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.

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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