

SSA interprets *Earley* to require that, where a final decision after a hearing on a prior disability claim contains a finding of a claimant's RFC or other finding required under the applicable sequential evaluation process for determining disability, SSA must consider such finding(s) as evidence when adjudicating a subsequent disability claim, arising under the same or a different title of the Act, involving an unadjudicated period.

#### Explanation of How We Will Apply The *Earley* Decision Within The Circuit

This Ruling applies only to disability findings in cases involving claimants who reside in Kentucky, Michigan, Ohio, or Tennessee at the time of the determination or decision on the subsequent claim at the initial, reconsideration, ALJ hearing, or AC level. Additionally, it applies only to a finding of a claimant's RFC or other finding that is required at a step in the sequential evaluation process for adjudicating disability (provided under 20 CFR 404.1520, 416.920, or 416.924, as appropriate), made in a final decision (favorable or unfavorable) by an ALJ or the AC on a prior disability claim.<sup>1</sup>

When a claimant seeks disability benefits for a new period in a subsequent claim, that subsequent claim is entitled to review following the applicable sequential evaluation process. However, such review does not exist in a vacuum. When adjudicating a subsequent claim (arising under the same or a different title of the Act as the prior claim), an adjudicator deciding whether a claimant is disabled during a previously unadjudicated period must consider findings from the decision on the prior claim. As the Court recognized in *Earley*, things change with the passage of time, such as age and physical condition. As a result, each claim covering a different period should be reviewed as a new claim. However, when a finding of a claimant's RFC or other finding required under the sequential evaluation process for determining disability differs from that in the prior decision, the adjudicator must make clear that they considered the prior finding as evidence in light of all relevant facts and circumstances.<sup>2</sup>

<sup>1</sup> In making a finding of a claimant's RFC or other finding that is required at a step in the sequential evaluation process for adjudicating disability, an ALJ or the AC may have made certain subsidiary findings, such as an assessment of the claimant's symptoms. A subsidiary finding does not constitute a finding that is required at a step in the sequential evaluation process for adjudicating disability, as provided under 20 CFR 404.1520, 416.920, or 416.924.

<sup>2</sup> For example, an adjudicator might consider such factors as: (1) whether the fact on which the

Where the prior finding was about a fact that is subject to change with the passage of time, such as a claimant's RFC or the severity of an impairment(s), the likelihood that the fact has changed generally increases as the time between the previously adjudicated period and the subsequent period increases. An adjudicator generally should pay particular attention to the lapse of time between the earlier claim and the later claim and the impact of the passage of time on the claim. In situations where minimal time has passed, and no or very little new evidence has been introduced, it is more likely that the prior finding will remain the same. But the adjudicator must consider all relevant facts and circumstances on a case-by-case basis. Additionally, a change in the law, regulations, or rulings affecting a relevant finding or the method for arriving at the finding may be a reason why the prior finding, considered as evidence, is properly departed from in the current determination or decision.

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## DEPARTMENT OF STATE

[Public Notice: 12594]

### Waiver of Missile Proliferation Sanctions

**ACTION:** Notice of determination.

**SUMMARY:** A determination has been made pursuant to the Arms Export Control Act and Export Administration Act.

**FOR FURTHER INFORMATION CONTACT:** Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State (202–647–4930). On import ban issues, Lauren Sun, Assistant Director for Regulatory Affairs, Department of the Treasury (202–622–4855). On U.S. Government procurement ban issues, Eric Moore, Office of the Procurement Executive, Department of State (703–875–4079), email: [isn-mbc-sanctions@state.gov](mailto:isn-mbc-sanctions@state.gov).

prior finding was based is subject to change with the passage of time, such as a fact relating to the severity of the claimant's medical condition; (2) the likelihood of such a change, considering the amount of time between the period adjudicated in the prior claim and the unadjudicated period in the subsequent claim; and (3) the extent to which evidence that was not considered in the final decision on the prior claim provides a basis for making a different finding for the unadjudicated period in the subsequent claim. These are only examples and not intended to create specific requirements as part of the sequential evaluation.

**SUPPLEMENTARY INFORMATION:** Consistent with section 654(c) of the Foreign Assistance Act of 1961, as amended, notice is hereby given that the Secretary of State has made a determination pursuant to section 73 of the Arms Export Control Act (22 U.S.C. 2797b) and section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)), as carried out under Executive Order 13222 of August 17, 2001, and has concluded that publication of the determination would be harmful to the national security of the United States.

**Ann K. Ganzer,**

*Acting Assistant Secretary, International Security and Nonproliferation, Department of State.*

[FR Doc. 2024–27492 Filed 11–22–24; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA–2024–0067]

#### Emergency Temporary Closure of Eastbound Traffic on the National Network for the Lewis and Clark Viaduct Bridge in Kansas City, Kansas and Kansas City, Missouri

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).  
**ACTION:** Notice; request for comments.

**SUMMARY:** The Kansas Department of Transportation (KDOT) closed for repairs the eastbound portion of Interstate 70 (I–70) on the Lewis and Clark Viaduct Bridge over the Kansas River on September 5, 2024. Closure of the bridge and detour routes extend from Kansas City, Kansas, into Kansas City, Missouri.

The FHWA is providing notice that KDOT is continuing the temporary closure of the Lewis and Clark Viaduct Bridge in the eastbound direction until the bridge can be repaired, which is estimated to be by the end of December 2024. The FHWA is requesting comments from the public on the alternate routes selected by KDOT and the Missouri Department of Transportation (MoDOT) due to the closure.

**DATES:** Comments must be received on or before December 26, 2024.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the

online instructions for submitting comments.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, 1200 New Jersey Avenue SE, Room W12-140, Washington, DC 20590.

- *Hand Delivery or Courier:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m. ET, except Federal holidays.

*Instructions:* You must include the agency name and docket number [FHWA-2024-0067] at the beginning of your comments. All comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Michael Latuszek, Office of Freight Management and Operations, FHWA Office of Operations, (573) 616-0415, [michael.latuszek@dot.gov](mailto:michael.latuszek@dot.gov); William Winne, Office of the Chief Counsel, (202) 366-0791, [william.winne@dot.gov](mailto:william.winne@dot.gov), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; or Richard Backlund, FHWA Kansas Division, (785) 273-2626, [Richard.backlund@dot.gov](mailto:Richard.backlund@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Electronic Access and Filing**

This document and all comments received may be viewed online through the Federal eRulemaking portal at [www.regulations.gov](http://www.regulations.gov). The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's website at [www.federalregister.gov](http://www.federalregister.gov) and the U.S. Government Publishing Office's website at [www.govinfo.gov](http://www.govinfo.gov).

**Background**

The KDOT closed a portion of I-70 in the eastbound direction on the Lewis and Clark Viaduct Bridge over the Kansas River for repairs on September 5, 2024. The FHWA is providing notice that KDOT is continuing the temporary closure until the damaged bridge can be repaired. The estimated time for completion of the repair is the end of calendar year 2024. The FHWA is requesting comments from the public on the alternate routes selected by KDOT and MoDOT due to the closure.

The FHWA is responsible for enforcing the Federal regulations applicable to the National Network (NN) of highways that can safely and efficiently accommodate the large

vehicles authorized by provisions of the Surface Transportation Assistance Act of 1982, Public Law 97-424 as amended, designated in accordance with title 23 of the Code of Federal Regulations (CFR) Part 658 (Truck Size and Weight, Route Designations—Length, Width and Weight Limitations) and listed in Appendix A to Part 658. Under 23 CFR 658.11 (Additions, deletions, exceptions, and restrictions), FHWA may approve deletions of, or use restrictions on, the Interstate system or other NN routes based upon specified justification criteria in section 658.11(d)(2). The FHWA is authorized to delete any route from the NN on an emergency basis, based on safety considerations pursuant to § 658.11(e), which also requires publishing this Notice in the **Federal Register** for comment.

As part of a recent bridge inspection, KDOT inspectors identified concerns with gusset plates on the eastbound portion of this I-70 bridge. Gusset plates are used to connect truss members of a bridge. Gusset plates can be fastened to a permanent truss member by bolts, rivets, or welding, or a combination of the three. Based on the inspection findings, KDOT engineers determined that repairs were needed and closed the eastbound portion of the bridge on September 5, 2024, to vehicles and pedestrians until the repairs are completed.

The Lewis and Clark Viaduct is a series of bridges comprising an interchange with I-70, Minnesota Avenue, Washington Boulevard, and the Fairfax Trafficway in Kansas City, Kansas.

The recommended detours have evolved since the closure of the eastbound I-70 Lewis and Clark Viaduct Bridge and traffic on I-70 is being rerouted as follows:

All eastbound I-70 on-ramps in downtown Kansas City, Kansas, are closed including Minnesota Avenue/4th Street, Washington Boulevard, and the Fairfax Trafficway. Eastbound I-70 traffic is being rerouted to eastbound I-670. The signed detour begins on eastbound I-70 after the 18th Street Expressway (US-69) and before the I-70/I-670 split. Drivers continuing on eastbound I-70 after the I-670 split can access downtown Kansas City, Kansas, at 7th Street, Pacific Avenue, Central Avenue, 5th Street or James Street/3rd Street. Drivers exiting downtown Kansas City, Kansas can access eastbound I-70 via the 18th Street corridor and use the I-670 detour; directly access I-670 via the Central Avenue connection; or cross the Kansas

River at James Street to access Kansas City, Missouri.

The I-70 westbound offramp at Central Avenue is also closed. The decision to close this access point was based on discussions between KDOT and the Unified Government of Wyandotte County and Kansas City, Kansas.

Several area Kansas River crossings are currently closed including Central Avenue (local), Kansas Avenue/Avenida Cesar E. Chavez (local), K-5 (KDOT, southbound lanes closed) over the Union Pacific Railroad, and the Buck O'Neil Bridge (US-169, MoDOT).

The closure of eastbound I-70 reduces access to the Fairfax Industrial District, however, there are several detour routes that provide alternative ingress/egress options for the area, including the Fairfax Bridge (US-69), which allows freight traffic to access several interstate highway corridors. The Fairfax Trafficway provides access to westbound I-70 and eastbound I-670 via Central Avenue and Kansas City, Missouri, by way of James Street.

Detour messages are being provided on overhead dynamic message boards; portable message boards have also been strategically deployed throughout the area. The status of road closures and detours has been further disseminated via traveler information systems (*i.e.* KanDrive, KC Scout).

The KDOT and MoDOT are utilizing social media platforms such as Facebook (@NEKansaskDOT) and X (@KansasCityKDOT), along with periodic media releases to keep the public informed in real-time.

*Authority:* 23 U.S.C. 127 and 315; 49 U.S.C. 31111, 31112, and 31114; 23 CFR part 658.

**Kristin R. White,**

*Acting Administrator, Federal Highway Administration.*

[FR Doc. 2024-27482 Filed 11-22-24; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**Safety Advisory 24-2 Street-Running Rail Vehicle Collisions**

**AGENCY:** Federal Transit Administration (FTA), Department of Transportation (DOT).

**ACTION:** Notice of safety advisory.

**SUMMARY:** The Federal Transit Administration (FTA) has determined that street-running rail collisions are a risk to public transportation and is