example, the enhancement would not be applied if the defendant, arrested at his residence, had an unloaded hunting rifle in the closet.",

And inserting in lieu thereof:

"This adjustment will apply whenever the defendant, or a person for whose conduct the defendant is accountable under § 1B1.3 (Relevant Conduct), possessed a dangerous weapon in connection with the offense. If a weapon was present during the offense (e.g., a weapon was found at the same location as the controlled substance), there shall be a rebuttable presumption that it was possessed in connection with the offense.";

And by deleting "The enhancement" and inserting in lieu thereof "This adjustment".

The Commentary to §2D1.1 captioned "Application Notes" is amended in Note 10 in the Drug Equivalency Table in the subdivision captioned "Schedule I or II Opiates" by inserting at the end:

"1 gm of levo-alpha-acetylmethadol (LAAM)=3 kg of marijuana".

The Commentary to § 2D1.1 captioned "Application Notes" is amended in Note 10 in the Drug Equivalency Table in the subdivision captioned "Cocaine and Other Schedule I and II Stimulants" by deleting:

""1 gm of L-Methamphetamine/Levomethamphetamine/L-

Desoxyephedrine=40 gm of marijuana''; And by inserting:

"1 gm of khat=.01 gm of marijuana". The Commentary to § 2D1.1 captioned "Application Notes" is amended in Note 12 by deleting:

"In an offense involving negotiation to traffic in a controlled substance, the weight under negotiation in an uncompleted distribution shall be used to calculate the applicable amount. However, where the court finds that the defendant did not intend to produce and was not reasonably capable of producing the negotiated amount, the court shall exclude from the guideline calculation the amount that it finds the defendant did not intend to produce and was not reasonably capable of producing the negotiated amount, the court shall exclude from the guideline calculation the amount that it finds the defendant did not intend to produce and was not reasonably capable of producing.",

And by inserting in lieu thereof:

"In an offense involving an agreement to sell a controlled substance, the agreed-upon quantity of the controlled substance shall be used to determine the offense level unless the sale is completed and the amount delivered more accurately reflects the scale of the offense. For example, a defendant agrees to sell 500 grams of cocaine, the transaction is completed by the delivery of the controlled substance—actually 480 grams of cocaine, and no further delivery is scheduled. In this example, the amount delivered more accurately reflects the scale of the offense. In contrast, in a reverse sting, the agreedupon quantity of the controlled substance would more accurately reflect the scale of the offense because the amount actually delivered is controlled by the government, not by the defendant. If, however, the court finds that the defendant did not intend to produce, or was not reasonably capable of producing, the agreed-upon quantity of the controlled substance, the court shall exclude from the offense level determination the amount of controlled substance that it finds the defendant did not intend to produce or was not reasonably capable of producing."

The Commentary to § 2D1.1 captioned "Application Notes" is amended by inserting the following additional notes: "20. For purposes of the guidelines, a

"20. For purposes of the guidelines, a 'plant' is an organism having leaves and a readily observable root formation (e.g., a marijuana cutting having roots, a rootball, or root hairs is a marijuana plant).

21. In an unusual case, the actual quantity or type of a controlled substance that the defendant possessed (and thus for which the defendant is accountable under subsection §1B1.3(a)(1)) may have neither been known nor reasonably foreseeable to the defendant (e.g., the defendant agreed to store a parcel believing it contained a small quantity of marijuana and, under the circumstances of the particular case, it was not reasonably foreseeable that the parcel, in fact, contained a large quantity of heroin). In such a case, if the gap between the actual amount of the controlled substance and what the defendant could reasonably have foreseen is substantial, a downward departure may be warranted.

22. In a case involving a clandestine laboratory in which the manufacture of a controlled substance has not been completed it is necessary to determine the laboratory's expected yield in order to determine the appropriate offense level. The Drug Enforcement Agency usually provides an estimate of the amount of controlled substance capable of being produced (Clandestine Laboratory Report-DEA 500), based on the precursor chemicals on hand, in terms of theoretical yield. (Theoretical yield is based on the assumption that all of the precursors interact perfectly with each other, a situation that occurs only in theory.) Use [50%] of the theoretical yield for the [most] [least] precursor chemical on hand to determine the expected yield (the amount of the controlled substance actually expected from the precursors chemicals on hand), unless the government or defense

provide sufficient information for a more accurate assessment of the expected yield.

23. For the purposes of this guideline, all controlled substances possessed in connection with the offense are to be included. If the defendant establishes that a portion of the amount possessed was intended for personal consumption, rather than distribution, a downward departure may be warranted to the guideline range that would have been applicable had that portion of the controlled substance not been included.".

The Commentary to § 2D1.2 captioned "Application Note" is amended by deleting "Note" and inserting in lieu thereof "Notes"; and by inserting the following additional note:

"2. If the offense was committed at or near a protected location, but (A) the offense did not create any increased risk for those this guideline was intended to protect; or (B) the location was determined by law enforcement agents rather than by the defendant, a downward departure (to the offense level that would have applied if the offense had not involved a protected location) may be warranted.".

The Commentary to § 2D1.8 captioned "Application Notes" is amended in Note 1 by inserting "trafficking" immediately following "controlled substance" wherever the latter term appears; by deleting "a defendant who arranged for the use of the premises for the purpose of facilitating a drug transaction,"; by inserting "at the same time" immediately following "more than one premises"; by inserting "significantly" immediately before "assisted"; and by deleting the last sentence.

The Commentary to § 2D1.11 captioned "Application Notes" is amended in Note 1 by deleting:

"The adjustment in subsection (b)(1) should be applied if the weapon was present, unless it is improbable that the weapon was connected with the offense.",

And by inserting in lieu thereof:

"The adjustment in subsection (b)(1) will apply whenever the defendant, or a person for whose conduct the defendant is accountable under § 1B1.3 (Relevant Conduct), possessed a dangerous weapon in connection with the offense. If a weapon was present during the offense (e.g., a weapon was found at the same location as the controlled substance), there shall be a rebuttable presumption that it was possessed in connection with the offense.".