

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]

**BILLING CODE 8010-01-P**

## **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]

**BILLING CODE 8025-01-P**

## **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.*

[FR Doc. 02-14448 Filed 6-7-02; 8:45 am]

**BILLING CODE 8025-01-P**

## **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).

Ruling 82-52,<sup>1</sup> which explains how SSA applies the 12-month statutory duration requirement when a claimant returns to work within 12 months of the alleged disability onset date,<sup>2</sup> was inconsistent with the meaning of those sections of the Act.

On December 18, 2000, the United States Court of Appeals for the Fourth Circuit issued a decision in *Walton v. Apfel*, 235 F.3d 184 (4th Cir. 2000), joining these four other circuits by holding, among other things, that the claimant who returned to work within 12 months of the alleged date of disability onset and prior to adjudication of his claim was entitled to disability benefits and a 9-month trial work period under the clear language of the governing statute.

On March 27, 2002, the United States Supreme Court reversed the Fourth Circuit's decision, and held that SSA's trial work period regulation and its interpretation of the 12-month duration requirement was lawful under the Act. *Barnhart v. Walton*, \_\_\_ U.S. \_\_\_, 122 S. Ct. 1265 (2002). The Court stated that "the Agency's regulation seems a reasonable, hence permissible, interpretation of the statute. \* \* \* The statute's complexity, the vast number of claims it engenders, and the consequent need for agency expertise and administrative experience lead us to read the statute as delegating to the Agency considerable authority to fill in, through interpretation, matters of detail related to its administration. The interpretation at issue here is such a matter. The statute's language is ambiguous. And the Agency's interpretation is reasonable. We conclude that the Agency's regulation is lawful." *Id.* at 1273-1274 (citation omitted).

Because, in *Walton*, the Supreme Court also overruled the circuit court holdings in *McDonald*, *Walker*, *Newton*, and *Salamalekis* by upholding SSA's regulations clarifying and explaining the policy interpretation that was the subject of the holdings in those cases, we are rescinding ARs 88-3(7), 92-6(10), 98-1(8) and 00-5(6).

(Catalog of Federal Domestic Assistance, Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance;

<sup>1</sup> Social Security Ruling (SSR) 91-7c superseded SSR 82-52, but only to the extent that SSR 82-52 discussed former procedures used to determine disability in children. The issue in these ARs did not relate to those former procedures and the cited policy statement in SSR 82-52 remained in effect.

<sup>2</sup> Final rules clarifying and providing a more detailed explanation and justification for the longstanding policy in SSR 82-52 became effective on August 10, 2000 (65 FR 42772).

96.004 Social Security—Survivors Insurance; 96.006—Supplemental Security Income.)

Dated: June 4, 2002.

**Jo Anne B. Barnhart**,  
Commissioner of Social Security.

[FR Doc. 02-14463 Filed 6-7-02; 8:45 am]

BILLING CODE 4191-02-S

## DEPARTMENT OF STATE

[Public Notice 4047]

### Culturally Significant Object Imported for Exhibition Determinations: "Benenson Gallery for African Art in the Department of the Arts of Africa, Oceania, and the Americas"

AGENCY: Department of State.

ACTION: Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition "Benenson Gallery for African Art in the Department of the Arts of Africa, Oceania, and the Americas," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, NY from on or about November 2002 to on or about September 2004, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, Department of State, (telephone: 202/619-6981). The address is Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: June 3, 2002.

**Patricia S. Harrison**,  
Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02-14532 Filed 6-7-02; 8:45 am]

BILLING CODE 4710-08-P

## DEPARTMENT OF STATE

[Public Notice 4046]

### Culturally Significant Object Imported for Exhibition Determinations: "Genesis: Ideas of Origin in African Sculpture"

AGENCY: Department of State.

ACTION: Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition "Genesis: Ideas of Origin in African Sculpture," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owners. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, NY from on or about November 18, 2002 to on or about April 13, 2003, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, Department of State, (telephone: 202/619-6981). The address is Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: June 3, 2002.

**Patricia S. Harrison**,  
Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02-14531 Filed 6-7-02; 8:45 am]

BILLING CODE 4710-08-P

## DEPARTMENT OF STATE

[Public Notice 4045]

### Culturally Significant Object Imported for Exhibition Determinations: "Glimpses of the Silk Road: Central Asia in the First Millennium A.D."

AGENCY: Department of State.

ACTION: Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to