

If SSA issues an SSN to an alien for a nonwork purpose, the SSN card is marked with a nonwork legend that reads "NOT VALID FOR EMPLOYMENT." If earnings are reported to SSA on an SSN issued for a nonwork purpose, SSA provides the Immigration and Naturalization Service (INS) with information regarding the reported earnings pursuant to section 290(c)(2) of the Immigration and Nationality Act. We take great care to ensure that only eligible applicants are assigned SSNs and that SSA's records accurately reflect the basis for assignment of the SSNs.

In July 1996, the Internal Revenue Service (IRS) began assigning Individual Taxpayer Identification Numbers for tax purposes to individuals who are not eligible for SSNs but who need to report income for tax purposes. This change in IRS policy eliminated one of the major reasons that aliens not authorized to work had sought SSNs for nonwork purposes. On October 22, 1998, SSA published final rules at 63 FR 56552 that eliminated the need for an SSN for tax reporting purposes as a valid nonwork reason for assignment of an SSN.

With the July 1996 IRS change, the remaining valid nonwork reasons for assignment of SSNs have generally been limited to eligibility for federally-funded benefits and use of the SSNs by State governments to administer statutes governing the issuing of driver's licenses and the registering of motor vehicles.

Available SSA data suggest that some individuals assigned SSNs for nonwork purposes may be misusing those SSNs to work illegally in the U.S. Despite SSA's stringent procedures for ensuring that an alien without work authorization is assigned an SSN only when the need for a number can be documented, wage items have been reported to SSA on SSNs assigned for nonwork purposes. SSN misuse can impact all levels of government in the form of illegal employment in the U.S and fraudulent entitlement to Federal and State benefits and services.

We have, with the assistance of the American Association of Motor Vehicle Administrators and the support of the Department of Transportation, combined efforts to assist States that currently require SSNs for driver licensing and motor vehicle registration purposes to develop alternative identifier systems to accommodate individuals not authorized to work in the U.S. We understand that most States have alternative identifier systems available, if not already in use.

Explanation of Change We Are Considering

We are considering amending § 422.104 of our regulations to define what we mean by a "nonwork reason" for assigning an SSN to an alien legally in the U.S. but not under authority of law permitting him or her to work in the U.S. According to the change we are considering, the only nonwork reason for assigning an SSN to such an alien would be if there is a Federal statute or regulation that requires the alien to have an SSN in order to receive a federally-funded benefit or service to which the alien has established entitlement. Under the change in our rules that we are considering, States and local entities would be able to continue to use an individual's SSN for purposes of providing benefits or services. However, SSA would not assign an SSN to an alien for a nonwork purpose solely to be able to receive a State or local benefit or service.

Request for Comments

Before proceeding with any proposed regulatory change, and to maximize public participation early in the rulemaking process, we invite the public to comment on this change in rules we are considering. While we are interested in receiving comments from any source on any aspect of the issues, we are particularly interested in public comments on both the costs and benefits of this particular change. And, for State and local governments in particular, we are interested in answers to the following questions.

- Does the State or local government have any statutory requirements for any benefits or services, for which aliens in the U.S. without work authorization are eligible, which require the applicant to have an SSN; such as for the issuance of driver's licenses, the registration of motor vehicles, or receipt of health benefits or emergency general assistance benefits (not federally-funded)?

- If so, would your State be willing to consider identifying these individuals by use of an alternative identifier? How soon could you implement an alternative identification system?

Dated: September 2, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 11-99-011]

RIN 2115-AE47

Drawbridge Operation Regulation: Henry Ford Avenue Bridge, Cerritos Channel, Long Beach, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of Port of Los Angeles, the Coast Guard proposes to change the operating regulations for the Henry Ford Avenue Railroad Bridge across Cerritos Channel, mile 4.8, of Los Angeles/Long Beach Harbor, at Long Beach, California. The proposal would amend the existing operating regulations to require that the bridge open upon demand. The current regulation for the bridge, also known as the Badger Avenue Bridge, specifies that the bridge remain in the open to navigation position except for the passage of trains or maintenance.

DATES: Comments must be received on or before December 13, 1999.

ADDRESSES: Comments may be mailed or hand-delivered to: Commander (oan), Eleventh Coast Guard District, Bldg. 50-6, Coast Guard Island, Alameda, CA 94501-5100. Comments may also be faxed to: (510) 437-5836. Comments may be e-mailed to:

sworden@d11.uscg.mil. Comments may be delivered to the above address between 6:30 a.m. and 4:00 p.m. Monday through Friday except Federal holidays.

The Commander, Eleventh Coast Guard District maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the address above.

FOR FURTHER INFORMATION CONTACT: Susan Worden, Bridge Administrator, at the address above. Her telephone number is (510) 437-3461.

SUPPLEMENTARY INFORMATION:

Requests for Comments

The Coast Guard encourages interested persons to participate in this proposed rulemaking by submitting written data, views, or arguments for or against the proposed change. Persons submitting comments should identify this rulemaking (CGD 11-99-011) and the specific section of this document to which each comment applies. Give the reason for each comment. Please submit all comments and attachments in an

unbound format, no larger than 8½ × 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. All comments and other materials referenced in this notice will be available for inspection and copying at the Coast Guard address given above. Normal office hours are between 6:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Coast Guard including the reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid in this rulemaking, the Coast Guard will hold a public hearing at time and place announced by a later notice in the **Federal Register**.

The proposed regulation may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on the NPRM.

Background and Purpose

The Ford Avenue Railroad Bridge is a vertical-lift, double track, railroad bridge constructed in 1997. It provides vertical clearance of 9 feet above Mean High Water (14 feet above Mean Lower Low Water) in the lowered position and 165 feet above MHW in the raised position. It provides horizontal clearance of 180 feet between fenders. The waterway is a connecting channel in the Los Angeles/Long Beach Harbor complex and is used by oceangoing cargo ships, tugs and barges, tour boats, commercial fishing vessels and recreational boats. This action is proposed because there has been an increase in train traffic and the additional raising and lowering of the bridge is increasing wear and tear on the machinery. This regulation change should: reduce wear and tear on the machinery and maintenance expense for the owner. It should also reduce maintenance closures and enhance the operational readiness of the bridge; thus should provide for the reasonable needs of navigation.

Discussion of Proposed Regulation

The Port of Los Angeles has requested that the Coast Guard make this change to reduce wear and tear on the bridge and better facilitate the increasing train traffic. The bridge provides the only rail access to Terminal Island.

Prior to construction of the new bridge, the average number of daily train crossings was 3. That average number is

currently 17.3 and will increase substantially as new port facilities, now under construction on Terminal Island, are completed.

The adjacent Schuyler Heim vertical-lift bridge has a different operating regulation, because of the differences in clearance of the bridges in the closed position, and the differences in overland traffic. The Heim Bridge provides 37.5 feet vertical clearance above MHW in the closed position, vice 9 feet for the Ford Bridge. The Heim Bridge has morning and afternoon commute hour closures to facilitate the movement of vehicle commute traffic. The bridges have different opening signals because some vessels need only one of the bridges opened for safe passage.

Although the precise number of vessel transits requiring openings of the Ford Bridge is unknown, it is estimated that, initially, the bridge will open about as often for vessels as it now closes for trains. Train traffic is expected to increase appreciably in the future, thus the new operating method is expected to reduce wear and tear on the machinery. Vessel traffic is expected to remain relatively constant.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the Department of Transportation Regulatory Policies and Procedures (DOT) (44 FR 11040, February 26, 1979). The proposal changes the way the bridge will be operated, but provides for openings upon demand for vessels not able to pass under the closed bridge. The Coast Guard expects the impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" may include small businesses and not-for-profit organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal,

if adopted, is not expected to have a significant economic impact on any substantial number of entities, regardless of their size.

Assistance for Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rule making process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Susan Worden, Coast Guard Bridge Section, Alameda office at the address listed in **ADDRESSES**.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that under Commandant Instruction M16475.1C, Figure 2-1, paragraph 32(e), this proposal is categorically excluded from further environmental documentation, because it is a Bridge Administration Program action involving the promulgation of operating requirements or procedures for a drawbridge.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this proposed rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of \$100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local or tribal government entities will be affected by this rule, so this rule will not result in annual or

aggregate costs of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This Rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This Rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This Rule meets applicable standards in section 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This Rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—[AMENDED]

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.147(b) is revised to read as follows:

§ 117.147 Cerritos Channel.

* * * * *

(b) The opening signal for the draw of the Henry Ford Avenue railroad bridge, mile 4.8 at Long Beach, is two short blasts followed by one prolonged blast. The acknowledging signal is two short blasts followed by one prolonged blast when the draw will open immediately

and five short blasts when the draw will not open immediately. Channel 13 (156.65 MHz) or other assigned frequencies may be used.

Dated: September 22, 1999.

T.H. Collins,

Vice Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 99–26530 Filed 10–8–99; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE027–1027b; FRL–6453–6]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; 15 Percent Rate of Progress Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We are proposing to convert our conditional approval of Delaware's State Implementation Plan (SIP) revision to achieve a 15 percent reduction in volatile organic compound emissions (the 15% plan) in its portion of the Philadelphia-Wilmington-Trenton (namely Kent and New Castle Counties) ozone nonattainment area to a full approval. In the "Rules and Regulations" section of this **Federal Register**, we are converting our conditional approval of Delaware's 15% plan SIP revision to a full approval as a direct final rule because we view this as a noncontroversial amendment and because we anticipate no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we receive no adverse comments, we will not undertake further action on this proposed rule. If we receive adverse comments, we will withdraw the direct final rule, and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Anyone interested in providing comments on this action should do so at this time.

DATES: Comments must be received in writing by November 12, 1999.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public

inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, at the EPA Region III address above, or by e-mail at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION:

For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: September 23, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 99–26196 Filed 10–8–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA–232–0176, FRL–6454–7]

Transportation Conformity Budget Adequacy Determination and Status of Maintenance Demonstration and Associated Budgets; San Francisco Bay Area Ozone Attainment Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is today proposing that the motor vehicle emissions budgets contained in the 1999 ozone attainment plan for the San Francisco Bay Area are adequate for transportation conformity purposes. EPA is also proposing that the Bay Area's existing maintenance demonstration and associated budgets are no longer applicable and should be replaced by the new budgets upon a final determination of adequacy. The attainment plan includes a budget of 175.2 tons per day (tpd) for VOC and 247.1 tpd for NO_x, both for the year 2000. If, after public comment, EPA finalizes this adequacy determination of the new budgets, and the determination that the maintenance demonstration is no longer applicable, the new budgets would apply to the attainment year of 2000 and beyond and become the sole 1-hour ozone standard VOC and NO_x budgets in the Bay Area for transportation conformity.