

constitutional challenge. Daniels appealed and the United States Court of Appeals for the Eleventh Circuit reversed the judgment of the district court on the grounds that, as applied to the particular facts of the case, SSA's use of Georgia intestacy law was unconstitutional.

Holding: After carefully considering the principles stated in the leading cases addressing the constitutionality of similar State statutes, the Court of Appeals held that "as applied to this case, the Social Security Act's incorporation of the Georgia intestacy scheme violates equal protection."³ Noting that the United States Supreme Court, in *Pickett v. Brown*, had ruled unconstitutional a State statute that imposed a two-year limit on paternity and child support actions on behalf of certain illegitimate children, the *Daniels* court found that the obstacles that prevented a child from establishing paternity during the first two years after birth persisted, at least, into the third year. Accordingly, the court concluded that "where the father died less than two and one-half years after Adonis' birth, the requirement that paternity be established during the lifetime of the father effectively 'impose[d] an unconstitutional insurmountable barrier which denie[d] appellant the equal protection of the laws.'"⁴

The court also noted that Daniels was further impeded in establishing the paternity of her child because of her status as a minor. Although the court did not hold that the Georgia intestacy statute was unconstitutional, it found that SSA's application of that statute to the specific facts of the case when determining Daniels' eligibility for Social Security survivors benefits violated equal protection.

Statement As To How Daniels 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 regulation (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 State laws governing intestate succession (i.e., the laws State courts use to decide whether a claimant could inherit a child's share

of the worker's personal property if the worker had died without leaving a will) are controlling.

The *Daniels* court found that the Act's incorporation of the Georgia intestacy law's requirement that the paternity of an illegitimate child be established during the lifetime of the father was unconstitutional as applied to the facts in Daniels' case, where paternity would have had to be established in less than two and one-half years from the date of the child's birth. Under these circumstances, the court found that the requirement constituted an insurmountable barrier and violated the child's right to equal protection of law.

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

This Ruling applies only to cases where the applicant for surviving child's benefits under section 216(h)(2)(A) of the Act resides in Alabama, Florida or Georgia at the time of the determination or decision at any administrative level, i.e., initial, reconsideration, ALJ hearing or Appeals Council.

When adjudicating a claim for surviving child's benefits involving the establishment of inheritance rights under a State's intestacy law, SSA will allow a period of two and one-half years from the date of birth of the applicant for the commencement and resolution of legitimacy proceedings before applying a statutory requirement that requires an illegitimate child to establish paternity during the lifetime of the father. Adjudicators will continue to apply the other provisions of State intestacy law in effect on the date of the worker's death.

[FR Doc. 97-20272 Filed 8-1-97; 8:45am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collection and their expected burden. The **Federal Register**

Notice with a 60-day comment period soliciting comments on OMB Control Number: 2133-0522 was published on May 19, 1997 (FR 62 27290). The **Federal Register** Notice with a 60-day comment period soliciting comments on OMB Control Number: 2133-0517 was published on May 13, 1997 (FR 62 26348).

DATES: Comments must be submitted on or before September 3, 1997.

FOR FURTHER INFORMATION CONTACT: Richard Weaver, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2811.

SUPPLEMENTARY INFORMATION:

Maritime Administration

1. **Title:** Seamen's Claims; Administrative Action and Litigation.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133-0522.

Form Number: None.

Affected Public: Description of Respondents: Officers or members of a crew (or their surviving dependents or beneficiaries, or by their legal representatives) who suffered death, injury, or illness while employed on vessels as employees of the United States through the National Shipping Authority, Maritime Administration (MARAD), or successor.

Abstract: Collects information from claimants for death, injury or illness suffered while serving as officers or members of a crew employed on vessels as employees of the United States through the National Shipping Authority, Maritime Administration (MARAD), or successor.

Need and Use of the Information: The information collected is evaluated by MARAD to determine if the claim is fair and reasonable. If the claim is allowed, it is settled, a release is obtained from the claimant verifying consummation of the settlement, and payment is made to the claimant.

Annual Estimated Burden: 750 hours.

2. **Title:** Approval of Underwriters for Marine Hull Insurance.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133-0517.

Form Number: None.

Affected Public: Foreign underwriters of marine insurance and insurance brokers placing marine hull insurance if less than 50 percent of the placement is made in the American market.

Abstract: Concerns approval of marine hull underwriters to insure MARAD program vessels. Foreign applicants will be required to submit

³ The court considered the following leading cases: *Clark v. Jeter*, 486 U.S. 456 (1988); *Pickett v. Brown*, 462 U.S. 1 (1983); *Mills v. Habluetzel*, 456 U.S. 91 (1982); *Lalli v. Lalli*, 439 U.S. 259 (1978); and *Handley, By and Through Herron v. Schweiker*, 697 F.2d 999 (11th Cir. 1983).

⁴ Quoting *Handley*, 697 F.2d at 1003.

financial data upon which MARAD approval would be based. In certain cases, brokers would be required to certify that American underwriters were offered opportunity to compete for the business.

Need and Use of the Information: 46 CFR part 249, published as a final rule on June 20, 1988, prescribes regulations for approval of underwriters for marine hull insurance on vessels built or operated with subsidy or covered by vessel obligation guarantees issued pursuant to Title XI of the Merchant Marine Act, 1936, as amended. The regulations provide for approval of foreign underwriters on the basis of an assessment of their financial condition, the regulatory regime under which they operate, and a statement attesting to a lack of discrimination in their country against U.S. hull insurers. The regulations also require that American underwriters be given an opportunity to compete for every placement, thereby necessitating in some cases certification that such opportunity was offered.

Estimated Annual Burden: 66 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention MARAD Desk Officer. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on July 29, 1997.

Phillip A. Leach,

Clearance Officer, United States, Department of Transportation.

[FR Doc. 97-20467 Filed 8-1-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Aviation Proceedings, Agreements Filed During the Week of July 25, 1997

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST-97-2760 .

Date Filed: July 23, 1997.

Parties: Members of the International Air Transport Association.

Subject: PTC12 USA-EUR 0030 dated July 11, 1997, USA-Europe Resolutions (except between US-Aust/Belg/Germ/Neth/Scand/Switz) R-29. Minutes—PTC12 USA-EUR 0029 dated July 18, 1997. Tables—PTC12 USA-EUR Fares 0011 dated July 18, 1997. Intended effective date: April 1, 1998.

Docket Number: OST-97-2766.

Date Filed: July 25, 1997.

Parties: Members of the International Air Transport Association.

Subject: PTC23 EUR-SEA 0029 dated June 30, 1997, Mail Vote 879 (Europe-Taiwan fares). Amendment to Mail Vote. Correction to Mail Vote. Intended effective date: September 1, 1997.

Paulette V. Twine,

Chief, Documentary Services.

[FR Doc. 97-20449 Filed 8-1-97; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Notice of Application for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending July 25, 1997

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-97-2765.

Date Filed: July 25, 1997.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 22, 1997.

Description: Application of American International Airways, Inc., pursuant to 49 U.S.C. Section 41102 and Subpart Q of the Regulations, applies for an amendment to its certificate authority for Route 677 authorizing it to provide scheduled foreign air transportation of property and mail between a point or points in the United States and a point or points in Singapore, Thailand, and Indonesia.

Docket Number: OST-97-2764.

Date Filed: July 25, 1997.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 22, 1997.

Description: Joint Application of Federal Express Corporation and Florida West International Airways, Inc., pursuant to 49 U.S.C. Section 41105 and Subpart Q of the Procedural Regulations, requests approval of the transfer to Federal Express of certain certificate authority now held by FWIA, authorizing FWIA to provide scheduled all-cargo foreign air transportation between the United States and Colombia.

Paulette V. Twine,

Chief Documentary Services.

[FR Doc. 97-20455 Filed 8-1-97; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

[Docket 37554]

Notice of Order Adjusting the Standard Foreign Fare Level Index

Section 41509(e) of Title 49 of the United States Code requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile (ASM). Order 80-2-69 established the first interim SFFL, and Order 97-6-3 established the currently effective two-month SFFL applicable through July 31, 1997.

In establishing the SFFL for the two-month period beginning August 1, 1997, we have projected non-fuel costs based on the year ended March 31, 1997 data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 97-7-32 fares may be increased by the following adjustment factors over the October 1979 level:

Atlantic—1.3569

Latin America—1.4045

Pacific—1.4957

For further information contact: Keith A. Shangraw (202) 366-2439.

By the Department of Transportation.

Dated: July 30, 1997.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 97-20477 Filed 8-1-97; 8:45 am]

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