

385.50, may file such petitions within seven days after the date of this action. This action shall become effective immediately, and the filing of a petition for review shall not preclude its effectiveness.

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

1. The Authority citation for Part 389 continues to read as follows:

Authority: Sections 204, 1002, Pub. L. 85-726, as amended, 72 Stat. 743, 797; 49 U.S.C. 1324, 1502. Act of August 31, 1951, Ch. 376, 65 Stat. 268; 31 U.S.C. 483a.

2. Section 389.20 is revised to read as follows:

§ 389.20 Applicability of subpart.

(a) This subpart applies to the filing of certain documents and records of the Department by non-government parties, and prescribes fees for their processing.

(b) For the purpose of this subpart, record means those electronic tariff records submitted to the Department under Subpart W of 14 CFR Part 221, and contains that set of information which describes one (1) tariff fare, or that set of information which describes one (1) related element associated with such tariff fare.

§ 389.21 [Amended]

3. The first line of § 389.21(a) is amended by adding "or record" after the word "document".

§ 389.22 [Amended]

4. Section 389.22(a) is redesignated as § 389.22(a)(1) and a new § 389.22(a)(2) is added to read as follows:

(a) * * *

(2) Except as provided in § 389.23, records which are not accompanied by the appropriate filing fees shall be retained and considered filed with the Department. The Department will notify the filer concerning the nonpayment or underpayment of the filing fees, and will also notify the filer that the records will not be processed until the fees are paid.

§ 389.25 [Amended]

5. Section 389.25 is redesignated as § 389.25(a) and a heading is added reading as follows:

(a) *Document-filing fees.*

6. Section 389.25(b) is added reading as follows:

(b) *Electronic Tariff Filing Fees*—The filing fee for one (1) or more transactions proposed in any existing record, or for any new or canceled records, shall be 5 cents per record; *Provided:* That no fee shall be assessed for those records submitted to the Department pursuant to § 221.500(b)(1) of this subpart.

Issued in Washington, DC, on January 13, 1989.

Gregory S. Dole,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 89-1290 Filed 1-18-89; 8:45 am]

BILLING CODE 4910-62-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1204

Information Security Program

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is amending 14 CFR Part 1204 by revising Subpart 1204.10, "Inspection of Persons and Personal Effects on NASA Property." This revision makes organizational title changes found in § 1204.1002 and § 1204.1003(b).

EFFECTIVE DATE: January 19, 1989.

ADDRESS: NASA Security Office, Code NIS, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Erwin V. Minter, 202-453-2953.

SUPPLEMENTARY INFORMATION: Since this action is internal and administrative in nature and does not affect the existing regulations, notice and public comment are not required.

The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1204

Airports, Authority delegations (Government agencies), Federal buildings, facilities and real estate, Government contracts, Government employees, Government procurement, Grant programs—science and technology, Intergovernmental relations, Labor unions, Security measures, Small businesses.

For the reason set out in the Preamble, 14 CFR Part 1204, Subpart 1204.10, is amended as follows:

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

1. The authority citation for Part 1204 Subpart 1204.10 continues to read as follows:

Authority: 42 U.S.C. 2455(a).

2. Subpart 1204.10 is revised to read as follows:

Subpart 1204.10—Inspection of Persons and Personal Effects on NASA Property

Sec.

1204.1000 Scope of subpart.
1204.1001 Policy.
1204.1002 Responsibility.
1204.1003 Procedures.

Subpart 1204.10—Inspection of Persons and Personal Effects on NASA Property

§ 1204.1000 Scope of subpart.

This subpart establishes NASA policy and prescribes certain minimum procedures concerning the inspection of persons and property in their possession on NASA installations.

§ 1204.1001 Policy.

In the interest of national security, NASA will provide appropriate and adequate protection or security for facilities, property, and information in its possession or custody. In furtherance of this policy, NASA reserves the right to conduct an inspection of any person, including any property in the person's possession or control, as a condition of admission to or continued presence on any NASA installation.

§ 1204.1002 Responsibility.

The Director for each Field Installation and the Assistant Administrator for Headquarters Operations are responsible for implementing the provisions of this subpart when it is determined that such action is necessary because of bomb threats, unexplained loss of Government property, or other unusual situations, for the protection or security of the installation and the personnel and property therein. In the local implementation of this subpart, the Directors of NASA Installations (and component installations) located on Federal property under the control of other agencies will coordinate their action with appropriate officials of the other agencies concerned.

§ 1204.1003 Procedures.

(a) All entrances to NASA installations will be conspicuously posted with the following notices:

PURSUANT TO NASA REGULATIONS THE ENTRANCE OF INDIVIDUALS TO, OR THEIR CONTINUED PRESENCE ON, THIS INSTALLATION IS CONDITIONED UPON THEIR CONSENT TO INSPECTION OF THEIR PERSONS, AND OF PROPERTY IN THEIR POSSESSION OR CONTROL.

(b) Inspection pursuant to this subpart will be conducted only by NASA security personnel or members of the installation security patrol or guard force. Such inspections will be conducted in accordance with guidelines established by the Director, NASA Security Office, NASA Headquarters.

(c) If an individual does not consent to an inspection, it will not be carried out, and the individual will be denied admission to, or be escorted from, the installation.

(d) If, during an inspection, an individual is found to be in unauthorized possession of items believed to represent a threat to the safety or security of the installation, the individual will be denied admission to, or be escorted from, the installation and appropriate law enforcement authorities will be notified immediately.

(e) If, during an inspection conducted pursuant to this subpart, an individual is in possession of U.S. Government property without proper authorization, that person will be required to relinquish the property to the security representative conducting the inspection pending proper authorization for the possession of the property or its removal from the installation. The individual relinquishing the property will be given a receipt therefor.

Dale D. Myers,
Deputy Administrator.

[FR Doc. 89-1199 Filed 1-18-89; 8:45 am]

BILLING CODE 7510-01-M

DATES: Effective February 21, 1989. Comments or objections may be submitted on or before March 20, 1989.

ADDRESS: Comments or objections should be submitted in quintuplicate to: Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537. Attn: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537. Telephone: (202) 633-1366 (FTS 633-1366).

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*) at 21 U.S.C. 811(g)(1) requires that the Attorney General exclude any nonnarcotic substance from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 301 *et seq.*), be lawfully sold over the counter without a prescription. The Benezdrex Inhaler, NDC #49692-0928, meets the criteria for such an exclusion. The Benezdrex Inhaler contains propylhexedrine, a Schedule V nonnarcotic controlled substance as an active medicinal ingredient. The inhaler is permitted, under the FD&C Act, to be sold over the counter without a prescription. In accordance with 21 CFR 1308.21, the sponsor of the product, SmithKline Consumer Products, has applied to the Administrator of the Drug Enforcement Administration (DEA) for exclusion of the product from the provisions of the CSA pursuant to 21 U.S.C. 811(g)(1). The application has been received by the Deputy Assistant Administrator, Office of Diversion Control.

The Deputy Assistant Administrator finds that the product meets the criteria for exclusion from the CSA in accordance with 21 U.S.C. 811(g)(1). Any interested person may file written comments on or objections to this order on or before March 20, 1989. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Deputy Assistant Administrator shall immediately suspend the effectiveness of this order until he may reconsider the application

in light of the comments and objections filed. Thereafter the Deputy Assistant Administrator shall reinstate, revoke, or amend his original order as he determines appropriate.

The Deputy Assistant Administrator hereby certifies that this matter will have no significant impact upon small businesses or other entities within the meaning of the intent of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

The addition of a product to the list of excluded nonnarcotic over-the-counter substances has the effect of removing it from the CSA and the implementing regulations.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Office of Management and Budget has determined that these changes are internal agency matters which do not require formal review by that agency.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by 21 U.S.C. 811(g)(1) and delegated to the Administrator of DEA by Department of Justice Regulations (28 CFR 0.100), and redelegated to the Deputy Assistant Administrator of DEA, Office of Diversion Control by 28 CFR 0.104, the Deputy Assistant Administrator hereby amends 21 CFR Part 1308 as set forth below.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Section 1308.22 is amended by adding to the table, in the appropriate alphabetical order, the product listed below.

§ 1308.22 Excluded Substances.

* * * * *

EXCLUDED NONNARCOTIC OVER-THE-COUNTER SUBSTANCES

Trade name or designation	Dosage form	Composition	Potency	Manufacturer or distributor
Benezdrex Inhaler	Inhaler	Propylhexedrine	250.00 mg	SmithKline Consumer Products

Dated: January 11, 1989.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 89-1239 Filed 1-18-89; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 286b

[OSD Administration Instruction No. 81]

Privacy Program

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: Administrative changes to Part 286b provides guidance and procedures for use in establishing the Privacy Program in the Office of the Secretary of Defense and those organizations assigned to OSD for administrative support. This amendment incorporates certain organizational realignments within the Office of the Secretary of Defense which include the designation of the Inspector General, Department of Defense, as a separate component of the Department of Defense, and necessitates a change in processing Privacy Act requests pertaining to that agency. It changes the titles of certain officials and agencies, and information concerning the participation of the OSD components in computer matching programs.

EFFECTIVE DATE: The name change pertaining to the Organization of the Joint Chiefs of Staff (OJCS) to the "Joint Staff" is effective September 29, 1988. The Inspector General, Department of Defense, becomes a DoD Component for purposes of the Privacy Act effective January 3, 1989. All IG, DoD-related Privacy Act requests, appeals, and litigation actions received on or after January 3, 1989, will be sent to the Office of the Inspector General, Department of Defense. All outstanding IG, DoD-related Privacy Act requests remaining on file with the Office of the Secretary of Defense will be transferred January 3, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Cragg, OSD Privacy Act Officer, Records Management Division, The Pentagon, Washington, DC 20301-1100, telephone 202-697-2501 or AUTOVON 227-2501.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 286b Privacy

Accordingly, 32 CFR Part 286b is amended as follows:

PART 286b—[AMENDED]

1. The authority citation for Part 286b continues to read as follows:

Authority: Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a)

§ 286b.2 [Amended]

2. In § 286b.2(a) change "Organization of the Joint Chiefs of Staff (OJCS)" to "Joint Staff" and remove "Inspector General of the Department of Defense (IG, DOD)."

§ 286b.5 [Amended]

3. In § 286b.5(a) change "Deputy Assistant Secretary of Defense (Administration) (DASD)(A), Office of the Assistant Secretary of Defense (Comptroller) OASD(c))" to "Director of Administration and Management (DA&M)"

§ 286b.5 [Amended]

4. In § 286b.5(b)(2), (d)(2), and (e)(1), change "DASD(A)" to "DA&M"

§ 286b.5 [Amended]

5. In § 286.5(e)(2), change "Records Administration, ODASD(A)" to "OSD Records Administrator, WHS"

§ 286b.6 [Amended]

6. In § 286b.6(a)(2), (c)(5)(iv), (c)(7) (both places), (c)(8), (c)(9), and (d)(1) change "DASD(A)" to "DA&M"

§ 286b.6 [Amended]

7. In § 286b.6(c)(6) change "Deputy Assistant Secretary of Defense (Administration)" to "Director of Administration and Management"

8. In § 286b.6(c)(7)(ii), (c)(7), and (c)(9) change "DASD(A)'s" to "DA&M's"

9. Add § 286b.6(d)(4) to read as follows:

§ 286b.6 Procedures.

* * * * *

(d) * * *

(4) Paragraph B of Chapter 11, DoD 5400.11-R, prescribes that all requests for participation in a matching program (either as a matching agency or a source agency) be submitted to the Defense Privacy Office for review and compliance. OSD Components will

submit these requests through the Records Management Division.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

January 12, 1989.

[FR Doc. 89-1175 Filed 1-18-89; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 359

[DoD Directive 5105.22]

Defense Logistics Agency

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This document revises 32 CFR Part 359. It reflects changes mandated by the Goldwater-Nichols DoD Reorganization Act of 1986 (10 U.S.C. 191-193). It also assigns responsibility for management oversight of the Agency to the Under Secretary of Defense for Acquisition.

EFFECTIVE DATE: December 6, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. R. Furtner, Office of the Director for Administration and Management (Organizational and Management Planning), the Pentagon, Washington, DC 20301, telephone 202-697-4281.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 359

Organization and functions (Government agencies).

Accordingly, 32 CFR Part 359 is revised to read as follows:

PART 359—DEFENSE LOGISTICS AGENCY (DLA)

Sec.

- 359.1 Purpose.
- 359.2 Mission.
- 359.3 Organization and management.
- 359.4 Responsibilities and functions.
- 359.5 Authority.
- 359.6 Relationships.
- 359.7 Administration.

Appendix A—Assigned DoD Programs and/or Systems

Appendix B—Delegations of Authority

Authority: 10 U.S.C. 191-193

§ 359.1 Purpose.

Pursuant to authority vested in the Secretary of Defense under Title 10, this Part revises 32 CFR Part 359 to update the responsibilities, functions, relationships, and authorities of the Defense Logistics Agency (DLA).