

indicated that the probative value of a prior finding relating to a claimant's medical condition will likely diminish "as the timeframe expands," and that "[t]he logic so evident in *Lively* * * * applies with nowhere near the force in *Albright*'s situation" where "the relevant period exceeds three years."

The court also stated that SSA's "treatment of later-filed applications as separate claims is eminently logical and sensible, reflecting the reality that the mere passage of time often has a deleterious effect on a claimant's physical or mental condition."

Statement as to How Albright Differs From SSA's Interpretation of the Regulations

In a subsequent disability claim, SSA considers the issue of disability with respect to a period of time that was not adjudicated in the final determination or decision on the prior claim to be a new issue that requires an independent evaluation from that made in the prior adjudication. Thus, when adjudicating a subsequent disability claim involving an unadjudicated period, SSA considers the facts and issues *de novo* in determining disability with respect to the unadjudicated period. SSA does not consider prior findings made in the final determination or decision on the prior claim as evidence in determining disability with respect to the unadjudicated period involved in the subsequent claim.

SSA interprets the decision by the United States Court of Appeals for the Fourth Circuit in *Albright* to hold that where a final decision of SSA after a hearing on a prior disability claim contains a finding required at a step in the sequential evaluation process for determining disability, SSA must consider such finding as evidence and give it appropriate weight in light of all relevant facts and circumstances when adjudicating a subsequent disability claim involving an unadjudicated period.

Explanation of How SSA Will Apply The Albright Decision Within The Circuit

This Ruling applies only to disability findings in cases involving claimants who reside in Maryland, North Carolina, South Carolina, Virginia or West Virginia at the time of the determination or decision on the subsequent claim at the initial, reconsideration, ALJ hearing or Appeals Council level. It applies only to a finding of a claimant's residual functional capacity or other finding required at a step in the sequential evaluation process for determining disability provided under 20 CFR

404.1520, 416.920 or 416.924, as appropriate, which was made in a final decision by an ALJ or the Appeals Council on a prior disability claim.⁵

When adjudicating a subsequent disability claim arising under the same or a different title of the Act as the prior claim, an adjudicator determining whether a claimant is disabled during a previously unadjudicated period must consider such a prior finding as evidence and give it appropriate weight in light of all relevant facts and circumstances. In determining the weight to be given such a prior finding, an adjudicator will consider such factors as:

(1) whether the fact on which the prior finding was based is subject to change with the passage of time, such as a fact relating to the severity of a claimant's medical condition;

(2) the likelihood of such a change, considering the length of time that has elapsed between the period previously adjudicated and the period being adjudicated in the subsequent claim; and

(3) the extent that evidence not considered in the final decision on the prior claim provides a basis for making a different finding with respect to the period being adjudicated in the subsequent claim.

Where the prior finding was about a fact which is subject to change with the passage of time, such as a claimant's residual functional capacity, or that a claimant does or does not have an impairment(s) which is severe, the likelihood that such fact has changed generally increases as the interval of time between the previously adjudicated period and the period being adjudicated increases. An adjudicator should give greater weight to such a prior finding when the previously adjudicated period is close in time to the period being adjudicated in the subsequent claim, e.g., a few weeks as in *Lively*. An adjudicator generally should give less weight to such a prior finding as the proximity of the period previously adjudicated to the period being adjudicated in the subsequent claim becomes more remote, e.g., where the relevant time period exceeds three

⁵ In making a finding of a claimant's residual functional capacity or other finding required to be made at a step in the applicable sequential evaluation process for determining disability provided under the specific sections of the regulations described above, an ALJ or the Appeals Council may have made certain subsidiary findings, such as a finding concerning the credibility of a claimant's testimony or statements. A subsidiary finding does not constitute a finding that is required at a step in the sequential evaluation process for determining disability provided under 20 CFR 404.1520, 416.920 or 416.924.

years as in *Albright*. In determining the weight to be given such a prior finding, an adjudicator must consider all relevant facts and circumstances on a case-by-case basis.

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DEPARTMENT OF STATE

[Public Notice 3201]

Bureau of Personnel; 30-Day Notice of Information Collection [OMB Control Number 1405-0008]: Registration for the Foreign Service Officer Written Examination

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Continuation.

Originating Office: PER/REE.

Title of Information Collection: Registration for the Foreign Service Officer Written Examination.

Frequency: One application period per year.

Form Number: 1405-0008.

Respondents: Registrants for the Foreign Service Officer Written Examination.

Estimated Number of Respondents: 13,600.

Average Hours Per Response: 15 minutes per response.

Total Estimated Burden: 3,415 hours.

Public comments are being solicited to permit the agency to:

Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.

Enhance the quality, utility, and clarity of the information to be collected.

Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information

collection and supporting documents may be obtained from Beatrice E. Smotherman, Bureau of Personnel, Examination Division, Foreign Service Written Officer Examination (202) 261-8906, U.S. Department of State, Washington, DC 20522. Public comments and questions should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, (202) 395-5971.

Dated: December 13, 1999.

Rueben Torres,

*Executive Director, Bureau of Personnel,
Department of State.*

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DEPARTMENT OF STATE

[Public Notice 3198]

Culturally Significant Objects Imported for Exhibition Determinations: "Art in Rome in the Eighteenth Century"

DEPARTMENT: United States 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, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition "Art in Rome in the Eighteenth Century," 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 exhibition or display of the exhibit objects at the Philadelphia Museum of Art, from on or about February 27, 2000 to on or about May 21, 2000; and at the Museum of Fine Arts, Houston from on or about June 17, 2000 to on or about September 17, 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 Jacqueline H. Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619-5078). The address is U.S. Department of State, SA-

44; 301-4th Street, S.W., Room 700, Washington, D.C. 20547-0001.

Dated: January 6, 2000.

William B. Bader,

*Assistant Secretary of State, Bureau of
Educational and Cultural Affairs, U.S.
Department of State.*

[FR Doc. 00-740 Filed 1-11-00; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF STATE

[Public Notice 3200]

Culturally Significant Objects Imported for Exhibition Determinations: Culture and Continuity: The Jewish Journey

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, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition "Culture and Continuity: The Jewish Journey" imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with a foreign lender. I also determine that the exhibition or display of the exhibit objects at the Jewish Museum from on or about March 1, 2000 to on or about December 1, 2004, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**. The action of the United States in this matter and the immunity based on the application of the provisions of law involved does not imply any view of the United States concerning the ownership of these exhibition objects. Further, it is not based upon and does not represent any change in the position of the United States regarding the status of Jerusalem or the territories occupied by Israel since 1967. *See* letter of September 22, 1978, of President Jimmy Carter, attached to the Camp David Accords, *reprinted in 78 Dept. of State Bulletin 11* (October 1978); Statement of September 1, 1982 of President Ronald Reagan, *reprinted in 82 Dept. of State Bulletin 23* (September 1982)."

FOR FURTHER INFORMATION CONTACT: For further information, including a description of the exhibit object, contact Jacqueline H. Caldwell, Attorney-

Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619-6982). The address is U.S. Department of State, SA-44; 301-4th Street, S.W., Room 700, Washington, D.C. 20547-0001.

Dated: January 6, 2000.

William B. Bader,

*Assistant Secretary of State, Bureau of
Educational and Cultural Affairs, U.S.
Department of State.*

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DEPARTMENT OF STATE

[Public Notice 3199]

Culturally Significant Objects Imported for Exhibition; Determinations: Painting Revolution: Kandinsky, Malevich and the Russian Avant Garde

DEPARTMENT: United States 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, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition "Painting Revolution: Kandinsky, Malevich and the Russian Avant Garde" 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 exhibition or display of the exhibit objects at the Phoenix Art Museum from on or about April 1, 2000 to on or about June 30, 2000; at the Chicago Cultural Center from on or about July 22, 2000 to on or about October 8, 2000; at the Portland Art Museum from on or about November 1, 2000 to on or about January 20, 2001 and at the Frederick R. Weisman Art Museum, Minneapolis, from on or about February 1, 2001 to on or about March 31, 2001, 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 description of the exhibit object, contact Jacqueline H. Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: