

to the (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT:

Copies of the submission(s) may be obtained by calling (202) 927-5331, email at PRA@treasury.gov, or the entire information collection request maybe found at www.reginfo.gov.

Financial Crimes Enforcement Network (FinCEN)

OMB Number: 1506-0022.

Type of Review: Revision of a currently approved collection.

Title: Customer Identification Programs for Futures Commission Merchants and Introducing Brokers.

Abstract: Futures commission merchants and introducing brokers are required to develop and maintain a customer identification program. A copy of the program must be maintained for five years. See 31 CFR 1026.100 and 31 CFR 1026.220.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Burden Hours: 20,478.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2012-20746 Filed 8-22-12; 8:45 am]

BILLING CODE 4810-02-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 20, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

DATES: Comments should be received on or before September 24, 2012 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to the (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at OIRA_Submission@OMB.EOP.GOV and to the (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT:

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Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Number: 1513-0087.

Type of Review: Extension without change of a currently approved collection.

Title: Labeling and Advertising Requirements Under the Federal Alcohol Administration Act.

Abstract: Bottlers and importers of alcohol beverages must adhere to numerous performance standards for statements made on labels and in advertisements of alcohol beverages. These performance standards include minimum mandatory labeling and advertising statements.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Burden Hours: 7,071.

OMB Number: 1513-0114.

Type of Review: Extension without change of a currently approved collection.

Title: Beer for Exportation.

Form: TTB F 5130.12.

Abstract: Unpaid beer may be removed from a brewery for exportation without payment of the excise tax normally due on removal. In order to ensure that exportation took place as claimed and that untaxpaid beer does not reach the domestic market TTB requires certification on Form 5130.12.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Burden Hours: 5,940.

OMB Number: 1513-0115.

Type of Review: Extension without change of a currently approved collection.

Title: Usual and Customary Business Records Relating to Wine TTB REC 5120/1.

Abstract: TTB routinely inspects wineries' usual and customary business records to ensure the proper payment of wine excise taxes due to the Federal government.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Burden Hours: 468.

OMB Number: 1513-0116.

Type of Review: Extension without change of a currently approved collection.

Title: Bond for Drawback Under 26 U.S.C. 5131.

Form: TTB F 5154.3.

Abstract: Business that use taxpaid alcohol to manufacture nonbeverage

products may file a claim for drawback (refund or remittance). Claims may be filed monthly or quarterly. Monthly claimants must file a bond on TTB F 5154.3 to protect the Government's interest.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Burden Hours: 10.

OMB Number: 1513-0121.

Type of Review: Extension without change of a currently approved collection.

Title: Labeling of Major Food Allergens.

Abstract: The collection of information involves voluntary labeling of major food allergens used in the production of alcohol beverages and also involves petitions for exemption from full allergen labeling. The collection corresponds to the amendments to the FD&C Act in Title II of Public Law 108-282, 118 Stat. 905.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Burden Hours: 730.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2012-20747 Filed 8-22-12; 8:45 am]

BILLING CODE 4810-31-P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of final action regarding technical and conforming amendments to federal sentencing guidelines effective November 1, 2012.

SUMMARY: On April 30, 2012, the Commission submitted to the Congress amendments to the sentencing guidelines and official commentary, which become effective on November 1, 2012, unless Congress acts to the contrary. Such amendments and the reasons for amendment subsequently were published in the **Federal Register**. 77 FR 28225 (May 11, 2012). The Commission has made technical and conforming amendments, set forth in this notice, to commentary provisions and policy statements related to those amendments.

DATES: The Commission has specified an effective date of November 1, 2012, for the amendments set forth in this notice.

FOR FURTHER INFORMATION CONTACT:

Jeanne Doherty, Public Affairs Officer, (202) 502-4502.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission, an independent commission in the judicial branch of the United States government, is authorized by 28 U.S.C. 994(a) to promulgate sentencing guidelines and policy statements for federal courts. Section 994 also directs the Commission to review and revise periodically promulgated guidelines and authorizes it to submit guideline amendments to Congress not later than the first day of May each year. *See* 28 U.S.C. 994(o), (p). Absent an affirmative disapproval by Congress within 180 days after the Commission submits its amendments, the amendments become effective on the date specified by the Commission (typically November 1 of the same calendar year). *See* 28 U.S.C. 994(p).

Unlike amendments made to sentencing guidelines, amendments to commentary and policy statements may be made at any time and are not subject to congressional review. To the extent practicable, the Commission endeavors to include amendments to commentary and policy statements in any submission of guideline amendments to Congress. Occasionally, however, the Commission determines that technical

and conforming changes to commentary and policy statements are necessary. This notice sets forth technical and conforming amendments to commentary and policy statements that will become effective on November 1, 2012.

Authority: USSC Rules of Practice and Procedure 4.1.

Patti B. Saris,
Chair.

1. Amendment:

The Commentary to § 1B1.10 captioned “Application Notes” is amended in Note 4 by striking “Application Note 10 to § 2D1.1” and inserting “the Drug Equivalency Tables in the Commentary to § 2D1.1 (*see* § 2D1.1, comment. (n.8))”.

The Commentary to § 2D1.1 captioned “Application Notes” is amended by renumbering Notes 1 through 29 according to the following table:

Before amendment	After amendment
1	1
17	2
13	3
2	4
12	5
5	6
6	7

Before amendment	After amendment
10	8
11	9
15	10
3	11
18	12
23	13
25	14
26	15
27	16
28	17
19	18(A)
20	18(B)
29	19
21	20
24	21
8	22
7	23
22	24
4	25
14	26(A)
16	26(B)
9	26(C);

and by rearranging those Notes, as so renumbered, to place them in proper numerical order.

The Commentary to § 2D1.1 captioned “Application Notes”, as so renumbered and rearranged, is further amended by inserting headings at the beginning of certain notes, as follows (with Notes referred to by their new numbers):

Note	Heading to be inserted at the beginning
1	“Mixture or Substance”.—
2	“Plant”.—
3	Classification of Controlled Substances.—
4	Applicability to “Counterfeit” Substances.—
5	Determining Drug Types and Drug Quantities.—
7	Multiple Transactions or Multiple Drug Types.—
9	Determining Quantity Based on Doses, Pills, or Capsules.—
10	Determining Quantity of LSD.—
12	Application of Subsection (b)(5).—
18	Application of Subsection (b)(13).—
23	Cases Involving Mandatory Minimum Penalties.—
25	Cases Involving “Small Amount of Marijuana for No Remuneration”.—
26	Departure Considerations.—
26(A)	Downward Departure Based on Drug Quantity in Certain Reverse Sting Operations.—
26(B)	Upward Departure Based on Drug Quantity.—
26(C)	Upward Departure Based on Unusually High Purity.—

The Commentary to § 2D1.1 captioned “Application Notes”, as so renumbered and rearranged and amended, is further amended as follows (with Notes referred to by their new numbers):

In Note 8(A) by striking “Note 5” and inserting “Note 6”;

In Note 15 by redesignating (i), (ii), and (iii) as (A), (B), and (C), respectively;

In Note 18(A) by inserting before the period at the end of the heading the following: “(Subsection (b)(13)(A))”; and

In Note 18(B) by inserting before the period at the end of the heading the following: “(Subsection

(b)(13)(C)(B(D)))”, by redesignating its component subdivision (A) (beginning “Factors to Consider”) as (i), and that subdivision’s component subdivisions (i) through (iv) as (I) through (IV), respectively, and by redesignating its component subdivision (B) (beginning “Definitions”) as (ii).

The Commentary to § 2D1.1 captioned “Background” is amended by striking the fifth through eighth undesignated paragraphs as follows:

“The last sentence of subsection (a)(5) implements the directive to the Commission in section 7(1) of Public Law 111–220.

Subsection (b)(2) implements the directive to the Commission in section 5 of Public Law 111–220.

Subsection (b)(3) is derived from Section 6453 of the Anti-Drug Abuse Act of 1988.

Frequently, a term of supervised release to follow imprisonment is required by statute for offenses covered by this guideline. Guidelines for the imposition, duration, and conditions of supervised release are set forth in Chapter Five, Part D (Supervised Release).”;

In the paragraph beginning “The dosage weight” by striking “111 S.Ct. 1919” and inserting “500 U.S. 453”; and

By inserting before the paragraph beginning "Subsection (b)(11)" the following:

"Frequently, a term of supervised release to follow imprisonment is required by statute for offenses covered by this guideline. Guidelines for the imposition, duration, and conditions of supervised release are set forth in Chapter Five, Part D (Supervised Release).

The last sentence of subsection (a)(5) implements the directive to the Commission in section 7(1) of Public Law 111–220.

Subsection (b)(2) implements the directive to the Commission in section 5 of Public Law 111–220.

Subsection (b)(3) is derived from Section 6453 of the Anti-Drug Abuse Act of 1988."

The Commentary to § 2D1.6 captioned "Application Note" is amended in Note 1 by striking "Note 12" and inserting "Note 5".

The Commentary to § 2D1.11 captioned "Application Notes", as amended by Amendment 3 of the amendments submitted to Congress on April 30, 2012, is further amended by renumbering Notes 1 through 9 according to the following table:

Before amendment	After amendment
4	1
1	2
5	3

Before amendment	After amendment
6	4
7	5
8	6
9	7
2	8
3	9;

and by rearranging those Notes, as so renumbered, to place them in proper numerical order.

The Commentary to § 2D1.11 captioned "Application Notes", as so renumbered and rearranged, is further amended by inserting headings at the beginning of certain notes, as follows (with Notes referred to by their new numbers):

Note	Heading to be inserted at the beginning
2	Application of Subsection (b)(1).—
3	Application of Subsection (b)(2).—
4	Application of Subsection (b)(3).—
8	Application of Subsection (c)(1).—
9	Offenses Involving Immediate Precursors or Other Controlled Substances Covered Under § 2D1.1.—

The Commentary to § 2D1.11 captioned "Application Notes", as so renumbered and rearranged and amended, is further amended in Note 9 (as so renumbered) by striking "Note 12" and inserting "Note 5".

The Commentary to § 5G1.2 captioned "Application Notes", as amended by Note 7 of the amendments submitted to Congress on April 30, 2012, is further amended by amending Note 1 to read as follows:

"1. *In General.*—This section specifies the procedure for determining the specific sentence to be formally imposed on each count in a multiple-count case. The combined length of the sentences ("total punishment") is determined by the court after determining the adjusted combined offense level and the Criminal History Category and determining the defendant's guideline range on the Sentencing Table in Chapter Five, Part A (Sentencing Table).

Note that the defendant's guideline range on the Sentencing Table may be affected or restricted by a statutorily authorized maximum sentence or a statutorily required minimum sentence not only in a single-count case, *see* § 5G1.1 (Sentencing on a Single Count of Conviction), but also in a multiple-count case. *See* Note 3, below.

Except as otherwise required by subsection (e) or any other law, the total punishment is to be imposed on each count and the sentences on all counts are to be imposed to run concurrently to the extent allowed by the statutory

maximum sentence of imprisonment for each count of conviction.

This section applies to multiple counts of conviction (A) contained in the same indictment or information, or (B) contained in different indictments or informations for which sentences are to be imposed at the same time or in a consolidated proceeding.

Usually, at least one of the counts will have a statutory maximum adequate to permit imposition of the total punishment as the sentence on that count. The sentence on each of the other counts will then be set at the lesser of the total punishment and the applicable statutory maximum, and be made to run concurrently with all or part of the longest sentence. If no count carries an adequate statutory maximum, consecutive sentences are to be imposed to the extent necessary to achieve the total punishment."

Section 5K2.0 is amended in subsection (d)(1) by striking "the last sentence of 5K2.12 (Coercion and Duress), and 5K2.19 (Post-Sentencing Rehabilitative Efforts)" and inserting "and the last sentence of 5K2.12 (Coercion and Duress)".

Reason for Amendment:

This proposed amendment makes certain technical and conforming changes to commentary in the *Guidelines Manual*.

First, it reorganizes the commentary to the drug trafficking guideline, § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These

Offenses); Attempt or Conspiracy), so that the order of the application notes better reflects the order of the guidelines provisions to which they relate. The proposed amendment also makes stylistic changes to the Commentary to § 2D1.1, such as by adding headings to certain application notes. To reflect the renumbering of application notes in § 2D1.1, conforming changes are also made to the Commentary to § 1B1.10 and § 2D1.6.

Second, it makes certain clerical and stylistic changes in connection with certain recently promulgated amendments. *See* 77 FR 28226 (May 11, 2012). The clerical and stylistic changes are as follows:

(1) Amendment 3 made revisions to § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy). This proposed amendment reorganizes the commentary to § 2D1.11 so that the order of the application notes better reflects the order of the guidelines provisions to which they relate. The proposed amendment also makes stylistic changes to the Commentary to § 2D1.11 by adding headings to certain application notes.

(2) Amendment 7 made revisions to § 5G1.2 (Sentencing on Multiple Counts of Conviction), including a revision to Application Note 1. However, the amendatory instructions published in the **Federal Register** to implement those revisions included an erroneous instruction. This proposed amendment restates Application Note 1 in its

entirety to ensure that it conforms with the version of Application Note 1 that appears in the unofficial, "reader-friendly" version of Amendment 7 that the Commission made available in May 2012.

(3) Amendment 8 repealed the policy statement at § 5K2.19 (Post-Sentencing Rehabilitative Efforts). However, a reference to that policy statement is contained in § 5K2.0 (Grounds for Departure). This proposed amendment revises § 5K2.0 to reflect the repeal of § 5K2.19.

[FR Doc. 2012-20786 Filed 8-22-12; 8:45 am]

BILLING CODE 2211-40-P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of final priorities.

SUMMARY: In May 2012, the Commission published a notice of possible policy priorities for the amendment cycle ending May 1, 2013. See 77 FR 31069 (May 24, 2012). After reviewing public comment received pursuant to the notice of proposed priorities, the Commission has identified its policy priorities for the upcoming amendment cycle and hereby gives notice of these policy priorities.

FOR FURTHER INFORMATION CONTACT: Jeanne Doherty, Public Affairs Officer, 202-502-4502.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal sentencing courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the federal sentencing guidelines, the Commission has identified its policy priorities for the amendment cycle ending May 1, 2013. The Commission recognizes, however, that other factors, such as the enactment of any legislation requiring Commission action, may affect the Commission's ability to complete work on any or all of its identified

priorities by the statutory deadline of May 1, 2013. Accordingly, it may be necessary to continue work on any or all of these issues beyond the amendment cycle ending on May 1, 2013.

As so prefaced, the Commission has identified the following priorities:

(1) Continuation of its work with Congress and other interested parties on statutory mandatory minimum penalties to implement the recommendations set forth in the Commission's 2011 report to Congress, titled *Mandatory Minimum Penalties in the Federal Criminal Justice System*, and to develop appropriate guideline amendments in response to any related legislation.

(2) Continuation of its work with the congressional, executive, and judicial branches of government, and other interested parties, to study the manner in which *United States v. Booker*, 543 U.S. 220 (2005), and subsequent Supreme Court decisions have affected federal sentencing practices, the appellate review of those practices, and the role of the federal sentencing guidelines. The Commission anticipates that it will issue a report with respect to its findings, possibly including (A) an evaluation of the impact of those decisions on the federal sentencing guideline system; (B) recommendations for legislation regarding federal sentencing policy; (C) an evaluation of the appellate standard of review applicable to post-*Booker* federal sentencing decisions; and (D) possible consideration of amendments to the federal sentencing guidelines. The Commission also intends to work with the judicial branch and other interested parties to develop enhanced methods for collecting and disseminating information and data about the use of variances and the specific reasons for imposition of such sentences under 18 U.S.C. 3553(a).

(3) Continuation of its review of child pornography offenses and report to Congress as a result of such review. It is anticipated that any such report would include (A) a review of the incidence of, and reasons for, departures and variances from the guideline sentence; (B) a compilation of studies on, and analysis of, recidivism by child pornography offenders; and (C) possible recommendations to Congress on any statutory and/or guideline changes that may be appropriate.

(4) Continuation of its work on economic crimes, including (A) a comprehensive, multi-year study of § 2B1.1 (Theft, Property Destruction, and Fraud) and related guidelines, including examination of the loss table and the definition of loss, and (B) consideration of any amendments to

such guidelines that may be appropriate in light of the information obtained from such study.

(5) Continuation of its multi-year study of the statutory and guideline definitions of "crime of violence", "aggravated felony", "violent felony", and "drug trafficking offense", possibly including recommendations to Congress on any statutory changes that may be appropriate and development of guideline amendments that may be appropriate in response to any related legislation.

(6) Undertaking a comprehensive, multi-year study of recidivism, including (A) examination of circumstances that correlate with increased or reduced recidivism; (B) possible development of recommendations for using information obtained from such study to reduce costs of incarceration and overcapacity of prisons; and (C) consideration of any amendments to the *Guidelines Manual* that may be appropriate in light of the information obtained from such study.

(7) Resolution of circuit conflicts, pursuant to the Commission's continuing authority and responsibility, under 28 U.S.C. 991(b)(1)(B) and *Braxton v. United States*, 500 U.S. 344 (1991), to resolve conflicting interpretations of the guidelines by the federal courts.

(8) Implementation of the Food and Drug Administration Safety and Innovation Act, Public Law 112-144, and any other crime legislation enacted during the 111th or 112th Congress warranting a Commission response.

(9) Consideration of (A) whether any amendments to the *Guidelines Manual* may be appropriate in light of *Setser v. United States*, 132 S. Ct. 1463, __ U.S. __ (March 28, 2012); and

(B) any miscellaneous guideline application issues coming to the Commission's attention from case law and other sources.

Authority: 28 U.S.C. 994(a), (o); USSC Rules of Practice and Procedure 5.2.

Patti B. Saris,

Chair.

[FR Doc. 2012-20791 Filed 8-22-12; 8:45 am]

BILLING CODE 2211-40-P

DEPARTMENT OF VETERANS AFFAIRS

Letter of Intent To Apply for Funding Available Under the Supportive Services for Veteran Families Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice; Letter of Intent.