

Application number	Docket number	Applicant	Modification of exemption
4354-M .....	.....	PPG Industries, Inc., Pittsburgh, PA (See Footnote 1)	4354
8554-M .....	.....	TRADESTAR Corporation, West Jordan, UT (See Footnote 2)	8554
8723-M .....	.....	TRADESTAR Corporation, West Jordan, UT (See Footnote 3)	8723
10677-M .....	.....	Primus AB, Solna, SW (See Footnote 4)	10677
11373-M .....	.....	Chemical Resources, Inc., Louisville, KY (See Footnote 5)	11373
11379-M .....	.....	TRW Automotive, Occupant Safety System, Washington, MI (See Footnote 6)	11379
11827-M .....	.....	NRS America Inc., White Plains, NY (See Footnote 7)	11827
12068-M	RSPA-98-3850.	Sea Launch Company, L.L.C., Long Beach, CA (See Footnote 8)	12068
12443-M	RSPA-00-7209.	Dow Reichhold Specialty Latex, LLC, Chickamauga, GA (See Footnote 9)	12443
12885-M	RSPA-01-11209.	U.S. Department of Agriculture, Forest Service, Missoula, MT (See Footnote 10)	12885
12892-M .....	.....	Bulk Truck & Transport Service, Inc. Hanover, IN (See Footnote 11)	12892

(1) To modify the exemption to authorize an additional loading method for the transportation of a Division 6.1 material in UN standard 1H1 drums and 6HA1 composite packagings.

(2) To modify the exemption to authorize a new cargo tank design for the transportation of Division 1.5 and 5.1 materials in bulk.

(3) To modify the exemption to authorize a new cargo tank design for the transportation of Division 1.5 and 5.1 materials in bulk.

(4) To modify the exemption to authorize the transportation of additional Division 2.1 materials and an increase in maximum charging pressure.

(5) To modify the exemption to authorize for-hire contract carriers the ability to transport Division 4.2 materials on the same vehicle with Class 8 materials.

(6) To modify the exemption to authorize extension of the 10-hour lot duration for the non-DOT specification pressure vessels used as components of automobile vehicle safety systems.

(7) To modify the exemption to authorize the transportation of an additional Division 5.1 material in certain lined DOT Specification IM 101 portable tanks and UN standards UN 31A Intermediate Bulk Containers.

(8) To modify the exemption to authorize the transportation of additional Class 3 and Division 2.2 materials contained in the Sea Launch Integrated Launch Vehicle with and without payload.

(9) To modify the exemption to eliminate the need for a bi-directional derail device on tracks used for unloading certain hazardous materials.

(10) To modify the exemption to authorize eliminating the requirement that the pump in the helitorch frame be an explosion proof diaphragm fuel transfer pump when transporting a Class 3 material.

(11) To modify the exemption to reissue the exemption originally issued on an emergency basis for continued use of MC 331 cargo tanks that do not meet the minimum rear bumper requirements specified in the HMR transporting Division 2.1 materials.

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DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network; Proposed Collection; Comment Request; Suspicious Activity Report by Money Services Businesses

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comment on a proposed information collection contained in a new form, "Suspicious Activity Report by Money Services Businesses." The form will be used by money transmitters and issuers, sellers, and redeemers of money orders and traveler's checks to report suspicious activity to the Department of the Treasury. This request for comments is being made pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13, 44 U.S.C. 3506(c)(2)(A).

DATES: Written comments are welcome and must be received on or before April 29, 2002.

ADDRESSES: Written comments should be submitted to: Office of Chief Counsel, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, Virginia 22183, *Attention:* PRA Comments—SAR—MSB Form. Comments also may be submitted by electronic mail to the following Internet address: regcomments@fincen.treas.gov,

again with a caption, in the body of the text, "*Attention:* PRA Comments—SAR—MSB 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:

Patrice Motz, Chief, MSB, Casinos and IRS Programs, and Leonard Senia, Regulatory Program Specialist (Team Leader), FinCEN, at (202) 354-6015; Judith R. Starr, Chief Counsel and Christine L. Schuetz, Attorney-Advisor, FinCEN, at (703) 905-3590.

SUPPLEMENTARY INFORMATION: *Title:* Suspicious Activity Report by Money Services Businesses.

OMB Number: Unassigned.

Form Number: TD F 90-22.56.

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. 5311-5331, 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.¹ Regulations implementing Title II of the Bank Secrecy Act appear at 31 CFR Part 103. The authority of the Secretary to

¹ 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 (USA PATRIOT ACT) Act of 2001 (the "USA Patriot Act"), P.L. 107-56.

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 March 14, 2000, FinCEN issued a final rule requiring certain categories of money services businesses ("MSBs"), including money transmitters and issuers, sellers, and redeemers of money orders and traveler's checks, to report suspicious transactions. (65 FR 13683). The final rule can be found at 31 CFR 103.20.

On December 20, 2001, FinCEN published a notice in the **Federal Register** ("FinCEN Issuance 2001-2"), reminding money transmitters and issuers, sellers, and redeemers of money orders and traveler's checks that the requirement to report suspicious transactions would apply to transactions occurring on or after January 1, 2002. In FinCEN Issuance 2001-2, FinCEN directed such entities to report suspicious activity on the existing bank suspicious activity report, Form TD F 90-22.47, until such time as FinCEN developed a form to be used solely by money transmitters and issuers, sellers, and redeemers of money orders and traveler's checks. This notice contains the draft form that has been specifically developed for use by money transmitters and issuers, sellers, and redeemers of money orders and traveler's checks to report suspicious activity ("SAR-MSB").

The information collected on the new form is required to be provided pursuant to 31 U.S.C. 5318(g) and 31

CFR 103.20. This information will be made available, in accordance with strict safeguards, to appropriate criminal law enforcement and regulatory personnel for use in official performance of their duties, for regulatory purposes and in investigations and proceedings involving domestic and international money laundering, tax violations, fraud, and other financial crimes.

Reports filed by MSBs required to report suspicious transactions under 31 CFR 103.20, and any reports filed voluntarily by other MSBs will be subject to the protection from liability contained in 31 U.S.C. 5318(g)(3) and the provision contained in 31 U.S.C. 5318(g)(2) which prohibits notification of any person involved in the transaction that a suspicious activity report has been filed.

The draft SAR-MSB is presented only for purposes of soliciting public comment on the form. This 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. In the meantime, money transmitters and issuers, sellers, and redeemers of money orders and traveler's checks should continue to report suspicious activity on TD F 90-22.47, and are requested to enter the letters "MSB" in block letters at the top of the form and in the empty space in item 5 of the TD F 90-22.47.

Type of Review: New information collection.

Affected public: Business or other for-profit institutions.

Frequency: As required.

Estimated Burden: Reporting average of 35 minutes per response. Estimated number of respondents = 10,000. Estimated Total Annual Responses = 10,000. Estimated Total.

Annual Burden Hours: 350,000 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: February 21, 2002.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

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Part VII Suspicious Activity Information - Explanation/Description**3**

Explanation/description of suspicious activity. This section of the report is **critical**. 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. Provide a clear, complete and chronological description of the activity, including what is unusual, irregular or suspicious about the transaction(s). Use the checklist below as you prepare your description. The description should cover the material indicated in Parts I, II and III, but the money services business (MSB) should describe any other information that it believes is necessary to better enable investigators to understand the suspicious activity being reporting.

- a. **Explain** whether the transaction(s) was completed or only attempted.
- b. **Indicate** where the possible violation of law(s) took place (main office, branch, agent location, etc.).
- c. **Indicate** whether the possible violation of law(s) is an isolated incident or relates to another transaction(s).
- d. **Indicate** whether U.S. or foreign currency and/or U.S. or foreign negotiable instrument(s) were involved. If so, provide the amount and/or description of the currency and/or instrument (U.S. currency, cashier's check, domestic or international money order, traveler's check, funds transfer, etc.).
- e. **Indicate** a time period, if it was a factor in the suspicious transaction(s), for example, specify the time and whether it occurred during AM or PM. If the activity covers more than one day, identify the time of day when such activity occurred most frequently.
- f. **Identify** any employee or other individual suspected of improper involvement in the transaction(s).
- g. **For Selling or Paying Locations**, **indicate** if there is a surveillance photograph and/or video tape of the customer.
- h. **For Selling or Paying Locations**, if you do not have a record of a government issued identification document, **describe** the type, issuer and number of any alternate customer identification information that is available (e.g., for a credit card, specify the name of the customer, name(s) of the issuer and the card company, and the credit card number).
- i. **For Selling or Paying Locations**, if you do not have any identifying information on the customer such as a name, an address, an identification document, etc., **describe** the customer including the approximate age (e.g., 20, 25, 30, 35), whether "female" or "male", etc.
- j. **For Issuers**, **indicate** if the endorser of money order(s) and/or traveler's check(s) is different than payee. If so, provide individual's name or entity name; bank's name, city, state and country; ABA routing number; customer's bank account number; foreign non-bank name (if any); correspondent bank name and account number (if any); etc.
- k. **Describe and retain** supporting documentation.
- l. If you are correcting a previously filed report, describe the changes that are being made (See Where and How To Make A Report, item 3 on page 6).

Note: **DO NOT** include supporting documentation when filing this form (for example, copies of instruments; receipts; sale, transaction or clearing records; photographs, surveillance audio and/or video tapes), but retain such documentation along with a copy of this form for a period of 5 years. All supporting documentation must be made available, upon request, to appropriate law enforcement authorities and regulatory agencies.

Enter explanation/description in the space below. If necessary, continue the narrative on a duplicate of this page or a blank page.

D R A F T

Part II		Continued - Items 24 and 25		4
24.4	Serial number(s) of money order(s) <input type="checkbox"/> or traveler's check(s) <input type="checkbox"/>	a Issuer name		
b	Starting No.	c	Ending No.	
24.5	Serial number(s) of money order(s) <input type="checkbox"/> or traveler's check(s) <input type="checkbox"/>	a Issuer name		
b	Starting No.	c	Ending No.	
24.6	Serial number(s) of money order(s) <input type="checkbox"/> or traveler's check(s) <input type="checkbox"/>	a Issuer name		
b	Starting No.	c	Ending No.	
24.7	Serial number(s) of money order(s) <input type="checkbox"/> or traveler's check(s) <input type="checkbox"/>	a Issuer name		
b	Starting No.	c	Ending No.	
24.8	Serial number(s) of money order(s) <input type="checkbox"/> or traveler's check(s) <input type="checkbox"/>	a Issuer name		
b	Starting No.	c	Ending No.	
24.9	Serial number(s) of money order(s) <input type="checkbox"/> or traveler's check(s) <input type="checkbox"/>	a Issuer name		
b	Starting No.	c	Ending No.	
24.10	Serial number(s) of money order(s) <input type="checkbox"/> or traveler's check(s) <input type="checkbox"/>	a Issuer name		
b	Starting No.	c	Ending No.	
24.11	Serial number(s) of money order(s) <input type="checkbox"/> or traveler's check(s) <input type="checkbox"/>	a Issuer name		
b	Starting No.	c	Ending No.	
24.12	Serial number(s) of money order(s) <input type="checkbox"/> or traveler's check(s) <input type="checkbox"/>	a Issuer name		
b	Starting No.	c	Ending No.	
25.7	Funds transfer number	25.8	Funds transfer number	
a	Issuer name	a	Issuer name	
b	No.	b	No.	
25.9	Funds transfer number	25.10	Funds transfer number	
a	Issuer name	a	Issuer name	
b	No.	b	No.	
25.11	Funds transfer number	25.12	Funds transfer number	
a	Issuer name	a	Issuer name	
b	No.	b	No.	
25.13	Funds transfer number	25.14	Funds transfer number	
a	Issuer name	a	Issuer name	
b	No.	b	No.	
25.15	Funds transfer number	25.16	Funds transfer number	
a	Issuer name	a	Issuer name	
b	No.	b	No.	
25.17	Funds transfer number	25.18	Funds transfer number	
a	Issuer name	a	Issuer name	
b	No.	b	No.	
25.19	Funds transfer number	25.20	Funds transfer number	
a	Issuer name	a	Issuer name	
b	No.	b	No.	
25.21	Funds transfer number	25.22	Funds transfer number	
a	Issuer name	a	Issuer name	
b	No.	b	No.	
25.23	Funds transfer number	25.24	Funds transfer number	
a	Issuer name	a	Issuer name	
b	No.	b	No.	

**Suspicious Activity Report by Money Services Business
Reporting Instructions**

5

Safe Harbor Federal law (31 U.S.C. 5318(g)(3)) provides 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 report suspicious transactions to the government voluntarily or as required by 31 CFR 103.20, 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 ongoing money laundering schemes, a money transmitter, or issuer, seller, or redeemer of money orders and/or traveler's checks shall immediately notify, by telephone, an appropriate law enforcement authority. In addition, a timely SAR-MSB form shall be filed, including recording any such notification in Part IV on the form.

When To Make A Report:

1. Money transmitters and issuers, sellers and redeemers of money orders and/or traveler's checks that are subject to the requirements of the Bank Secrecy Act and its implementing regulations (31 CFR Part 103) are required to file a suspicious activity report (SAR-MSB) with respect to:
 - a. Any transaction conducted or attempted by, at or through a money services business involving or aggregating funds or other assets of at least \$2,000 (except as described in section "b" below) when the money services business knows, suspects, or has reason to suspect that
 - i. The transaction 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 nature, source, location, ownership 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. The transaction is designed, whether through structuring or other means, to evade any regulations promulgated under the Bank Secrecy Act; or
 - iii. The transaction has no business or apparent lawful purpose and the money services business knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.
 - b. To the extent that the identification of transactions required to be reported is derived from a review of clearance records or other similar records of money orders or traveler's checks that have been sold or processed, an issuer of money orders or traveler's checks shall only be required to report a transaction or a pattern of transactions that involves or aggregates funds or other assets of at least \$5,000.
2. The Bank Secrecy Act requires that each financial institution (including a money services business) file currency transaction reports (CTRs) in accordance with the Department of the Treasury implementing regulations (31 CFR Part 103). These regulations require a financial institution to file a CTR (IRS Form 4789) whenever a currency transaction exceeds \$10,000. If a currency transaction exceeds \$10,000 and is suspicious, a money transmitter, or issuer, seller or redeemer of money orders and/or traveler's checks must file two forms, a CTR to report the currency transaction and a SAR-MSB to report the suspicious aspects of the transaction. If the suspicious activity involves a currency transaction that is \$10,000 or less, the institution is only required to file a SAR-MSB.
3. A money services business (MSB) is required to file a SAR-MSB no later than 30 calendar days after the date of initial detection of facts that constitute a basis for filing the report.

Where and How To Make A Report:

1. Send each completed Suspicious Activity Report by Money Services Business (SAR-MSB) form to the following address.

Detroit Computing Center, ATTN: SAR-MSB, P.O. Box 33117, Detroit, MI 48232-5980

2. Complete each suspicious activity report in its entirety **using all available information**. Leave blank any items that do not apply or for which information is unavailable.
3. If you are correcting a previously filed report, check the box at the top of the report (item 1) and follow the instructions for item 1 below.
4. **DO NOT include supporting documentation when filing the suspicious activity report.** Instead, retain a copy of the SAR-MSB and all original supporting documentation or business record equivalent (including copies of instruments, receipts, photographs, surveillance audio or video tapes, etc.) for 5 years from the date of filing the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.
5. A report must be **typed or legibly handwritten**.

General Instructions:

Dates - Whenever dates are requested (e.g., for a date of birth, date of suspicious activity, date prepared), they should be entered using the format "mm/dd/yyyy," where "mm" is the month, "dd" is the day, and "yyyy" is the year. Zero (0) should precede any single digit number. For example, if the individual's birth date is June 1, 1948, enter 06/01/1948. If the month or day is not available or unknown, enter zeros in the space for "mm" and "dd." For example, 06/00/2002 indicates an unknown day in June 2002.

Numbers - Wherever information about monetary amounts is requested, the amounts should be entered using the format "\$0,000,000.00". (Round to the nearest dollar.) All amounts should be reported in US Dollars (USD).

Specific Instructions:

Item 1. Corrects a prior report.—If you are correcting a previously filed report, check the box at the top of the report (item 1). Complete the report in its entirety and include the corrected information in the applicable boxes on the form. Then describe the changes that are being made in Part VII, Suspicious Activity Information Explanation/Description, in accordance with line I.

Item 2. Type of filer.—Check the appropriate box(es) for the type of filer.

Part I - Customer Information

Item 3. Type of customer.—Check box "a" if the customer purchased a money order(s) or traveler's check(s) or initiated a funds transfer(s) that is the subject of this report (i.e., a purchaser). Check box "b" if the customer cashed a money order(s) or traveler's check(s) or received payment of a funds transfer(s) that is the subject of this report (i.e., a payee). Check box "c" if both boxes "a" and "b" apply.

Items 4, 5, and 6. Name of customer or entity.—If the name of the customer is known, complete Items 4 through 6. In the case of an individual, enter the last name in Item 4, first name in Item 5 and middle initial in Item 6. If there is no middle initial, leave Item 6 BLANK. If the MSB knows that the individual has an "alias" or "also known as" ("A.K.A.") name, enter such name in Part VII. If the customer is an entity, enter its "doing business as" ("dba") name, that is, the name by which the entity is commonly known, in Item 4. If there is more than one customer, make as many copies of page 1 of the form as necessary and provide the information about each customer in duplicate copies of Part I. Attach the additional copies of page 1 to the report. When there is more than one purchaser and/or more than one payee (e.g., two or more

transactions), you must indicate whether each customer is a purchaser or payee and list the instrument or funds transfer numbers associated with each customer in Part VII.

Items 7, 8, 9, 10 and 11. Permanent address.—To the extent that part or all of the address is known, complete items 7 - 11 in the following manner. Enter the permanent street address, city, two-letter state/territory abbreviation used by the U.S. Postal Service and ZIP code of the person identified in Part I. For the Zip code, enter the first five digits beginning from the left. Include the last four digits of the Zip, if known. Enter in Item 7 any apartment or suite number and road or route number. Do not enter a Post Office (P.O.) box number in Item 7 unless the P.O. Box number is the only known address. If the address is in a foreign country, enter the city, province or state, postal code and the name of the foreign country. If the country is the United States, leave Item 11 BLANK. Complete any part of the address that is known, even if the entire address is not known (*e.g.*, if the filer knows only the foreign country name, complete item 11).

Item 12. Record of a government issued identification document of the customer.—If the MSB has a record of a government issued identification document, check the appropriate box in “a, b, c or d” showing the type of any document provided. If you check box “d” for “Other”, specify the type of document used (*e.g.*, enter “military ID” for a military or military/dependent identification card). If a driver’s license, passport, alien registration card, or other reliable government issued identification document is available or known for the customer, enter the number of the document in part “e” and name of the issuing state or country for that document in part “f”. If more space is required, enter the information in Part VII.

Item 13. Taxpayer identification number (TIN).—If the customer identified in Items 4 through 6 is an individual with a social security number (SSN), enter that number in Item 13. If the customer in Item 4 is an entity, enter the employer identification number (EIN) in Item 13. Do not include any dashes or other substitutes.

Item 14. Date of birth.—If an individual is identified in Part I, enter the individual’s date of birth, if known. Use the date format “mm/dd/yyyy” where “mm” is the month, “dd” is the day, and “yyyy” is the year.

Item 15. Phone number.—If known, enter the home or business telephone number including area code of the individual or entity listed in Items 4 through 6. If more than one telephone number is known (*e.g.*, temporary number such as a hotel number that the customer is staying at), enter the information in Part VII.

Item 16. Customer number, if any.—Enter the customer number, if any (*e.g.*, a preferred customer card number or a frequent user card number).

Item 17. Occupation/Type of business.—If known, identify the occupation, profession or business that most specifically describes the individual in Part I (*e.g.*, accountant, attorney, car dealer, carpenter, dentist, doctor, farmer, plumber, real estate agent, truck driver, unemployed teacher, retired mechanic). Do not use nondescriptive terms such as businessman, merchant, self-employed, store owner (unless store’s name is provided), unemployed, retired, etc. If the individual’s business activities can be described more fully than just by occupation, provide additional information in Part VII.

Items 18 and 19. Endorser’s name or entity, if any.—If the reported activity involves instruments (*e.g.*, money orders or traveler’s checks) and the endorser’s name (found on the reverse side of the instrument) can be determined, enter the endorser’s name. In the case of an individual, enter the last name in Item 18, first name in Item 19. In the case of an entity, enter the entire name in Item 18.

Item 20. Bank account number of endorser, if any.—If the reported activity involves instruments (*e.g.*, money orders or traveler’s checks), and the endorser’s bank account number (found on the reverse side of the instrument) can be determined, enter the account number.

Part II - Suspect Instrument/Funds Transfer Information

Item 21. Financial services involved in suspect transaction(s).—Check appropriate box(es) to indicate the type of financial service(s) involved in the suspect transaction(s) that the customer conducted or was attempting to conduct. If you check the box “d” for “Other”, specify briefly (in two or three words) the type of services involved in the suspected activity which has occurred, but is not listed in Item 21 (*e.g.*, “check cashing”), and describe the character of such services in Part VII.

Item 22. Date or date range of suspicious activity.—Enter the date(s) of the reported activity. If only one date applies, enter this date in the **From field**. If the reported activity has occurred on 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**. Use the date format “mm/dd/yyyy” where “mm” is the month, “dd” is the day, and “yyyy” is the year.

Item 23. Total dollar amount involved in suspicious activity.—Enter the total dollar value involved in the reported activity. The total dollar value entered must be in the form of numbers. If less than a full dollar amount is involved, increase that figure to the next highest dollar. If the dollar amount cannot be determined or estimated, then enter zero (0). If multiple instruments (e.g., money orders, traveler’s checks) and/or funds transfer(s) are reported, enter the total dollar amount in Item 23. If more than one type of financial service is involved (e.g., funds transfers, money orders, traveler’s checks), list separately each financial service with its name and dollar value in Part VII.

Item 24. Serial number(s) of money order(s) or traveler’s check(s).—If the suspicious activity reported involves a single instrument or a series of instruments with consecutive serial numbers (e.g., money orders or traveler’s checks), check the appropriate box for money order or traveler’s check and enter in “a” the name of the issuer. Enter in “b” the serial number for each instrument involved in the reported activity, when the instruments are not consecutively numbered. In the case of instruments with consecutive serial numbers, enter the first number in the series in “b” (as the Starting No.) and the last number in the series in “c” (as the Ending No). Enter up to 12 non-consecutive serial numbers in part “b” or 12 sets of consecutive serial numbers in parts “b” and “c” in items 25.1 and 25.3 on page 1, and items 25.4 through 25.12 on page 4 (Continuation). If the suspicious activity involves 13 or more numbers or 13 or more sets of serial numbers, make as many copies of page 4 of the form as necessary, enter the additional serial numbers, and attach the additional page(s) to the report. If the filer is the issuer and the name of the issuer is entered in Part V, part “a” may be left blank.

Item 25. Funds transfer number(s).—If the suspicious activity being reported involves a funds transfer number, enter in “a” the name of the funds transfer system. Enter in “b” the identifying number of each funds transfer involved in the reported activity. Enter up to 24 funds transfer numbers in Items 25.1 through 25.6 on pages 1 and 2 and Items 25.7 through 25.24 on page 4 (Continuation). If the suspicious activity involves 25 or more funds transfer numbers, make as many copies of page 4 of the form as necessary, enter the additional funds transfer numbers, and attach the additional page(s) to the report. If the filer is the issuer and the name of the issuer is entered in Part V, part “a” may be left blank.

Item 26. Category of suspicious activity.—Check the box or boxes which best identify the suspicious activity. Check box “b” for **Structuring** when it appears that a person acting alone, or in conjunction with, or on behalf of other persons, conducts or attempts to conduct activity designed to evade any recordkeeping or reporting requirement promulgated under the Bank Secrecy Act. If you check box “d” for “**Other**”, you must specify briefly (in three or four words) the type of suspicious activity which occurred, but which is not already listed in Item 27, and describe the character of such activity in Part VII. Box “d” should only be used if no other type of suspicious activity box adequately categorizes the transaction.

Item 27. Character of suspicious activity.—Check box “a” for unusual use of instruments (e.g., money orders or traveler’s checks) and/or check box “b” for unusual use of funds transfers. Check box(es) “(1), (2), (3), (4) (5), (6) and/or (7)” for each description that applies.

Part III - Transaction Location Information

Item 28. Multiple selling and/or paying business locations.—If the reported activity occurred at multiple selling and/or paying business locations, check the box, make as many copies of page 2 of the form as necessary, and provide the additional information in duplicate Part III. Attach the additional copies of page 2 to report the additional locations.

Item 29. Type of business location(s).—Check box “a” if this is the selling business location where the customer purchased a money order(s) or traveler’s check(s) or initiated a funds transfer(s). Check box “b” if this is the paying business location where the customer cashed a money order(s) or traveler’s check(s) or received payment of a funds transfer(s). Check box “c” if multiple transactions are reported and the business location functioned as the paying location for one or more transactions and as the selling location for one or more transactions.

Item 30. Legal name of business.—Enter the legal name of the business where the instrument(s) and/or funds transfer(s) was sold or paid. If there is more than one place of business where the instruments and/or funds transfers were

sold or paid, make as many copies of page 2 of the form as necessary, provide the additional information in duplicate copies of Part III. Attach the additional copies of page 2 to report the additional business selling or paying locations.

Item 31. Doing business as.—Enter the trade name by which the business is commonly known (if other than the legal name).

Items 32, 35, 36, 37 and 38. Permanent address.—Enter the permanent street address, city, two-letter state/territory abbreviation used by the U.S. Postal Service and Zip code of the business location where the activity occurred. For the Zip code, enter the first five digits beginning from the left. Include the last four digits of the Zip, if known. Do not enter a Post Office (P.O.) box number. If the business where the instrument/funds transfer was sold or paid is in a foreign country, enter the city, province or state, postal code and the name of the foreign country, if known. If the country is the United States, leave Item 38 BLANK.

Item 33. Taxpayer identification number (TIN).—If the business identified in Items 30 and 31 has an employer identification number (EIN), enter that number in Item 33. If not, enter in Item 33 the individual owner's social security number (SSN). Do not include any dashes or other substitutes.

Item 34. Business phone number.—Enter the telephone number including area code of the business location where the instrument or funds transfer was sold or paid.

Part IV - Law Enforcement Agency Information

Item 39. Has a law enforcement agency been contacted?—If the MSB has contacted any law enforcement agency about the suspicious activity, by telephone or written communication (*excluding submission of a SAR-MSB*), check box "a, b, c, d, e, f, g, h, i, or j" and complete Items 40 through 42. The acronyms used in Item 39 mean the following: "DEA" stands for the Drug Enforcement Administration, "FBI" stands for the Federal Bureau of Investigation, and "IRS" stands for the Internal Revenue Service. If you check boxes "a, b, c, d, e or f", there is no need to complete box "k". If you check boxes "g, h, i, or j" for other federal, state, local or tribal agency, specify the agency name on the line provided in box "k". If you have not contacted any law enforcement agency go to Part V or Part VI, as appropriate.

Items 40, 41 and 42. Law enforcement contact person.—If the MSB has contacted law enforcement, identify the individual contacted by the telephone number and the date contacted in Items 40 through 42. Use the date format "mm/dd/yyyy" where "mm" is the month, "dd" is the day, and "yyyy" is the year. If more than one law enforcement agency has been contacted, list additional information in Part VII. **Contact with law enforcement agencies does not eliminate the requirement to file the SAR-MSB.**

Part V - Reporting Business Information (if different from Location Information in Part III)

Complete Part V only if the reporting business is different from the business location described in Part III.

Item 43. Legal name of business.—Enter the legal name of the reporting business. The legal name should match the name shown on the charter or other legal document creating the business, and the name is identified with the business's established taxpayer identification number.

Item 44. Doing business as.—Enter the trade name by which the reporting business is commonly known (if other than the legal name).

Items 45, 47, 48, 49 and 50. Permanent address.—Enter the permanent street address, city, two-letter state/territory abbreviation used by the U.S. Postal Service and Zip code of the reporting business. For the Zip code, enter the first five digits beginning from the left. Include the last four digits of the Zip, if known. Do not enter a Post Office (P.O.) box number. If the address of the issuer is in a foreign country, enter the city, province or state, postal code and the name of the foreign country. If the country is the United States, leave Item 50 BLANK.

Item 46. Taxpayer identification number.—Enter the nine-digit taxpayer identification number, without any dashes or other substitutes, of the reporting business.

Part VI - Contact for Assistance

Items 51, 52 and 53. Contact's name.—Enter the name of the individual who may be contacted for additional information.

Item 54. Title/Position.—Enter the contact individual's job title or position.

Item 55. Work phone number.—Enter the contact individual's work telephone number including area code.

Item 56. Date prepared.—Enter the date the SAR-MSB form was prepared. Use the date format "mm/dd/yyyy" where "mm" is the month, "dd" is the day, and "yyyy" is the year.

Part VII - Suspicious Activity Information — Explanation/Description

This section of the report (Explanation/Description) is **critical**. 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. Provide a clear, complete and chronological description of the activity, including what is unusual, irregular or suspicious about the transaction(s). Use the checklist in Part VII as you prepare your description. The description should cover the material indicated in Parts I, II and III, but the MSB should describe any other information that it believes is necessary to better enable investigators to understand the suspicious activity being reporting.

If necessary, continue the description on additional pages attached to the SAR-MSB. The MSB must describe in Part VII any supporting documentation such as copies of instruments; receipts; sale, transaction or clearing records; spreadsheets; photographs; surveillance audio and/or video tapes, etc. and retain such documentation for **5 years**. **DO NOT include supporting documentation when filing this form.**

D R A F T

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Docket No. 939; ATF O 1130.28]

Delegation of the Director's Authorities in 27 CFR Parts 45 and 46

To: All Bureau Supervisors.

1. *Purpose.* This order delegates certain authorities of the Director to subordinate ATF officials and prescribes the subordinate ATF officials with whom persons file documents which are not ATF forms.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to procedure and administration. The Bureau has determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

3. *Cancellations.* ATF O 1100.106A, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities of the Director in 27 CFR Part 295, Tobacco Products for the United States, dated 4/5/84, and ATF O 1130.24, Delegation Order—Delegation of Certain of the Director's Authorities in Subparts C and I of 27 CFR part 296, dated 9/27/01, are canceled.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Orders No. 120-01 (formerly 221), dated June 6, 1972, and 120-04 (formerly 221-4), dated December 5, 1978, and by 26 CFR 301.7701-9, this ATF order delegates certain authorities to take final action prescribed in 27 CFR Parts 45 and 46 to subordinate officials. Also, this ATF order prescribes the subordinate officials with whom applications, notices, and reports required by 27 CFR parts 45 and 46, which are not ATF forms, are filed. The attached table

identifies the regulatory sections, authorities and documents to be filed, and the authorized ATF officials. The authorities in the table may not be redelegated.

5. *Questions.* If you have questions about this order, contact the Regulations Division (202-927-8210).

Bradley A. Buckles,
Director.

Regulatory section	Officer(s) authorized to act or receive document
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§ 45.21	Chief, Regulations Division, except Chief, Diversion Branch, for removal of tobacco products, without payment of tax, from manufacturer for law enforcement investigations of the United States. If the alternate method or procedure does not affect import or export recordkeeping, Chief, National Revenue Center (NRC), may act upon the same alternate method that has been approved by the Chief, Regulations Division.
§ 45.22	Director of Industry Operations to approve or withdraw. Area Supervisor to receive application.
§ 45.23	Inspector, Specialist, Auditor or Special Agent.
§ 45.24	Inspector, Specialist, Auditor or Special Agent.
§ 45.27	Chief, Regulations Division.
§ 45.34	Area Supervisor.
§ 45.36	Unit Supervisor, NRC.
§ 45.42	Chief, Regulations Division.
§ 45.51(d)	Inspector, Specialist, Auditor or Special Agent.
§ 46.5(c)	Unit Supervisor, NRC.
§ 46.7	Unit Supervisor, NRC.
§ 46.8	Unit Supervisor, NRC, or Area Supervisor.
§ 46.11(b)	Section Chief, NRC.
§ 46.13	Section Chief, NRC.
§ 46.14	Section Chief, NRC.
§ 46.15	Section Chief, NRC.
§ 46.22(a)	Chief, Regulations Division.
§ 46.73	Unit Supervisor to act on claims of \$10,000 or less. Section Chief, NRC, to act on claims of more than \$10,000 but not more than \$100,000. Chief, NRC, to act on claims of more than \$100,000.

Regulatory section	Officer(s) authorized to act or receive document
§ 46.77	Unit Supervisor, NRC.
§ 46.78	Unit Supervisor to act on claims of \$10,000 or less. Section Chief, NRC, to act on claims of more than \$10,000 but not more than \$100,000. Chief, NRC, to act on claims of more than \$100,000.
§ 46.79	To determine if non-ATF supervision was satisfactory, Unit Supervisor if claim is \$10,000 or less, Section Chief, NRC, if claim is more than \$10,000 but not more than \$100,000, or Chief, NRC, if claim more than \$100,000. Area Supervisor to assign. Inspector, Specialist, Auditor or Special Agent to supervise.
§ 46.150(b) and (c)	Section Chief, NRC, upon recommendation of Area Supervisor, to approve. Unit Supervisor, NRC, with whom application is filed.
§ 46.153	Inspector, Specialist, Auditor or Special Agent.
§ 46.164	Inspector, Specialist, Auditor or Special Agent.
§ 46.165	Inspector, Specialist, Auditor or Special Agent.
§ 46.242	Director of Industry Operations.
§ 46.244	Inspector, Specialist, Auditor or Special Agent.
§ 46.263	Chief, Regulations Division. If the alternate method or procedure does not affect import or export recordkeeping, Chief, NRC, may act upon the same alternate method that has been approved by the Chief, Regulations Division.
§ 46.264	Chief, Regulations Division. If the alternate method or procedure does not affect import or export recordkeeping, Chief, NRC, may act upon the same alternate method that has been approved by the Chief, Regulations Division.
§ 46.271	Inspector, Specialist, Auditor or Special Agent.
§ 46.272	Director of Industry Operations.
§ 46.273	Inspector, Specialist, Auditor or Special Agent.

BILLING CODE 4810-31-P