investment in Excel shall equal $2,718,764.91.

Columbia Gas System, Inc., et al. (70–8849)

Columbia Gas System, Inc. (''Columbia''), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, and three of its wholly-owned non-utility subsidiaries, Columbia Energy Services Corporation (''CES''), 121 Hill Pointe Drive, Suite 100, Canonsburg, Pennsylvania 15317, Columbia Natural Resources, Inc. (''CNR''), 900 Pennsylvania Avenue, Charleston, West Virginia 25362, and Columbia Coal Gasification Corporation (''CGC''), 900 Pennsylvania Avenue, Charleston, West Virginia 25362, have filed an application-declaration under sections 6(a), 7, 9(a), 10, and 12(f) of the Act and rules 43 and 45 thereunder.

Applicants request authorization to reorganize their existing corporate structure by (1) reincorporating CES in Delaware via a merger into a newly-formed successor corporation for the sole purpose of converting CES from a Kentucky to a Delaware corporation and (2) merging CGC with and into CNR with CNR being the surviving corporation.

The reincorporation of CES in Delaware would be accomplished under a plan of reorganization and merger pursuant to which CES, a Kentucky corporation, will be merged into CES (DE), a newly-formed Delaware corporation which will, by virtue of the merger, become a wholly-owned subsidiary of Columbia.[3] CES (DE) will succeed to all of the rights and assets of CES and assume all of its liabilities and obligations. The officers and directors of CES will become the officers and directors of CES (DE). The merger will qualify as a tax-free reorganization under Sections 368(a)(1) (A) and (F) of the Internal Revenue Code of 1986, as amended. No additional capital financing will occur as a result of the transaction. Applicants state that the merger and reincorporation of CES in Delaware will afford CES the benefits of Delaware's favorable business corporation laws, allow it to conduct its affairs in a more flexible and efficient manner and produce significant property tax savings.[4]

Columbia owns all 1,939,000 outstanding shares of common stock of CGC, a Delaware corporation.[5] Columbia would accomplish the merger of CGC with and into CNR , a Texas corporation, by transferring all 1,939,000 shares of CGC common stock, $25 par value per share, to CNR in exchange for approximately 343,000 shares of newly issued CNR common stock, $25 par value per share. The actual number of shares of CNR stock will depend on the net book value of CGC on the effective date. Based upon the $8.581 million net book value of CGC as of February 29, 1996, 343,245 CNR shares would be issued to Columbia in exchange for the 1,939,000 shares of CGC transferred to CNR. The proposed transaction will qualify as a tax-free reorganization under Section 368(a)(1)(A) of the Internal Revenue code of 1986, as amended. No additional capital financing will occur as a result of the transaction.

This exchange will make CNR the parent corporation of CGC and the temporary owner of 100% of CGC's outstanding shares. Promptly, thereafter, CGC will be merged with and into CNR pursuant to Article 5.16 of the Texas Business Corporation Act. Article 5.16 provides that, upon the merger, CNR will succeed to all of the rights and assets of CGC and will assume all of its liabilities and obligations.

Applicants expect the merger of CGC and CNR to produce significant benefits and efficiencies, including (1) simplified and less costly internal and external accounting operations; (2) reduced and less costly regulatory and compliance requirements; (3) reduced general and administrative costs, and (4) the realization of certain state tax benefits associated with being a single company.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–13803 Filed 5–31–96; 8:45 am]

BILLING CODE 8010–01–M

[3] All of the assets and liabilities of CES will be transferred to CES (DE) in exchange for common stock of CES (DE) which will simultaneously be transferred to Columbia in exchange for all outstanding shares of CES, leaving CES (DE) the surviving company.

[4] Applicants note that Delaware has followed a policy of encouraging incorporation in that state and, in furtherance of that policy, has adopted comprehensive, modern and flexible corporation laws that are periodically updated and revised to meet changing business needs. They also note that a majority of Columbia's subsidiaries are already incorporated in Delaware. In addition, Delaware, unlike Kentucky, does not impose a tax on intangible property. The Columbia Energy Market Center, a division of CES that licenses and sublicenses commodity trading software used to operate an electronic bulletin board for the trading of natural gas, is subject to the tax on intangible property, the impact of which is expected to become increasingly significant as revenues generated by the bulletin board grow.

[5] CGC has no other class of equity stock outstanding.

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made such a submission.

DATE: Comments should be submitted on or before July 3, 1996. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Jacqueline White, Small Business Administration, 409 3RD Street, S.W., 5th Floor, Washington, D.C. 20416, Telephone: (202) 205–6629

OMB Reviewer: Victoria Wasserman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503

Title: Small Business Development Center's Checklist.

SBA Form No.: SBA Form 59.

Frequency: Quarterly.

Description of Respondents: Small Business Development Centers.

Annual Responses: 228.

Annual Burden: 456.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 96–13724 Filed 5–31–96; 8:45 am]

BILLING CODE 8025–01–M

SOCIAL SECURITY ADMINISTRATION

[Social Security Acquiescence Ruling 96-1(6)]

DeSonier v. Sullivan; Method of Application of State Intestate Succession Law In Determining Entitlement to Child's Benefits

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Acquiescence Ruling.

SUMMARY: In accordance with 20 CFR 422.406(b)(2), the Commissioner of Social Security gives notice of Social Security Acquiescence Ruling 96-1(6).

EFFECTIVE DATE: June 3, 1996.

FOR FURTHER INFORMATION CONTACT:

Gary Sargent, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1695.

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 422.406(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 administrative adjudication within the Sixth Circuit. This Social Security Acquiescence Ruling will apply to all determinations and decisions made on or after June 3, 1996. If we made a determination or decision on your application for benefits between June 22, 1990, the date of the Court of Appeals decision, and June 3, 1996, the effective date of this Social Security Acquiescence Ruling, you may request application of the Ruling to your claim if you first demonstrate, pursuant to 20 CFR 404.985(b), that application of the Ruling could change our prior determination or decision.

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). If we decide to relitigate the issue covered by this Social Security Acquiescence Ruling as provided for by 20 CFR 404.985(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 Programs 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.)

Dated: March 19, 1996.

Shirley S. Chater,

Commissioner of Social Security.

Acquiescence Ruling 96-1(6)

DeSonier v. *Sullivan*, 906 F.2d 228 (6th Cir. 1990)—Method of Application of State Intestate Succession Law in Determining Entitlement to Child's Benefits—Title II of the Social Security Act.

Issue: Whether, for purposes of determining a child's status under section 216(h)(2)(A) of the Social Security Act (the Act), the Social Security Administration (SSA)[1] must apply the State law of intestate succession in effect at the time of SSA's determination, rather than the law in effect at the time of the worker's death, and whether SSA must apply changes in State intestacy law in the same manner as State courts would apply the changes.

Statute/Regulation/Ruling Citation: Section 216(h)(2)(A) of the Social Security Act (42 U.S.C. 416(h)(2)(A)); 20 CFR 404.354(b).

Circuit: Sixth (Kentucky, Michigan, Ohio, Tennessee)

DeSonier v. *Sullivan*, 906 F.2d 228 (6th Cir. 1990)

Applicability of Ruling: This Ruling applies to determinations or decisions at all administrative levels (i.e., initial, reconsideration, Administrative Law Judge (ALJ) hearing or Appeals Council).

Description of Case: Denise DeSonier and Russell Phillis were never married but lived together from September 1977 until July 1979. They first lived together in Florida and then later in Ohio. DeSonier left Phillis when she was pregnant and returned to Michigan where her family lived. Amanda DeSonier was born to the plaintiff on October 31, 1979. DeSonier did not enter a name for Amanda's father on the birth certificate and she never sought court-ordered support from Phillis. DeSonier testified that Phillis had paid her prenatal medical expenses and had purchased a cradle for the baby. Phillis visited DeSonier once after Amanda was born and gave her a check for $155 drawn on a joint bank account they had maintained while living together. However, DeSonier had closed the account after they separated, so the check was not honored. Phillis died on January 29, 1986.

The plaintiff's application for child's benefits on Phillis' earnings record was denied at both the initial and reconsideration levels of the administrative review process. After a hearing, an ALJ found that DeSonier and Phillis did not enter into a valid common law marriage while living together in Ohio and that Amanda DeSonier did not qualify as the deceased wage earner's child under any other provision of the Act. The ALJ also considered section 216(h)(2)(A) of the Act, which would allow Amanda to be considered Phillis' child if she would have the same status as a child under the intestate succession law that would be applied by the courts of the State in which Phillis was domiciled at the time of his death. In the decision issued on December 24, 1987, the ALJ recognized that because Phillis lived in Texas when he died the claimant's relationship to the deceased wage earner is determined by applying the laws of Texas. The ALJ considered the Texas intestacy law in existence up to August 27, 1979, the last amendment to Texas law before Phillis' death, and concluded that Amanda DeSonier was not the child of the wage earner under Texas law as required by section 216(h)(2)(A) of the Act.

The plaintiff sought judicial review but did not respond to SSA's motion for summary judgment so the case was submitted on the administrative record. The United States District Court for the Western District of Michigan granted SSA's motion for summary judgment and found that Amanda DeSonier did not qualify for benefits under several provisions of the Act. The plaintiff appealed alleging that she qualified under the Texas law of intestate succession as amended effective September 1, 1987, and that the ALJ should have applied the law of Texas in effect at the time his decision was issued in December 1987. The United States Court of Appeals for the Sixth Circuit reversed the judgment of the district court and remanded the case for further remand to SSA with instructions to reconsider the plaintiff's application under current Texas law.

Holding: The Court of Appeals agreed with the Ninth Circuit in *Owens* v. *Schweiker*, 692 F.2d 80 (9th Cir. 1982) ''that in determining an applicant's status under [section] 416(h)(2)(A), the Secretary is required to apply the state intestacy law in effect at the time of his decision rather than at the time of the wage earner's death.'' The court also adopted the Third Circuit's approach in *Morales on Behalf of Morales* v. *Bowen*, 833 F.2d 481 (3d Cir. 1987), ''that the

[1] Under the Social Security Independence and Program Improvements Act of 1994, Pub. L. No. 103-296, effective March 31, 1995, the Social Security Administration (SSA) became an independent agency in the Executive Branch of the United States Government and was provided ultimate responsibility for administering the Social Security programs under title II of the Act. Prior to March 31, 1995, the Secretary of Health and Human Services had such responsibility.

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.

[FR Doc. 96–13806 Filed 5–31–96; 8:45 am]

BILLING CODE 4190-29-F

[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).

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.

[FR Doc. 96–13775 Filed 5–31–96; 8:45 am]

BILLING CODE 4910–13–M

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.