

at Poseyville, IN, and milepost 244.7 at Evansville, IN; and (2) between milepost B-204.3 and milepost B-205 at Browns, IL.

The transaction was expected to be consummated on or after the December 30, 1996 effective date of the exemption.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33331, must be filed with the Office of the Secretary, Surface Transportation Board, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Andrew P. Goldstein, Esq., McCarthy, Sweeney & Harkaway, P.C., Suite 1105, 1750 Pennsylvania Avenue, NW., Washington, DC 20006.

Decided: January 3, 1997.

By the board, David M. Konschnik, Director, Office of Proceedings.  
Vernon A. Williams,  
Secretary.

[FR Doc. 97-625 Filed 1-9-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-55 (Sub-No. 538X)]

**CSX Transportation, Inc.;  
Abandonment Exemption; in Fayette  
and Nicholas Counties, WV**

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 15.27 miles of its line of railroad between milepost CAF-43.7, Valuation Station 1240+00, at Russ Junction and milepost CAF-58.97, Valuation Station 436+00, at Peters Junction, in Fayette and Nicholas Counties, WV.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11

(transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 9, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by January 21, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 30, 1997, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Charles M. Rosenberger, Senior Counsel, 500 Water Street, J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by January 15, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987).

<sup>3</sup> The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: January 6, 1997.

By the board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,  
Secretary.

[FR Doc. 97-630 Filed 1-9-97; 8:45 am]

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**DEPARTMENT OF THE TREASURY**

**Financial Crimes Enforcement  
Network**

**Privacy Act of 1974, as Amended,  
System of Records**

**AGENCY:** Departmental Offices, Treasury.

**ACTION:** Notice of altered Privacy Act system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Financial Crimes Enforcement Network (FinCEN), Department of the Treasury (Treasury), gives notice of a proposed alteration to an existing system of records entitled the "Bank Secrecy Act Reports File—Treasury/Customs .067" and its renaming and renumbering as a Treasury-wide system of records "Bank Secrecy Act Reports System—Treasury/DO .213." The system notice was last published in its entirety in the Federal Register, Volume 60, page 56776, November 9, 1995.

**DATES:** Comments must be received no later than February 10, 1997. The system of records will be effective as of February 19, 1997, unless comments are received that result in a contrary determination and notice is published to that effect.

**ADDRESSES:** Written comments should be sent to Office of Legal Counsel, FinCEN, 2070 Chain Bridge Road, Suite 200, Vienna, VA 22182-2536, Attention: BSA System of Records. Comments will be made available for inspection and copying by appointment. To make an appointment, please contact Eileen Dolan, Office of Legal Counsel, FinCEN, at 703-905-3590.

**FOR FURTHER INFORMATION CONTACT:** Cynthia A. Langwiser, Attorney Advisor, Office of Legal Counsel, FinCEN, 2070 Chain Bridge Road, Suite 200, Vienna, VA 22182-2536, (703) 905-3582.

**SUPPLEMENTARY INFORMATION:** The Department of the Treasury is amending

the existing Privacy Act notice for this system of records, "Bank Secrecy Act Reports File—Treasury/Customs .067"<sup>1</sup> and renaming and renumbering it as "Bank Secrecy Act Reports System—Treasury/DO .213." This alteration will conform the notice to changes in the designation of the system manager and the location of the system of records as a result of changes in organizational responsibilities in the Department and will more accurately describe the categories of individuals covered by the system, the categories of records included in the system, and the policies and procedures for storage, retrieval, access, retention, and disposal of the records. In addition, three new routine uses for the records will be added. Finally, for purposes of clarity, the proposed alteration makes certain minor editorial changes to the notice and adds text to certain elements.

The system of records contains information collected under the Bank Secrecy Act (BSA), codified at 12 U.S.C. 1829b, 1951–1959 and 31 U.S.C. 5311–5314, 5316–5330, which authorizes the Secretary of the Treasury to issue regulations requiring records and reports of financial transactions that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters. These regulations appear at 31 CFR Part 103. Currently, the system of records containing the reports required by these regulations is a United States Customs Service Privacy Act system of records; however, the authority of the Secretary to administer these regulations, including the authority to disseminate BSA information, was delegated by memorandum dated May 13, 1994 to the Director of FinCEN, an officer reporting to the Office of the Under Secretary (Enforcement). Therefore, it is necessary to move this system of records from the Privacy Act system of records inventory maintained by the Customs Service to the Privacy Act system of records inventory maintained by Treasury's Departmental Offices and to make conforming changes in the notice to reflect the authority of FinCEN's Director over this system of records.

In addition, three new routine uses for the records contained in this system are proposed. The first proposed new routine use, which will be added as routine use (3), will permit disclosure,

by electronic means, to Federal and State criminal law enforcement agencies, of information to identify or permit the identification of patterns of suspected illegal activity occurring within their areas of jurisdiction. The second proposed new routine use, which will be added as routine use number (4), will permit disclosure of relevant information to any Federal or State regulatory agency or self regulatory organization that examines for BSA compliance when necessary to their supervisory or compliance responsibilities. The third proposed new in computer matching with requesting Federal and State agencies under agreements approved in accordance with the Privacy Act. The matches will be performed to help eliminate waste, fraud, and abuse in government programs by identifying individuals who may not be eligible for benefit programs and/or potentially in violation of law and regulation. The information disclosed will be limited to those data elements relevant to the purpose of the match. The new routine uses, which are compatible with the criminal and regulatory purposes for which the information is collected, reflect the role technology plays in combating criminal, civil, and regulatory violations and waste, fraud and abuse in government programs, as well as the increasing importance of Federal and State cooperation in law enforcement. Current routine use numbers (3) through (5) will be renumbered as routine uses (6) through (8).

Because information in this system of records may be retrieved by personal identifier, the Privacy Act of 1974 requires the Treasury Department to give general notice and seek public comments.

The altered system of records report, as required by 5 U.S.C. 552a(r), has been submitted to the Committee on Governmental Affairs of the United States Senate, Committee on Government Reform and Oversight of the United States House of Representatives, and the Office of Management and Budget ("OMB"). See Appendix I to OMB Circular A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," 61 FR 6428, 6436 (February 20, 1996).

The proposed altered system of records, renamed and renumbered as "Bank Secrecy Act Reports System—Treasury/DO .213," is republished in its entirety below.

Dated: December 27, 1996.

Alex Rodriguez,  
Deputy Assistant Secretary (Administration).

**Treasury/DO .213**

**SYSTEM NAME:**

Bank Secrecy Act Reports System—Treasury/DO .213.

**SYSTEM LOCATION:**

Electronic Records: Currency and Banking Retrieval System, Internal Revenue Service Detroit Computing Center, 985 Michigan Avenue, Detroit, Michigan, 48226-1129 and Treasury Enforcement Communications System, United States Customs Service Newington, 7681 Boston Boulevard, Springfield, Virginia, 22153-3140.

Paper Records: Form 4790—U.S. Customs Service, Newington, VA. All other forms, including, but not limited to, Form 4789, TDF 90.22-1 and Form 8362—Internal Revenue Service, Detroit, MI.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons identified in reports required to be filed under the Bank Secrecy Act and its implementing regulations (31 CFR part 103) including, but not limited to, reports made on IRS Form 4789 (Currency Transaction Report), IRS Form 8362 (Currency Transaction Report by Casinos), Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments), Treasury Form TDF 90-22.1 (Report of Foreign Bank and Financial Accounts), and forms filed by casinos located in the State of Nevada in lieu of Form 8362. (This system of records does not cover persons identified in Suspicious Activity Reports, TDF 90-22.47. Those reports are included in another system of records, "Suspicious Activity Reporting System—Treasury/DO .212").

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports required to be filed under the Bank Secrecy Act and its implementing regulations (31 CFR part 103) including, but not limited to, reports made on IRS Form 4789 (Currency Transaction Report), IRS Form 8362 (Currency Transaction Report by Casinos), Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments), Treasury Form TDF 90-22.1 (Report of Foreign Bank and Financial Accounts), and forms filed by casinos located in the State of Nevada in lieu of Form 8362. (This system does not include Suspicious Activity Reports, TDF 90-22.47, required under 31 CFR part 103. Those reports are included in another

<sup>1</sup>The notice for this system of records was published December 2, 1975 at 40 FR 56194 under the title "Currency and Monetary Instrument Reporting System (CMIR)." The title "Currency and Monetary Instrument Reporting System (CMIR)" was changed to "Bank Secrecy Act Report File" by notice published 48 FR 36052 (August 8, 1983), effective October 7, 1983.

system of records, "Suspicious Activity Reporting System—Treasury/DO .212"). These reports include names of individuals and other entities filing the reports, names of the owners of monetary instruments, the amounts and kinds of currency or other monetary instruments transported, reported, or in foreign banking accounts, account numbers, addresses, dates of birth, and other personal identifiers.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316–5330; 5 U.S.C. 301; 31 CFR part 103; Treasury Department Order No. 105–08.

**PURPOSE(S):**

The Bank Secrecy Act, codified at 12 U.S.C. 1829b and 1951–1959 and 31 U.S.C. 5311–5314, 5316–5330, authorizes the Secretary of the Treasury to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters. The Secretary's authority has been implemented through regulations promulgated at 31 CFR part 103. The purpose of this system of records is to maintain the information contained on the reports required under these regulations. This information is disseminated, both electronically and manually, in accordance with strict safeguards, to appropriate Federal, State, local and foreign criminal law enforcement and regulatory personnel in the official performance of their duties. The information is used in a wide range of criminal investigations, including, but not limited to, investigation of international and domestic money laundering, tax evasion, fraud, and other financial crimes.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

These records and information in these records may be used to:(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) Disclose information to Federal, State, or local agencies, maintaining civil, criminal or other relevant information, which has requested information relevant to or necessary to the requesting agency's

hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) Disclose to appropriate Federal, State, or local agencies engaged in the identification, investigation, and prosecution of violations or potential violations of criminal statutes, information, in a computerized format, to identify or to permit the identification of patterns of suspected criminal activity that fall within the jurisdiction of the agency requesting the information; (4) Disclose information to Federal or State regulatory agencies or self regulatory agencies responsible for supervising compliance with the Bank Secrecy Act, limited to information relevant to meeting supervisory or compliance responsibilities; (5) Disclose relevant information on individuals to authorized Federal and State agencies through computer matching in order to help eliminate waste, fraud, and abuse in Government programs and identify individuals who are potentially in violation of civil law, criminal law, or regulation; (6) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (7) Provide information to the news media, in accordance with guidelines contained in 28 CFR 50.2, that relates to an agency's functions relating to civil and criminal proceedings; and (8) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in magnetic media and on hard paper copy.

**RETRIEVABILITY:**

By name and other unique identifier.

**SAFEGUARDS:**

All persons with electronic access to records in the system will have successfully completed a background investigation. All State and local agency personnel, and all Federal personnel outside the U.S. Department of the Treasury with electronic access will have successfully completed appropriate training. Passwords and access controls will be utilized. Signed agreements outlining usage and dissemination rules are required of all

non-Treasury agencies before electronic access is authorized. Procedural and physical safeguards include: The logging of all queries and periodic review of such query logs; compartmentalization of information to restrict access to authorized personnel; physical protection of sensitive hard copy documents and magnetic tapes; encryption of electronic communications; intruder alarms and other security devices; and 24-hour building guards. The system complies with all applicable security requirements of the Department of the Treasury.

**RETENTION AND DISPOSAL:**

Indefinite.

**SYSTEMS MANAGER(S) AND ADDRESS:**

General Policy: Director, Financial Crimes Enforcement Network, 2070 Chain Bridge Road, Vienna, Virginia 22182–2536

Computer Systems Maintenance and Administration: Director, IRS Computing Center, 985 Michigan Avenue, Detroit, Michigan, 48226–1129 and Director, Office of Information Technology, U.S. Customs Service Newington, 7681 Boston Boulevard, Springfield, Virginia, 22153–3140.

**NOTIFICATION PROCEDURE:**

This system is exempt from notification requirements, record access requirements, and requirements that an individual be permitted to contest its contents, pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

**RECORD ACCESS PROCEDURES:**

See "Notification Procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification Procedure" above.

**RECORD SOURCE CATEGORIES:**

Pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2), this system is exempt from the requirement that the record source categories be disclosed.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36. [FR Doc. 97–605 Filed 1–9–97; 8:45 am]

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