

**# 3 Burnett**

Attention: PRA Comments -- Designation of Exempt Person Form

Ladies and Gentlemen:

I write to comment on the December 27, 2004, Federal Register proposal (69 FR 77316) to revise the current "Designation of Exempt Person" form.

In general I believe the draft FinCEN Form 110 to be a vast improvement over the current Treasury form TD F 90-22.53. As noted in the Federal Register document, the proposed changes are in response to questions concerning use of the current form, and I believe the changes will resolve many of those questions. In this regard, FinCEN is to be commended for making what I believe are positive changes.

I believe, however, that one substantive change in the form should be clarified. In the instructions for the current form, banks are given an option to use the form to report their revocation of an exemption. That instruction is missing from the proposed revised form. That suggests that when a bank decides to revoke an exemption, it will have to report that revocation using the Form 110. If that is FinCEN's intent, I believe it should be stated in an explicit instruction on or with the form, or, at minimum, stated in the Federal Register document that accompanies the announcement of the final form.

If FinCEN intends that banks continue to have the option to report or not to report revocations, an instruction to that effect should be incorporated in the revised form.

I hasten to point out the obvious, however: Should FinCEN require that banks report all revocations, such a change will exacerbate the glut of filings that are already made with FinCEN.

I also note that the change in form numbering should be accompanied by an amendment to paragraphs (3) and (5) of 31 CFR 103.22(d) where the current number of the DEP form is referenced.

Thank you for the opportunity to comment on the proposal to update this form.

Regards,  
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