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Decided: December 20, 2004.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 04-28176 Filed 12-23-04; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34629]

#### Indiana & Ohio Railway Company— Trackage Rights Exemption—West Central Ohio Port Authority and Indiana & Ohio Central Railroad, Inc.

Pursuant to a written trackage rights agreement dated October 16, 2004, the Indiana & Ohio Central Railroad, Inc. (IOCR), as operator, and West Central Ohio Port Authority (WESTCO PA), as owner, have agreed to grant overhead trackage rights to Indiana & Ohio Railway Company (IORY), between milepost 202.7 near Springfield, OH, and milepost 229.83 at Fayne, OH, a distance of approximately 27.13 miles.<sup>1</sup>

The parties state that consummation of the transaction was scheduled to occur on or shortly after December 15, 2004.

The involved trackage rights will enable IORY to enhance service for certain shippers and provide more efficient and economical routings and service for this traffic.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). 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. 34629, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423—

<sup>1</sup> IOCR currently operates over the rail line. IORY and IOCR are both subsidiaries of RailAmerica, Inc., and will coordinate operations over the line once IOCR begins operations pursuant to these trackage rights.

0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: December 17, 2004.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 04-28175 Filed 12-23-04; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Designation of Exempt Person Form

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

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

**SUMMARY:** FinCEN, a bureau of the U.S. Department of the Treasury (“Treasury”), invites all interested parties to comment on its continuing collection of information through its “Designation of Exempt Person” form that is used by banks and other depository institutions to designate their eligible customers as exempt from the requirement to report transactions in currency over \$10,000.

**DATES:** Written comments should be received on or before February 25, 2005.

**ADDRESSES:** Direct all written comments to: Office of Chief Counsel, Financial Crimes Enforcement Network, U.S. Department of the Treasury, P.O. Box 39, Vienna, VA 22183, *Attention:* PRA Comments—Designation of Exempt Person form. Comments also may be submitted by electronic mail to the following Internet address:

*“regcomments@fincen.treas.gov”* with the caption in the body of the text, *“Attention: PRA Comments—Designation of Exempt Person Form.”*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or for a copy of the form should be directed to Russell Stephenson, Senior Compliance Administration Specialist, Office of Regulatory Policy (RP), Regulatory Policy and Programs Division (RPP), (202) 354-6400, or Albert R. Zarate, Senior Regulatory Counsel, Office of Chief Counsel, FinCEN, (703) 905-3590.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)), FinCEN is soliciting comments on the collection of information described below.

*Title:* Designation of Exempt Person.

*OMB Number:* 1506-0012.

*Form Number:* FinCEN Form 110 (Formerly TD F 90-22-53).

*Abstract:* The Bank Secrecy Act, Titles I and II of Pub. L. 91-508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311-5314; 5316-5332, authorizes the Secretary of the Treasury, among other things, to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters. Regulations implementing Title II of the Bank Secrecy Act (codified at 31 U.S.C. 5311-5314; 5316-5332) appear at 31 CFR Part 103. The authority of the Secretary to administer Title II of the Bank Secrecy Act has been delegated to the Director of FinCEN.

The reporting by financial institutions of transactions in currency in excess of \$10,000 has long been a major component of the Treasury’s implementation of the Bank Secrecy Act. The reporting requirement is imposed by 31 CFR 103.22, a rule issued under the broad authority granted to the Secretary of the Treasury by 31 U.S.C. 5313(a) to require reports of domestic coins and currency transactions.

The Money Laundering Suppression Act of 1994, Title IV of the Riegle Community Development and Regulatory Improvement Act (Pub. L. 103-325) amended 31 U.S.C. 5313. The statutory amendments mandate exemptions from currency transaction reporting in the case of customers that are other banks, certain governmental entities, or businesses for which reporting would serve little or no law enforcement purpose. The amendments also authorize Treasury to exempt certain other businesses.

On September 8, 1997, and September 30, 1998, Treasury issued final rules regarding these statutory amendments (62 FR 47141 and 63 FR 50147, respectively). The final rules reform and simplify the process by which banks may exempt eligible customers. The final rules, as further amended by 65 FR 46356, are set forth at 31 CFR 103.22(d).

Under the simplified exemption rules, a key requirement is a “designation” sent to the Treasury indicating that a customer will be treated by the bank as an exempt person, so that no further currency transaction reports will be filed on the customer’s cash transactions exceeding \$10,000. As part of the

simplification process, Treasury previously issued a form specifically for making that designation.

The information collected on the form, Designation of Exempt Person, FinCEN Form 110 (Formerly TD F 90-22.53), is required to exempt bank customers from currency transaction reporting. The information is used to help determine whether a bank has properly exempted its customers. The collection of information is mandatory. The draft revisions to the current form simplify some of the data elements on the form based on information from the federal regulators and questions received on the FinCEN Helpline. The instructions have been expanded and clarified to provide additional guidance for correctly completing the form. The section on the biennial renewal has been clarified so that the certification for suspicious activity monitoring indicates that the certification is being made on behalf of the filer and any

applicable bank subsidiaries. The form has been renumbered to conform to the FinCEN form numbering system.

*Type of Review:* Revision of currently approved collection.

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

*Frequency:* As required.

*Estimated Number of Respondents:* 19,000.

*Estimated Total Annual Responses:* 85,000.

*Estimated Total Annual Burden Hours:* 106,250 hours. (Reporting average of 15 minutes per response; recordkeeping average of 1 hour per response).

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden collection of information; (c) ways to enhance 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: December 15, 2004.

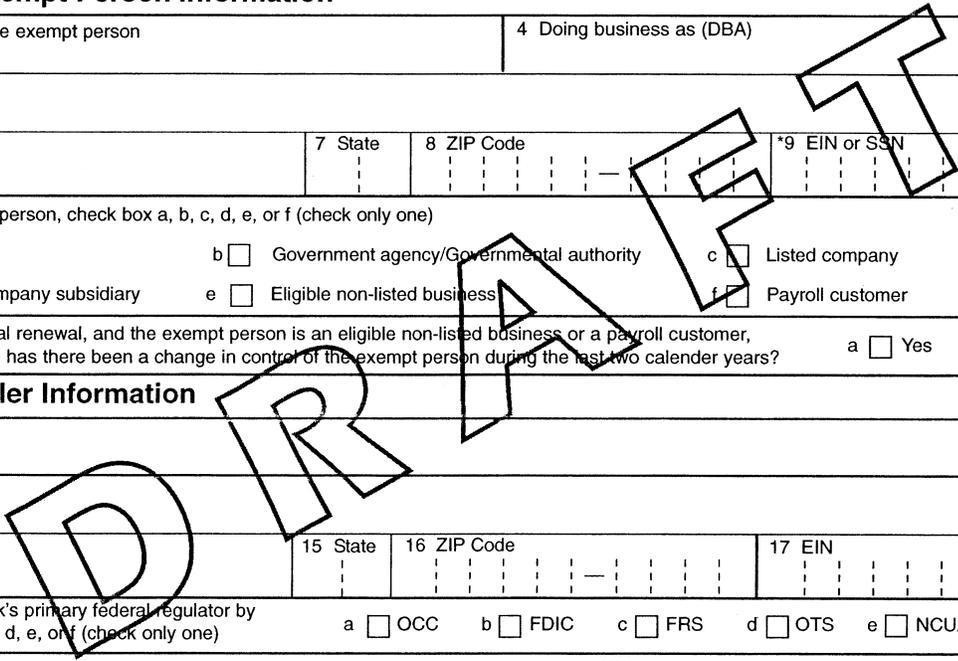
**William J. Fox,**

*Director, Financial Crimes Enforcement Network.*

Atch: Revised (draft) Designation of Exempt Person form.

**BILLING CODE 4820-02-P**

<p><b>FinCEN Form 110</b> (Formerly form TD F 90-22.53)</p> <p>July 2005 Previous editions will not be accepted after January 2006</p>	<p><b>Designation of Exempt Person</b></p> <p>Previous editions will not be accepted after June 30, 2006</p> <p>Please type or print. Complete all parts that apply. See instructions.</p>	 <p>OMB No.1506-0012</p>
<p>Send your completed form to: IRS Detroit Computing Center, Attn: Designation of Exempt Person, P. O. Box 33112, Detroit, MI 48232-0112</p>		
<b>Part I Filing Information</b>		
<p>1 Indicate the type of filing by checking a, b, c, or d (check only one)</p> <p>a <input type="checkbox"/> Initial designation      b <input type="checkbox"/> Biennial renewal      c <input type="checkbox"/> Exemption amended      d <input type="checkbox"/> Exemption revoked</p>		
<p>2 Effective date of the exemption _____ / _____ / _____</p> <p style="text-align: center;">MM                  DD                  YYYY</p>		
<b>Part II Exempt Person Information</b>		
3 Legal name of the exempt person		4 Doing business as (DBA)
5 Address		
6 City	7 State	8 ZIP Code
*9 EIN or SSN		
<p>10 Type of exempt person, check box a, b, c, d, e, or f (check only one)</p> <p>a <input type="checkbox"/> Bank                                  b <input type="checkbox"/> Government agency/Governmental authority                  c <input type="checkbox"/> Listed company</p> <p>d <input type="checkbox"/> Listed company subsidiary                  e <input type="checkbox"/> Eligible non-listed business                  f <input type="checkbox"/> Payroll customer</p>		
<p>11 If this is a biennial renewal, and the exempt person is an eligible non-listed business or a payroll customer, (10 e or f above) has there been a change in control of the exempt person during the last two calendar years?      a <input type="checkbox"/> Yes      b <input type="checkbox"/> No</p>		
<b>Part III Filer Information</b>		
12 Name of bank		
13 Address		
14 City	15 State	16 ZIP Code
17 EIN		
<p>18 Indicate the bank's primary federal regulator by checking a, b, c, d, e, or f (check only one)</p> <p>a <input type="checkbox"/> OCC      b <input type="checkbox"/> FDIC      c <input type="checkbox"/> FRS      d <input type="checkbox"/> OTS      e <input type="checkbox"/> NCUA      f <input type="checkbox"/> IRS</p>		
<p>19 If this designation is also being made for one or more affiliate banks, check this box. <input type="checkbox"/></p> <p>The form instructions provide the procedure for listing additional affiliate bank(s).</p>		
<b>Part IV Signature</b>		
<p>I am authorized to sign this form on behalf of the bank granting the exemption and any listed bank subsidiaries. I declare that the information provided is true, correct and complete.</p>		
20 Signature		21 Print name
22 Title	23 Date of signature _____ / _____ / _____	24 Telephone number - (include area code) ( ) - -
MM                  DD                  YYYY		
<b>Part V Biennial Renewal Certification</b>		
<p>Complete this part only if you are filing a biennial renewal.</p>		
<p>I certify on behalf of the bank and any listed bank subsidiaries that its system of monitoring the transactions in currency of an exempt person for suspicious activity has been applied as necessary, but at least annually, to this exempt person.</p>		
25 Signature		26 Print name
27 Title	28 Date of signature _____ / _____ / _____	29 Telephone number - (include area code) ( ) - -
MM                  DD                  YYYY		



**FinCEN Form 110 Designation of Exempt Person****General Information**

The Bank Secrecy Act and its implementing regulations require banks to file currency transaction reports on transactions in currency of more than \$10,000. The regulations also permit a bank to exempt certain customers from currency transaction reporting in accordance with 31 CFR 103.22.

Banks are the only type of financial institution that may exempt customers from CTR filing requirements. The term bank is defined in 31 CFR 103.11(c); and includes savings and loan associations, thrift institutions, and credit unions.

The customers that the bank may exempt are called "exempt persons". An exempt person may be a bank, government agency/government authority, listed company, listed company subsidiary, eligible non-listed business, or payroll customer, as defined in 31 CFR 103.22.

FinCEN encourages banks to use the exemption procedure to the fullest extent. FinCEN also reminds banks of their continuing obligation to monitor for, and report suspicious activity with respect to transactions of all customers, including currency transactions conducted by exempt persons.

**When to file**

Any bank that wishes to designate a customer as an exempt person must file FinCEN Form 110 Designation of Exempt Person. An initial designation of exempt person must be filed with the IRS Detroit Computing Center no later than 30 days after the first transaction to be exempted.

The biennial renewal must be filed by March 15 of the second calendar year following the year of the initial designation, and every other March 15 thereafter.

**General Instructions**

1. This form can be e-filed through the Patriot Act Communications System (PACS). Go to <http://pacs.treas.gov> to register. This form is also available for download on the Financial Crimes Enforcement Network's Website at [www.fincen.gov](http://www.fincen.gov), or may be ordered by calling the IRS Forms Distribution Center at (800) 829-3676.

2. Complete the form in accordance with specific instructions for each item. Unless there is a specific instruction to the contrary, leave blank any items that do not apply or for which information is not available.

3. Do not include supporting documents with this form unless specifically instructed otherwise.

4. 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.

5. List all U.S. telephone numbers with area code first and then the seven-digit phone number, using the format (XXX) XXX-XXXX.

6. Enter identifying numbers starting from left to right. Do not include spaces, dashes, or other punctuation. Identifying numbers include social security number (SSN), employer identification number (EIN), and individual taxpayer identification number (ITIN).

7. Enter all Post Office ZIP Codes from left to right with at least the first five numbers, or with all nine (ZIP + 4) if known.

8. Addresses: Enter the permanent street address, city, two-letter state or 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, unless no other address is available. Also enter any apartment number, suite number, or 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. Complete any part of the address that is known, even if the entire address is not known.

**Specific Instructions****Part I Filing Information**

**Item 1--Type of filing.** Check only one of the four boxes. The bank will file an initial designation just once, marking item 1a to signify the initial designation. Additionally, with regard to non-listed businesses (item 10e checked) or payroll customers (item 10f checked), the bank must file the form biennially to renew the exempt status of these customers, marking item 1b to signify the biennial renewal.

**Item 2--Effective date of the exemption.** For initial designation, enter the date of the first transaction to be exempted.

-For biennial renewal, the effective date of the exemption will be the same date the bank used in the "effective date of the exemption box" when the initial designation was filed.

-For exemptions amended, if the effective date of the exemption is not being amended, the date entered should be the same date the bank used in the "effective date of the exemption box" when the initial designation was made; or if the effective date of the exemption is being amended, enter the date of the first transaction to be exempted.

-For exemption revoked, enter the day after the last transaction to be exempted.

**Part II Exempt Person Information**

**Item 3--Legal name of the exempt person.** Enter the full legal name of the exempt person as it is shown on the charter or other document creating the entity. For exempt persons that are sole proprietorship, enter the first and last name of the proprietor.

**Item 4--Doing business as (DBA).** If applicable, enter the separate DBA name of the exempt person.

**Item 5, 6, 7 and 8--Address.** Enter the permanent address of the exempt person. For exempt persons doing business at more than one physical location, enter the headquarters address or local address of the exempt person. For sole proprietorship, enter the address of the sole proprietorship rather than the sole proprietor, unless they are the same.

**Item 9--EIN or SSN.** Enter the EIN of the exempt person. If a sole proprietorship does not have an EIN, enter the social security number (SSN).

**Item 10--Type of exempt person.** Check only one of the six boxes. See 31 CFR 103.22(a).

**Item 11--Change in control.** Complete this item only if you checked Item 1b to indicate that you are filing a biennial renewal (biennial renewals only required for item 10e and 10f).

**Part III Filer Information**

**Item 12--Name of bank.** Enter the bank's full legal name.

**Item 13, 14, 15 and 16--Address.** Enter the bank's headquarters address.

**Item 17--EIN.** Enter the bank's employer identification number (EIN).

**Item 18--Primary regulator.** Check only one of the following six boxes, OCC, FDIC, FRS, OTS, NCUA, or IRS.

**Item 19--Subsidiary banks.** A parent bank holding company or one of its bank subsidiaries may make the designation of exempt person on behalf of all bank subsidiaries of the holding company so long as the designation lists each bank subsidiary that will treat the customer as an exempt person. If you are making such a designation, check the box in item 19. List the name and address of each bank subsidiary by completing Part III of an additional Designation of Exempt Person form for each bank subsidiary. Complete the additional forms by entering the bank's name and address in items 13 through 18, and copy the information from Part IV, items 21 through 24 of your Designation of Exempt Person form onto each additional form. Submit the additional forms by attaching them to your Designation of Exempt Person form.

**Part IV Signature**

**Item 20--Signature.** An authorized official of the bank shall sign the form.

**Item 21--Print name.** Enter the name of the bank official who signed the form.

**Item 22--Title.** Enter the title of the bank official who signed the form.

**Item 23--Date of signature.** Enter the date the form was signed.

**Item 24--Telephone number.** Enter the phone number of the bank official who signed the form.

**Part V Biennial Renewal Certification**

When filing a biennial renewal, a bank must certify that it has applied as necessary, but at least annually, a system of monitoring the transactions in currency for suspicious activity.

**Item 25--Signature.** An authorized official of the bank shall sign the certification.

**Item 26--Print name.** Enter the name of the bank official who signed the certification.

**Item 27--Title.** Enter the title of the bank official who signed the certification.

**Item 28--Date of signature.** Enter the date the certification was signed.

**Item 29--Telephone number.** Enter the phone number of the bank official who signed the certification.

Send your completed form to:

IRS Detroit Computing Center  
Attn: Designation of Exempt Person  
P.O. Box 33112  
Detroit, MI 48232-0112

**Paperwork Reduction Act Notice:** The purpose of this form is to provide an effective means for banks and depository institutions to exempt eligible customers from currency transaction reporting. This report is required by law, pursuant to 31 CFR 103.22. Federal law enforcement and regulatory agencies, including the U.S. Department of Treasury and other authorized authorities, may use and share this information. You are not required to provide the requested information unless a form displays a valid OMB control number. Public reporting and recordkeeping burden for this form is estimated to average 70 minutes per response, and includes time to gather and maintain information for the required report, review the instructions, and complete the information collection. The record retention period is five years. Send comments regarding this burden estimate, including suggestions for reducing the burden, to Financial Crimes Enforcement Network, Attention: Paperwork Reduction Act, P.O. Box 39, Vienna, VA 22183-0039.