

section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 27, 1996.

The following is a brief overview of the application.

Level of the proposed PFC: \$3.00

Proposed charge effective date: April 1, 1996

Proposed charge expiration date: February 28, 2006

Total estimated PFC revenue: \$125,050

Brief description of proposed project(s):

—Passenger Facility Charge Application
—Runway 9-27 Rehabilitation (Design)
—Runway 9-27 Rehabilitation (Construction)

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Not Applicable, all requested to collect PFCs.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at Fitzgerald Federal Building #111; John F. Kennedy International Airport; Jamaica, New York 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Ogdensburg Bridge and Port Authority.

Issued in Jamaica, New York on November 24, 1995.

Anthony P. Spera,

Manager, Airports Division, Eastern Region.
[FR Doc. 95-29567 Filed 12-4-95; 8:45 am]

BILLING CODE 4910-13-M

UNITED STATES SENTENCING COMMISSION

Revisions to the Sentencing Guidelines for the United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of final action regarding amendments to sentencing guidelines and policy statements effective November 1, 1995.

SUMMARY: The Sentencing Commission hereby gives notice of several amendments to policy statements and commentary made pursuant to its authority under section 217(a) of the Comprehensive Crime Control Act of 1984 (28 U.S.C. 994(a) and (u)). The Commission has reviewed amendments submitted to Congress on May 1, 1995, that may result in a lower guideline

range and has designated one such amendment for inclusion in policy statement § 1B1.10 (Retroactivity of Amended Guideline Range). An earlier amendment (effective November 1, 1994) was also designated for inclusion in policy statement § 1B1.10. Two amendments, previously passed by the Commission, concerning crack cocaine and money laundering were disapproved by Congress (Pub. L. 104-38, 109 Stat. 34 (Oct. 30, 1995)).

DATES: The effective date of these policy statement and commentary amendments is November 1, 1995.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Information Specialist, Telephone: (202) 273-4590.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the U.S. Government. The Commission is empowered by 28 U.S.C. 994(a) to promulgate sentencing guidelines and policy statements for federal sentencing courts. Sections 994(o) and (p) of title 28, United States Code, further direct the Commission to periodically review and revise guidelines and policy statements previously promulgated, and require that guideline amendments be submitted to Congress for review. Absent action of the Congress to the contrary, guideline amendments become effective following 180 days of Congressional review on the date specified by the Commission (i.e., November 1, 1995). Unlike new guidelines and amendments to existing guidelines issued pursuant to 28 U.S.C. 994(a) and (p), sentencing policy statements, commentary, and amendments thereto promulgated by the Commission are not required to be submitted to Congress for 180 days' review prior to their taking effect.

In connection with its ongoing review of the Guidelines Manual, the Commission continues to welcome comment on any aspect of the sentencing guidelines, policy statements, and official commentary. Comments should be sent to: United States Sentencing Commission, One Columbus Circle, N.E., Suite 2-500, Washington, DC 20002-8002, Attn: Office of Communications.

Authority: Section 217(a) of the Comprehensive Crime Control Act of 1984 (28 U.S.C. 994(a)).

Richard P. Conaboy,
Chairman.

Additional Revisions to the Guidelines Manual

1. The replacement guideline for § 2H1.1 (see 60 FR 25082 (1995)) is

amended by deleting Application Note 1 of the Commentary as follows:

"1. 'Offense guideline applicable to any underlying offense' means the offense guideline applicable to any conduct established by the offense of conviction that constitutes an offense under federal, state, or local law (other than an offense that is itself covered under Chapter Two, Part H, Subpart 1).

In certain cases, conduct set forth in the count of conviction may constitute more than one underlying offense (e.g., two instances of assault, or one instance of assault and one instance of arson). In such cases, determine the number and nature of underlying offenses by applying the procedure set forth in Application Note 5 of § 1B1.2 (Applicable Guidelines). If the Chapter Two offense level for any of the underlying offenses under subsection (a)(1) is the same as, or greater than, the alternative base offense level under subsection (a)(2), (3), or (4), as applicable, use subsection (a)(1) and treat each underlying offense as if contained in a separate count of conviction. Otherwise, use subsection (a)(2), (3), or (4), as applicable, to determine the base offense level.", and inserting in lieu thereof:

"1. 'Offense guideline applicable to any underlying offense' means the offense guideline applicable to any conduct established by the offense of conviction that constitutes an offense under federal, state, or local law (other than an offense that is itself covered under Chapter Two, Part H, Subpart 1).

In certain cases, conduct set forth in the count of conviction may constitute more than one underlying offense (e.g., two instances of assault, or one instance of assault and one instance of arson). In such cases, use the following comparative procedure to determine the applicable base offense level: (i) determine the underlying offenses encompassed within the count of conviction as if the defendant had been charged with a conspiracy to commit multiple offenses. See Application Note 5 of § 1B1.2 (Applicable Guidelines); (ii) determine the Chapter Two offense level (i.e., the base offense level, specific offense characteristics, cross references, and special instructions) for each such underlying offense; and (iii) compare each of the Chapter Two offense levels determined above with the alternative base offense level under subsection (a)(2), (3), or (4). The determination of the applicable alternative base offense level is to be based on the entire conduct underlying the count of conviction (i.e., the conduct taken as a whole). Use the alternative base offense