

interview is scheduled by telephone and you do not appear for the interview, one of the following actions will be taken:

(1) If a notice of the time and place of the interview was not mailed at least 20 days before the scheduled date of the interview and you did not waive (in writing) your right to the 20-day advance notice explained in paragraph (d) of this section, the disability examiner will automatically schedule another interview for you. A notice informing you of the time and place of the rescheduled interview will be mailed to you at your last known address. The notice will be mailed at least 20 days before the date of the interview.

(2) If a notice of the time and place of the interview was mailed to you, and you waived (in writing) your right to the 20-day advance notice explained in paragraph (d) of this section, the decisionmaking team will make a determination as to whether you are disabled based on the evidence in your case file. A written notice of that determination will be mailed to you at your last known address.

(3) If a notice of the time and place of the interview was not mailed to you, and you waived (in writing) your right to the 20-day advance notice explained in paragraph (d) of this section, the disability examiner will automatically schedule another interview for you. A notice informing you of the time and place of the rescheduled interview will be mailed to you at your last known address. The notice will be mailed at least 10 days before the date of the interview.

(f) *Change in time or place of interview.* If you are unable to travel or have some other reason why you cannot attend your interview at the scheduled time or place, you should request at the earliest possible date that the time or place be changed. The disability examiner will change the time or place if there is good cause for doing so under the standards in § 416.1436 (c) and (d).

(g) *Your rights.* In connection with your interview—

(1) You may request that we or the State agency assist you in obtaining pertinent evidence about your disability;

(2) You may have a representative, appointed under Subpart O of this Part, at your interview, or you may represent yourself;

(3) You or your representative may review the evidence in your case file, either on the date of your interview or at an earlier time at your request;

(4) You or your representative may present additional evidence and bring

witnesses to support your case at your interview; and

(5) You, your representative, and your witnesses may be eligible for reimbursement under the State agency's rules for travel expenses incurred in connection with your interview if the distance from the person's residence or office (whichever he or she travels from) to the interview site exceeds 75 miles.

(h) *After your interview.* At your request, the disability examiner may allow up to 15 days after your interview for receipt of evidence which was not available at the time of the interview. The disability examiner may also obtain additional evidence, including a consultative medical examination as described in § 416.917 or a report from your treating physician, after the interview if he or she believes it is necessary for a sound determination. The decisionmaking team will then determine whether you are disabled. A written notice of the determination made in your case will be mailed to you at your last known address. The notice will state the reasons for the determination and its effect, and will inform you of the right to a hearing before an administrative law judge.

(i) *Effect of the State agency's determination for project participants.* The State agency decisionmaking team's determination is an initial determination that is binding unless—

(1) You request a hearing before an administrative law judge within the time period described in paragraph (j) of this section, and a decision is made; or

(2) The initial determination is revised as provided in § 416.1487.

(j) *Appeal rights for project participants.* If you were given the opportunity for an interview (whether or not you requested or appeared for the interview) and you are dissatisfied with the initial determination, you may request a hearing before an administrative law judge. You must file your request for this hearing within 60 days after the date you receive notice of the initial determination (or within the extended time period if we extend the time as provided in § 416.1433(c)). Section 416.1433 explains how to request a hearing before an administrative law judge. (See §§ 416.1429–416.1461 for the rules concerning administrative law judge hearings.)

(Approved by the Office of Management and Budget under control number 0960-0415)

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1308

#### Schedules of Controlled Substances; Extension of Temporary Placement of 3-Methylfentanyl Into Schedule I

AGENCY: Drug enforcement Administration, Justice.

ACTION: Final rule.

**SUMMARY:** This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to extend the temporary scheduling of the narcotic substance, 3-methylfentanyl in Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). The temporary scheduling of 3-methylfentanyl was due to expire on April 25, 1986. This notice will extend the time period for six months or until 3-methylfentanyl is placed in Schedule I pursuant to the scheduling procedure outlined in 21 U.S.C. 811(a), whichever occurs first.

**EFFECTIVE DATE:** April 25, 1986.

**FOR FURTHER INFORMATION CONTACT:**

Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633-1366.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 21 CFR Part 1308**

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

On March 25, 1985, the Administrator of the Drug Enforcement Administration issued a final rule in the *Federal Register* amending § 1308.11(g) to temporarily place 3-methylfentanyl into Schedule I of the Controlled Substances Act pursuant to the emergency scheduling provisions of 21 U.S.C. 811(h). This action which became effective on April 25, 1985 was based on a finding by the Administrator that the emergency scheduling of 3-methylfentanyl was necessary to avoid an imminent hazard to the public safety. Section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2)) provides that the emergency scheduling of a substance expires at the end of one year from the effective date of the order. However, if a rulemaking proceeding to schedule the substance has been initiated pursuant to section 201(a)(1) of the CSA (21 U.S.C. 811(a)(1)), the temporary scheduling may be extended for up to six months. Under this provision, the temporary scheduling of 3-methylfentanyl which is due to expire on April 25, 1986, will be

extended until October 25, 1986, or until the date on which a final rule, published as a result of the formal rulemaking proceeding, is effective; whichever occurs first.

Pursuant to 21 U.S.C. 811(h)(2) and since proceedings have been initiated in accordance with 21 U.S.C. 811(a)(1) to schedule 3-methylfentanyl, the Administrator hereby orders that the temporary scheduling of 3-methylfentanyl be extended to October 25, 1986 or until the conclusion of the rulemaking proceeding, whichever occurs first.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the extended scheduling of 3-methylfentanyl in Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). The substance, 3-methylfentanyl, has no legitimate use or manufacturer in the United States.

It has been determined that the extension of the temporary placement of 3-methylfentanyl in Schedule I of the CSA under the emergency scheduling provision is a statutory exception to the requirements of Executive Order 12291 (46 FR 13193).

Dated: April 21, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-9125 Filed 4-23-86; 8:45 am]

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## 28 CFR Part 16

[AAG/A Order No. 7-86]

### Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

**SUMMARY:** On December 17, 1985, the Department of Justice, Criminal Division, issued proposed regulations to exempt certain portions of a new system of records entitled "Office of Special Investigations Displaced Persons Listings, JUSTICE/CRM-027" from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The exemption is required because access to these records could inform the subject of the identity of witnesses and informants. Thus, the release of such information could present a serious impediment to effective law enforcement by endangering the

physical safety of witnesses or informants; by leading to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony; or by otherwise preventing the successful completion of an investigation.

**DATE:** This rule will be effective on or before April 24, 1986.

**ADDRESS:** J. Michael Clark, Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 9002, 601 D Street, NW., Washington, D.C. 20530.

**FOR FURTHER INFORMATION CONTACT:** J. Michael Clark, 272-6474.

**SUPPLEMENTAL INFORMATION:** The proposed rule with invitation to comment was published in the Federal Register on December 17, 1985 (50 FR 51410). The public was given 30 days to comment; however, no comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

#### List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure; Courts; Freedom of Information; Privacy; and Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78 28 CFR 16.91 is amended to add paragraphs (s) and (t) as set forth below.

Dated: March 19, 1986.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. 28 CFR 16.91 is amended by adding paragraphs (s) and (t).

#### § 16.91 Exemption of Criminal Division Systems—Limited Access, as indicated.

(s) The following system of records is exempted from 5 U.S.C. 552a(d).

Office of Special Investigations Displaced Persons Listings (JUSTICE/CRM-027).

This exemption applies to the extent that the records in this system are subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(t) Exemption from subsection (d) is justified for the following reasons:

(1) Access to records contained in this system could inform the subject of the identity of witnesses or informants. The release of such information could present a serious impediment to effective law enforcement by endangering the physical safety of witnesses or informants; by leading to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony; or by otherwise preventing the successful completion of an investigation.

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## 28 CFR Part 16

[AAG/A Order No. 6-86]

### Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

**SUMMARY:** On January 9, 1986 (51 FR 986), the Department of Justice published notice that it would modify the proposed regulations published on April 7, 1983 (48 FR 15160), to amend Title 28 of the Code of Federal Regulations, Part 16, Subpart E, "Exemption of Records Systems Under the Privacy Act." The January 9, regulations were published to: (1) Clarify that the Department's Freedom of Information Act and Privacy Act (FOIA/PA) systems would be exempt only to the extent that they contain law enforcement- or investigative-type information and (2) remove exemptions and other proposed changes which had been offered to achieve clarity and consistency with reorganizations but which, for administrative reasons, had to be withdrawn or republished as a separate proposed rule.

**SUPPLEMENTARY INFORMATION:** A section by section explanation of proposals throughout Part 16 was provided under "Supplementary Information" in the April 7 regulations. These proposals remain unchanged except that, pursuant to oral comments received from the Office of Management and Budget, those sections relating to exemption of the Department's FOIA/PA systems have been further revised as indicated above. Further, for administrative reasons, the proposal to revise §§ 16.71 and 16.88 and to add § 16.72, has been withdrawn and published as a separate proposed rule.