

to the question of a claimant's ability to adapt to a new work environment, and that SSA must reevaluate such evidence when considering the effect of age on a claimant's ability to adapt to a new work environment.

We indicated in the Acquiescence Ruling that we intended to clarify the regulations at issue in this case through the rulemaking process and that the Ruling would continue to apply until such clarification was made. On August 4, 1999, we published proposed rules with a notice of proposed rulemaking in the **Federal Register** (64 FR 42310) to clarify our regulations on the consideration of age as a vocational factor. We are now publishing final rules in this issue of the **Federal Register**.

We are publishing this notice of rescission of Acquiescence Ruling 88-1(11) concurrently with our publication of final rules which revise 20 CFR 404.1563 and 416.963. The final rules remove the provision contained in existing sections 404.1563(a) and 416.963(a) that states, in part, that "Age refers to how old you are \* \* \* and the extent to which your age affects your ability to adapt to a new work situation and to do work in competition with others." The final rules revise sections 404.1563(a) and 416.963(a) to state explicitly that "age" means a claimant's "chronological age." In addition, sections 404.1563(a) and 416.963(a) of the final rules explain that when we determine whether an individual is disabled at the last step of the sequential evaluation, we consider the individual's chronological age in combination with his or her residual functional capacity, education, and work experience to determine whether the individual is able to adjust to other work. The final rules will go into effect May 8, 2000.

Because the final rules clarify the regulations at issue in Patterson and explain that "age" means a claimant's "chronological age," we are rescinding Acquiescence Ruling 88-1(11) effective May 8, 2000, the date the final rules go into effect. By revising our regulations and rescinding the Acquiescence Ruling, we are restoring uniformity to our nationwide system of rules in accordance with our commitment to the goal of administering our programs through uniform national standards as discussed in the preamble to the 1998 acquiescence regulations, 63 FR 24927 (May 6, 1998).

(Catalog of Federal Domestic Assistance Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.005 Special Benefits for Disabled

Coal Miners; 96.006 Supplemental Security Income.)

Dated: March 17, 2000.

**Kenneth S. Apfel,**

*Commissioner of Social Security.*

[FR Doc. 00-8358 Filed 4-5-00; 8:45 am]

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## SOCIAL SECURITY ADMINISTRATION

### Rescission of Social Security Acquiescence Rulings 95-1(6), 99-2(8) and 99-3(5)

**AGENCY:** Social Security Administration.

**ACTION:** Notice of rescission of Social Security Acquiescence Rulings 95-1(6)—*Preslar v. Secretary of Health and Human Services*, 14 F.3d 1107 (6th Cir. 1994); 99-2(8)—*Kerns v. Apfel*, 160 F.3d 464 (8th Cir. 1998); 99-3(5)—*McQueen v. Apfel*, 168 F.3d 152 (5th Cir. 1999).

**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 Acquiescence Rulings 95-1(6), 99-2(8) and 99-3(5).

**EFFECTIVE DATE:** The rescission of these Acquiescence Rulings will be effective May 8, 2000.

**FOR FURTHER INFORMATION CONTACT:** Gary Sargent, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1695.

**SUPPLEMENTARY INFORMATION:** A Social Security Acquiescence Ruling 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 or regulations when the Government has decided not to seek further review of the case or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(4) and 416.1485(e)(4), a Social Security Acquiescence Ruling may be rescinded as obsolete if we subsequently clarify, modify or revoke the regulation or ruling that was the subject of the circuit court holding for which the Acquiescence Ruling was issued.

On May 4, 1995, we issued Acquiescence Ruling 95-1(6) (60 FR 22091) to reflect the holding in *Preslar v. Secretary of Health and Human Services*, 14 F.3d 1107 (6th Cir. 1994). On March 11, 1999, we issued Acquiescence Ruling 99-2(8) (64 FR 12205) to reflect the holding in *Kerns v. Apfel*, 160 F.3d 464 (8th Cir. 1998). On May 27, 1999, we issued Acquiescence Ruling 99-3(5) (64 FR 28853) to reflect the holding in *McQueen v. Apfel*, 168

F.3d 152 (5th Cir. 1999). These circuit court holdings interpreted 20 CFR 404.1563(d) to require the Social Security Administration (SSA) <sup>1</sup> to make an additional finding regarding the marketability of a claimant's skills in order to determine whether the skills of a claimant close to retirement age (age 60-64) are transferable to sedentary or light work. These courts held that in the absence of a finding by SSA that the skills of such an individual are "highly marketable," SSA may not conclude that the claimant possesses transferable skills and is not disabled.

We indicated in each of the Acquiescence Rulings that we intended to clarify the regulations at issue in the court decisions, 20 CFR 404.1563 and 416.963, through the rulemaking process, and that we may rescind the Acquiescence Rulings once we revise the regulations. On August 4, 1999, we published proposed rules with a notice of proposed rulemaking in the **Federal Register** (64 FR 42310) to clarify the regulations that were the subject of the circuit court holdings. We are now publishing final rules in this issue of the **Federal Register**.

We are publishing this notice of rescission of the Acquiescence Rulings concurrently with our publication of final rules which revise 20 CFR 404.1563 and 416.963. The final rules remove the reference to "highly marketable" skills contained in existing sections 404.1563(d) and 416.963(d). The final rules also add new sections 404.1568(d)(4) and 416.968(d)(4) to clarify our original intent to apply the standard in sections 201.00(f) and 202.00(f) of the medical-vocational guidelines (20 CFR part 404, subpart P, appendix 2) to determine whether an individual who is age 60-64 and limited to sedentary or light work possesses transferable skills and, therefore, is able to make an adjustment to other work. The final rules will go into effect May 8, 2000.

Because the final rules eliminate the regulatory provision upon which the holdings in *Preslar*, *Kerns* and *McQueen* are based and clarify how we evaluate the transferability of skills for older workers, including those close to retirement age (age 60-64), we are rescinding Acquiescence Rulings 95-1(6), 99-2(8) and 99-3(5). We are

<sup>1</sup> Under the Social Security Independence and Program Improvements Act of 1994, Pub. L. No. 103-296, effective March 31, 1995, SSA became an independent Agency in the Executive Branch of the United States Government and was provided ultimate responsibility for administering the Social Security and Supplemental Security Income programs under titles II and XVI of the Act. Prior to March 31, 1995, the Secretary of Health and Human Services had such responsibility.

rescinding these Acquiescence Rulings effective May 8, 2000, the date the final rules go into effect. By revising our regulations and rescinding these Acquiescence Rulings, we are restoring uniformity to our nationwide system of rules in accordance with our commitment to the goal of administering our programs through uniform national standards as discussed in the preamble to the 1998 acquiescence regulations, 63 FR 24927 (May 6, 1998).

(Catalog of Federal Domestic Assistance Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.005 Special Benefits for Disabled Coal Miners; 96.006 Supplemental Security Income.)

Dated: March 17, 2000.

**Kenneth S. Apfel,**

*Commissioner of Social Security.*

[FR Doc. 00-8357 Filed 4-5-00; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 3274]

### Culturally Significant Objects Imported for Exhibition Determinations: "1900: Art at the Crossroads"

**AGENCY:** U.S. 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], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999, as amended by Delegation of Authority No. 236-1 of November 9, 1999, I hereby determine that the objects to be included in the exhibit, "1900: Art at the Crossroads," imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the temporary exhibition or display of the exhibit objects at the Guggenheim Museum, New York, NY, from on or about May 18, 2000, to on or about September 10, 2000, 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, including a list of exhibit objects, contact Paul W.

Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619-5997, and the address is Room 700, United States Department of State, 301 4th Street, SW, Washington, DC 20547-0001.

Dated: March 31, 2000.

**William B. Bader,**

*Assistant Secretary for Educational and Cultural Affairs, United States Department of State.*

[FR Doc. 00-8511 Filed 4-5-00; 8:45 am]

BILLING CODE 4710-08-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement; Douglas and Franklin Counties, KS

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project on U.S. Highway 59 in Douglas and Franklin Counties, Kansas.

**FOR FURTHER INFORMATION CONTACT:** Kurt C. Dunn, P.E., Engineering Services Team Leader, Federal Highway Administration, 3300 South Topeka Boulevard, Suite 1, Topeka, Kansas 66611-2237, Telephone: (785) 267-7281; Warren L. Sick, Assistant Secretary and State Transportation Engineer, Kansas Department of Transportation, 915 Harrison, Topeka, Kansas 66612, Telephone (785) 296-3285.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Federal Register home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

##### Background

The FHWA, in cooperation with the Kansas Department of Transportation (KDOT), will prepare an environmental impact statement (EIS) on a proposal to improve U.S. Highway 59 in Douglas and Franklin Counties, Kansas. The proposed project would involve the improvement of the existing U.S. 59 corridor between the cities of Lawrence and Ottawa, a distance of about 27.2

kilometers (17 miles) in length. The KDOT has held three public information meetings on proposed improvements to U.S. 59. An environmental assessment was prepared for a proposed limited access facility on new alignment. The high level of public concern expressed and the potential for significant impacts has led to the decision to prepare an EIS.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demands and to improve safety. Also, under consideration in this proposal is a new connection with the existing Interstate Highway 35 near Ottawa. Alternatives under consideration include (1) taking no action; (2) improving the existing alignment; and (3) construction on a new alignment.

Comments are being solicited from appropriate Federal, State, and local agencies, and from private organizations and citizens who have interest in this proposal. A public hearing will be held once the draft EIS is completed. Public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. The FHWA has determined that a formal scoping meeting is not necessary.

Comments and/or suggestions from all interested parties are requested to ensure that the full page of issues related to this proposed action, and significant environmental issues in particular, are identified and reviewed. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or the KDOT at the address provided above.

**Authority:** 23 U.S.C. 315; 49 CFR 1.48.

Issued on March 16, 2000.

**David R. Geiger,**

*Division Administrator, Kansas Division, Federal Highway Administration, Topeka, Kansas.*

[FR Doc. 00-8427 Filed 4-5-00; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD-2000-7166]

#### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel HAGGAI.