

relationship between C1 and C2 in determining whether C2 is the worker's child under section 216(h)(2)(A)?

2. For the purpose of determining whether C2 meets the state law definition of child under section 216(h)(2)(A), can we consider C1 to be the worker's natural child, based on the determination of eligibility under section 216(h)(3)?

These questions are not explicitly addressed by either the statute or our regulations. They have arisen because, in some cases, the evidence used to establish that C1 is the worker's child under section 216(h)(3) of the Act might not satisfy the standard required to show that C1 is the worker's child under state law. For example, under section 216(h)(3)(A)(ii) of the Act, the claimant must show "by evidence satisfactory to the Commissioner" that the worker is the claimant's parent and was "living with or contributing to the support of" the claimant at the appropriate time. The State law that we apply under section 216(h)(2)(A) of the Act often provides for a higher standard of proof (e.g., "clear and convincing evidence") to prove that a person is the child of the worker for purposes of intestate succession.

**Policy Interpretation:** Under our current policy interpretation, when we must determine whether C2 qualifies as the worker's child under section 216(h)(2)(A) of the Act, we must apply the law of intestate succession that the courts of the appropriate State (the State of the worker's domicile at the appropriate time or the District of Columbia if the worker was not a domiciliary of a State at the appropriate time) would apply to decide whether C2 could inherit intestate property as the worker's child. Under this ruling, we will continue to apply the above policy interpretation. However, we will not review C1's relationship to the worker under State law in determining C2's relationship to the worker when:

- We have determined that C1 meets one of the federal definitions of child in section 216(h)(3) of the Act,
- There is no reason to question that determination, and
- The results of DNA testing show a high probability of a sibling relationship between C1 and C2.

We will rely on the determination under section 216(h)(3) establishing C1 as the natural child of the worker, for purposes of determining C2's relationship to the worker under the requirements and standards of proof provided in State law. We will consider C1 to be the known child of the worker as determined under section 216(h)(3). Then, under section 216(h)(2)(A) of the

Act, we will apply the law of intestate succession of the appropriate State to determine whether the results of the DNA test between C1 and C2 (and any other evidence of C2's relationship to the worker) establish C2's status as the worker's child.

This policy is supported by the relevant statutes. Under section 205(a) of the Act we have:

full power and authority to make rules and regulations to establish procedures, *not inconsistent with the provisions of this title*, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.

(Emphasis added.) Under section 702(a)(5) of the Act, we "may prescribe such rules and regulations as \* \* \* [we determine] necessary or appropriate to carry out the functions of the Administration."

The policy interpretation in this Ruling is consistent with the relevant provisions of the Act and enhances the efficiency of the claims adjudication process.

Under the circumstances covered by this Ruling, our policy is consistent with section 216(h)(2)(A) of the Act because we will apply State law to determine whether C2 is the worker's child. We will determine whether the evidence relating to C2's relationship to the known child of the worker (C1), and any other evidence of C2's relationship to the worker, establishes that C2 is the worker's child under the standards of the applicable State law. Moreover, the policy avoids the redundancy and unnecessary administrative burden that would occur if we reviewed C1's relationship to the worker under State law when we have already determined that C1 is the worker's child under one of the federal definitions in section 216(h)(3) of the Act.

**Effective Date:** This SSR is effective upon publication in the **Federal Register**.

**Cross-References:** Program Operations Manual System sections *GN00306.050*, *GN00306.055*, *GN00306.060*, *GN00306.065*, *GN00306.075*, *GN00306.085*, *GN00306.100*, *GN00306.105*, *GN00306.110*, *GN00306.120*, *GN00306.125*, *GN00306.130*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice for Waiver of Aeronautical Land-Use Assurance Boscobel Municipal Airport, Boscobel, WI

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of intent of waiver with respect to land.

**SUMMARY:** The Federal Aviation Administration (FAA) is giving notice that a portion of the airport property containing 60.6 acres located between the airport and the Wisconsin River is not needed for aeronautical use as currently identified on the Airport Layout Plan.

This parcel was originally acquired through Grant No. AIP-01 in 1998. The parcel was an uneconomic remnant left from land acquisition from an airport expansion project, presently open and undeveloped. The land comprising this parcel is, therefore, no longer needed for aeronautical purposes. The sale of this parcel will allow for the airport to purchase other property that will provide approach protection for the airport. Income from the sale will be used to improve the airport. There are no impacts to the airport by allowing the airport to dispose of the property.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before July 13, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra E. DePottay, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450-2706. Telephone Number (612) 713-4363/FAX Number (612) 713-4364. Documents reflecting this FAA action may be reviewed at this same location or at the Boscobel Municipal Airport, Boscobel, WI.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA intends to authorize the disposal of the subject airport property at Boscobel Municipal Airport, Boscobel, WI. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination that all measures covered by the program are eligible for Airport Improvement Program funding from the FAA. The disposition of proceeds from

the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

Issued in Minneapolis, MN on May 25, 2006.

**Robert A. Huber,**

*Manager, Minneapolis Airports District Office, FAA, Great Lakes Region.*

[FR Doc. 06-5324 Filed 6-12-06; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice for Waiver of Aeronautical Land-Use Assurance Waupaca Municipal Airport, Waupaca, WI

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of intent of waiver with respect to land.

**SUMMARY:** The Federal Aviation Administration (FAA) is giving notice that a portion of the airport property containing 16.6 acres located across the Waupaca River from the airport and is not needed for aeronautical use as currently identified on the Airport Layout Plan.

This parcel was originally purchased as part of a larger City purchase in December 1944. The parcel is presently open and undeveloped. The land comprising this parcel is, therefore, no longer needed for aeronautical purposes. Income from the sale will be used to improve the airport. There are no impacts to the airport by allowing the airport to dispose of the property.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before July 13, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra E. DePottey, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450-2706. Telephone Number (612) 713-4363/FAX Number (612) 713-4364. Documents reflecting this FAA action may be reviewed at this same location or at the Waupaca Municipal Airport, Waupaca, WI.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA intends to authorize the disposal of the subject

airport property at Waupaca Municipal Airport, Waupaca, WI. Following is a legal description of the subject airport property to be released at Waupaca Municipal Airport in Waupaca, Wisconsin and described as follows:

A parcel of land located in part of SW ¼ of the NW ¼ of the Section 35, Town 22 North Range 12 East, City of Waupaca, Waupaca County, Wisconsin.

Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination that all measures covered by the program are eligible for Airport Improvement Program funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

Issued in Minneapolis, MN on May 25, 2006.

**Robert A. Huber,**

*Manager, Minneapolis Airports District Office, FAA, Great Lakes Region.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-25004]

#### Identification of Vehicles: Oregon Department of Transportation Tax Credentials; Petition for Determination

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of petition for determination; request for comments.

**SUMMARY:** FMCSA announces that it has received a petition or formal request from the Oregon Department of Transportation (ODOT) for a determination whether the State may continue to require motor carriers to display weight-mile tax credentials. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) prohibits States from requiring motor carriers to display in, or on, commercial motor vehicles any form of identification other than forms required by the Secretary of Transportation. However, SAFETEA-LU also provides that a State may continue to require display of credentials that are required under a State law regarding motor vehicle license plates or other displays that the Secretary determines are appropriate. ODOT requested that FMCSA make a determination that its

weight-mile tax credentials are appropriate under SAFETEA-LU. FMCSA requests public comment on ODOT's petition for determination.

**DATES:** Comments must be received on or before July 13, 2006.

**ADDRESSES:** You may submit comments [identified by DOT DMS Docket No. FMCSA-2006-25004] using any of the following methods:

- **Web Site:** <http://dmses.dot.gov/submit>. Follow the instructions for submitting comments on the DOT electronic docket site.
- **Fax:** 1-202-493-2251.
- **Mail:** Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.
- **Hand Delivery:** Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions must include the Agency name and docket number for this notice. Note that all comments received will be posted without change to <http://dms.dot.gov> including any personal information provided. Please see the Privacy Act heading for further information.

**Docket:** For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want to be notified that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

**Privacy Act:** Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477). This statement is also available at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, Office of Bus and