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 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. The notice will be mailed at least 10 days before the date of the interview.

(4) 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).

(5) 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 § 416.1407.

(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 0680-0415

[FED REG 86-9151 Filed 6-23-86. 8:45 am]
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]
BILLING CODE 4410-01-M

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 15190), 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, 1986, 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: