revised since January 1990. RUS is requesting comments from borrowers, consulting engineers, contractors, and other interested parties on recommended changes to the contract form and specifications.

Dated: September 9, 1998.

Inga Smulkstys,

Acting Under Secretary, Rural Development.

[FR Doc. 98–24764 Filed 9–15–98; 8:45 am]

BILLING CODE 3410–15–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

RIN 3150–AG00

Physical Protection for Spent Nuclear Fuel and High-Level Radioactive Waste: Technical Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations concerning physical protection of spent nuclear fuel and high-level radioactive waste stored at independent spent fuel storage installations, monitored-retrievable storage installations, and geologic repository operations areas. This action is necessary to correct the inappropriate inclusion of surveillance/assessment and illumination systems within the requirement for tamper indication and line supervision.

DATES: Comments must be received on or before October 16, 1998.

ADDRESSES: Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

Copies of any comments received may be examined at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (http://www.nrc.gov). From the home page, select ''Rulemaking'' from the tool bar. The interactive rulemaking website can then be accessed by selecting ''New Rulemaking Website.'' The site provides the ability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905, e-mail cag@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Barry Mendelsohn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–7262.

SUPPLEMENTARY INFORMATION: For additional information see the Direct Final Rule published in the Rules and Regulations section of this **Federal Register**.

Because NRC considers this action noncontroversial, we are publishing this proposed rule concurrently with a direct final rule. The direct final rule will become effective on November 12, 1998. However, if the NRC receives significant adverse comment on the direct final rule by October 16, 1998, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to the direct final rule in a subsequent final rule. The NRC will not initiate a second comment period for this action in the event the direct final rule is withdrawn.

Environmental Impact: Categorical Exclusion

The Commission has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22 (c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150–0002.

Public Protection Notification

If an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

A regulatory analysis has not been prepared for this proposed rule because this rule is considered corrective in nature and a minor, nonsubstantive amendment; it has no adverse economic impact on NRC licensees or the public.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1989, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant impact upon a substantial number of small entities. The regulation would affect entities licensed to operate independent spent fuel storage installations, monitored-retrievable storage installations, and geologic repository operations areas. These entities do not fall within the definition of small entities.

Backfit Analysis

The NRC has determined that the backfit rule does not apply to this rule, and therefore, a backfit analysis is not required because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR Chapter I.

List of Subjects in 10 CFR Part 73

Criminal penalties, Hazardous materials transportation, Exports, Imports, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendment to 10 CFR Part 73.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 5841, 5844, 2297f).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C, 10155, 10161). Section 73.37(f) also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99–399, 100 Stat. 876 (42 U.S.C. 2169).

2. Section 73.51(d)(11) is revised to read as follows:

§ 73.51 Requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste.

* * * * *

(d) * * *

(11) All detection systems and supporting subsystems must be tamper indicating with line supervision. These systems, as well as surveillance/assessment and illumination systems, must be maintained in operable condition. Timely compensatory measures must be taken after discovery

of inoperability, to assure that the effectiveness of the of the security system is not reduced.

* * * * *

Dated at Rockville, Maryland, this 26th day of August, 1998.

For the Nuclear Regulatory Commission.

L. Joseph Callan,

Executive Director for Operations.

[FR Doc. 98–24716 Filed 9–15–98; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1300 and 1310

[DEA Number 137P]

RIN 1117–AA31

Exemption of Chemical Mixtures

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Proposed rule.

SUMMARY: The DEA is proposing regulations to implement those portions of the Domestic Chemical Diversion Control Act of 1993 [Pub. L. 103–200] (DCDCA) that exempt from regulation under the Controlled Substances Act (CSA) certain chemical mixtures that contained regulated chemicals. The DCDCA amended the CSA to require that only those chemical mixtures identified by regulation shall be exempt from application of DEA's regulatory controls. These proposed regulations identify those mixtures, or categories of mixtures, that will be exempt from regulation. This proposal also defines an application process that can be used to exempt chemical mixtures that do not meet the criteria for automatic exemption.

DATES: Written comments or objections must be submitted on or before November 16, 1998.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Acting Deputy Administrator, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7138.

SUPPLEMENTARY INFORMATION: The Chemical Diversion and Trafficking Act of 1998 (PL 100–690) (CDTA) was passed by Congress to curtail the diversion of specific chemicals used in the illicit manufacture of controlled substances. The CDTA established recordkeeping and reporting requirements necessary for DEA to identify and track chemical diversion. While the CDTA achieved initial success in curtailing the diversion of chemicals, traffickers soon found and took advantage of certain shortcomings in the law. In the United States (U.S.), traffickers were able to obtain needed supplies by purchasing products that were exempted from regulation under the CDTA. Foreign traffickers were able to obtain chemicals from sources outside the U.S., while taking advantage of U.S. brokers and traders because of these shortcomings. Additionally, taking action against unscrupulous suppliers proved difficult.

To address the weaknesses in the CDTA, Congress passed the Domestic Chemical Diversion Control Act of 1993 (DCDCA), which was enacted in April of 1994. One provision of the DCDCA dealt with the exemption of chemical mixtures, which are defined as ''a combination of two or more chemical substances, at least one of which is not a list I chemical or a list II chemical, except that such term does not include any combination of a list I chemical or a list II chemical with another chemical that is present solely as an impurity.''

Prior to the enactment of the DCDCA, the term regulated transaction was defined to exclude 'any transaction in a chemical mixture' (21 U.S.C. 802 (39)(A)(v)). Therefore, transactions involving all chemical mixtures were exempt from recordkeeping and other chemical regulatory control requirements of the CSA. This exemption provided traffickers with an unregulated source for obtaining chemicals for use in the manufacture of controlled substances. Furthermore, this exemption was inconsistent with the requirements of Article 12, Paragraph 14 of the United Nations 1988 Convention on Psychotropic Substances. Article 12 states, in part, that ''The provisions of this article shall not apply to pharmaceutical preparations, nor to other preparations containing substances in Table I or Table II that are compounded in such a way that such substances cannot be easily used or recovered by readily applicable means''. To address these problems, the DCDCA amended the exemption to provide that only those chemical mixtures specified by regulation would be exempt.

The DCDCA amended the definition of a regulated transaction to exclude only those mixtures which the Attorney General has by regulation designated as exempt. This designation is ''based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered''. Accordingly, with this proposal, the DEA is seeking to enact regulations that prevent diversion of mixtures which contain listed chemicals, while removing from the regulatory scheme mixtures which meet the above legal criteria [21 U.S.C. 802(39)(A)(v)].

Chemical mixtures which contain listed chemicals are of concern to DEA if they can be used in the manufacturing of controlled substances. Laboratory operators have continually searched for unregulated sources of materials in their efforts to illegally manufacture controlled substances. These efforts have led to the diversion and illicit utilization of chemical mixtures.

Chemical mixtures can and do play a role in the illicit production of controlled substances such as heroin, cocaine and amphetamine related compounds, including methamphetamine. Some examples follow.

The chemicals used in the production of cocaine are included primarily on list II of the CSA. Suspicious shipments of mixtures containing solvents in list II to cocaine producing areas have been identified by DEA. Additionally, diversion of such chemical mixtures for the illicit production of cocaine in foreign countries has been established by DEA. DEA continually monitors the chemical composition of seized cocaine hydrochloride. The DEA laboratory system is able to detect the trace quantities of solvents present in seized cocaine hydrochloride. Such solvents are utilized in the final stage of cocaine production whereby cocaine base is converted to cocaine hydrochloride. Recent data indicate that a broader range of solvents and solvent combinations are being caused in cocaine processing. This laboratory data supports intelligence information that chemical mixtures are used in the production of cocaine hydrochloride.

Chemical mixtures also play a role in the production of methamphetamine, the most prevalent controlled substance illicitly synthesized in the United States. During calendar years 1994 through 1997, the DEA was involved in the domestic seizure of over 2,800 clandestine methamphetamine laboratories. The chemicals ephedrine and/or pseudoephedrine were utilized as the precursor material at the vast majority of these laboratories.

The clandestine manufacture, distribution and abuse of methamphetamine are serious public