

before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35252, 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 Charles A. Spitulnik, 1001 Connecticut Avenue, NW., Suite 800, Washington, DC 20036.

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

Decided: September 3, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9-21682 Filed 9-8-09; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 670 (Sub-No. 3)]

Renewal of Rail Energy Transportation Advisory Committee

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of intent to renew charter.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended 5 U.S.C., App. (FACA), notice is hereby given that the Surface Transportation Board (Board) intends to renew the charter of the Rail Energy Transportation Advisory Committee (RETAC).

ADDRESSES: A copy of the charter is available at the Library of the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001, and on the Board's Web site at <http://www.stb.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Scott Zimmerman, Designated Federal Official, at (202) 245-0202. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.

SUPPLEMENTARY INFORMATION: RETAC was established by the Board on September 24, 2007, to provide advice and guidance to the Board, on a continuing basis, and to provide a forum for the discussion of emerging issues and concerns regarding the transportation by rail of energy resources, particularly but not necessarily limited to coal, ethanol and other biofuels. RETAC functions solely

as an advisory body, and will comply with the provisions of FACA, and its implementing regulations.

RETAC consists of approximately 25 voting members, excluding the governmental representatives. The membership comprises a balanced representation of individuals experienced in issues affecting the transportation of energy resources, including not less than: 5 representatives from the Class I railroads; 3 representatives from Class II and III railroads; 3 representatives from coal producers; 5 representatives from electric utilities (including at least one rural electric cooperative and one state- or municipally-owned utility); 4 representatives from biofuel feedstock growers or providers, and biofuel refiners, processors and distributors; and 2 representatives from private car owners, car lessors, or car manufacturers. These members are serving in a representative capacity for this Committee. The Committee may also include up to 3 members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors. STB Board Members are ex officio (non-voting) members of RETAC.

RETAC meets approximately four times a year, and meetings are open to the public, consistent with the Government in the Sunshine Act, Public Law 94-409.

Further information about the RETAC is available on the Board's Web site at <http://www.stb.dot.gov> and at the GSA's FACA Database—<https://www.fido.gov/facadatabase/public.asp>.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Dated: September 3, 2009.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9-21660 Filed 9-8-09; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TREASURY

Office of the General Counsel; Appointment of Members of the Legal Division to the Performance Review Board, Internal Revenue Service

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 4), pursuant to the Civil Service Reform Act, I have appointed the following persons to the Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, Bernard J. Knight, Acting General Counsel (Department of Treasury).

2. Paul D. DeNard, IRS, Deputy Commissioner (Operations) (Large and Mid Size Business).

3. Faris R. Fink, IRS, Deputy Commissioner (Small Business/Self Employed).

This publication is required by 5 U.S.C. 4314(c)(4).

Dated: August 8, 2009.

William J. Wilkins,

Chief Counsel, Internal Revenue Service.

[FR Doc. E9-21726 Filed 9-8-09; 8:45 am]

BILLING CODE 4830-01-P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of final priorities.

SUMMARY: In June 2009, the Commission published a notice of possible policy priorities for the amendment cycle ending May 1, 2010. See 74 FR 29737 (June 23, 2009). 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: Michael Courlander, Public Affairs Officer, Telephone: (202) 502-4590.

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, 2010. 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, 2010. Accordingly, it may be necessary to continue work on any or all of these issues beyond the amendment cycle ending on May 1, 2010.

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

(1) Continuation of its efforts, in light of recent Supreme Court jurisprudence and pursuant to the Commission's ongoing authority and responsibility under 28 U.S.C. 995(a)(21), to solicit information regarding Federal sentencing practices, including through ongoing regional public hearings. The Commission has held regional public hearings in Atlanta, GA (February 10–11, 2009), Palo Alto, CA (May 27–28, 2009), and New York, NY (July 9–10, 2009), and intends to hold additional regional public hearings in Chicago, IL (September 9–10, 2009), Denver, CO (October 20–21, 2009), Austin, TX (November 19–20, 2009), and Phoenix, AZ (January 20–21, 2010). The Commission is soliciting information at these regional public hearings on topics that include the manner in which *United States v. Booker* and subsequent Supreme Court decisions have affected Federal sentencing practices and appellate review of those practices, the role of the Federal sentencing guidelines, and recommendations, if any, for appropriate revisions to Federal sentencing policy. The Commission anticipates that it will compile and publish the information and testimony received at these regional public hearings and issue a report with respect to its findings.

(2) Continuation of its work on Federal sentencing policy with the congressional, executive, and judicial branches of the government, and other interested parties, in light of *United States v. Booker* and subsequent Supreme Court decisions, possibly including (A) an evaluation of the impact of those decisions on the Federal sentencing guideline system; (B) development of amendments to the Federal sentencing guidelines; (C) development of recommendations for legislation regarding Federal sentencing policy; (D) a study of, and possible report to Congress on, statutory mandatory minimum penalties, including a review of the operation of the "safety valve" provision at 18 U.S.C. 3553(e); and (E) a study and report on the appellate standard of review applicable to post-*Booker* Federal sentencing decisions.

(3) A review of departures within the guidelines, including (A) a review of the extent to which pertinent statutory provisions prohibit, discourage, or

encourage certain factors as forming the basis for departure from the guideline sentence; and (B) possible revisions to the departure provisions in the *Guidelines Manual*, including in Chapter Two and in Parts H and K of Chapter Five, in light of that review and any other information coming to the Commission's attention, as well as potential technical and conforming amendments to the *Guidelines Manual* to facilitate ease of use.

(4) Continued study of, and a possible report on, alternatives to incarceration, including (A) a study of sentencing alternatives that may be appropriate at the time of the original sentencing; and (B) consideration of any potential changes to the zones incorporated in the Sentencing Table in Chapter Five and/or other changes to the guidelines that might be appropriate in light of the information obtained from that study.

(5) Continuation of its work with Congress and other interested parties on cocaine sentencing policy to implement the recommendations set forth in the Commission's 2002 and 2007 reports to Congress, both entitled *Cocaine and Federal Sentencing Policy*, and to develop appropriate guideline amendments in response to any related legislation.

(6) Continuation of its multi-year study of the statutory and guideline definitions of *crime of violence*, *aggravated felony*, *violent felony*, and *drug trafficking crime*, including an examination of relevant circuit conflicts regarding whether any offense is categorically a *crime of violence*, *aggravated felony*, *violent felony*, or *drug trafficking crime* for purposes of triggering an enhanced sentence under certain Federal statutes and guidelines. This study may culminate in guideline amendments and/or a report to Congress recommending statutory changes.

(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) Multi-year review of the guidelines and their application to human rights offenses, including genocide under 18 U.S.C. 1091, war crimes under 18 U.S.C. 2441, torture and maiming to commit torture under 18 U.S.C. 2340A and 114, respectively, and child soldier offenses under 18 U.S.C. 2442, and possible promulgation of guidelines or guideline amendments with respect to these offenses.

(9) Review of child pornography offenses, and possible promulgation of guideline amendments and/or a 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) recommendations to Congress on any statutory changes that may be appropriate.

(10) Consideration of miscellaneous guideline application issues including (A) clarification of the extent to which restitution is mandatory or discretionary in various circumstances; (B) examination of, and possible guideline amendments relating to, the computation of criminal history points under § 4A1.1(e); and (C) other miscellaneous issues coming to the Commission's attention from case law and other sources.

(11) Implementation of crime legislation enacted during the 111th Congress warranting a Commission response.

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

Ricardo H. Hinojosa,
Acting Chair.

[FR Doc. E9–21720 Filed 9–8–09; 8:45 am]

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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, 2009.

SUMMARY: On May 1, 2009, the Commission submitted to Congress amendments to the Federal sentencing guidelines and published these amendments in the **Federal Register** on May 8, 2009. See 74 FR 21750. The Commission has made technical and conforming amendments, set forth in this notice, to commentary provisions related to those amendments.

DATES: The Commission has specified an effective date of November 1, 2009, for the amendments set forth in this notice.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, Telephone: (202) 502-4590.