the ''child'' definition of the statute. Finding that there was no dispute about the twins' parentage, the court held that section 216(h)(2), (3) of the Act had ''no relevance to the issue before [it]'' and thus there was no need to consult State inheritance law. The court concluded that the twins were deemed dependent upon the insured under section 202(d)(3) of the Act because under Arizona law, they were his ''legitimate'' children. Under Arizona law, ''[e]very child is the legitimate child of its natural parents and is entitled to support and education as if born in lawful wedlock.'' [2] The court reasoned that because the insured was married to the mother of the twins and was the twins' biological father, the twins are legitimate under State law.

Statement as to How Gillett-Netting Differs From SSA's Interpretation of the Social Security Act

We determine that an individual may be eligible for child's insurance benefits under section 202(d)(1) of the Act if he is the ''child'' of an insured individual as defined in section 216(e) and was dependent on the insured at the time of his death under section 202(d)(3). Section 216(e)(1) defines a ''child'' as ''the child or legally adopted child of an individual.'' Section 216(h) provides the analytical framework that we must follow for determining whether a child is the insured's child for the purposes of section 216(e). Section 216(h)(2)(A) directs us to ''apply such law as would be applied in determining the devolution of intestate personal property by the courts of the State in which such insured individual is domiciled * * * at the time of his death * * *'' (See also 20 CFR 404.355(a)(1)). A child who cannot inherit personal property from the deceased insured individual under State intestacy law may nonetheless be eligible for child's insurance benefits under limited circumstances under sections 216(h)(2)(B) and (3)(C); these circumstances do not apply to an after-conceived child. (See also 20 CFR 404.355(a)).[3] Consequently, to meet the definition of ''child'' under the Act, an after-conceived child must be able to inherit under State law.

If the individual satisfies the definition of ''child'' under section 216(e), the child must also show he or she ''was dependent upon'' the insured individual ''at the time of [the insured's] death'' in order to be eligible for benefits under section 202(d)(1)(C)(ii). Under section 202(d)(3), a ''legitimate'' child is ''deemed dependent'' upon the insured individual at the time of his death unless the child has been adopted by someone else. A child who satisfies the requirements of section 216(h)(2), (3) is deemed legitimate for purposes of section 202(d)(3) and, therefore, deemed dependent. Section 202(d)(3); Social Security Ruling 77–2c. Other children, though, must establish that they were living with their father at the time of his death or that he was contributing to their support in order to be found dependent under section 202(d)(3).

The Ninth Circuit in Gillett-Netting held that the twins established ''child'' status under the Act solely because they are the biological children of the insured. The court found that section 216(h) did not apply unless a child's parentage is disputed. The court also found that, under Arizona law, an insured individual's biological child conceived by artificial means after the death of the insured would be considered ''natural'' if the parents were married at the time of the insured's death. Further, the court concluded that every child in Arizona is the legitimate child of his natural parents. As a result, the Ninth Circuit deemed the twins dependent on the insured under section 202(d)(3) because it considered them to be legitimate under Arizona law. The court concluded that the twins were eligible for child's benefits under section 202(d) of the Act.

Explanation of How SSA Will Apply the Gillett-Netting Decision Within the Circuit

This ruling applies only to cases involving an applicant for surviving child's benefits who applies on the earnings record of a person who, at the time of death, had his permanent home in Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon, and Washington. While the court based its dependency determination on State law, it ruled that State law was irrelevant for determining ''child'' status if parentage was not in dispute.

In a claim for survivor's benefits, we will determine that a biological child of an insured individual who was conceived by artificial means after the insured's death is the insured's ''child'' for purposes of the Act. We will not apply section 216(h) of the Act in determining the child's status. In addition, if such child is considered legitimate under State law, we will consider the child to be the insured's ''legitimate'' child and thus deemed dependent upon the insured for purposes of section 202(d)(3) of the Act. All of the States and jurisdictions within the Ninth Circuit, except Guam, have eliminated distinctions between legitimate and illegitimate children. These States allow all children the same rights which flow between parents and their children, regardless of the parents' marital status. A child acquires these rights if he establishes that an individual is his parent under State family law provisions. Accordingly, if all other requirements are met, adjudicators will consider such child entitled to child's benefits under section 202(d).

[FR Doc. 05–18920 Filed 9–21–05; 8:45 am]

BILLING CODE 4191–02–P

[2] Ariz. Rev. Stat. § 8–601 (1975).

[3] An applicant will be deemed a ''child'' under section 216(e)(1) if he or she is the biological child of the insured and his or her parents went through a marriage ceremony that would have been valid but for a legal impediment. See section 216(h)(2)(B) of the Act; 20 CFR 404.355(a)(2). An applicant will also be considered a ''child'' if: (1) the insured had, before his death, acknowledged parentage in writing, been decreed a parent by a court, or been ordered to pay child support; or (2) there is satisfactory evidence that the deceased insured is the biological parent of the applicant and the insured was, at the time of his death, living with the applicant or contributing to his support. See section 216(h)(3)(C) of the Act; 20 CFR 404.355(a)(3)–(4). These additional tests for eligibility require action by the insured during the lifetime of the child.

DEPARTMENT OF STATE

[Public Notice 5192]

Determination on Provision of Assistance to the United Nations Democracy Fund

Pursuant to section 451 of the Foreign Assistance Act of l961, as amended (the ''Act'') (22 U.S.C. 2261) and section 1–100 of Executive Order 12163, as amended, I hereby authorize, notwithstanding any other provision of law, the use of up to $2,561,508 in fiscal year 2004 funds made available under chapter 3 of part I of the Act, up to $6,938,492 in FY 2004 and FY 2005 funds made available under chapter 4 of part II of the Act, and up to $500,000 in FY 2005 funds made available under chapter 9 of part II of the Act, in order to provide assistance authorized by part I of the Act for a contribution to the United Nations Democracy Fund. This Determination supersedes and replaces the Determination of July 27, 2005, on Provision of Assistance to United Nations Democracy Fund.

This Determination shall be reported to the Congress promptly, and shall be published in the **Federal Register**.

Dated: September 10, 2005.

Condoleezza Rice,

Secretary of State, Department of State.

[FR Doc. 05–18967 Filed 9–21–05; 8:45 am]

BILLING CODE 4710–37–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance, Bolton Field Airport; Columbus, OH

AGENCY: Federal Aviation Administration, DOT.

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

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to non-aeronautical use and to authorize the release of 13.6672 acres of airport property for an exchange of property between the Columbus Regional Airport Authority (CRAA) and the City of Columbus. The land currently houses a solid waste transfer station that will remain on the site. The land was conveyed to the City of Columbus in Deed Volume 2803, page 547 of the Recorder's Office, Franklin County, Ohio. The land was acquired by the City of Columbus with funding from Federal Grant 8–39–0026–01. There are no impacts to the airport by allowing the airport to dispose of the property. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. In exchange, the CRAA will receive a parcel of land (43.562 acres) currently being used as a golf course facility adjacent to Port Columbus International Airport. This parcel is partially located in the existing Runway Protection Zone for Runway 10R–28L as indicated on the approved Airport Layout Plan (ALP) for Port Columbus International Airport.

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 October 24, 2005.

FOR FURTHER INFORMATION CONTACT: Mary W. Jagiello, Program Manager, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, DET ADO–608, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number (734–229–2956)/Fax Number (734–229–2950). Documents reflecting this FAA action may be reviewed at this same location or at Bolton Field Airport, Columbus, Ohio.

SUPPLEMENTARY INFORMATION: Following is a legal description of the property located in Columbus, Franklin County, Ohio, and described as follows:

Beginning at a ¾″ iron pipe and cap set at the northwesterly corner of the said 110.86 acre tract and being in the centerline of Georgesville road; Thence north 76°35′37″ East along the centerline of said Georgesville Road a distance of 102.74 feet to a ¾″ iron pipe and cap set.

Thence South 1°6′50″ West passing a ¾″ iron pin at 101.25 feet on the southerly right of way line of said Georgesville Road and the northwest corner of a 16.715 acre tract conveyed to Robert Eicholt, Rita J. Sabatino, John R. Hetrick as recorded in OR13962G03, Recorder's Office Franklin County, Ohio and continuing along the westerly line of the said 16.715 acre tract and easterly line of said 110.86 acre tract, a total distance of 596.98 feet to a ¾″ iron pipe and cap set;

Thence South 88°49′46″ East along the southerly line of the said 16.715 acre tract and a northerly line of said 110.86 acre tract a distance of 676.04 feet to a ¾″ iron pipe and cap set;

Thence South 1°10′14″ West a distance of 692.21 feet to a ¾″ iron pipe and cap set;

Thence North 88°49′46″ West a distance of 775.35 feet to a ¾″ iron pipe and cap set in the westerly line of said 110.86 acre tract and easterly line of the Southwest Airport Industrial Park, Section 2 and recorded in Plat Book 45, page 73 of the Recorder's Office, Franklin County, Ohio;

Thence North 01°06′50″ East along the westerly line of the said 110.86 acre tract and the easterly line of the said Southwest Airport Industrial Park, Section 2, passing a ¾″ iron pipe at a distance of 1160.84 feet and being the northeast corner of Lot 1 of said Southwest Airport Industrial Park, Section 2 and the southerly right-of-way line of said Georgesville Road, a total distance of 1263.19 feet to the place of beginning, containing 13.6672 acres of land and being subject to all legal highways, easements and restrictions of record.

Bearings are based on State Plane Coordinates NAD 83. All ¾″ iron pipes and caps set has the logo S5669.

Dated: Issued in Romulus, Michigan on August 5, 2005.

Winsome A. Lenfert,

Acting Manager, Detroit Airports District Office FFA, Great Lakes Region.

[FR Doc. 05–18933 Filed 9–21–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review, Portland International Jetport, Portland, ME

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure map for Portland International Jetport, as submitted by the City of Portland, Maine under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150, is in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Portland International Jetport under part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before March 8, 2006.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure map and of the start of its review of the associated noise compatibility program is September 9, 2005. The public comment period ends on November 11, 2005.

FOR FURTHER INFORMATION CONTACT: John C. Silva, Federal Aviation Administration, New England Region, Airports Division, ANE–600, 12 New England Executive Park, Burlington, Massachusetts 01803.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure map submitted for Portland International Jetport is in compliance with applicable requirements of part 150, effective September 9, 2005. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before March 8, 2006. This notice also announces the availability of this