

Secretary must determine the time at which the state fixes intestate rights and must apply the statute that would be applied by the state's courts."

After reviewing the leading cases on whether Texas courts would retroactively apply amendments to Texas intestacy law that provide "a new or additional method by which an illegitimate child may establish its rights of inheritance from the natural father," the circuit court concluded that Texas courts would have applied the 1987 amendment in determining Amanda DeSonier's inheritance rights.² The court therefore held that SSA erred by not considering the 1987 amendment and that Amanda DeSonier's status under section 216(h)(2)(A) "should have been determined by applying the 1987 amendment."

Statement As To How DeSonier Differs From Social Security Policy

In accordance with section 216(h)(2)(A) of the Act, SSA uses State laws to decide whether a claimant is the child of a deceased worker. Under its regulations (20 CFR 404.354(b)) implementing section 216(h)(2)(A), SSA "look[s] to the laws that were in effect at the time the insured worker died in the State where the insured had his or her permanent home."

The *DeSonier* court held that SSA is required to apply the State intestacy law in force at the time of SSA's determination or decision in the manner in which it would be applied by State courts.

Explanation of How SSA Will Apply The DeSonier Decision Within The Circuit

This Ruling applies only to cases involving an applicant for child's benefits who resides in Kentucky, Michigan, Ohio or Tennessee at the time of the determination or decision at any administrative level, i.e., initial, reconsideration, ALJ hearing or Appeals Council.

In a claim for surviving child's benefits involving section 216(h)(2)(A) of the Act (42 U.S.C. 416(h)(2)(A)), to determine the right of the child to inherit under the intestacy law in the State of the worker's domicile at the time of death, adjudicators must consider all changes in the State law through the time of the determination or decision at any level of administrative review, i.e., initial, reconsideration, ALJ hearing or Appeals Council review, to determine the child's entitlement to

benefits. In cases where the State law has changed, SSA must determine at the time of the determination or decision which State laws would be applied by State courts to fix intestate inheritance rights and must apply amendments to State intestacy laws in the same manner as the State courts would apply the changes.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Extension of Draft Clean Air Act; General Conformity Determination; Comment Period for Seattle-Tacoma International Airport, Seattle, WA

ACTION: The Federal Aviation Administration, Airports Division, Northwest Mountain Region and the Port of Seattle, Seattle, Washington, announce an extension (to June 6, 1996) of the Public and agency comment period associated with the Draft General Conformity Determination prepared as specified in section 176(c) (42 USC 7506c) of the Clean Air Act Amendments of 1990. The Draft General Conformity Determination, and supporting documentation is contained in the February 1996, Final Environmental Impact Statement, Master Plan Update, Seattle-Tacoma International Airport.

This comment period extension applies only to comments pertaining exclusively to the Draft General Conformity Determination and no other issues. Comments on other issues will not be accepted or addressed.

Comments may be directed to: Mr. Dennis Ossenkop, Northwest Mountain Region, Airports Division, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments must be received by June 6, 1996.

Issued in Renton, Washington, on May 22, 1996.

Lowell H. Johnson,
Manager, Airports Division, Federal Aviation Administration, Northwest Mountain Region
Renton, Washington.

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Notice of Intent To Rule on Application To Use the Revenue From a Passenger Facility Charge (PFC) at Blue Grass Airport, Lexington, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Blue Grass Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).
DATES: Comments must be received on or before July 3, 1996.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 2851 Directors Cove, Suite #3, Memphis, TN 38131-0301.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Michael Flack, Executive Director of the Blue Grass Airport at the following address: Lexington Fayette Urban County Airport Board, 4000 Versailles Road, Lexington, KY 40510.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Blue Grass Airport under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Southern Region, Memphis Airports District office, Cynthia K. Wills, Planner, 2851 Directors Cove, Suite #3, Memphis, TN 38131-0301, (901) 544-3495. The application may be reviewed in person at this location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Blue Grass Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On May 23, 1996, the FAA determined that the application to use the revenue from a PFC submitted by Lexington Fayette Urban County Airport Board was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 13, 1996.

The following is a brief overview of the application.

² The court considered the following leading cases: *Reed v. Campbell*, 476 U.S. 852 (1986) and *Henson v. Jarmon*, 758 S.W.2d 368 (Tex. Ct. App. 1988).