

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Association. All submissions should refer to File No. SR-NASD-2002-58 and should be submitted by July 1, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>27</sup>

**Margaret H. McFarland,**  
Deputy Secretary.

[FR Doc. 02-14433 Filed 6-7-02; 8:45 am]

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## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster #3418]

#### State of Illinois (Amendment #1)

In accordance with a notice received from the Federal Emergency Management Agency, dated May 30, 2002, the above numbered declaration is hereby amended to include the following counties as disaster areas for damages caused by severe storms, tornadoes and flooding occurring on April 21, 2002 and continuing: Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Ford, Fulton, Greene, Hancock, Iroquois, Jersey, Lawrence, Logan, Macon, Macoupin, Mason, McDonough, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Vermilion, and Wabash.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Henderson, Kankakee, Knox, Livingston, McLean, Peoria, Tazewell, and Warren in the State of Illinois; Benton, Knox, Newton, Sullivan, Vermillion, Vigo, and Warren Counties in the State of Indiana; Lee County in the State of Iowa; and Clark, Lewis, Lincoln, Marion, Pike, and Ralls Counties in the State of Missouri.

The economic injury number assigned to Iowa is 9P8600.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July

20, 2002 and for economic injury the deadline is February 21, 2003.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: June 3, 2002.

**Herbert L. Mitchell,**  
Associate Administrator for Disaster Assistance.

[FR Doc. 02-14449 Filed 6-7-02; 8:45 am]

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## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster #3414]

#### State of New York (Amendment #1)

In accordance with a notice received from the Federal Emergency Management Agency, dated May 30, 2002, the above numbered declaration is hereby amended to include Franklin, Hamilton, Warren, and Washington Counties in the State of New York as disaster areas due to damages caused by an earthquake occurring on April 20, 2002.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Fulton, Herkimer, Rensselaer, Saratoga, and St. Lawrence Counties in the State of New York, and Bennington and Rutland Counties in the State of Vermont.

All other counties contiguous to the above named primary counties have previously been declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 15, 2002, and for economic injury the deadline is February 17, 2003.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: June 3, 2002.

**Herbert L. Mitchell,**  
Associate Administrator for Disaster Assistance.

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## SOCIAL SECURITY ADMINISTRATION

### [Rescission of Acquiescence Rulings 88-3(7), 92-6(10), 98-1(8), and 00-5(6)]

#### Rescission of Social Security Acquiescence Rulings 88-3(7), 92-6(10), 98-1(8), and 00-5(6)

**AGENCY:** Social Security Administration.

**ACTION:** Notice of Rescission of Social Security Acquiescence Rulings (ARs) 88-3(7)—*McDonald v. Bowen*, 800 F.2d

153 (7th Cir. 1986), *amended on reh'g*, 818 F.2d 559 (7th Cir. 1987); 92-6(10)—*Walker v. Secretary of Health and Human Services*, 943 F.2d 1257 (10th Cir. 1991); 98-1(8)—*Newton v. Chater*, 92 F.3d 688 (8th Cir. 1996) and 00-5(6)—*Salamalekis v. Apfel*, 221 F.3d 828 (6th Cir. 2000).

**SUMMARY:** In accordance with 20 CFR 402.35(b)(2), 404.985(e), and 416.1485(e), the Commissioner of Social Security gives notice of the rescission of Social Security ARs 88-3(7), 92-6(10), 98-1(8), and 00-5(6).

**EFFECTIVE DATE:** June 10, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Gary Sargent, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-1695.

**SUPPLEMENTARY INFORMATION:** An AR explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act (the Act) or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(1) and 416.1485(e)(1), we may rescind an AR as obsolete and apply our interpretation of the Act or regulations if the Supreme Court overrules or limits a circuit court holding that was the basis of an AR.

On March 1, 1988, we issued AR 88-3(7) (*see* 55 FR 28302) to reflect the holding in *McDonald v. Bowen*, 800 F.2d 153 (7th Cir. 1986), *amended on reh'g*, 818 F.2d 559 (7th Cir. 1987). On September 17, 1992, we published AR 92-6(10) (57 FR 43007) to reflect the holding in *Walker v. Secretary of Health and Human Services*, 943 F.2d 1257 (10th Cir. 1991). On February 23, 1998, we published AR 98-1(8) (63 FR 9037) to reflect the holding in *Newton v. Chater*, 92 F.3d 688 (8th Cir. 1996). On November 15, 2000, we published AR 00-5(6) (65 FR 69116) to reflect the holding in *Salamalekis v. Apfel*, 221 F.3d 828 (6th Cir. 2000). These circuit courts interpreted sections 222 and 223 of the Act to require the Social Security Administration (SSA) to allow a finding of disability and entitlement to a trial work period when a claimant returned to substantial gainful activity within 12 months of the alleged onset date of his or her disability and prior to an award of benefits. Accordingly, these four circuit courts held that Social Security

<sup>27</sup> 17 CFR 200.30-3(a)(12).