

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

PSE Rule 6.35 currently requires each options market maker to select and maintain a primary appointment zone consisting of one or two trading posts.<sup>2</sup> Pursuant to Rule 6.35, Commentary .03, at least 75% of the trading activity of each market maker (measured in terms of contract volume per quarter) must be in classes of option contracts to which such market maker's primary appointment zone extends. In addition, under the new short sale rule applicable to stocks traded in the Nasdaq market, the options market maker exemption to that rule is limited to stocks underlying options in which the market maker holds an appointment.<sup>3</sup>

The Exchange proposes to amend Rule 6.35 in two respects: First, the maximum number of trading posts that could be included as part of each primary appointment zone would be increased from two to six. Second, the Options Appointment Committee could allow a market maker to exceed the six trading post maximum if special circumstances were to exist. Under the proposal, the largest number of issues a market maker could have within his or her primary appointment zone, in the absence of special circumstances, would be 108 (or 31% of the issues traded on the Options Floor).

The Exchange believes that the current limit of two trading posts is unduly restrictive and places the PSE's options market makers at a competitive disadvantage in relation to market makers on other options exchanges. The Exchange further believes that its proposal will allow it the flexibility to respond promptly to any need for greater market maker participation that may arise in light of recent and anticipated increases in the number of options classes traded on the floor. The Exchange also believes that its proposal, if approved, would serve to assure adequate market maker coverage of all classes traded on the floor and to enhance the ability of the Exchange to provide deep and liquid markets and to provide for competitive equality among exchanges.

The Exchange believes that its proposal is consistent with Section 6(b) of the Act in general, and Section 6(b)(5) in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

<sup>2</sup> PSE Rule 6.35 requires multiple posts to be contiguous, except under special circumstances.

<sup>3</sup> See PSE Rule 4.19(c)(2).

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments on the proposed rule change were neither solicited nor received

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (a) By order approve such proposed rule change, or
- (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR-PSE-95-11 and should be submitted by [insert date 21 days after the date of this publication].

For the Commission to by the Division of Market Regulation, pursuant to delegated authority.<sup>4</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-14796 Filed 6-15-95; 8:45 am]

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**SOCIAL SECURITY ADMINISTRATION**

**Agency Forms Submitted to the Office of Management and Budget for Clearance**

Normally on Fridays, the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with P.L. 96-511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the **Federal Register** on June 2, 1995.

(Call Reports Clearance Officer on (410) 965-4142 for copies of package.)

1. Beneficiary Recontact Report—0960-0502. The information on form SSA-1588 is used by the Social Security Administration to recontact mothers, fathers or children in direct payment to determine if they are still entitled. The respondents are beneficiaries who are in the "high risk" area and are, therefore, most prone to overpayments.

*Number of Respondents:* 241,260.

*Frequency of Response:* 1.

*Average Burden Per Response:* 5 minutes.

*Estimated Annual Burden:* 20,105 hours.

2. Child-Care Dropout Questionnaire—0960-0474. The information on form SSA-4162 is used by the Social Security Administration to determine if an applicant for disability benefits may have certain computation years excluded from the benefit computation. This will result in a higher benefit amount. The respondents are individuals applying for disability benefits.

*Number of Respondents:* 2,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 5 minutes.

*Estimated Annual Burden:* 167 hours.

3. Representative Payee Evaluation Report—0960-0069. The information on form SSA-624 is used by the Social Security Administration to accurately account for the use of social security benefits and supplemental security income payments that representative payees receive on behalf of the

<sup>4</sup> 17 CFR 200.30-(a)(12) (1994).

individual. The affected public is comprised of individuals who were previously sent an SSA-623.

*Number of Respondents:* 422,533.

*Frequency of Response:* 1.

*Average Burden Per Response:* 30 minutes.

*Estimated Annual Burden:* 211,267 hours.

4. Supplemental Statement Regarding Farming Activities of Person Living Outside the U.S.A.—0960-0103. The information on form SSA-7163A is used by the Social Security Administration to make a determination as to whether foreign work deductions are applicable when an SSA claimant reports work on a farm outside the United States. The respondents are SSA claimants who report work on farms outside of the United States.

*Number of Respondents:* 1,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 60 minutes.

*Estimated Annual Burden:* 1,000 hours.

5. Letter to Employer Requesting Information About Wages Earned by Beneficiary—0960-0034. The information on form SSA-L725 is used by the Social Security Administration to establish the exact amount of wages earned by a beneficiary and to determine the amount of benefit payments, if any. The respondents are employers of the beneficiaries.

*Number of Respondents:* 150,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 30-50 minutes.

*Estimated Annual Burden:* 100,000 hours.

6. Request for Address Information from Motor Vehicle Records; Request for Address Information from Employment Commissions—0960-0341. The information on forms SSA-L711 and SSA-L712 is used by the Social Security Administration to determine the current address for missing debtors. The affected public is comprised of State agencies who have entered in agreements with SSA to provide the requested information.

*Number of Respondents:* 3,200.

*Frequency of Response:* 1.

*Average Burden Per Response:* 2 minutes.

*Estimated Annual Burden:* 106 hours.

7. Payment Cycling Impact Survey—0960-NEW. The information is used by the Social Security Administration to assess whether the issuance of regularly scheduled title II monthly payments significantly increases the workload in the field offices and teleservice centers during the early part of each month. The information is needed to determine

whether payment cycling would be an effective tool in managing the title II workload. The respondents are the general public contacting field offices and the teleservice centers.

*Number of Respondents:* 26,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 5 minutes.

*Estimated Annual Burden:* 2,167 hours.

8. Social Security Request for Information—0960-0531. The information on form SSA-6231 is used by the Social Security Administration to complete or clarify data previously provided by representative payees on forms SSA-623 or SSA-6230. The respondents will be payees who furnished incomplete or unclear information.

*Number of Respondents:* 100,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 15 minutes.

*Estimated Annual Burden:* 25,000 hours.

*OMB Desk Officer:* Laura Oliven.

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: Office of Management and Budget, OIRA, New Executive Office Building, Room 10230, Washington, D.C. 20503.

Dated: June 9, 1995.

**Charlotte Whitenight,**

*Reports Clearance Officer, Social Security Administration.*

[FR Doc. 95-14674 Filed 6-15-95; 8:45 am]

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#### [Social Security Ruling SSR 95-2c]

#### **Disability—Authority of Appeals Council to Dismiss a Request for Hearing for a Reason for Which the Administrative Law Judge Could Have Dismissed the Request—Res Judicata**

**AGENCY:** Social Security Administration.  
**ACTION:** Notice of Social Security Ruling.

**SUMMARY:** In accordance with 20 CFR 422.406(b)(1), the Commissioner of Social Security gives notice of Social Security Ruling 95-2c. This Ruling is based on the decision of the U.S. Court of Appeals for the Sixth Circuit in *Harper v. Secretary of Health and Human Services*, which upheld the authority of the Appeals Council to dismiss a request for hearing for a reason the Administrative Law Judge (ALJ) could have dismissed it, even though the ALJ held a hearing and issued a decision on the merits.

This Ruling reconfirms the Appeals Council's authority to dismiss a request for hearing on the basis of administrative *res judicata*.

**EFFECTIVE DATE:** June 16, 1995.

#### **FOR FURTHER INFORMATION CONTACT:**

Joanne K. Castello, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1711.

**SUPPLEMENTARY INFORMATION:** Although we are not required to do so pursuant to 5 U.S.C. 552 (a)(1) and (a)(2), we are publishing this Social Security Ruling in accordance with 20 CFR 422.406(b)(1).

Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and black lung benefits programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, and other policy interpretations of the law and regulations.

Although Social Security Rulings do not have the force and effect of the law or regulations, they are binding on all components of the Social Security Administration, in accordance with 20 CFR 422.406(b)(1), and are to be relied upon as precedents in adjudicating other cases.

If this Social Security Ruling is later superseded, modified, or rescinded, we will publish a notice in the **Federal Register** to that effect.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.005, Special Benefits for Disabled Coal Miners; 96.006, Supplemental Security Income.)

Dated: June 6, 1995.

**Shirley S. Chater,**

*Commissioner of Social Security.*

Sections 205(b) and 221(d) of the Social Security Act (42 U.S.C. 405(b) and 421(d)) Disability—Authority of Appeals Council to dismiss a request for hearing for a reason for which the administrative law judge could have dismissed the request—*res judicata*.

20 CFR 404.957(c)(1)

*Harper v. Secretary of Health and Human Services*, 978 F.2d 260 (6th Cir. 1992)

The claimant, who stopped working in January 1981, filed applications for