

*DENIAL, February 16, 1995,
Exemption No. 6028*

Docket No.: 28077

*Petitioner: Evan Joseph Farrow (through
his mother, Mrs. Pamela Farrow)*

*Sections of the FAR Affected: 14 CFR
121.311(b)*

Description of Relief Sought/

Disposition: To permit Evan to be held on his caregiver's lap, rather than being secured in an approved child restraint device or in an individual seat with a seatbelt, while aboard an aircraft even though he has reached his second birthday. GRANT, February 14, 1995, Exemption No. 6027

Docket No.: 28099

Petitioner: Delta Air Lines, Inc.

*Sections of the FAR Affected: 14 CFR
25.791(a) and 121.317(a)*

Description of Relief Sought/

Disposition: To allow Delta to operate MD-90 aircraft with the "No Smoking" signs hardwired in the ON position. GRANT, March 1, 1995, Exemption No. 6034

[FR Doc. 95-6401 Filed 3-14-95; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. 95-17; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1985 Dobson Horse Trailers Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Notice of receipt of petition for decision that nonconforming 1985 Dobson horse trailers are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1985 Dobson horse trailer that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because it has safety features that comply with, or are capable of being altered to comply with, all such standards.

DATE: The closing date for comments on the petition is April 14, 1995.

ADDRESS: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act, 15 U.S.C. 1397(c)(3)(A)(i)(II)) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data of such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested an opportunity to comment on the petition. At the cost of the period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California (Registered Importer R-90-007) has petitioned NHTSA to decide whether 1985 Dobson horse trailers are eligible for importation into the United States. The petitioner contends that this vehicle is eligible for importation under 49 U.S.C. 30141(a)(1)(B) because it has safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that the 1985 Dobson horse trailer complies

with Standard No. 119 New Pneumatic Tires for Vehicles other than Passenger Cars. Additionally, the petitioner claims that the vehicle complies with Standard No. 121 Air Brake Systems in that it "has drum style brakes at each wheel set, of a size and capacity sufficient to meet the standard."

The petitioner further contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 106 Brake Hoses:

Replacement of all existing brake hose linings from the front connection to the pressure modulators and from the pressure modulators to the wheel brake assemblies with hose lining that bear DOT markings and have crimped end fittings.

Standard No. 108 Lamps, Reflective Devices, and Associated Equipment: (a) installation of two yellow illuminated markers on each side of the vehicle and on its front end; (b) installation of one yellow reflector on each side of the vehicle; (c) installation of one red illuminated marker on each side of the vehicle and five red illuminated markers on its rear end; (d) installation of one red reflector marker on each side of the vehicle and two red reflector markers on its rear end; (e) installation of one strip of 50mm (Grade DOT-C2) white/red retroreflective sheeting on each side of the vehicle and on its rear end; (f) installation of two strips of 50mm (Grade DOT-C2) white retroreflective sheeting on the vehicle's rear end; (g) installation of one white license plate lamp on the vehicle's rear end; (h) installation of two red taillamp/stoplamp/turn indicators on the vehicle's rear end.

Standard No. 115 Vehicle Identification Number: Installation of a VIN plate.

Standard No. 120 Tire Selection and Rims for Motor Vehicles other than Passenger Cars: Installation of a tire information placard.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered.

Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141 (a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on March 9, 1995.

Harry Thompson,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 95-6362 Filed 3-14-95; 8:45 am]

BILLING CODE 4910-59-M

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice and request for public comment regarding proposed amendments to sentencing guidelines, policy statements, and commentary.

SUMMARY: The Commission is considering promulgating amendments to the sentencing guidelines, policy statements, and commentary. A synopsis of issues to be addressed is set forth below. The Commission may report amendments to the Congress on or before May 1, 1995. Comment is sought on all proposals, alternative proposals, and any other aspect of the sentencing guidelines, policy statements, and commentary relating to the issues below.

DATES: Public comment should be received by the Commission no later than April 10, 1995, to be considered by the Commission in the promulgation of amendments due to the Congress by May 1, 1995.

ADDRESSES: Public comment should be sent to: United States Sentencing Commission, One Columbus Circle, NE., Suite 2-500, South Lobby, Washington, DC 20002-8002, Attention: Public Information.

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 United States Government. The Commission is empowered under 28 U.S.C. 994(a) to promulgate sentencing guidelines and policy statements for federal sentencing courts. The statute further directs the Commission to review and revise periodically guidelines previously promulgated and authorizes it to submit

guideline amendments to the Congress no later than the first day of May each year. See 28 U.S.C. 994 (o), (p).

Ordinarily, the Administrative Procedure Act rulemaking requirements are inapplicable to judicial agencies; however, 28 U.S.C. 994(x) makes the Administrative Procedure Act rulemaking provisions of 5 U.S.C. 553 applicable to the promulgation of sentencing guidelines by the Commission.

Section 1B1.10 of the United States Sentencing Commission Guidelines Manual sets forth the Commission's policy statement regarding retroactivity of amended guideline ranges. Comment is requested as to whether any of the proposed amendments should be made retroactive under this policy statement.

With the exception of proposed amendment and issue for comment 4, the issues below are derived specifically from the Commission's Special Report to Congress: Cocaine and Federal Sentencing Policy, submitted to Congress on February 28, 1995. In addition to requesting comment on these issues, the Commission invites suggestions for specific amendment language. Publication of an issue for comment reflects only the Commission's determination that the issue is worthy of public comment by interested groups and individuals. Publication should not be regarded as an indication that the Commission or any individual Commissioner has formed a view on the merits of the issue.

Authority: 28 U.S.C. 994 (a), (o), (p), (x).

Richard P. Conaboy,
Chairman.

1. Issue for Comment

On February 28, 1995, the Commission issued a special report to Congress on cocaine and federal sentencing policy. The report recommended that changes be made to the current cocaine sentencing guidelines, including changes to the 100-to-1 quantity ratio between powder cocaine and crack cocaine used in determining sentences. The report indicated that the Commission will investigate the feasibility of creating new guideline enhancements and amending current enhancements to address more fully and fairly the harms associated with cocaine offenses generally and, specifically, the added harms associated with crack cocaine offenses. Based on these new enhancements, the Commission intends to make appropriate adjustments in the guideline quantity ratio.

The Commission requests comment regarding implementation of the

recommendations in the report. Specifically, the Commission requests comment on the appropriateness of adding specific offense characteristics to § 2D1.1 to enhance sentences for violence and other harms associated with some crack and powder cocaine offenses as well as some other drug offenses. In addition, the Commission seeks comment on the usefulness of adding or amending commentary and policy statements regarding possible departures to take account of the increased harms associated with some cocaine offenses. For example, how should the social harm associated with "crack houses" or other establishments where drugs are sold and consumed be taken into account? The Commission previously has requested commentary on what quantity ratio should be substituted for the current 100-to-1 ratio.

In addition, the Commission seeks comment on the timing and scope of guideline amendments for cocaine offenses. For example, if the Commission proceeds with guideline amendments for cocaine offenses in this amendment cycle, should the amendments apply to drug offenses generally or only to cocaine offenses? If new enhancements (e.g., for use of a firearm and victim injury) are made generally applicable to drug offenses, are other changes in the drug guidelines necessary (e.g., in the relative emphasis on drug quantity)? Should any of these changes be made retroactive to cases previously sentenced, and if so, how might this process best be accomplished?

A number of amendment proposals and issues for comment relating to drug sentencing policy were set forth in the **Federal Register** of January 9, 1995. See 60 FR 2430. Additional issues for comment raised by the Special Report on Cocaine Sentencing are set forth below.

2. Issue for Comment

In light of the Commission's report to Congress on cocaine and federal sentencing policy and its recommendations regarding sentences for those convicted of simple possession of crack cocaine, the Commission requests comment on whether and how it should amend § 2D2.1 for offenses involving the simple possession of crack cocaine.

3. Issue for Comment

The Commission invites comment as to whether the enhancements for drug offenses involving underage or pregnant individuals, which are now included in