

injunctive relief and compensatory damages, including:

(1) Reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

(2) The amount of back pay, with interest;

(3) Compensation for any special damages sustained as a result of the discharge or discrimination; and

(4) Litigation costs, expert witness fees, and reasonable attorney fees.

(d) Within seven days after filing a complaint in federal court, a complainant must file with OSHA, the ALJ, or the ARB, depending on where the proceeding is pending, a copy of the file-stamped complaint. In all cases, a copy of the complaint also must be served on the OSHA official who issued the findings and/or preliminary order, the Assistant Secretary, and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor.

**§ 1985.115 Special circumstances; waiver of rules.**

In special circumstances not contemplated by the provisions of these rules, or for good cause shown, the ALJ or the ARB on review may, upon application, after three days' notice to all parties, waive any rule or issue such orders that justice or the administration of CFPA requires.

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**DEPARTMENT OF THE TREASURY**

**Financial Crimes Enforcement Network**

**31 CFR Part 1010**

**RIN 1506-AB19**

**Financial Crimes Enforcement Network; Withdrawal of Finding Regarding JSC CredexBank**

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

**ACTION:** Withdrawal of finding.

**SUMMARY:** This document withdraws FinCEN’s finding that JSC CredexBank (“Credex”), renamed JSC InterPayBank (“InterPay”), is a financial institution of primary money laundering concern, pursuant to Section 311 of the USA PATRIOT Act (“Section 311”). Because of material subsequent developments that have mitigated the money laundering risks associated with Credex, FinCEN has determined that Credex is no longer a primary money laundering concern that warrants the

implementation of a special measure under Section 311. Elsewhere in this issue of the **Federal Register**, FinCEN is publishing a withdrawal of the related notice of proposed rulemaking that would have imposed two special measures against Credex.

**DATES:** The finding is withdrawn as of March 17, 2016.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Resource Center at (800) 767-2825.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On October 26, 2001, the President signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56 (the “USA PATRIOT Act,” codified at 31 U.S.C. 5318A). Title III of the USA PATRIOT Act amends the anti-money laundering provisions of the Bank Secrecy Act (“BSA”), codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311-5314, 5316-5332, to promote the prevention, detection, and prosecution of international money laundering and the financing of terrorism. Regulations implementing the BSA appear at 31 CFR chapter X. The authority of the Secretary of the Treasury to administer the BSA and its implementing regulations has been delegated to the Director of FinCEN.

Section 311 of the USA PATRIOT Act (“Section 311”) grants the Director of FinCEN the authority, upon finding that reasonable grounds exist for concluding that a foreign jurisdiction, foreign financial institution, class of transactions, or type of account is of “primary money laundering concern,” to require domestic financial institutions and financial agencies to take certain “special measures” to address the primary money laundering concern. The special measures enumerated under Section 311 are prophylactic safeguards that defend the U.S. financial system from money laundering and terrorist financing. FinCEN may impose one or more of these special measures in order to protect the U.S. financial system from these threats. To that end, special measures one through four, codified at 31 U.S.C. 5318A(b)(1-4), impose additional recordkeeping, information collection, and information reporting requirements on covered U.S. financial institutions. The fifth special measure, codified at 31 U.S.C. 5318A(b)(5), allows the Director to prohibit or impose conditions on the opening or maintaining of correspondent or payable-through accounts for the

identified institution by U.S. financial institutions.

**II. The Finding and Notice of Proposed Rulemaking**

*A. The Finding and Notice of Proposed Rulemaking*

Based upon review and analysis of relevant information, consultations with relevant Federal agencies and departments, and after consideration of the factors enumerated in Section 311, the Director of FinCEN found that reasonable grounds existed for concluding that JSC CredexBank (“Credex”) was a financial institution of primary money laundering concern, as published in the **Federal Register** on May 25, 2012.<sup>1</sup> FinCEN published a notice of proposed rulemaking proposing (“NPRM”) to impose the first and fifth special measures on May 30, 2012, pursuant to the authority under 31 U.S.C. 5318A.<sup>2</sup>

*B. Subsequent Developments*

Since FinCEN’s finding and related NPRM regarding Credex, material facts regarding the circumstances of the proposed rulemaking have changed. On May 8, 2015, the National Bank of the Republic of Belarus (“NBRB”), the Belarusian central bank and monetary authority with control over bank supervision and regulation, revoked the banking license of InterPay, the successor of Credex, and delisted InterPay from the list of banks published by the NBRB.<sup>3</sup> In late January 2016, InterPay was also listed by the NBRB as being in the process of bankruptcy and liquidation.<sup>4</sup> Because of the actions taken by the Belarusian banking authorities and the ongoing liquidation of InterPay’s assets, InterPay no longer operates as a foreign financial institution.

**III. Withdrawal of the Finding**

For the reasons set forth above, FinCEN hereby withdraws its finding that Credex/InterPay is of primary

<sup>1</sup> See 77 FR 31434 (May 25, 2012).

<sup>2</sup> See 77 FR 31795 (May 30, 2012) (RIN 1506-AB19).

<sup>3</sup> See Press Release, National Bank of the Republic of Belarus. *About Revocation of the Banking License from ‘InterPayBank’ Joint Stock Company.* (May 8, 2015). <http://www.nbrb.by/Press/?nd=101&l=en> (accessed January 27, 2016); see also Press Release, National Bank of the Republic of Belarus. *Register of Banking Licenses as at 27 January 2016.* (January 27, 2016). <http://www.nbrb.by/engl/system/register.asp> (accessed January 27, 2016).

<sup>4</sup> See Press Release, National Bank of the Republic of Belarus. *Information on Banks Under Bankruptcy or Liquidation in the Republic of Belarus as of 27.01.2016.* (January 27, 2016). <http://www.nbrb.by/engl/system/ex-banks.asp> (accessed January 27, 2016).

money laundering concern, published on May 25, 2012. FinCEN's withdrawal of the finding does not acknowledge any remedial measure taken by Credex/InterPay, but results from the fact that Credex/InterPay no longer operates as a foreign financial institution.

**Jamal El-Hindi,**

*Deputy Director, Financial Crimes Enforcement Network.*

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**DEPARTMENT OF TRANSPORTATION**

**Saint Lawrence Seaway Development Corporation**

**33 CFR Part 402**

[Docket No. SLSDC 2016-0003]

**RIN 2135-AA38**

**Tariff of Tolls**

**AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising its regulations to reflect the fees and charges levied by the SLSMC in Canada starting in the 2016 navigation season, which are effective only in Canada. An amendment to increase the minimum charge per lock for those vessels that are not pleasure craft or subject in Canada to tolls under items 1 and 2 of the Tariff for full or partial transit of the Seaway will apply in the U.S. (See **SUPPLEMENTARY INFORMATION.**)

**DATES:** This rule will become effective on March 21, 2016.

**ADDRESSES:** *Docket:* For access to the docket to read background documents or comments received, go to <http://www.Regulations.gov>; or in person at the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** Carrie Mann Lavigne, Chief Counsel,

Saint Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, New York 13662; 315/764-3200.

**SUPPLEMENTARY INFORMATION:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls (Schedule of Fees and Charges in Canada) in their respective jurisdictions. A Notice of Proposed Rulemaking was published in the **Federal Register** on February 9, 2016. No comments were received. The joint regulations will become effective in Canada on March 21, 2016. For consistency, because these are joint regulations under international agreement, and to avoid confusion among users of the Seaway, the SLSDC finds that there is good cause to make the U.S. version of the amendments effective on the same date.

The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising 33 CFR 402.12, "Schedule of tolls", to reflect the fees and charges levied by the SLSMC in Canada beginning in the 2016 navigation season. With one exception, the changes affect the tolls for commercial vessels and are applicable only in Canada. The collection of tolls by the SLSDC on commercial vessels transiting the U.S. locks is waived by law (33 U.S.C. 988a(a)). Accordingly, no notice or comment is necessary on these amendments.

The SLSDC is amending 33 CFR 402.12, "Schedule of tolls", to increase the minimum charge per vessel per lock for full or partial transit of the Seaway from \$26.92 to \$27.46. This charge is for vessels that are not pleasure craft or subject in Canada to the tolls under items 1 and 2 of the Tariff. This increase is due to higher operating costs at the locks.

**Regulatory Notices: Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the 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) or you may visit <http://dms.dot.gov>.

**Regulatory Evaluation**

This regulation involves a foreign affairs function of the United States and therefore Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

**Regulatory Flexibility Act Determination**

I certify this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Tariff of Tolls primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

**Environmental Impact**

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of the human environment.

**Federalism**

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this rule does not have sufficient federalism implications to warrant a Federalism Assessment.

**Unfunded Mandates**

The Corporation has analyzed this rule under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

**Paperwork Reduction Act**

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

**List of Subjects in 33 CFR Part 402**

Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation is amending 33 CFR part 402, Tariff of Tolls, as follows:

**PART 402—TARIFF OF TOLLS**

■ 1. The authority citation for part 402 continues to read as follows: