PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:
   Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g)

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Wilkesboro, NC [Revised]

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of Wilkes County Airport (latitude 36°13’21” north, longitude 81°05’56” west); within 3.5 miles each side of the Runway 1 localizer course, extending from the 12.5-mile radius area to 9.5 miles south of the LOM (latitude 36°06’49” north, longitude 81°05’54” west), excluding those portions that coincide with the West Jefferson and Elkin, NC, transition areas.

Issued in East Point, Georgia, on August 18, 1990.

Dea Cass,
Acting Manager, Air Traffic Division, Southern Region.

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BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1313

Foreign Import Restrictions

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The DEA proposes to amend its regulations to include a list of foreign import restrictions for listed chemicals based on notification of such restrictions by certain countries.

DATES: Comments must be in quintuplicate to the Administrator, Drug Enforcement Administration, Washington, DC 20537, Attn: Federal Register Representative/CRR.

FOR FURTHER INFORMATION CONTACT:
Mr. Ernest L. Staples, Chief, Diversion Operations Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-7204.

SUPPLEMENTARY INFORMATION: On August 1, 1989, the final rule establishing procedures to implement the requirements of the Chemical Diversion and Trafficking Act of 1988 (CDTA) was published in the Federal Register, 54 FR 31657-31669. The CDTA prohibits the exportation of listed chemicals where such shipment would violate the laws of the country of destination. Section 1313.21 of the regulations (Requirement of authorization to export) states that DEA will publish a notice of foreign import restrictions for listed chemicals of which the DEA has knowledge.

A limited number of countries have notified the DEA of import restrictions for certain listed chemicals. Section 1313.25 is being amended to include the most current information available to DEA regarding these restrictions.

Specific import requirements of the countries who have notified DEA of such restrictions must be obtained in detail from those countries by the U.S. chemical exporter. Further, the list of countries with import restrictions provided in § 1313.25 is not intended to be perceived as all inclusive or complete. Therefore, U.S. companies intending to export listed chemicals must determine if the receiving country has any import requirements or restrictions. Any violation of the laws of the countries to which the chemical is exported subjects the U.S. company to the penalties of 21 U.S.C. 900(d).

The Deputy Assistant Administrator of the Drug Enforcement Administration, Office of Diversion Control, hereby certifies that these matters will have no significant impact upon small business within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. This rule is not a major rule for purposes of Executive Order (E.O.) 12291 of February 17, 1981. Pursuant to Sections 3(c) and 3(e)(2)(C) of E.O. 12291, this proposed rule has been submitted for review by the Office of Management and Budget. This section has been analyzed in accordance with the principles and criteria contained in E.O. 12812, and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871(b), and redelegated to the Deputy Assistant Administrator of the Drug Enforcement Administration, Office of Diversion Control, by 28 CFR 0.104, appendix to subpart R, sec. 9, the Deputy Assistant Administrator hereby proposes that 21 CFR 1313.25 be amended as follows:

List of Subjects in 21 CFR Part 1313

Drug Enforcement Administration, Drug traffic control, Exports, Imports, Reporting requirements.

PART 1313—IMPORTATION AND EXPORTATION OF PRECURSORS AND ESSENTIAL CHEMICALS AMENDED

1. The authority citation for part 1313 continues to read as follows:
   Authority: 21 U.S.C. 802, 830, 871(b), 971.

2. Section 1313.25 is amended by redesignating the existing paragraph as paragraph (a), and adding a new paragraph (b), to read as follows:

§ 1313.25 Foreign import restrictions.

(b) The countries listed below have notified DEA of import restrictions for certain listed chemicals as indicated:

Argentina

Argentina currently controls the importation and exportation of 34 precursor and essential chemicals products. All requests for import and export permits are to be directed to the National Sanitary/Health Authority, with notice also to be given to the National Customs Administration. Petitions for an import/export permit should reflect: (1) name of the importer and exporter; (2) country of original destination; (3) number of containers and weight; (4) labels; (4) identifying number; (5) Customs tracing number; (7) type of product; and (8) means of transportation.

Australia

Import permit/license is required from the Director-General of Health to import ephedrine, ergonovine, ergotamine, and norpseudoephedrine.

Bahamas

According to Bahamian Customs officials, chemical plants are closely monitored during the importing and exporting of chemicals from Freeport and the Grand Bahamas. Customs officials further stated that controls were exercised in the Customs-Privileged area, and that no chemical shipment enters or exists Freeport without verification by Bahamian Customs Service.

Bolivia

The Government of Bolivia (COB) expanded existing narcotic laws to strengthen controls on the following precursor and essential chemicals: sulfuric acid, chloric acid, potassium permanganate, ammonium hydroxide, calcium hydroxide, sodium carbonate, ethyl ether, acetone, acetic anhydride. The Bolivian National Police processes all applications for chemical import/export permits and determines if the requested levels of chemicals are consistent with the needs of the user. The COB Under-Secretary of Social Justice is responsible for final approval and recommendation for import permits.

Brazil

Brazil has two administrative laws that control ethyl ether, sulphur ether, pure acetone, and acetic anhydride. One liter of these chemicals is the maximum quantity that can be sold openly by drug stores. The
Federal Drug Council has requested the control of the importation, exportation, re-exportation, distribution storage, deposit and safekeeping, repackaging, use, transportation, and commerce and utilization of the following chemicals: sulphur ether, ethyl ether, acetone, butane, sulphur acid, sodium carbonate, sodium hydroxide, potassium hydroxide, ammonia, potassium permanganate, and chloroform.

Canada

Currently, there are no Canadian laws to control essential chemicals, however, the Canadian government is revising its existing drug laws. One intent of the new legislation is to include the control of chemical products in a consolidated Federal Statute that is to be entitled the Psychoactive Substance Control Act.

Chile

Although there are no current legal controls on the importation or exportation of either or any other precursor chemical, Chilean chemical producers have internal controls and regulations that govern the movement of chemicals. A National Drug Commission is currently conducting a study aimed at tightening controls on precursor chemicals in an effort to reduce the level of chemical diversion to the illicit drug markets.

Colombia

In May 1990, the Government of Colombia adopted a new decree that strengthens existing chemical control laws. Chemicals may no longer be imported through Customs free zones. Essential chemical imports are restricted to designated ports of entry and must be stored in Customs warehouses either in Bogota, Buenaventura, Barranquilla, or Cartagena. Individuals who wish to import chemicals must apply to the National Council on Dangerous Drugs (NCDD) and provide detailed information that accounts for the ownership of the importing company and the legitimate use of the chemicals. Some of the information that must be provided to Colombian authorities includes: (1) the name of the importing company, (2) the name of its shareholders and legal representative, (3) the type and amount of chemicals to be imported, (4) the name and address of the foreign chemical supplier, and (5) the purpose for which the chemical is to be used. Finally, importers must account for their legitimate use of the controlled chemicals by submitting a quantitative comparison between the amount of chemicals imported and the amount used in industry.

Costa Rica

The Costa Rican laws are exhaustive in their coverage of chemicals and place strict regulation and reporting requirements on individuals and companies involved in the importation, sale, and use of 46 precursor and essential chemicals. Individuals must have prior approval from the Costa Rican Ministry of Health to import any of these controlled chemicals. Deviation from any chemical control laws may result in the prohibition of any company or individual from further business involving the controlled chemicals. An individual who engages in essential chemical trafficking for the purpose of producing illicit narcotics is subject to criminal prosecution and 4-9 years imprisonment.

Dominican Republic

The Government of the Dominican Republic (CODR) passed laws in May 1988 requiring that an individual receive a permit from the Ministry of Health and approval by the National Directorate for Drug Control (DNCD) prior to importing any controlled chemical. Following are the chemicals that are controlled under the new law: anthranilic acid, n-acetylanthranilic acid, phenyl-2-propanolamine, phenylacetic acid, piperidine, ergonovine, ergotamine, acetone, ethyl ether, and acetic anhydride.

Ecuador

Permits for chemical imports are required from the Banco Central (Central Bank). All Ecuadorian imports are regulated by the Ministerio de Comercio, Integracion Y Pesca (MICIP) (Minister of Commerce, Integration, and Fisheries) in conjunction with the Central Bank. Chemical importers are also required to submit a monthly list of chemical transactions to the MICIP. Although there are no quantitative limitations imposed on imports, there is a tax on such imports that range from zero to five percent.

Great Britain

The United Kingdom does not have formal legislation that controls the trade of chemicals. The National Drugs Intelligence Unit (NDIU) of Scotland Yard has developed a voluntary program in cooperation with the chemical industry in 1982 that monitors 34 precursor and essential chemicals, including all chemicals in the U.S. CDTA.

India

Licenses are required to import benzyl chloride, anthranilic acid, phenylacetic acid, acetone, and potassium permanganate. The Government of India (GOI) has recently imposed tighter controls over the sale and movement of acetic anhydride (AA) to reduce the amount of chemical diversion to heroin processing labs primarily in Myanmar (Burma) and Thailand.

Ireland

A license is required to import phenyl-2-propanone.

Italy

The Italian Anti-Drug Central Bureau (SCA) proposed a comprehensive strategy to identify companies that engage in chemical diversion.

Working closely with the Italian chemical industry, the SCA and the Ministry of Health adopted the following list of substances to be included into an "official" control program: P2P, MEK, ergotamine, acetone, anthranilic acid, methane chloride, piperidine, methylene dichloride, ephedrine and ephedrol, tolune, acetic anhydride, benzene, and ethyl ether.

Korea

Any volume of ephedrine imported must be reported to the Ministry of Health.

Mexico

- Mexico regulates the handling, importation, and exportation of certain precursor chemicals. According to Mexican officials, an individual is required to obtain an import permit from the Secretary of Health and the Ministry of Commerce and Industry. Development prior to importing any of the controlled chemicals.

Netherlands Antilles

The legislative body of the Netherlands Antilles has adopted antinarcotic legislation that provides for chemical diversion enforcement by imposing import controls on essential and precursor chemicals.

New Zealand

Notification and a permit are required from the New Zealand Ministry of Health to import any precursor or essential chemical.

Nigeria

The Pharmacists Board of Nigeria (PBI) controls acetone, as well as other chemicals. A permit must be issued to the distributor of chemicals by the Board and quantities must conform to legitimate usage.

Panama

The Government of Panama established a precursor control program in 1988 that is designed to track the importation, distribution, consumption, and re-exportation of precursor chemicals. The chemical control program is operated in cooperation with Panamanian Customs authorities.

Paraguay

The Government of Paraguay has recently passed a new drug law that provides for the control of essential and precursor chemicals.

Peru

All products or precursor elements that may be used to manufacture illicit narcotics are subject to import approvals and other controls to prevent their unlawful use. The specific chemicals that are controlled include sulfuric acid, sodium carbonate, ethyl ether, acetone, and hydrochloric acid. All parties affected by this law are required to be licensed with a Special Sales Registration. On January 9, 1990, Peruvian law was modified to include the following chemicals: sodium hydroxide, petroleum ether, acetic acid, liquid ammonia, potassium carbonate, chloroform, potassium permanganate, carbon sulfate, methyl ethyl ketone, potassium hydroxide, sodium sulfate, benzene, tolune, and methyl chloride.

Philippines

The Government of the Philippines requires that individuals obtain a letter of credit from the Central Bank of the Philippines, as well as certification from the Dangerous Drug Board, to import acetone, ether, MEK, and tolune.

Seychelles

All essential and precursor chemicals under the CDTA were placed on a controlled substance list by the Seychelles Marketing Board (SMB) in January 1990. The SMB notifies drug enforcement authorities once an
individual or business applies for a chemical import license.

Thailand

Thailand has passed several laws to restrict and monitor the movement, sale, and distribution of essential chemicals that are used primarily to manufacture illicit narcotics. The chemicals controlled by Thai authorities include: acetic anhydride, acetyl chloride, chloroform, and ether, all of which are used in heroin manufacturing. Approval to import controlled chemicals must be sought from the Ministry of Public Health.

Tunisia

The Ministry of Public Health of Tunisia must authorize the importation of essential chemicals, including those outlined in the U.S. Chemical Diversion and Trafficking Act.

Venezuela

The Venezuelan government currently controls the following chemicals that may be used to manufacture illicit narcotics: hydrochloric acid, sulfuric acid, ammonia (gas), sodium carbonate, sodium bicarbonate, other carbonates (magnesium, iron), ethyl ether, and acetone. In July 1990, 13 other chemicals were added to this list, some of which are: MEK, MBK, methylene chloride, toluene, and hexane.


Gene R. Haislip,
Deputy Assistant Administrator, Office of Diversion Control.
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DEPARTMENT OF EDUCATION

34 CFR Part 231

RIN 1810–AA56

Drug-Free Schools and Communities Program

AGENCY: Department of Education.

ACTION: Correction; proposed rule.

SUMMARY: This document corrects an error made in the notice of proposed rulemaking published in the Federal Register on August 16, 1990 (55 FR 33616) concerning the Drug-Free Schools and Communities Program.


(Catalog of Federal Domestic Assistance Number has not been assigned, Emergency Grants: 84.207A School Personnel Training Grants; 84.164A Demonstration Grants; and 84.184B Federal Activities Grants)