

The Issuer's application relates solely to the withdrawal of the Securities from listing on the Amex and from registration under section 12(b) of the Act<sup>3</sup> and shall not affect its obligation to be registered under section 12(g) of the Act.<sup>4</sup>

Any interested person may, on or before January 9, 2004, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>5</sup>

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 03-31549 Filed 12-22-03; 8:45 am]

BILLING CODE 8010-01-P

## SMALL BUSINESS ADMINISTRATION

[License No. 09/79-0420]

### Aspen Ventures III, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Aspen Ventures III, L.P., of 1000 Fremont Avenue, Suite 200, Los Altos, California 94024, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.703, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") rules and regulations (13 CFR 107.730 (2001)). Aspen Ventures III, L.P. proposes to provide equity financing to RedSiren, Inc. of 650 Smithfield Street Suite 900, Pittsburgh, Pennsylvania 15222. The financing is contemplated for general corporate purposes including research and development, sales and marketing expansion and working capital.

This financing is brought within the purview of §107.730(a)(1) of the regulations because Aspen Ventures III

L.P.'s limited partner Redleaf Group, Inc. (an investor in Aspen Ventures III) and an Associate of Aspen Ventures III, L.P., currently owns greater than 10 percent of RedSiren, Inc. and therefore is considered an Associate Aspen Ventures III, L.P., as defined in §107.50 of the regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW, Washington, DC 20416.

Dated: December 11, 2003.

**Jeffrey D. Pierson,**

*Associate Administrator for Investment.*

[FR Doc. 03-31519 Filed 12-22-03; 8:45 am]

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## SMALL BUSINESS ADMINISTRATION

[License No. 09/79-0432]

### TeleSoft Partners II, SBIC, LP; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that TeleSoft Partners II SBIC, L.P., of 1450 Fashion Island Blvd, Suite 610, San Mateo, California 94404, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") rules and regulations (13 CFR 107.730 (2001)). TeleSoft Partners II, SBIC, L.P. proposes to provide equity financing to Aarohi Communications, Inc. of 405 River Oaks Parkway, San Jose, California 95134, and to CreekPath Systems, Inc., of 7420 E. Dry Creek Parkway, Suite 100, Longmont, Colorado 80503. The financings are contemplated for general corporate purposes including working capital, product development and marketing.

The financings are brought within the purview of §107.730(a)(1) of the Regulations because TeleSoft Partners II, L.P. and TeleSoft Partners II QP, L.P., Associates of TeleSoft Partners II, SBIC, LP, currently own greater than 10 percent of Aarohi Communications, Inc. and CreekPath Systems, Inc. and therefore each company is considered an Associate TeleSoft Partners II, SBIC, L.P., as defined in §107.50 of the regulations.

Notice is hereby given that any interested person may submit written

comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW, Washington, DC 20416.

Dated: November 24, 2003.

**Jeffrey D. Pierson,**

*Associate Administrator for Investment.*

[FR Doc. 03-31520 Filed 12-22-03; 8:45 am]

BILLING CODE 8025-01-P

## SOCIAL SECURITY ADMINISTRATION

### Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Pub. L. 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. The information collection packages that may be included in this notice are for new information collections, approval of existing information collections, revisions to OMB-approved information collections, and extensions (no change) of OMB-approved information collections.

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. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below: (OMB)

Office of Management and Budget (OMB), *Attn:* Desk Officer for SSA, New Executive Building, Room 10235, 725 17th St., NW, Washington, DC 20503, Fax: 202-395-6974.

Social Security Administration (SSA), DCFAM, *Attn:* Reports Clearance Officer, 1338 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410-965-6400.

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the

<sup>3</sup> 15 U.S.C. 781(b).

<sup>4</sup> 15 U.S.C. 781(g).

<sup>5</sup> 17 CFR 200.30-3(a)(1).

SSA Reports Clearance Officer at (410)-965-0454 or by writing to the address listed above.

1. *Pain Report-Child*—20 CFR 416.912 and 416.1512—0960-0540. The information collected by form SSA-3371-BK will be used to obtain the types of information specified in the regulations, and to provide disability interviewers (and applicants/claimants in self-help situations) with a convenient means of recording the information obtained. This information is used by the State disability determination services (DDS) adjudicators and administrative law judges to assess the effects of symptoms on functionality for determining disability under the Social Security Act. The respondents are applicants for Supplemental Security Income (SSI) benefits.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 250,000.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 15 minutes.  
*Estimated Annual Burden:* 62,500 hours.

2. *Medical Permit Parking Application*—41 CFR 101-20.104-2—0960-0624. SSA issues medical parking assignments at SSA-owned and -leased facilities to individuals who have a medical condition which meets the criteria for medical parking. In order to issue a medical parking permit, SSA must obtain medical evidence from the applicant's physician. Form SSA-3192-F4 is used to collect this information. SSA then uses the information to determine whether the individual qualifies for a medical parking permit and whether or not to issue the permit. The respondents are physicians of applicants for medical parking permits.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 144.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 60 minutes.

*Estimated Annual Burden:* 144 hours.

3. *Certification of Prison Records by Prison Officials*—20 CFR 422.107—0960-NEW. When a valid agreement is in place, prison officials provide to SSA specific information to attest to the identity of certain incarcerated U.S. citizens who need replacement Social Security cards. The information the prison officials provide will be taken from the official prison files and will be used by SSA to establish the applicant's identity in the Social Security card process. The respondents are prison officials who certify identity of

prisoners applying for replacement Social Security cards.

*Type of Request:* New information collection.

*Number of Respondents:* 1,000.

*Frequency of Response:* 200.

*Average Burden Per Response:* 3 minutes.

*Estimated Annual Burden:* 10,000 hours.

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at (410) 965-0454, or by writing to the address listed above.

1. *Blood Donor Locator Service*—20 CFR 401.200—0960-0501. Section 1141(a) of the Social Security Act and 42 U.S.C. 1320b-11 require that participating State agencies provide the SSA Blood Donor Locator Service (BDLS) with specific information on blood donors who have tested positive for Human Immunodeficiency Virus (HIV). SSA uses the information to identify the donor and to locate the donor's address in SSA records for the purpose of notifying the states and assuring that states meet regulatory requirements to qualify for using the BDLS. SSA will retain no record of the request or the information after processing has been completed. The respondents are participating State agencies acting on behalf of authorized blood donor facilities.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 10.  
*Frequency of Response:* 5.  
*Average Burden Per Response:* 15 minutes.

*Estimated Annual Burden:* 13 hours.

2. *Discrimination Complaint Form*—0960-0585. The information collected on form SSA-437 is used by SSA to investigate and formally resolve complaints of discrimination based on race, color, national origin, sex, age, religion, and retaliation in any program or activity conducted by SSA. A person who believes that he or she has been discriminated against on any of the above bases may file a written complaint of discrimination. The information will be used to identify the complainant; identify the alleged discriminatory act; ascertain the date of such alleged act; obtain the identity of the individual(s)/facility/component that allegedly discriminated; and ascertain other relevant information that would assist in the investigation and

resolution of the complaints. The respondents are individuals who allege discrimination on the grounds described above.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 98.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 60 minutes.

*Estimated Annual Burden:* 98 hours.

3. *Pre-1957 Military Service Federal Benefit Questionnaire*—20 CFR 404.1301-1371—0960-0120. Form SSA-2512 collects data used in the claims adjudication process to grant gratuitous military wage credits, when applicable, and solicits sufficient information to make a determination of eligibility. The respondents are individuals who are applying for Social Security benefits on the record of a wage earner with pre-1957 military service.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 12,000.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 10 minutes.

*Estimated Average Burden:* 2,000 hours.

4. *Application for Supplemental Security Income*—20 CFR 416.305-335—0960-0229. The information collected using Form SSA-8000-BK (or during a personal interview) is needed and is used to determine eligibility for SSI and the amount of benefits payable to the applicant. The respondents are applicants for SSI payments.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 1,128,374.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 40 minutes.

*Estimated Annual Burden:* 752,249 hours.

5. *Statement of Household Expenses and Contributions*—20 CFR 416.1130-1148—0960-0456. Eligibility for Supplemental Security Income (SSI) is based on need. A factor for determining need is whether an individual receives in-kind support and maintenance in the form of food and shelter provided by other persons. SSA collects information on form SSA-8011-F3 to determine the existence and amount of in-kind support and maintenance received by a claimant/beneficiary of SSI. SSA uses the information to determine eligibility and payment amount under this program. The respondents are members of SSI claimants'/beneficiaries' households.

*Type of Request:* Revision of an OMB-approved information collection.  
*Number of Respondents:* 400,000.

*Frequency of Response:* 1.  
*Average Burden Per Response:* 15 minutes.  
*Estimated Annual Burden:* 100,000 hours.

Dated: December 16, 2003.

**Elizabeth A. Davidson,**

*Reports Clearance Officer, Social Security Administration.*

[FR Doc. 03-31521 Filed 12-22-03; 8:45 am]

BILLING CODE 4191-02-P

## SOCIAL SECURITY ADMINISTRATION

### [Social Security Acquiescence Ruling 03-1(7)]

#### **Blakes v. Barnhart; Court Cases Involving Sections 12.05 and 112.05 of the Listing of Impairments That Are Remanded for Further Proceedings—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 03-1(7).

**EFFECTIVE DATE:** December 23, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Cassia Parson, Office of Acquiescence and Litigation Coordination, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-0446, or TTY (800) 966-5609.

**SUPPLEMENTARY INFORMATION:** 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. This Social Security Acquiescence Ruling will apply to all decisions where the Agency issued a final decision prior to the effective date of the 2000 mental impairment rules (September 20, 2000), and the Commissioner's new final decision after court remand was issued or will be issued on or after December 23, 2003. If we made a decision on your application for benefits prior to September 20, 2000, under Sections 12.05 and or 112.05 of

the Listings of Impairments and the court remanded the case to us for further administrative proceedings, you may request application of this Social Security Acquiescence Ruling. You must demonstrate, pursuant to 20 CFR 404.985(b)(2) or 416.1485(b)(2), that application of the Ruling could change our prior decision in your case.

Additionally, when we received this precedential Court of Appeals' decision and determined that a Social Security Acquiescence Ruling might be required, we began to identify those claims that were pending before us within the circuit that might be subject to readjudication if an Acquiescence Ruling were subsequently issued. Because we determined that an Acquiescence Ruling is required and are publishing this Social Security Acquiescence Ruling, we will send a notice to those individuals whose claims we have identified which may be affected by this Social Security Acquiescence Ruling. The notice will provide information about the Acquiescence Ruling and the right to request readjudication under the Ruling. It is not necessary for an individual to receive a notice in order to request application of this Social Security Acquiescence Ruling to the prior decision on his or her claim as provided in 20 CFR 404.985(b)(2) or 416.1485(b)(2), discussed above.

If this Social Security Acquiescence Ruling is later rescinded as obsolete, we will publish a notice in the **Federal Register** to that effect as provided for in 20 CFR 404.985(e) or 416.1485(e). If we decide to relitigate the issue covered by this Social Security Acquiescence Ruling as provided for by 20 CFR 404.985(c) or 416.1485(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation of the Act or regulations involved and explaining why we have decided to relitigate the issue.

(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; 96.006—Supplemental Security Income.)

Dated: October 31, 2003.

**Jo Anne B. Barnhart,**

*Commissioner of Social Security.*

#### **Acquiescence Ruling 03-1(7)**

*Blakes v. Barnhart*, 331 F.3d 565 (7th Cir. 2003)—Cases Involving Sections 12.05 and 112.05 of the Listing of Impairments That Are Remanded By a Court for Further Proceedings Under

Titles II and XVI of the Social Security Act.

**Issue:** For cases originally decided by Administrative Law Judges (ALJs) or the Appeals Council before September 20, 2000, which version of listing 12.05 or 112.05 to use on remand from a Federal court in the Seventh Circuit, and how that listing should be applied.

**Statute/Regulation/Ruling Citation:** Sections 205(b) and (g), 223, 1614(a)(3) and (4) of the Social Security Act (42 U.S.C. 405(b) and (g), 423, 1382c(a)(3) and (4)); 20 CFR 404.1505, 404.1520, 404.1520a, 404.1525, 416.905, 416.906, 416.920, 416.920a, 416.924, 416.925, and 20 CFR Part 404, Subpart P, Appendix 1, sections 12.05 and 112.05.

**Circuit:** Seventh (Illinois, Indiana, Wisconsin).

*Blakes v. Barnhart*, 331 F.3d 565 (7th Cir. 2003).

**Applicability of Ruling:** This Ruling applies only to court remands at the Administrative Law Judge (ALJ) hearing and Appeals Council levels of the administrative review process.

**Description of Case:** Sandra Blakes applied for Supplemental Security Income payments based on disability on behalf of her son, Lamanuel Wolfe, Jr., in 1998, when Lamanuel was 5 years old. At the ALJ hearing, Blakes presented evidence that Lamanuel was being treated for a seizure disorder and had received services for speech and language delays. There was also evidence of Stanford-Binet IQ testing in February 1999 that resulted in a composite score of 81 and subarea scores as low as 70.

The ALJ accepted the intelligence testing scores as valid. The ALJ also acknowledged that Lamanuel was receiving services for speech and language delays and being treated for a possible seizure disorder. The ALJ noted a speech and language assessment which demonstrated severe delays in speech intelligibility and receptive and expressive language. However, the ALJ rejected Lamanuel's claim that the requirements of the listing for mental retardation were met because the evidence did not establish that Lamanuel had mental retardation. The ALJ stated that the examiner who performed the intelligence testing specifically stated that Lamanuel had a good prognosis, and that his language problems caused only minimal effects on his activities of daily living. In light of that examiner's findings, the ALJ concluded that the evidence did not describe a person who has mental retardation. The ALJ also found that Lamanuel's impairments did not medically equal any listing or