

19(b)(3)(A)(i) of the Act⁹ and subparagraph (f)(1) of Rule 19b-4 thereunder.¹⁰ At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. 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 at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-PCX-99-12 and should be submitted by June 17, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

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SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

In compliance with Public Law 104-13, the Paperwork Reduction Act of

1995, the Social Security Administration (SSA) is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of this publication. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965-4145, or by writing to him at the address listed at the end of this publication.

1. Request for Information—0960-NEW. The information collected on this form will be used by SSA's Office of the Inspector General (OIG) to conduct periodic eligibility reviews of beneficiaries residing in foreign countries. The form is designed to replace the current time-consuming and expensive method of conducting these reviews by selecting sample cases and conducting in person interviews. The form will permit OIG to review all beneficiary residents of the foreign country under study, thereby narrowing the scope of the beneficiaries requiring in person visits to those who do not respond or to those who provide questionable evidence. The respondents are Social Security beneficiaries residing in foreign countries.

Number of Respondents: 900.
Frequency of Response: 1.
Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 450 hours.

2. Application for Parent's Insurance Benefits—0960-0012. The information

collected on form SSA-7 is used by the Social Security Administration to determine entitlement of an individual to parent's insurance benefits. The respondents are parents who were dependents on the worker for at least one-half of their support.

Number of Respondents: 1,400.
Frequency of Response: 1.
Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 350 hours.

3. 0960-NEW. State Partnership Initiative (SPI) Cooperative Agreements. Executive Order 13078 dated March 13, 1998, Increasing Employment of Adults With Disabilities, orders that a National Task Force be established to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. E.O. 13078 specifies that the Task Force "evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities."

To comply with the EO, SSA released cooperative agreement announcements in 1998 to approximately 650 State agencies nationwide to conduct demonstration projects that assist States in developing service delivery models that increase the rates of gainful employment of people with disabilities. Eighteen State agencies have been selected to participate in the demonstration projects.

SSA has employed a monitoring and technical assistance contractor to collect information from the State awardees' databases on behalf of SSA. The Contractor will use the information to evaluate whether and to what extent the service delivery models achieve the overall goals of the demonstration projects and will report project results to SSA. SSA will use the results to conduct a net outcome evaluation to determine the long-term effectiveness of the interventions.

Following is a table that outlines the public reporting burden of the 18 State agencies for this project:

Title of collection	Number of annual responses	Frequency of response	Average burden per response	Estimated annual burden (hours)
Demonstration Site Form	16 (electronic)	One Time	1 minute3
	2 (manual)	One Time	1 minute1
Participant Demographic Data Form	3,080 (electronic)	One Time	15 minutes	770
	300 (manual)	One Time	20 minutes	100

⁹ 15 U.S.C. 78s(b)(3)(A)(i).

¹⁰ 17 CFR 240.19b-4(f)(1).

¹¹ 17 CFR 200.30-3(a)(12).

Title of collection	Number of annual responses	Frequency of response	Average burden per response	Estimated annual burden (hours)
Participant Employment Data Form	3,080 (electronic)	One Time	5 minutes	257
	300 (manual)	One Time	7 minutes	35
Participant Update Form	12,320 (electronic)	Quarterly	4 minutes	821
	1,200 (manual)	Quarterly	5 minutes	100
Change in Employment Status	1,540 (electronic)	Completed only if employment changes.	3 minutes	77
	150 (Manual)		4 minutes	10
State Quarterly	72	Quarterly	15 minutes for each report.	18
State Semiannual	36	Semiannual		9
Annual Reports	18	Annual		4.5
Stakeholder Interviews	50	Varies per Stakeholder	10 minutes	8.3
Total				2,210.2

II. The information collections listed below have been submitted to OMB for clearance. Written comments and recommendations on the information collections would be most useful if received within 30 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer and the OMB Desk Officer at the addresses listed at the end of this publication. You can obtain copies of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965-4145, or by writing to him.

1. Current Rule Regarding Continuation of Full Benefit Standard for Persons Institutionalized—0960-0516. The information collected by the Social Security Administration will be used to determine if a recipient of Supplemental Security Income benefits, who is temporarily institutionalized, is eligible to receive a full benefit. The respondents will be such recipients and their physicians.

Number of Respondents: 60,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Average Burden: 5,000 hours.

2. Request for Review of Hearing Decision/Order—0960-0277. The information collected on form HA-520 is needed to afford claimants their statutory right under the Social Security Act to request review of a hearing decision. The data will be used to determine the course of action appropriate to resolve each issue. The respondents are claimants denied or dissatisfied with a decision made regarding their claim.

Number of Respondents: 103,932.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Average Burden: 17,322 hours.

3. Statement Regarding Date of Birth and Citizenship—0960-0016. The

information collected on form SSA-702 is used by the Social Security Administration in conjunction with other evidence to establish a claimant's age or citizenship when better proofs are not available. The respondents are individuals who have knowledge of the birth and citizenship of the applicant.

Number of Respondents: 1,200.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Average Burden: 200 hours.

4. Disability Update Report—0960-0511. The Social Security Act requires a periodic review of the disabled status of recipients whose benefits are based on disability to determine whether they continue to be eligible for these benefits. SSA uses the information collected on the SSA-455 to identify those beneficiaries who have medically improved and/or returned to work and have substantial earnings, and to decide whether a full medical continuing disability review should be conducted or deferred to a later date. The respondents are recipients of supplemental security income and/or social security disability benefits.

Number of Respondents: 900,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 225,000 hours.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1-A-21 Operations Bldg., Baltimore, MD 21235.

(OMB Address)

Office of Management and Budget, OIRA, Attn: Lori Schack, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503.

Dated: May 20, 1999.

Frederick W. Brickenkamp,
Reports Clearance Officer, Social Security Administration.

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SOCIAL SECURITY ADMINISTRATION

[Social Security Acquiescence Ruling 99-3 (5)]

McQueen v. Apfel; Definition of Highly Marketable Skills for Individuals Close to Retirement Age—Titles II and XVI of the Social Security Act

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

SUMMARY: In accordance with 20 CFR 402.35(b)(2), the Commissioner of Social Security gives notice of Social Security Acquiescence Ruling 99-3 (5).

EFFECTIVE DATE: May 27, 1999.

FOR FURTHER INFORMATION CONTACT: Cassia W. Parson, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 966-0446.

SUPPLEMENTARY INFORMATION: Although not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Acquiescence Ruling in accordance with 20 CFR 402.35(b)(2).

A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act (the Act) or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

We will apply the holding of the Court of Appeals' decision as explained in this Social Security Acquiescence Ruling to claims at all levels of