

name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By order of the Maritime Administrator.

Dated: August 25, 2011.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2011–22671 Filed 9–15–11; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35549]

#### Canadian Pacific Railway Company— Trackage Rights Exemption— Consolidated Rail Corporation

Pursuant to a written trackage rights agreement,<sup>1</sup> Consolidated Rail Corporation (CRC) will agree to grant overhead trackage rights to Canadian Pacific Railway Company (CP) over CRC's Foreman Wye between the connection with Norfolk Southern Railway Company's (NS) Detroit District Subdivision at or near NS milepost 5.2± and a connection with CSX Transportation, Inc.'s (CSXT) Detroit Subdivision at or near CSXT milepost CH 5.0± in the vicinity of Fort Street, a distance of approximately 1,980 feet, in Wayne County, Mich. (the Line).

The earliest this transaction may be consummated is October 1, 2011, the effective date of the exemption (30 days after the exemption was filed).

According to CP, the purpose of the transaction is to allow for a more efficient routing of CP's trains into CP's intermodal facility at Oak Yard in Detroit, Mich. To improve operational efficiency, CP wishes to move in its own trains the Port of Vancouver intermodal freight (POV freight) currently handled by CSXT under a switching support agreement from NS's Oakwood Yard to CP's intermodal facility. To handle the POV freight from Oakwood Yard to its intermodal facility at Oak Yard in its own trains, CP asserts that it will need to acquire trackage rights over the Line to connect with its trackage rights over CSXT's Detroit Subdivision between

<sup>1</sup> A redacted version of the draft trackage rights agreement between CRC and CP was filed with the notice of exemption. The unredacted version, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.

milepost CH 5.0± and milepost CH 13.5± at Oak Yard.<sup>2</sup>

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 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 effectiveness of the exemption. Stay petitions must be filed by September 23, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35549, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on W. Karl Hansen, Leonard, Street and Deinard, Professional Association, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402 (Counsel for CP).

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

Decided: September 13, 2011.

By the Board.

**Rachel D. Campbell,**

*Director, Office of Proceedings.*

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2011–23812 Filed 9–15–11; 8:45 am]

**BILLING CODE 4915–01–P**

<sup>2</sup> In a related concurrent filing in *Canadian Pacific Railway—Trackage Rights Exemption—CSX Transportation, Inc.*, FD 35548, CP seeks authority to acquire trackage rights over approximately 2.5 miles of CSXT's Detroit Subdivision between milepost CH 5.0± and milepost CH 7.5±. In *Canadian Pacific Railway—Trackage Rights Exemption—CSX Transportation, Inc.*, FD 34033 (STB served May 31, 2001), CP acquired trackage rights over CSXT's Detroit Subdivision between milepost CH 7.5± and milepost 13.5±.

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35548]

#### Canadian Pacific Railway Company— Trackage Rights Exemption—CSX Transportation, Inc.

Pursuant to a written trackage rights agreement,<sup>1</sup> CSX Transportation, Inc. (CSXT) has agreed to grant overhead trackage rights to Canadian Pacific Railway Company (CP) between milepost CH 5.0±, in the vicinity of Fort Street at a connection between CSXT and Consolidated Rail Corporation's (CRC) Foreman Wye, and milepost CH 7.5±, at or near Michigan Avenue on CSXT's Detroit Subdivision, a distance of approximately 2.5 miles in Wayne County, Mich. (the Line).<sup>2</sup>

The earliest this transaction may be consummated is October 1, 2011, the effective date of the exemption (30 days after the exemption was filed).

According to CP, the purpose of the transaction is to increase the operating efficiency of CP and CSXT in Detroit, Michigan and allow for a more efficient routing of CP's trains into CP's intermodal facility at Oak Yard in Detroit. CP and CSXT wish to cancel a switching support agreement under which CSXT handles CP's Port of Vancouver intermodal freight (POV freight) moving via Norfolk Southern Railway Company's Oakwood Yard to CP's intermodal facility. To handle the POV freight from Oakwood Yard to its intermodal facility at Oak Yard in its own trains following termination of the switching support agreement, CP asserts that it will need to acquire trackage rights over the Line to connect with its previously granted trackage rights over CSXT's Detroit Subdivision between milepost CH 7.5± and milepost CH 13.5± at Oak Yard.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway Co.—Trackage Rights—Burlington Northern, Inc.*, 354

<sup>1</sup> A redacted version of the trackage rights agreement between CSXT and CP was filed with the notice of exemption. The unredacted version, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.

<sup>2</sup> This transaction is related to a concurrently filed verified notice of exemption in FD 35549, *Canadian Pacific Railway Company—Trackage Rights Exemption—Consolidated Rail Corporation*, in which CP seeks to obtain overhead trackage rights over CRC's Foreman Wye, between Norfolk Southern Railway Company milepost 5.2± and CSXT milepost CH 5.0±, a total distance of approximately 1,980 feet, in Wayne County, Mich.

I.C.C. 605 (1978), as modified in *Mendocino Coast Railway, Inc.—Lease and Operate—California Western Railroad*, 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 effectiveness of the exemption. Stay petitions must be filed by September 23, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35548, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on W. Karl Hansen, Leonard, Street and Deinard, Professional Association, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402 (Counsel for CP).

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

Decided: September 13, 2011.

By the Board.

**Rachel D. Campbell,**

*Director, Office of Proceedings.*

**Jeffrey Herzig,**

*Clearance Clerk.*

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## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### Agency Information Collection Activities; Proposal That Electronic Filing of Bank Secrecy Act (BSA) Reports Be Required; Comment Request

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

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

**SUMMARY:** FinCEN is proposing to require electronic filing of certain Bank Secrecy Act (BSA) reports not later than June 30, 2012. This requirement will significantly enhance the quality of our electronic data, improve our analytic capabilities in supporting law enforcement requirements and result in significant reduction in real costs to the United States Government and ultimately to U.S. taxpayers. Specifically, we propose mandatory electronic submission of *all* BSA reports

*excluding* the Report of International Transportation of Currency or Monetary Instruments (CMIR).<sup>1</sup>

**DATES:** Comments should be submitted on or before November 15, 2011.

**ADDRESSES:** Written comments should be submitted to: Regulatory Policy and Programs Division, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, Virginia 22183, Attention: PRA Comments—BSA Required Electronic Filing. BSA Required Electronic Filing comments also may be submitted by electronic mail to the following Internet address: [regcomments@fincen.gov](mailto:regcomments@fincen.gov), with the caption, “Attention: BSA Required Electronic Filing,” in the body of the text.

*Inspection of comments.* Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Vienna, VA. Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905-5034 (not a toll free call).

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Regulatory Helpline at 800-949-2732, select option 7.

#### SUPPLEMENTARY INFORMATION:

*Title:* Bank Secrecy Act, Reporting Forms, (31 CFR chapter X).

*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 (Secretary), *inter alia*, to require financial institutions to 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>2</sup> Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary to administer

<sup>1</sup> All CMIRs are filed with the Department of Homeland Security’s Customs and Border Protection (CBP) at the port of entry/exit or mailed to the Commissioner of Customs in Washington, DC. There are no electronic filing capabilities at the ports. A CBP contractor keys the data on the completed form into a data tape that is electronically uploaded to the BSA database. FinCEN receives no paper filed CMIRs.

<sup>2</sup> Language expanding the scope of the BSA 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 Act of 2001 (the USA PATRIOT Act), Public Law 107-56.

the BSA has been delegated to the Director of FinCEN.

The Secretary was granted authority with the enactment of Title 31 U.S.C., to require financial institutions and other persons to file various BSA reports. The information collected on the reports is required to be provided pursuant to Title 31 U.S.C., as implemented by FinCEN regulations found throughout 31 CFR chapter X. The information collected pursuant to this authority is made available to appropriate agencies and organizations as disclosed in FinCEN’s Privacy Act System of Records Notice.<sup>3</sup>

*Current Action:* In support of Treasury’s paperless initiative and efforts to make the government operations more efficient, FinCEN has chosen to mandate electronic filing of certain BSA reports effective June 30, 2012.

This requirement will significantly enhance the quality of our electronic data, improve our analytic capabilities in supporting law enforcement requirements, and result in a significant reduction in real costs to the U.S. government and ultimately to U.S. taxpayers. Specifically, we propose to make mandatory the electronic submission of all BSA reports *excluding* the CMIR.<sup>4</sup>

*Background:* Since October 2002, FinCEN has provided financial institutions with the capability of electronically filing BSA reports through its system called BSA E-Filing. Effective August 2011, the system was expanded to support individuals filing the Report of Foreign Bank and Financial Accounts (FBAR) report. BSA E-Filing is a secure, Web-based electronic filing system. It is a flexible solution for financial institutions or individuals, whether they file one BSA report or thousands. BSA E-Filing is an accessible service that filers can access by using their existing internet connections regardless of connection speed. In addition, it is designed to minimize filing errors and provide enhanced feedback to filing institutions or individuals, thereby providing a significant improvement in data quality.

BSA E-Filing, which is provided free of charge, features streamlined BSA information submission; faster routing of information to law enforcement; greater data security and privacy compared with paper forms; long-term

<sup>3</sup> Treasury Department bureaus such as FinCEN renew their System of Records Notices every three years unless there is cause to amend them more frequently. FinCEN’s System of Records Notice was most recently published at 73 FR 42405, 42407-9 (July 21, 2008).

<sup>4</sup> See *supra* note 1.