

find that the person has a severe impairment(s).<sup>20</sup>

C. At step 3, we consider whether the person's impairment(s) meets or medically equals the criteria of any of the listings in the Listing of Impairments in appendix 1, subpart P of 20 CFR part 404 (appendix 1). FM cannot meet a listing in appendix 1 because FM is not a listed impairment. At step 3, therefore, we determine whether FM medically equals a listing (for example, listing 14.09D in the listing for inflammatory arthritis), or whether it medically equals a listing in combination with at least one other medically determinable impairment.

D. Residual Functional Capacity (RFC) assessment: In our regulations and SSR 96–8p,<sup>21</sup> we explain that we assess a person's RFC when the person's impairment(s) does not meet or equal a listed impairment. We base our RFC assessment on all relevant evidence in the case record. We consider the effects of all of the person's medically determinable impairments, including impairments that are “not severe.” For a person with FM, we will consider a longitudinal record whenever possible because the symptoms of FM can wax and wane so that a person may have “bad days and good days.”

E. At steps 4 and 5, we use our RFC assessment to determine whether the person is capable of doing any past relevant work (step 4) or any other work that exists in significant numbers in the national economy (step 5). If the person is able to do any past relevant work, we find that he or she is not disabled. If the person is not able to do any past relevant work or does not have such work experience, we determine whether he or she can do any other work. The usual vocational considerations apply.<sup>22</sup>

1. Widespread pain and other symptoms associated with FM, such as fatigue, may result in exertional limitations that prevent a person from doing the full range of unskilled work in one or more of the exertional categories in appendix 2 of subpart P of part 404 (appendix 2).<sup>23</sup> People with FM

may also have nonexertional physical or mental limitations because of their pain or other symptoms.<sup>24</sup> Some may have environmental restrictions, which are also nonexertional.

2. Adjudicators must be alert to the possibility that there may be exertional or nonexertional (for example, postural or environmental) limitations that erode a person's occupational base sufficiently to preclude the use of a rule in appendix 2 to direct a decision. In such cases, adjudicators must use the rules in appendix 2 as a framework for decision-making and may need to consult a vocational resource.<sup>25</sup>

**DATES:** *Effective Date:* This SSR is effective on July 25, 2012.

**Cross-References:** SSR 82–63: Titles II and XVI: Medical-Vocational Profiles Showing an Inability To Make an Adjustment to Other Work; SSR 83–12: Title II and XVI: Capability To Do Other Work—The Medical-Vocational Rules as a Framework for Evaluating Exertional Limitations Within a Range of Work or Between Ranges of Work; SSR 83–14: Titles II and XVI: Capability To Do Other Work—The Medical-Vocational Rules as a Framework for Evaluating a Combination of Exertional and Nonexertional Impairments; SSR 85–15: Titles II and XVI: Capability To Do Other Work—The Medical-Vocational Rules as a Framework for Evaluating Solely Nonexertional Impairments; SSR 96–3p: Titles II and XVI: Considering Allegations of Pain and Other Symptoms in Determining Whether a Medically Determinable Impairment is Severe; SSR 96–4p: Policy Interpretation Ruling Titles II and XVI: Symptoms, Medically Determinable Physical and Mental Impairments, and Exertional and Nonexertional Limitations; SSR 96–7p: Titles II and XVI: Evaluation of Symptoms in Disability Claims: Assessing the Credibility of an Individual's Statements; SSR 96–8p: Titles II and XVI: Assessing Residual

Within a Range of Work or Between Ranges of Work (available at [http://www.socialsecurity.gov/OP\\_Home/rulings/di/02/SSR83-12-di-02.html](http://www.socialsecurity.gov/OP_Home/rulings/di/02/SSR83-12-di-02.html)).

<sup>24</sup> See SSR 85–15: Titles II and XVI: Capability To Do Other Work—The Medical-Vocational Rules as a Framework for Evaluating Solely Nonexertional Impairments (available at: [http://www.socialsecurity.gov/OP\\_Home/rulings/di/02/SSR85-15-di-02.html](http://www.socialsecurity.gov/OP_Home/rulings/di/02/SSR85-15-di-02.html)); and SSR 96–4p.

<sup>25</sup> See SSR 83–12; SSR 83–14: Titles II and XVI: Capability To Do Other Work—The Medical-Vocational Rules as a Framework for Evaluating a Combination of Exertional and Nonexertional Impairments (available at [http://www.socialsecurity.gov/OP\\_Home/rulings/di/02/SSR83-14-di-02.html](http://www.socialsecurity.gov/OP_Home/rulings/di/02/SSR83-14-di-02.html)); SSR 85–15; and SSR 96–8p, Titles II and XVI: Determining Capability to Do Other Work—Implications of a Residual Functional Capacity for Less Than a Full Range of Sedentary Work, 61 FR 34478 (July 2, 1996) (also available at: [http://www.socialsecurity.gov/OP\\_Home/rulings/di/01/SSR96-09-di-01.html](http://www.socialsecurity.gov/OP_Home/rulings/di/01/SSR96-09-di-01.html)).

Functional Capacity in Initial Claims; SSR 96–9p, Titles II and XVI: Determining Capability to Do Other Work—Implications of a Residual Functional Capacity for Less Than a Full Range of Sedentary Work; SSR 99–2p: Titles II and XVI: Evaluating Cases Involving Chronic Fatigue Syndrome (CFS); SSR 02–2p: Titles II and XVI: Evaluation of Interstitial Cystitis; and SSR 06–3p: Titles II and XVI: Considering Opinions and Other Evidence from Sources Who Are Not “Acceptable Medical Sources” in Disability Claims; Considering Decisions on Disability by Other Governmental and Nongovernmental Agencies; and Program Operations Manual System (POMS) DI 22505.001, DI 22505.003, DI 24510.057, DI 24515.012, DI 24515.061–DI 24515.063, DI 24515.075, DI 24555.001, DI 25010.001, and DI 25025.001.

[FR Doc. 2012–17936 Filed 7–24–12; 8:45 am]

**BILLING CODE 4191–02–P**

## DEPARTMENT OF STATE

### [Public Notice 7963]

#### **Culturally Significant Objects Imported for Exhibition Determinations: “Byzantine Art in the Mary and Michael Jaharis Galleries of Greek, Roman and Byzantine Art”**

**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, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition “Byzantine Art in the Mary and Michael Jaharis Galleries of Greek, Roman and Byzantine Art” imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Art Institute of Chicago, Chicago, IL, from on or about November 10, 2012, until on or about November 8, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public

<sup>20</sup> See SSR 96–3p: Titles II and XVI: Considering Allegations of Pain and Other Symptoms in Determining Whether a Medically Determinable Impairment is Severe, 61 FR 34468 (July 2, 1996) (also available at: [http://www.ssa.gov/OP\\_Home/rulings/di/01/SSR96-03-di-01.html](http://www.ssa.gov/OP_Home/rulings/di/01/SSR96-03-di-01.html)).

<sup>21</sup> See 20 CFR 404.1520(e), 416.920(e); SSR 96–8p: Titles II and XVI: Assessing Residual Functional Capacity in Initial Claims, 61 FR 34474 (July 2, 1996) (also available at: [http://www.socialsecurity.gov/OP\\_Home/rulings/di/01/SSR96-08-di-01.html](http://www.socialsecurity.gov/OP_Home/rulings/di/01/SSR96-08-di-01.html)).

<sup>22</sup> See 20 CFR 404.1560–404.1569a and 416.960–416.969a.

<sup>23</sup> See SSR 83–12: Title II and XVI: Capability To Do Other Work—The Medical-Vocational Rules as a Framework for Evaluating Exertional Limitations

Notice of these Determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6467). The mailing address is U.S. Department of State, SA-5, L/DP, Fifth Floor (Suite 5H03), Washington, DC 20522-0505.

Dated: July 18, 2012.

**J. Adam Erel,**

*Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2012-18156 Filed 7-24-12; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0039]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a letter dated March 17, 2012, CSX Transportation (CSX), has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232. FRA assigned the petition Docket Number FRA-2012-0039.

CSX seeks relief with respect to the application of 49 CFR 232.205, *Class I brake test-initial terminal inspection*, and 232.15 (specifically paragraph (a)), *Movement of defective equipment*, to the cars found to have ineffective brakes during Class I initial terminal brake tests performed at the CONSOL coal pier facility in Baltimore, MD. Specifically, CSX requests that FRA permit cars that cannot be safely repaired at CONSOL's coal pier facility to be moved to CSX's Mount Clare and Curtis Bay facilities for repair.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate

scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Web site:** [www.regulations.gov](http://www.regulations.gov).

Follow the online instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.

- **Hand Delivery:** 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 10, 2012 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on July 19, 2012.

**Ron Hynes,**

*Director, Office of Safety Assurance and Compliance.*

[FR Doc. 2012-18081 Filed 7-24-12; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0052]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated June 11, 2012, the Southeastern Pennsylvania Transportation Authority (SEPTA) has petitioned the Federal Railroad Administration (FRA) for a

waiver of compliance from certain Federal hours of service requirements for train employees engaged in commuter or intercity rail passenger transportation contained at 49 CFR Section 228.405(b)(4). FRA assigned the petition Docket Number FRA-2012-0052.

In its petition, SEPTA seeks a waiver allowing travel time from a train employee's home to all reporting points to be considered as time off duty. FRA's current policy only allows travel time (at a designated home terminal, from an employee's residence to a single fixed regular reporting point) to be defined as commuting and time off duty. Travel time between a train employee's residence and other than regular reporting points is considered deadheading and can count as time on duty. In support of its request, SEPTA submitted fatigue analysis of employee work schedules arguing that safety would not be compromised by approving the waiver request. SEPTA also provided information that the waiver would be in the public interest, because of increased employee availability, which would reduce the financial burden placed on this publicly funded commuter railroad.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.