

waiver will have no impact on any other commercial passenger operators or existing operators.”

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: “The granting of the waiver will have no impact the operations of any U.S. shipyards.”

Dated: July 31, 2002.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 02-19685 Filed 8-2-02; 8:45 am]

BILLING CODE 4910-81-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34231]

#### Missouri & Valley Park Railroad Corporation—Lease Exemption—The Burlington Northern and Santa Fe Railway Company

Missouri & Valley Park Railroad Corporation (MVP), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to lease<sup>1</sup> from The Burlington Northern and Santa Fe Railway Company (BNSF) and operate approximately 2.14 miles of rail line between BNSF’s milepost 20.50 near West Valley Park, MO, on the south side of the Cuba Sub Main Line, and at or near BNSF’s milepost 18.36 on the Cuba Sub at East Valley Park, MO, on the south side of the Cuba Sub Main Line. MVP certifies that its projected revenues do not exceed those that would qualify it as a Class III rail carrier.

The transaction was due to be consummated on or after July 22, 2002. The earliest the transaction could have been consummated was on July 22, 2002, the effective date of the exemption (7 days after the exemption was filed).

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

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34231, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Edwin I. Josephson, Chuhak & Tecson, P.C., 30

South Wacker Drive, Suite 2600, Chicago, IL 60606.

Board decisions and notices are available on our website at “[www.stb.dot.gov](http://www.stb.dot.gov).”

Decided: July 25, 2002.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-19310 Filed 8-2-02; 8:45 am]

BILLING CODE 4915-00-P

## 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:** 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 the Securities and Futures Industry (SAR-SF).” The form will be used by broker-dealers to report suspicious activity to the Department of the Treasury. Futures commission merchants may also use the form to report suspicious activity to the Department of the Treasury on a voluntary basis. 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 October 4, 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-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:

Peter Djinis, Executive Assistant Director Regulatory Policy, FinCEN, at (703) 905-3930; Russell Stephenson, Regulatory Program Specialist, Office of Compliance and Regulatory Enforcement, FinCEN, at (202) 354-6015; and Judith R. Starr, Chief Counsel and Christine L. Schuetz, Attorney-Advisor, Office of Chief Counsel, FinCEN, at (703) 905-3590.

### SUPPLEMENTARY INFORMATION:

**Title:** Suspicious Activity Report by the Securities and Futures Industry (SAR-SF).

**OMB Number:** 1506-0019.

**Form Number:** TD F 90-22.XX.

**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, 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 rule can also be found at 31 CFR 103.19.

In the preamble to the final Broker-Dealer SAR Rule, FinCEN indicated that it would be developing a suspicious activity reporting form for broker-dealers entitled “Suspicious Activity Report—Brokers or Dealers in Securities,” or “SAR-BD.”<sup>2</sup> The form may also be used by futures commission merchants (“FCMs”) registered with the Commodities Futures Trading

<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 (USA PATRIOT ACT) Act of 2001 (the “USA Patriot Act”), P.L. 107-56.

<sup>2</sup> See 67 FR 44048, 44051.

<sup>1</sup> MVP states that it has also entered into a trackage and interchange agreement with BNSF that affects the above leased rail line.

Commission voluntarily to report suspicious activity to FinCEN. Thus, the title of the draft form has been revised slightly from "SAR-BD" to "SAR-SF," and several fields are provided on the form for use by FCMs.<sup>3</sup>

The information collected on the new form is required to be provided pursuant to 31 U.S.C. 5318(g) 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, tax violations, fraud, and other financial crimes.

Reports filed by broker-dealers required to report suspicious transactions under 31 CFR 103.19, and any reports filed voluntarily by other broker-dealers 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

<sup>3</sup> FinCEN anticipates issuing shortly a Notice of Proposed Rulemaking that would require FCMs to report suspicious activity.

involved in the transaction that a suspicious activity report has been filed.

The draft SAR-SF 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.

*Type of Review:* New information collection.

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

*Frequency:* As required.

*Estimated Burden:* Reporting average of 40 minutes per response.<sup>4</sup>

Estimated number of respondents = 8,300.

Estimated Total Annual Responses = 2,000.

*Estimated Total Annual Burden Hours:* 1,350.

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.

<sup>4</sup> This burden relates to the completion of the SAR-SF form. The recordkeeping burden of 31 CFR 103.19 is reflected in the final rule requiring broker-dealers to file reports of suspicious activity. See 67 FR 44048, 44055.

## 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: July 26, 2002.

**James F. Sloan,**

*Director, Financial Crimes Enforcement Network.*

Attachment—Suspicious Activity Report by the Securities and Futures Industry

**BILLING CODE 4810-02-P**

TD F 90-22.XX  
Treasury Form  
January 2003

# Suspicious Activity Report by the Securities and Futures Industry



OMB No. 1506 - 0019

Please type or print. Always complete entire report. Items marked with an asterisk \* are considered critical. (See instructions).

1 Check the box if this report corrects a prior report (see instructions, page 7)

## Part I Subject Information

2 Check box  if multiple subjects (See Instructions, page 7)

*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 (if not U.S.)	13 E-mail address (if available)
*14 SSN/TIN (individual), or EIN (entity)	*15 Account number	No account affected <input type="checkbox"/>	Account open - Yes <input type="checkbox"/> No <input type="checkbox"/>
*17 Government issued identification (If available)			16 Date of birth MM / DD / YYYY
a <input type="checkbox"/> Driver's license/state ID	b <input type="checkbox"/> Passport	c <input type="checkbox"/> Alien registration	d <input checked="" type="checkbox"/> Corporate/Partnership Resolution
e <input type="checkbox"/> Other	f ID Number		
g Issuing authority		20 Is individual/business associated/affiliated with the reporting institution? (See instructions)	
18 Phone number - work ( ) ( ) -		19 Phone number - home ( ) ( ) -	
a <input type="checkbox"/> Yes		b <input type="checkbox"/> No	

## Part II Suspicious Activity Information

*21 Date or date range of suspicious activity From MM / DD / YYYY to MM / DD / YYYY		*22 Total dollar amount involved in suspicious activity \$ , , .00
*23 Instrument type (Check all that apply)		
a <input type="checkbox"/> Bonds/Notes	b <input type="checkbox"/> Cash or equiv.	c <input type="checkbox"/> Commercial Paper
d <input type="checkbox"/> Commodity futures contract	e <input type="checkbox"/> Money Market Mutual Fund	f <input type="checkbox"/> Mutual Fund
g <input type="checkbox"/> OTC Derivatives	h <input type="checkbox"/> Other derivatives	i <input type="checkbox"/> Commodity options
j <input type="checkbox"/> Security Futures Products	k <input type="checkbox"/> Stocks	l <input type="checkbox"/> Warrants
m <input type="checkbox"/> Other securities	n <input type="checkbox"/> Other non-securities	o <input type="checkbox"/> Foreign currency futures
p <input type="checkbox"/> Foreign currencies	q <input type="checkbox"/> Market where traded	r <input type="checkbox"/> Other (Explain in Part VI)
(Enter appropriate three-letter code.)		
24 CUSIP* number	25 CUSIP* number	26 CUSIP* number
27 CUSIP* number	28 CUSIP* number	29 CUSIP* number
*30 Type of suspicious activity:		
a <input type="checkbox"/> Bank Secrecy Act	h <input type="checkbox"/> Insider trading	n <input type="checkbox"/> Suspicious documents or ID presented
b <input type="checkbox"/> Bribery/gratuity	i <input type="checkbox"/> Mail fraud	o <input type="checkbox"/> Significant wire or other transactions without economic purpose
c <input type="checkbox"/> Check fraud	j <input type="checkbox"/> Margin violation	p <input type="checkbox"/> Terrorist financing
d <input type="checkbox"/> Computer intrusion	k <input type="checkbox"/> Money laundering	q <input type="checkbox"/> Wash or other fictitious trading
e <input type="checkbox"/> Credit/debit card fraud	l <input type="checkbox"/> Market Manipulation	r <input type="checkbox"/> Wire fraud
f <input type="checkbox"/> Futures fraud	m <input type="checkbox"/> Prearranged or other non-competitive trading	s <input type="checkbox"/> Other (Describe in Part VI)
g <input type="checkbox"/> Forgery	n <input type="checkbox"/> Securities fraud	

**Part III Law Enforcement or Regulatory Contact Information** **2**

- 31 If a law enforcement or regulatory authority has been contacted (excluding submission of a SAR) check the appropriate box.
- |   |   |  |   |
|---|---|--|---|
| a <input type="checkbox"/> DEA                  | f <input type="checkbox"/> U.S. Secret Svc. | k <input type="checkbox"/> NY Stock Exchg.                         | p <input type="checkbox"/> State securities regulator |
| b <input type="checkbox"/> FBI                  | g <input type="checkbox"/> CFTC             | l <input type="checkbox"/> Other Registered Futures Assoc          | q <input type="checkbox"/> Foreign                    |
| c <input type="checkbox"/> IRS                  | h <input type="checkbox"/> SEC              | m <input type="checkbox"/> Other registered entity-futures         | r <input type="checkbox"/> Other (Explain in Part VI) |
| d <input type="checkbox"/> U.S. Attorney (**32) | i <input type="checkbox"/> NASD             | n <input type="checkbox"/> Other state/local                       |   |
| e <input type="checkbox"/> U.S. Customs Svc.    | j <input type="checkbox"/> NFA              | o <input type="checkbox"/> Other SRO (PHLX, PCX, CBOE, AMEX, etc.) |   |

32 Other authority contacted (for Box 31 m through s) \*\* List U.S. Attorney office here. 33 Name of individual contacted (for all of Box 31)

34 Telephone number of individual contacted (box 33)

( ) - - - - -

35 Date contacted

MM / DD / YYYY

**Part IV Reporting Financial Institution Information**

\*36 Name of financial institution or sole proprietorship \*37 EIN/SSN/ITIN

\*38 Address

\*39 City \*40 State \*41 ZIP code

42 Additional branch address locations handling account, activity or customer. 43  Multiple locations (see instructions)

44 City 45 State 46 ZIP code

47 Central Registration Depository number 48 SEC ID number 49 Nat'l. Futures Ass'n. ID number

50 Has this reporting individual/entity coordinated this report with another reporting individual/entity? Yes  (Provide details in Part VI) No

- \*51 Type of institution or individual- Check boxes for functions that apply to this report
- |  |   |  |
|--|---|--|
| a <input type="checkbox"/> Agriculture trade option merchant | k <input type="checkbox"/> Investment company - mutual fund | u <input type="checkbox"/> Securities options broker-dealer                    |
| b <input type="checkbox"/> Affiliate of bank holding company | l <input type="checkbox"/> Market maker                     | v <input type="checkbox"/> Self regulatory organization (SRO)                  |
| c <input type="checkbox"/> Commodity pool operator           | m <input type="checkbox"/> Municipal securities dealer      | w <input type="checkbox"/> Specialist  |
| d <input type="checkbox"/> Commodity trading advisor         | n <input type="checkbox"/> National Futures Assoc.          | x <input type="checkbox"/> Subsidiary of bank                                  |
| e <input type="checkbox"/> Direct participation program      | o <input type="checkbox"/> Registered Entity-futures        | y <input type="checkbox"/> U.S. Government broker-dealer                       |
| f <input type="checkbox"/> Futures commission merchant       | p <input type="checkbox"/> Other Registered Futures Assn.   | z <input type="checkbox"/> U.S. Government interdealer broker                  |
| g <input type="checkbox"/> Futures floor broker              | q <input type="checkbox"/> Securities broker - clearing     | aa <input type="checkbox"/> Variable life insurance or annuities broker-dealer |
| h <input type="checkbox"/> Futures floor trader              | r <input type="checkbox"/> Securities broker - introducing  | bb <input type="checkbox"/> Other (List in Part VI)                            |
| i <input type="checkbox"/> Introducing Broker-Futures        | s <input type="checkbox"/> Securities dealer                |  |
| j <input type="checkbox"/> Investment advisor                | t <input type="checkbox"/> Securities floor broker          |  |

**Part V Contact For Assistance**

\*52 Last name of individual to be contacted regarding this report \*53 First name \*54 Middle initial

\*55 Title/Position \*56 Work phone number ( ) - - - - - \*57 Date report prepared MM / DD / YYYY

**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 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 4 hours, 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.

**Part VI Suspicious Activity Information - Narrative \*****3**

**Explanation/description of suspicious activity(ies).** 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 (**not exceeding this page and the next page**) of the activity, including what is unusual, irregular or suspicious about the transaction(s), using the checklist below as a guide, as you prepare your account.

- a. **Describe** conduct that raised suspicion.
- b. **Explain** whether the transaction(s) was completed or only attempted.
- c. **Describe** 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.
- d. **Explain** who benefited, financially or otherwise, from the transaction(s), how much and how (if known).
- e. **Describe and retain** any admission, or explanation of the transaction(s) provided by the subject(s), or other persons. Indicate to whom and when it was given.
- f. **Describe and retain** any evidence of cover-up or evidence of an attempt to deceive federal or state examiners, SRO, or others.
- g. **Indicate** where the possible violation of law(s) took place (e.g., main office, branch, other).
- h. **Indicate** whether the suspicious activity is an isolated incident or relates to another transaction.
- i. **Indicate** whether there is any related litigation. If so, specify its status.
- j. **Recommend** any further investigation that might assist law enforcement authorities.
- k. **Indicate** whether any information has been excluded from this report; if so, state reasons.
- l. **Indicate** 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.
- m. **Indicate** "Market where traded" and "Wire transfer identifier" information when appropriate.
- n. **Indicate** whether funds or assets were recovered and, if so, enter the dollar value of the recovery in whole dollars only.
- o. **Indicate** any additional account number(s), and any foreign bank(s) account number(s) which may be involved.
- p. **Indicate** 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.
- q. **Describe** 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.
- r. **Describe** subject(s) position if employed by the financial institution.
- s. **Indicate** whether securities, futures or options were involved. If so, list the type, CUSIP\* number or ISID\* number, and amount.
- t. **Indicate** the type of institution filing this report, if this is not clear from Part IV. For example, an investment advisor that is managing partner of a limited partnership that is acting as a hedge fund that detects suspicious activity tied in part to its hedge fund activities should note that it is operating as a hedge fund.
- u. **Indicate** in instances when the subject or entity has a CRD or NFA number, what that number is.
- v. **If correcting a prior report, complete the form in its entirety and note the changes here in Part VI.**

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.

Enter explanation/description in the space below. Continue on the next page if necessary.

D  
R  
A  
F  
T

Suspicious Activity Report Narrative (continued)

DRAFT

**Suspicious Activity Report Instructions****5**

**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, reports 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 within the United States (for purposes of this section, a "broker-dealer") shall file with FinCEN, to the extent and in the manner required by 31 CFR 103.19, a report of any suspicious transaction relevant to a possible violation of law or regulation. A broker-dealer 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. A voluntary filing does not relieve a broker-dealer from the responsibility of complying with any other reporting requirements imposed by the Securities and Exchange Commission or 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)).
2. A transaction requires reporting if it is conducted or attempted by, at, or through a broker-dealer, it involves or aggregates funds or other assets of at least \$5,000, and the broker-dealer 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. 5311-5332;
  - 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 broker-dealer 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 broker-dealer to facilitate criminal activity.
3. The obligation to identify and properly and timely report a suspicious transaction rests with each broker-dealer involved in the transaction, provided that no more than one report is required to be filed by the broker-dealers 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 broker-dealer 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 broker-dealer 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. (continued)

In situations involving violations that require immediate attention, such as money laundering schemes, the broker-dealer shall immediately notify by telephone an appropriate law enforcement authority in addition to filing timely a SAR-SF. Broker-dealers 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 if required by this section. The broker-dealer may also, but is not required to, contact the Securities and Exchange Commission to report in such situations.

5. **Exceptions.** A broker-dealer 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 broker-dealer 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 of any of the federal securities laws or rules of an SRO by the broker-dealer 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.
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

## General Instructions

### A. Abbreviations and Definitions

1. AKA--	also known as (individual)	14. IA--	Investment Advisor
2. ASE--	American Stock Exchange	15. IB--	Introducing Broker-Futures
3. CBOE--	Chicago Board Options Exchange	16. IRS--	Internal Revenue Service -Criminal Investigation
4. CPO--	Commodity Pool Operator	17. ITIN--	Individual taxpayer ID number
5. CRD--	Central Registration Depository	18. ISID®--	International Securities ID Directory
6. CFTC--	Commodity Futures Trading Commission	19. NASD--	National Assoc. of Securities Dealers
7. CTA--	Commodity Trading Advisor	20. NFA--	National Futures Association
8. CUSIP®--	Committee on Uniform Securities ID Procedures	21. NYSE--	New York Stock Exchange
9. DEA--	Drug Enforcement Administration	22. OTC--	Over-the-counter
10. DBA--	doing business as (entity)	23. PCX--	Pacific Exchange
11. EIN--	Employer Identification Number	24. PHLX--	Philadelphia Stock Exchange
12. FBI--	Federal Bureau of Investigation	25. RE-futures--	Registered entity-futures
13. FCM--	Futures Commission Merchant	26. RFA--	Registered futures association
		27. SEC--	Securities and Exchange Commission
		28. SRO-	Self-Regulatory Organization- Securities
		29. SSN--	social security number

### B. How to make a report:

1. Send each completed suspicious activity report to:

**Detroit Computing Center**  
**Attn: SAR SF**  
**P.O. Box XXXXX**  
**Detroit, MI 48232**

2. Leave blank any items that do not apply or for which information is unavailable.
3. Items marked with an asterisk \* are considered critical and **are required to be completed if known.**

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 VI by "item number," and provide the additional information.
7. Financial institutions are encouraged to provide copies of SARs to State and local authorities, if appropriate.
8. Type or complete the report using block written letters.
9. 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.
10. List all **Telephone numbers** with (area code) first and then the seven numbers, using the format, i.e., (XXX) XXX-XXXX. List international telephone and fax numbers in Part VI.
11. 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.
12. Enter all **identifying numbers** (alien registration, Corporate/Partnership Resolution, CRD, CUSIP,<sup>®</sup> driver's license/state ID, EIN, ITIN, Foreign National ID, ISID,<sup>®</sup> NFAID, passport, SEC, and SSN etc.) starting from left to right. Do not include spaces, dashes, or other punctuation.
13. 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.
14. 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.
15. **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. Complete any part of the address that is known, even if the entire address is not known. If from the United States, leave country box blank.

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### C. Specific Suspicious Activity Report Preparation Instructions

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

#### PART I Subject Information

**Item 2 -- Multiple Subjects.** Check this box if multiple subjects are involved. Attach additional copy(ies) of Part I to this report.

**Items 3, 4, and 5--\*Name of Subject.** See General Instruction B11. If the organization is operated 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.

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**Item 6-- also known as (AKA-individual), or doing business as (DBA-entity).** 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 nondescript terms such as businessman, merchant, store owner (unless store's name is provided), self employed, unemployed, or retired unless the regular or former occupation is provided. If the individual's business activities can be described more fully, provide the additional information in Part VI. Indicate in Item 7 if "unknown."

**Items 8, 9, 10, 11, and 12-- \*Address.** See General Instructions B13 and B15.

**Item 13-- E-mail address.** Enter the subject's e-mail address if available.

**Item 14-- \*SSN/ITIN (individual) or EIN (entity).** See General Instruction B12 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 14. If that individual is an alien who has an ITIN, enter that number. If the subject is an entity, enter the EIN.

**Item 15-- \*Account number.** See General Instruction B12. Enter the number of any account in or through which the suspicious activity occurred. If an account is not affected or if no affected account is known, mark the "no account affected" box. Check box to indicate if the account is open or closed. If more than one account is affected, provide the additional information in Part VI.

**Item 16-- Date of birth.** See General Instruction B9. 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 17-- \*Government issued identification.** See General Instruction B12. 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 18 & 19-- Telephone numbers.** See General Instruction B10. List any additional number(s) (e.g., hotel, etc.) in Part VI.

**Item 20-- Institution association.** Indicate whether the subject identified in Part I is still associated with the reporting institution as an "associated person" as defined in section 3(a)(18) of the Securities Exchange Act of 1934 or CFTC rule 1.3(aa), or is still "affiliated with" the reporting institution, as defined in the CFTC rule 4.7(a)(1)(i). If so, explain in Part VI.

## PART II Suspicious Activity Information

**Item 21-- \*Date or date range of suspicious activity.** See General Instruction B9. 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 22-- \*Total dollar amount.** See General Instruction B14. 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 VI. 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 23-- \*Instrument type.** Mark the type of instrument identified in Item 23. (Check all that apply.) In item 23b indicate U.S. Dollars only. For Item 23q, enter appropriate three-letter code.

**Items 24, 25, 26, 27, 28, and 29-- CUSIP® Numbers.** Enter up to six (6) securities numbers. If more, enter additional in Part VI.

**Item 30-- \*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 VI of why each box is checked. If none of these items applies, mark "other" and provide in Part VI an explanation of the type of suspicious activity.

### PART III Law Enforcement or Regulatory Contact Information

**Items 31, 32, and 33-- Contacting enforcement authorities.** If no contact, go to Part IV. See General Instructions "A" "Abbreviations and Definitions" for law enforcement and regulatory identities. If you have advised any law enforcement authority SRO, RFA, or RE-futures entity of the suspicious transactions by telephone or written communication, complete this section. If box "d" or boxes "m" through "s" are checked, provide the name of the authority contacted in Item 32. If no contact, leave Items 31-35 blank.

**Item 34-- Telephone number of individual contacted.** See General Instruction B10 for format.

**Item 35-- Date contacted.** See General Instruction B9 for format.

### Part IV Reporting Financial Institution Information

**Item 36-- \*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 37--\*Employer identification number.** See General Instruction B12. Enter the reporting financial institution's EIN. If sole proprietor enter SSN or ITIN.

**Items \*38, \*39, \*40, and \*41-- Address.** See General Instruction B15. This address should be of the principal office or headquarters in the United States.

**Items 42, 43, 44, 45 and 46-- Additional address locations.** See General Instruction 15. 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 43 and list locations in Part VI.

**Item 47-- Central Registration Depository number.** See General Instruction B12. If none, leave blank.

**Item 48-- SEC number.** See General Instruction B12. If none, leave blank.

**Item 49-- National Futures Association identification number.** See General Instruction B12. If none, leave blank.

**Item 50-- Dual reporting.** If this is a coordinated report involving more than one individual/entity (see "When to file a report item 3") check the appropriate box and provide the details in Part VI.

**Item 51-- \*Type of reporting institution.** Check all boxes that apply to this particular report. If **none** of these categories apply to you, explain in Part VI. 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 V**, Items 52, 53, 54, 55, 56, and 57 identify the securities SRO, RFA or RE-futures entity individual to contact.

### Part V Contact for assistance

**Items 52, 53, and 54-- \*Contact individual.** See General Instruction B11.

**Item 55-- \*Title/Position.** Enter the job title/position of the contact individual

**Item 56-- \*Work telephone number.** See General Instruction B10.

**Item 57-- \*Date report prepared.** See General Instruction B9.

### Part VI \*Suspicious Activity Information - Narrative See page 3 for instructions.

[FR Doc. 02-19662 Filed 8-2-02; 8:45 am]

BILLING CODE 4810-02-C

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

July 30, 2002.

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 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before September 4, 2002, to be assured of consideration.

#### U.S. Customs Service (CUS)

*OMB Number:* 1515-0051.

*Form Number:* Customs Form 7523.

*Type of Review:* Extension.

*Title:* Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release.

*Description:* Customs Form 7523 is used by carriers and importers as a manifest for the entry of merchandise free of duty under certain conditions and by Customs to authorize the entry of such merchandise. It is also used by carriers to show that the articles being imported are to be released to the importer or consignee.

*Respondents:* Business or other for-profit, Not-for-profit institutions.

*Estimated Number of Respondents:* 4,950.

*Estimated Burden Hours Per Respondent:* 5 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 8,247 hours.

*OMB Number:* 1515-0052.

*Form Number:* None.

*Type of Review:* Extension.

*Title:* Petition for Remission of Mitigation of Forfeitures and Penalties Incurred.

*Description:* Persons whose property is seized or who incur monetary penalties due to violations of the Tariff Act are entitled to seek remission or mitigation by means of an informal appeal. The violator has the opportunity to claim mitigation and provides a record of such administration appeals.

*Respondents:* Business or other for-profit, Individuals or households, Not-for-profit institutions.

*Estimated Number of Respondents:* 28,000.

*Estimated Burden Hours Per*

*Respondent:* 14 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 6,500 hours.

*OMB Number:* 1515-0055.

*Form Number:* Customs Form 3229.

*Type of Review:* Extension.

*Title:* Certificate of Origin.

*Description:* This certification is required to determine whether an importer is entitled to duty-free entry for goods which are: (1) The growth or product of a U.S. insular possession, or (2) Caribbean Basin initiative imports.

*Respondents:* Business or other for-profit, Not-for-profit institutions.

*Estimated Number of Respondents:* 10.

*Estimated Burden Hours Per*

*Respondent:* 22 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 113 hours.

*OMB Number:* 1515-0060.

*Form Number:* Customs Form 1300.

*Type of Review:* Extension.

*Title:* Vessel Entrance or Clearance Statement Form.

*Description:* This form is submitted upon the arrival of a vessel into the United States. Customs needs this information to record tonnage fees and to obligate the vessel captain to the truth of the manifest.

*Respondents:* Business or other for-profit, Individuals or households.

*Estimated Number of Respondents:* 12,000.

*Estimated Burden Hours Per*

*Respondent:* 5 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 21,991 hours.

*OMB Number:* 1515-0181.

*Form Number:* None.

*Type of Review:* Extension.

*Title:* Line Release/Border Release Advanced Screening and Selectivity (BRASS).

*Description:* Line Release (new name-BRASS) was developed to release and track high volume and repetitive shipments using bar code technology.

*Respondents:* Business or other for-profit, Individuals or households, Not-for-profit institutions.

*Estimated Number of Respondents:* 257.

*Estimated Burden Hours Per*

*Respondent:* 15 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 6,425 hours.

*Clearance Officer:* Tracey Denning, U.S. Customs Service, Information Services Branch, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Room 3.2.C, Washington, DC 20229, (202) 927-1429.

*OMB Reviewer:* Joseph F. Lackey, Jr., Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, (202) 395-7316.

**Mary A. Able,**

*Departmental Reports Management Officer.*

[FR Doc. 02-19702 Filed 8-2-02; 8:45 am]

BILLING CODE 4820-02-P

## DEPARTMENT OF THE TREASURY

### General Counsel Designation No. 282; Appointment of Members to the Legal Division Performance Review Board

Under the authority granted to me as General Counsel of the Department of the Treasury by 31 U.S.C. 301 and 26 U.S.C. 7801, Treasury Department Order No. 101-5 (Revised), and pursuant to the Civil Services Reform Act, I hereby appoint the following individuals to the General Counsel Panel of the Legal Division Performance Review Board:

George B. Wolfe, Deputy General Counsel, who shall serve as Chairperson;

Thomas M. McGivern, Counselor to the General Counsel;

Kenneth R. Schmalzbach, Assistant General Counsel (General Law and Ethics);

Roberta K. McInerney, Assistant General Counsel (Banking & Finance);

Russell L. Munk, Assistant General Counsel (International Affairs);

William J. Fox, Associate Deputy General Counsel;

Marilyn L. Muench, Deputy Assistant General Counsel (International Affairs);

Traci J. Sanders, Deputy Counselor to the General Counsel;

John J. Manfreda, Chief Counsel, Bureau of Alcohol, Tobacco & Firearms;

Alfonso Robles, Chief Counsel, United States Customs Service;

John J. Kelleher, Chief Counsel, United States Secret Service;

Debra N. Diener, Chief Counsel, Financial Management Service;

Carrol H. Kinsey, Jr., Chief Counsel, Bureau of Engraving and Printing;

Judith Starr, Chief Counsel, Financial Crimes Enforcement Network; and

Daniel P. Shaver, Chief Counsel, U.S. Mint.