



Publix® super markets, inc.

May 18, 2005

Office of Chief Counsel  
Financial Crimes Enforcement Network  
Department of the Treasury  
Attn: PRA Comments - SAR-MSB Form  
P.O. Box 39  
Vienna, VA 22183

**RE: PRA Comments – SAR-MSB Form**

I reviewed the proposed modifications to the SAR-MSB Form in my role as Compliance Officer for Publix Super Markets, Inc., and have the following comments:

1. Boxes 33 and 44 – Internal control numbers – Publix does not presently assign internal control numbers. If Publix assigns such numbers, then what value would FinCEN or the IRS perceive from the assignment of internal control numbers?
2. General Instruction number 4 – For the sake of consistency, could FinCEN use either “NA” or “XX”, but not both, as the required special response code when the reporting MSB does not have certain text information? Using one or the other would likely result in fewer inadvertent filing errors by MSB preparers who may be confused as to which special response code to use. This comment also applies to General Instruction number 15 and to the pertinent Item Preparation Instructions.
3. General Instruction number 7 – I believe that the word “subjects” in the third sentence of this instruction should be “locations”.
4. Item Preparation Instruction number 14 – I understand that filers are to use “00” when only a month or day is unknown or unavailable. General Instruction number 4 instructs filers to use “NA” when a critical date is not known or is not available. Please consider adding a sentence in Item Preparation Instruction number 14 to the effect of: “If no information is available or known regarding the subject’s date of birth, then enter the special response code “NA” (Note: or “XX” if the form is changed as suggested in item 2 above). If some of the subject’s date of birth information is known, then enter the known information and use “00” for unknown month or day, and “0000” for unknown year.” Also, this item should specifically instruct filers to use “0000” in the case where month and day of birth are known, but birth year is not available or known.

5. Item Preparation Instruction number 17 – The Publix analysts and manager responsible for preparing and reviewing SARs found these instructions thoroughly confusing. The text in both boxes 17 and 20 requires the filer to report the total dollar amount involved in the suspicious activity. Yet the Item Preparation Instruction requires the filer to report only the larger amount of the two activities being reported when two or more types of money service transactions are involved. Although I understand how this makes sense in the example provided (assuming that both transactions occur at the same time at the same location), I am not sure how to report multiple money transfer purchases (sends) and redemptions (receives) by the same subject through the same money transfer network (i.e., Western Union) over a span of several days or weeks. I assume that Publix should report the total dollar amount of the activity in both boxes 17 and 20, and not just the largest activity amount in box 20 (or 17, as the case may be). Also, in the case where the filer is reporting multiple money transfer purchases (sends) and redemptions (receives) by the same subject through the same money transfer network (i.e., Western Union) over a span of several days or weeks, would there be any benefit to FinCEN or the IRS, if the filer listed purchases (sends) on one line in Item 20, and redemptions (receives) on the next line in Item 20, so that the dollar amounts for purchases and redemptions could be seen separately? Finally, the reference to “Item 20” in the fourth sentence of Item Preparation Instruction number 17 seems more appropriate as a reference to “Item 17”, given the example provided.
6. Finally, I compared the time Publix spends to prepare and file each SAR-MSB form to the estimated 35 minute per-response burden and found that in Publix’s experience, the amount of time required to prepare a response is 2 hours and 10 minutes. This includes time spent collecting information, and preparing and reviewing reports. This does not include time spent mailing, filing, or performing data entry tasks related to each response. Accordingly, I request that FinCEN increase the estimated record-keeping burden related to the SAR-MSB. Note that the draft instructions report 35 minutes per response, but the Federal Register notice reports 30 minutes per response. In either case, the estimate is far short of Publix’s actual experience.

Thank you for your consideration of these comments. Please contact me if you have any questions.

Sincerely,



Dale Myers  
Vice President, Compliance Officer

C: Kelly Underhill  
John Hodgkinson