is checked. If none of these items applies, mark "other" and

provide in Part V an explanation of the type of suspicious activity.

## Part III Reporting Financial Institution Information

**Item 30-- \*Name of financial institution or sole proprietorship.** Enter the full legal name of the institution, i.e., the name shown on the charter or other document creating the entity and registered with the SEC or CFTC. If a sole proprietor, enter the business name of the proprietorship registered with the SEC or CFTC.

**Item 31-- \*Employer identification number.** See General Instruction B11. Enter the reporting financial institution's EIN. If sole proprietor enter SSN or ITIN.

**Items \*32, \*33, \*34, and \*35-- Address.** See General Instruction B14. This address should be of the principal office or headquarters in the United States.

**Item 36-- Internal control/file number.** (Optional) Enter any internal file or report number assigned by the reporting institution to track this report.

**Items 37, 38, 39, 40 and 41-- Additional address locations.** See General Instruction B14. If more than one location is involved, e.g., branch office etc., provide the address of the location where the most significant portion of the suspicious transactions occurred. If more than two locations are involved check box 38 and list locations in Part V.

**Item 42-- Central Registration Depository number.** See General Instruction B11. If none, leave blank.

**Item 43-- SEC number.** See General Instruction B11. This is a ten digit number including the prefix of either "8" or "008" depending on the system used. If none, leave blank.

**Item 44-- NFA identification number.** See General Instruction B11. If none, leave blank.

**Item 45-- Joint Filing.** If this report is being filed jointly by more than one financial institution (see "When to file a report Item 3") check the appropriate box and, in Part V, note that this a joint filing, indicate the name of the other financial institution(s), and then provide the narrative details.

**Item 46-- Type of reporting institution.** Check all boxes that apply to this particular report. If none of these categories apply to you, explain in Part V. The Federal Bureau of Public Debt, its agents, and any other federal agency issuers of Federal Securities should mark "U.S. Government broker/dealer." State or municipal issuers of municipal securities should mark "Municipal broker/dealer." A securities SRO, RFA, or RE-futures entity filing this form should identify the institution type as that of the member institution for which this report is being filed, and in Part IV, (Items 47, 48, 49, 50, 51, and 52) identify the securities SRO, RFA or RE-futures entity individual to contact.

## Part IV Contact for assistance

**Items 47, 48, and 49-- \*Contact individual.** See General Instruction B10.

**Item 50-- \*Title/Position.** Enter the job title/position of the contact individual.

**Item 51-- \*Work telephone number.** See General Instruction B9.

**Item 52-- \*Date report prepared.** See General Instruction B8.

**Part V \* Suspicious Activity Information - Narrative** See page 2 of the form for instructions and checklist.

## Paperwork Reduction Act Notice:

The purpose of this form is to provide an effective means for financial institutions to notify appropriate law enforcement agencies of suspicious transactions that occur by, through, or at the financial institutions. This report is required by law, pursuant to authority contained in 31 U.S.C. 5318(g). Information collected on this report is confidential (31 U.S.C. 5318(g)). Federal securities and futures regulatory agencies and the U.S. Departments of Justice and Treasury, and other authorized authorities, may use and share this information. Public reporting and recordkeeping burden for this form is estimated to average 45 minutes per response, and includes time to gather and maintain information for the required report, review the instructions, and complete the information collection. Send comments regarding this burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503 and to the Financial Crimes Enforcement Network, Attn.: Paperwork Reduction Act, P.O. Box 39, Vienna VA 22183-0039. The agency may not conduct or sponsor, and an organization (or a person) is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



[FR Doc. 05-10503 Filed 5-25-05; 8:45 am]

BILLING CODE 4810-02-C

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

May 20, 2005.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

*Dates:* Written comments should be received on or before June 27, 2005, to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-0058.

*Form Numbers:* IRS Form 1028.

*Type of Review:* Extension.

*Title:* Application for Recognition of Exemption under Section 521 of Internal Revenue Code.

*Description:* Farmers' cooperatives must file Form 1028 to apply for exemption from Federal income tax as being organizations described in Internal Revenue Code (IRC) section 521. The information on Form 1028 provides the basis for determining whether the applicants are exempt.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 50.

*Estimated Burden Hours Respondent/Recordkeeper:*

Recordkeeping—44 hr., 14 min.  
Learning about the law or the form—1 hr., 44 min.

Preparing the form—4 hr., 23 min.  
Copying, assembling, and sending the form to the IRS—32 min.

*Frequency of Response:* On occasion.  
*Estimated Total Reporting/*

*Recordkeeping Burden:* 2,545 hours.

*OMB Number:* 1545-1911.

*Form Number:* IRS Form 8889.

*Type of Review:* Extension.

*Title:* Health Savings Accounts (HSAs).

*Description:* Form 8889 is used by taxpayers to report HSA contributions, deductions, and distributions.

*Respondents:* Individuals and households.

*Estimated Number of Respondents/Recordkeepers:* 1,400,000.

*Estimated Burden Hours Respondent/Recordkeeper:*

Recordkeeping—33 min.  
Learning about the law or the form—19 min.

Preparing the form—1 hr., 9 min.  
Copying, assembling, and sending the form to the IRS—20 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 3,234,000 hours.

*Clearance Officer:* Glenn P. Kirkland, (202) 622-3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt, (202) 395-7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Treasury PRA Clearance Officer.*

[FR Doc. 05-10558 Filed 5-25-05; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

May 20, 2005.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

*Dates:* Written comments should be received on or before June 27, 2005, to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-0723.

*Regulation Project Number:* LR-115-72 Final.

*Type of Review:* Extension.

*Title:* Manufacturers Excise Taxes on Sporting Goods and Firearms and Other Administrative Provisions of Special Application to Manufacturers and Retailers Excise Taxes.

*Description:* Chapters 31 and 32 of the Internal Revenue Code impose excise taxes on the sale or use of certain articles. Section 6416 allows a credit or refund of the tax to manufacturers in

certain cases. Sections 6420, 6421, and 6427 allow credits or refunds of the tax to certain users of the articles.

*Respondents:* Business or other for-profit, individuals or households, not-for-profit institutions, farms, State, local or tribal government.

*Estimated Number of Respondents/Recordkeepers:* 1,500,000.

*Estimated Burden Hours Respondent/Recordkeeper:* 19 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/Recordkeeping Burden:* 475,000 hours.

*OMB Number:* 1545-1646.

*Regulation Project Number:* REG-209060-86 Final.

*Type of Review:* Extension.

*Title:* Return Requirement for United States Persons Who Acquire or Dispose of an Interest in a Foreign Partnership, or Whose Proportional Interest in a Foreign Partnership Changes Substantially.

*Description:* Section 6046A requires U.S. persons to provide certain information with respect to the acquisition or disposition of a 10-percent interest in, or a 10-percent change in ownership of, a foreign partnership. This regulation provides reporting rules to identify U.S. persons with respect to these interests.

*Respondents:* Business or other for-profit, individuals and households, not-for-profit institutions.

*Estimated Number of Respondents:* 1.

*Estimated Burden Hours Respondent:* 1 hour.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 1 hour.

*OMB Number:* 1545-1767.

*Regulation Project Number:* REG-107644-98 Final.

*Type of Review:* Extension.

*Title:* Dollar-Value LIFO Regulations; Inventory Price Index Computation Method.

*Description:* The primary reason for obtaining this information is to ensure compliance by taxpayers electing to use both the LIFO inventory method and the IPIC method of accounting for their dollar-value inventory pools. Most respondents will be manufacturers, wholesalers, and retailers of tangible personal property.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 1.

*Estimated Burden Hours Respondent/Recordkeeper:* 1 hour.

*Frequency of response:* On occasion.

*Estimated Total Reporting/Recordkeeping Burden:* 1 hour.

*OMB Number:* 1545-1920.