

SEA will issue an environmental assessment (EA) by January 21, 2003. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1552. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

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

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by BNSF's filing of a notice of consummation by January 16, 2004, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: January 9, 2003.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 03-972 Filed 1-15-03; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network, Customs Service

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Report of International Transportation of Currency or Monetary Instruments

**AGENCY:** Financial Crimes Enforcement Network (FinCEN) and Customs Service (Customs).

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

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, FinCEN and Customs invite the general public and other Federal agencies to comment on an information collection requirement concerning the Report of International Transportation of Currency or Monetary Instruments. This request for comment 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 must be received on or before March 17, 2003, to be assured of consideration.

**ADDRESSES:** Direct all written comments to:

*FinCEN:* Office of Chief Counsel, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, VA 22183-0039, Attention: PRA Comments—Report of International Transportation of Currency or Monetary Instruments. 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—Report of International Transportation of Currency or Monetary Instruments.”*

*Customs:* U.S. Customs Service, Attn.: Walter Wilkowski, Financial Investigations, 1300 Pennsylvania Ave., NW., Room 7.2C, Washington, DC 20229. Telephone (202) 927-1469.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or for a copy of the form should be directed to:

*FinCEN:* Russell Stephenson, Office of Regulatory Programs, FinCEN, at (202) 354-6400 (This is not a toll free number).

*Customs:* U.S. Customs Service, Attn.: Walter Wilkowski, 1300 Pennsylvania Ave., NW., Room 7.2C, Washington, DC 20229. Tel. (202) 927-1469.

**SUPPLEMENTARY INFORMATION:**

*Title:* Report of International Transportation of Currency or Monetary Instruments.

*OMB Number:* 1506-0014.

*Form Number:* Customs form 4790.

*Abstract:* 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. 5311-5330, authorizes the Secretary of the Treasury, *inter alia*, 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. 5311-5330) 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 Bank Secrecy Act specifically states that “a person or an agent or bailee of the person shall file a report \* \* \* when the person, agent, or bailee knowingly—(1) transports, is about to transport, or has transported, monetary instruments of more than \$10,000 at one

time—(A) from a place in the United States to or through a place outside the United States; or (B) to a place in the United States from or through a place outside the United States; or (2) receives monetary instruments of more than \$10,000 at one time transported into the United States from or through a place outside the United States.” 31 U.S.C. 5316(a). The requirement of 31 U.S.C. 5316(a) has been implemented through regulations promulgated at 31 CFR 103.23 and through the instructions to the Report of International Transportation of Currency or Monetary Instruments (CMIR), U.S. Customs Service form 4790.

Information collected on the CMIR is made available, in accordance with strict safeguards, to appropriate criminal law enforcement and regulatory personnel in the official performance of their duties. The information collected is of use in investigations involving international and domestic money laundering, tax evasion, fraud, and other financial crimes.

*Current Actions:* The CMIR is being revised to increase the reliability of the data for investigative purposes and to clarify data fields on the form. Most data fields have been modified to include lines or boxes. A section has been designated for those transporting currency or monetary instruments (part II). The section required for mailing or shipping has been “shaded” and separated into its own section (part IV) to distinguish it from the rest of the form. The “Other monetary instruments” field has been expanded to include specific types of monetary instruments so that filers can easily select the appropriate type(s) they are transporting.

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

*Affected Public:* Individuals, business or other for-profit institutions, not-for-profit institutions.

*Estimated Number of Respondents:* 250,000.

*Estimated Time Per Respondent:* 11 minutes.

*Estimated Total Annual Burden Hours:* 45,834 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. Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

**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: January 6, 2003.

**James F. Sloan,**

*Director, Financial Crimes Enforcement Network.*

**BILLING CODE 4810-02-P**

<b>U.S. CUSTOMS ONLY</b>
CONTROL NO.

OMB NO. 1506-0014

**REPORT OF INTERNATIONAL  
TRANSPORTATION OF CURRENCY OR  
MONETARY INSTRUMENTS**  
31 U.S.C. 5316; 31 CFR 103.23 , 103.27

➔ COMPLETED FORM IS TO BE FILED  
WITH THE U.S. CUSTOMS SERVICE  
➔ SEE INSTRUCTIONS ON BACK OF  
FORM

<b>PART I</b>	<b>PERSON DEPARTING FROM OR ENTERING INTO THE UNITED STATES</b>												
	1. NAME LAST OR FAMILY      FIRST      MIDDLE			2. IDENTIFICATION NO. (SEE INSTRUCTIONS)			3. DATE OF BIRTH MONTH    DAY    YEAR						
	4. PERMANENT HOME ADDRESS IN UNITED STATES OR ABROAD STREET    APT.    CITY    STATE    ZIP CODE    COUNTRY						5. OCCUPATION						
	6. DESTINATION ADDRESS STREET    APT.    CITY    STATE    ZIP CODE    COUNTRY						7. COUNTRY(IES) OF CITIZENSHIP						
	8. PASSPORT NO. & COUNTRY			9. U.S. VISA ISSUANCE DATE MONTH    DAY    YEAR			10. PLACE VISA ISSUED		11. IMMIGRATION ALIEN NO. (If applicable)				
	12. COMPLETE THIS ITEM IF CURRENCY OR MONETARY INSTRUMENT IS ACCOMPANIED BY A PERSON <input type="checkbox"/> EXPORTED CURRENCY OR MONETARY INSTRUMENT FROM THE UNITED STATES    TRAVELER ORIGINATED FROM: CITY: _____ <input type="checkbox"/> IMPORTED CURRENCY OR MONETARY INSTRUMENT INTO THE UNITED STATES    STATE: _____ COUNTRY: _____												
	<b>PART II</b>	<b>COMPLETE THIS SECTION ONLY IF YOU ARE TRANSPORTING CURRENCY ON BEHALF OF SOMEONE ELSE. PROVIDE INFORMATION ABOUT PERSON(S) OR BUSINESS ON WHOSE BEHALF IMPORTATION/EXPORTATION WAS CONDUCTED.</b>											
		13. NAME: LAST OR FAMILY OR BUSINESS    FIRST    MIDDLE				14. PHONE NUMBER (INCLUDE AREA CODE)							
		15. TYPE OF BUSINESS ACTIVITY, OCCUPATION OR PROFESSION							IS THIS BUSINESS A BANKING INSTITUTION? <input type="checkbox"/> YES <input type="checkbox"/> NO				
		16. EMPLOYER IDENTIFICATION NO. (EIN)				17. PASSPORT NO. & COUNTRY							
	<b>PART III</b>	18. PERMANENT ADDRESS IN UNITED STATES OR ABROAD STREET    APT.    CITY    STATE    ZIP CODE    COUNTRY										19. PHONE NO. (INCLUDE AREA CODE)	
		<b>CURRENCY AND MONETARY INSTRUMENTS (COMPLETION OF FIELDS BELOW IS MANDATORY)</b>											
20. TYPE AND AMOUNT OF CURRENCY/MONETARY INSTRUMENTS:				IN U.S. DOLLARS			21. IF OTHER THAN U.S. CURRENCY IS INVOLVED, PLEASE COMPLETE BLOCKS BELOW:						
COINS <input type="checkbox"/> YES <input type="checkbox"/> NO		→		\$		A. CURRENCY NAME							
CURRENCY <input type="checkbox"/> YES <input type="checkbox"/> NO		→		\$		B. COUNTRY							
OTHER MONETARY INSTRUMENTS (CHECK ALL THAT APPLY) <input type="checkbox"/> TRAVELERS CHECKS <input type="checkbox"/> BONDS <input type="checkbox"/> CHECKS <input type="checkbox"/> OTHER <input type="checkbox"/> MONEY ORDERS    (SPECIFY TYPE, ISSUING ENTITY AND DATE, <input type="checkbox"/> BANK DRAFTS    AND SERIAL OR OTHER IDENTIFYING NUMBER.)				→		\$		TOTAL \$					
<b>PART IV</b>	<b>COMPLETE THIS SECTION ONLY IF YOU ARE MAILING OR SHIPPING CURRENCY OR MONETARY INSTRUMENTS</b>												
	22A. DATE SHIPPED:		22B. DATE RECEIVED		22C. METHOD OF SHIPMENT (U.S. MAIL, PUBLIC CARRIER, ETC.)			22D. NAME OF CARRIER					
	22E. NAME SHIPPED TO:			LAST OR FAMILY OR BUSINESS    FIRST    MIDDLE									
	22F. ADDRESS SHIPPED TO:			STREET									
				CITY		STATE		ZIP CODE		COUNTRY			
	22G. NAME RECEIVED FROM:			LAST OR FAMILY    FIRST    MIDDLE									
	22H. ADDRESS RECEIVED FROM:			CITY		STATE		ZIP CODE		COUNTRY			
	<b>PART V</b>	<b>SIGNATURE OF PERSON COMPLETING THIS REPORT</b>											
<i>Under penalties of perjury, I declare that I have examined this report, and to the best of my knowledge and belief it is true, correct and complete.</i>													
23. NAME					TITLE								
SIGNATURE X					DATE OF REPORT								
<b>U.S. CUSTOMS USE ONLY</b>													
DATE		AIRLINE/FLIGHT/VESSEL		<input type="checkbox"/> INBOUND <input type="checkbox"/> OUTBOUND		COUNT VERIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO		VOLUNTARY REPORT <input type="checkbox"/> YES <input type="checkbox"/> NO					
				LICENSE PLATE			INSPECTOR BADGE NO.						
				STATE/COUNTRY		NUMBER							

**GENERAL INSTRUCTIONS**

Report is required by 31 U.S.C. 5316 and Treasury Department regulations (31 CFR 103).

**Must File:** (1) Each person who physically transports, mails, or ships, or causes to be physically transported, mailed, or shipped currency or other monetary instruments in an aggregate amount exceeding \$10,000 at one time from the United States to any place outside the United States or into the United States from any place outside the United States, and (2) Each person who receives in the United States currency or monetary instruments in an aggregate amount exceeding \$10,000 at one time which have been transported, mailed, or shipped to the person from any place outside the United States.

**TRANSFER OF FUNDS THROUGH NORMAL BANKING PROCEDURES, WHICH DOES NOT INVOLVE THE PHYSICAL TRANSPORTATION OF CURRENCY OR MONETARY INSTRUMENTS, IS NOT REQUIRED TO BE REPORTED.**

**Exclusions:** Reports are not required to be filed by: (1) a Federal Reserve bank, (2) a bank, a foreign bank, or a broker or dealer in securities in respect to currency or other monetary instruments mailed or shipped through the postal service or by common carrier, (3) a commercial bank or trust company organized under the laws of any State or of the United States with respect to overland shipments of currency or monetary instruments shipped to or received from an established customer maintaining a deposit relationship with the bank, in amounts which the bank may reasonably conclude do not exceed amounts commensurate with the ordinary conduct of the business, industry, or profession of the customer concerned, (4) a person who is not a citizen or resident of the United States in respect to currency or other monetary instruments mailed or shipped from abroad to a bank or broker or dealer in securities through the postal service or by common carrier, (5) a common carrier of passengers in respect to currency or other monetary instruments in the possession of its passengers, (6) a common carrier of goods in respect to shipments of currency or monetary instruments not declared to be such by the shipper, (7) a travelers' check issuer or its agent in respect to transportation of travelers' checks prior to their delivery to selling agents for eventual sale to the public, (8) a person with a restrictively endorsed traveler's check that is in the collection and reconciliation process when the traveler's check has been negotiated, nor by (9) a person engaged as a business in the transportation of currency, monetary instruments and other commercial papers with respect to the transportation of currency or other monetary instruments overland between established offices of banks or brokers or dealers in securities and foreign persons.

**WHEN AND WHERE TO FILE:**

**Recipients**—Each person who receives currency or other monetary instruments in the United States shall file Form 4790, within 15 days after receipt of the currency or monetary instruments, with the Customs officer in charge at any port of entry or departure or by mail with the Commissioner of Customs, Attention: Currency Transportation Reports, Washington DC 20229.

**Shippers or Mailers**—If the currency or other monetary instrument does not accompany the person entering or departing the United States, Form 4790 may be filed by mail on or before the date of entry, departure, mailing, or shipping with the Commissioner of Customs, Attention: Currency Transportation Reports, Washington DC 20229.

**Travelers**—Travelers carrying currency or other monetary instruments with them shall file Form 4790 at the time of entry into the United States or at the time of departure from the United States with the Customs officer in charge at any Customs port of entry or departure.

**Additional Report:** An additional report of a particular transportation, mailing, or shipping of currency or other monetary instruments, is not required if a complete and truthful report has already been filed. However, no person otherwise excused to file a report shall be excused from liability for failure to do so if, in fact, a complete and truthful report has not been filed. Forms may be obtained from any United States Customs Service office.

**PENALTIES:** Civil and criminal penalties, including under certain circumstances a fine of not more than \$500,000 and imprisonment of not more than ten years, are provided for failure to file a report, filing a report containing a material omission or misstatement, or filing a false or fraudulent report. In addition, the currency or monetary instrument may be subject to seizure and forfeiture. See 31 U.S.C. 5321 and 31 CFR 103.57; 31 U.S.C. 5322 and 31 CFR 103.59; 31 U.S.C. 5317 and 31 CFR 103.58, and U.S.C.

**DEFINITIONS:**

**Agent, Agency, Branch or Office**—Each agent, agency, branch or office within the United States of any person doing business in one or more of the capacities listed: (1) a commercial bank or trust company organized under the laws of any State or of the United States; (2) a private bank; (3) a savings association, savings and loan association, and building and loan association organized under the laws of any State or of the United States; (4) an insured institution as defined in section 401 of the National Housing Act; (5) a savings bank, industrial bank or other thrift institution; (6) a credit union organized under the laws of any State or of the United States; and (7) any other organization chartered under the banking laws of any State and subject to the supervision of the bank supervisory authorities of a State other than a money service business; (8) a bank organized under foreign law; and (9) any national banking association or organization acting under the provisions of section 25A of the Federal Reserve Act (12 U.S.C. Sections 611-632).

**Foreign Bank**—A bank organized under foreign law, or an agency, branch or office located outside the United States of a bank. The term does not include an agent, agency, branch or office within the United States of a bank organized under foreign law.

**Broker or Dealer in Securities**—A broker or dealer in securities, registered or required to be registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934.

**Identification Number**—Individuals must enter their social security number, if any. However, aliens who do not have a social security number should enter passport or alien registration number. All others should enter their employer identification number.

**Bearer Instruments**—(1) Coin or currency of the United States or of any other country, (2) traveler's checks in any form, (3) negotiable instruments (including checks, promissory notes, and money orders) in bearer form without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery, (4) incomplete instruments (including checks, promissory notes, and money orders) not signed but on which the name of the payee has been omitted, and (5) securities or stock in bearer form or otherwise in such form that title thereto passes upon delivery. Monetary instruments do not include (i) checks or money orders made payable to the order of a named person which have not been endorsed or which bear restrictive endorsements, (ii) warehouse receipts, or (iii) bills of lading.

**Person**—An individual, a corporation, a partnership, a trust or estate, a joint stock company, and association, a syndicate, joint venture or other unincorporated organization or group, an Indian Tribe (as that term is defined in the Indian Gaming Regulatory Act), and all entities cognizable as legal personalities.

**GENERAL INSTRUCTIONS:**

Block I. -- Complete each line that applies to you. PART II. -- Block 13; provide the complete name of the shipper or recipient on whose behalf the exportation or importation was conducted. PART III. -- Specify type of instrument, issuing entity, and date, serial or other identifying number, and payee (if any). PART IV. -- Block 22A and 22B; enter the exact date you shipped or received currency or monetary instrument(s). Block 21, if currency or monetary instruments of more than one country is involved, attach a list showing each type, country or origin and amount.

**PRIVACY ACT AND PAPERWORK REDUCTION ACT NOTICE:**

In accordance with the requirements of Public Law 93-579 (Privacy Act of 1974), notice is hereby given that the authority to collect information on Form 4790 in accordance with 5 U.S.C. 552a(e)(3) is Public Law 91-508; 31 U.S.C. 5316; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department No. 165, revised, as amended; 31 CFR 103; and 44 U.S.C. 3501.

The principal purpose for collecting the information is to assure maintenance of reports or records where such reports or records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings. The information collected may be provided to those officers and employees of the Customs Service and any other constituent unit of the Department of the Treasury who have a need for the records in the performance of their duties. The records may be referred to any other department or agency of the Federal Government upon the request of the head of such department or agency. The information collected may also be provided to appropriate state, local, and foreign criminal law enforcement and regulatory personnel in the performance of their official duties.

Disclosure of this information is mandatory pursuant to 31 U.S.C. 5316 and 31 CFR Part 103. Failure to provide all or any part of the requested information may subject the currency or monetary instruments to seizure and forfeiture, as well as subject the individual to civil and criminal liabilities.

Disclosure of the social security number is mandatory. The authority to collect this number is 31 U.S.C. 5316(b) and 31 CFR 103.27(d). The social security number will be used as a means to identify the individual whose report is recorded.

The collection of this information is mandatory unless the person may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The collection of this information is mandatory pursuant to 31 U.S.C. 5316, of Title II of the Bank Secrecy Act, which is administered by Treasury's Financial Crimes Enforcement Network (FINCEN).

Estimated burden by 5 CFR 1320.8(b)(3)(iii): The estimated average burden associated with this collection of information is 11 minutes per respondent or record keeper depending on individual circumstances. Comments regarding the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39 Vienna, VA 22183. **DO NOT send completed forms to this office—See When and Where To File above.**

Customs 4790 (03/03)