Regarding the right to judicial review, the Eleventh Circuit stated that neither the statute nor the regulations make any distinction between Appeals Council dismissals and ''determinations on the merits.'' The court found that both actions are equally final and that both trigger a right to review by the district court. The court interpreted 20 CFR 404.972 and 404.981[4] to provide that ''an Appeals Council review determination, on whatever grounds, is perceived as the appropriately 'final decision' from which to take an appeal to the district court under section 405(g).''

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

The Eleventh Circuit held that an Appeals Council dismissal of a request for review of an ALJ decision is a ''final decision of the Secretary made after a hearing'' (now a ''final decision of the Commissioner of Social Security'') within the meaning of section 205(g) of the Social Security Act and, therefore, subject to judicial review.[5]

Contrary to the holding of the court in *Bloodsworth*, SSA policy is that the regulations make a clear distinction in regard to rights of judicial review between dismissals and determinations on the merits by the Appeals Council. The Appeals Council may take three types of action following an ALJ decision:

(1) It may grant a request for review;

(2) it may deny a request for review; or

(3) it may dismiss a request for review. The dismissal of a request for review of an ALJ decision is binding and not subject to further review. 20 CFR 404.972, 416.1472. *See also* 20 CFR 404.955, 416.1455, 422.210. The Appeals Council will dismiss a request for review if it is untimely filed and the time for filing has not been extended.[6] The Appeals Council may also dismiss a request for review for other prescribed reasons. 20 CFR 404.971, 416.1471.

SSA's position, based on the above-cited regulations, is that an Appeals Council dismissal is not a ''final decision of the Commissioner of Social Security made after a hearing.'' Therefore, such a dismissal is not judicially reviewable under section 205(g) of the Social Security Act (42 U.S.C. 405(g)).

Explanation of How SSA Will Apply The Bloodsworth Decision Within the Circuit

This Ruling applies only to cases involving claimants who reside in Alabama, Florida, or Georgia at the time of the Appeals Council dismissal of the request for review.

Notices sent by the Appeals Council which dismiss requests for review of ALJ decisions will advise claimants in these states of their right to request judicial review.

[FR Doc. 99–27843 Filed 10–25–99; 8:45 am]

BILLING CODE 4191–02–F

[4] 20 CFR 404.981 and 416.1481 state, in pertinent part, that ''[t]he Appeals Council's decision, or the decision of the administrative law judge if the request for review is denied, is binding unless you or another party file an action in Federal district court, or the decision is revised.''

[5] As the Supreme Court has noted, the term ''final decision'' is not defined in the Social Security Act, but the Act gives authority to the agency to prescribe its meaning by regulation. *Weinberger* v. *Salfi*, 422 U.S. 749, 766 (1975).

[6] The Appeals Council, upon good cause shown, may extend the time for filing a request for review of an ALJ decision. 20 CFR 404.968(b), 416.1468(b).

DEPARTMENT OF STATE

[Public Notice 3140]

Culturally Significant Objects Imported for Exhibition Determinations: ''Body Art: Marks of Identity''

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 of October 19, 1999, I hereby determine that the objects to be included in the exhibit, ''Body Art: Marks of Identity,'' 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 the foreign lenders. I also determine that the exhibition or display of the exhibit objects at the American Museum of Natural History, New York, New York, from on or about November 16, 1999 to on or about May 29, 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: October 20, 1999.

James D. Whitten,

Executive Director, Bureau of Educational and Cultural Affairs, United States Department of State.

[FR Doc. 99–27954 Filed 10–25–99; 8:45 am]

BILLING CODE 4710–08–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D–165]

WTO Dispute Settlement Proceeding Regarding Import Measures on Certain Products From the European Communities

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (''USTR'') is providing notice of the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization (''WTO''), by the European Communities, to examine the U.S. announcement of 3 March 1999 that liquidation would be withheld on imports from the EC of a list of products together valued at $520 million. In this dispute, the European Communities alleges that this action was inconsistent with obligations of the United States under the Dispute Settlement Understanding and the General Agreement on Tariffs and Trade 1994. The USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although the USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted by November 15, 1999, to be assured of timely consideration by the USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to Sandy McKinzy, Litigation Assistant, Office of Monitoring and Enforcement, Room 122, Attn: Dispute on Import Measures on Certain Products from the European Communities, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Bruce R. Hirsh, Associate General Counsel, at (202) 395–3582, or William L. Busis, Associate General Counsel, at 395–3150

SUPPLEMENTARY INFORMATION: Pursuant to section 127(b) of the Uruguay Round Agreements Act (URAA) 19 U.S.C. 3537(b)(1)), the USTR is providing

notice that on May 12, 1999, the European Communities submitted a request for the establishment of a WTO dispute settlement panel to examine actions allegedly taken on March 3, 1999 to withhold liquidation on imports from the EC of a list of products valued at $520 million. The WTO Dispute Settlement Body (''DSB'') established a panel for this purpose on June 16, 1999. Panelists were selected on October 8, 1999.

Major Issues Raised and Legal Basis of the Complaint

The European Communities' panel request describes the purported U.S. measure it is challenging as ''the U.S. decision, effective as of March 3, 1999, to withhold liquidation on imports from the EC of a list of products, together valued at $520 million on an annual basis, and to impose a contingent liability for 100% duties on each individual importation of affected products as of this date. . . . This measure includes administrative provisions that foresee, among other things, the posting of a bond to cover the full potential liability.'' According to the European Communities, by requiring the deposit of a bond, U.S. Customs ''effectively already imposed 100% duties on each individual importation as of 3 March 1999, the return of which was uncertain, depending on future U.S. decisions.'' The EC assets that the U.S. thereby violated Articles 3, 21, 22 and 23 of the Dispute Settlement Understanding and Articles I, II, VIII and IX of GATT 1994. The EC also asserts that the purported U.S. measure ''impedes important objectives of GATT 1994 and of the WTO.''

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Comments must be in English and provided in fifteen copies to Sandy McKinzy at the address provided above. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitting person. Confidential business information must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by the USTR to be confidential in accordance with section135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitting person believes that information or advice may qualify as such, the submitting person—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as ''SUBMITTED IN CONFIDENCE'' in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), the USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508. The public file will include a listing of any comments received by the USTR from the public with respect to the proceeding; the U.S. submissions to the panel in proceeding, the submissions, or non-confidential summaries of submissions, to the panel received from other parties in the dispute, as well as the report of the dispute settlement panel, and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/D–165, Import Measures on Certain Products from the European Communities) may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant U.S. Trade Representative for Monitoring and Enforcement.

[FR Doc. 99–27842 Filed 10–25–99; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending October 15, 1999

The following Agreements were filed with the Department of Transportation under the provisions of 49 Sections U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–99–6369
Date Filed: October 14, 1999
Parties: Members of the International Air Transport Association
Subject:
PTC23 EUR–JK 0048 dated 1 October 1999 Europe-Japan/Korea Resolutions r1–r46 Minutes—PTC23 EUR–JK 0049 dated 8 October 1999 Tables—PTC23 EUR–JK Fares 0017 dated 8 October 1999 Intended effective date: 1 April 2000

Docket Number: OST–99–6376
Date Filed: October 15, 1999
Parties: Members of the International Air Transport Association
Subject:
PTC23 ME–TC3 0075 (Re-issued) dated 12 October 1999 Expedited Middle East-TC3 Resolutions r1–r15 Intended effective date: 15 November 1999

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–27872 Filed 10–25–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending October 15, 1999

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–99–6345.
Date Filed: October 12, 1999.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: November 9, 1999.

Description

Joint Application of United Parcel Service Co. and Challenge Air Cargo, Inc. pursuant to 49 U.S.C. Section 41105 and Subpart Q, applies for approval of the transfer from Challenge to UPS of certain certificate and exemption authority and frequency allocations now held by Challenge which authorize Challenge to provide scheduled all-cargo foreign air transportation between the United States and various points in the Caribbean and Central and South