

consent to the shortened procedure, the Commission will assign the proceeding for hearing as provided by subpart E of part 385 of this chapter.

Notwithstanding a person's not giving consent to the shortened procedure, and instead seeking assignment for hearing as provided for by subpart E of part 385 of this chapter, the Commission will not assign the proceeding for a hearing when no material facts are in dispute. The Commission may also, in its discretion, at any stage in the proceeding, set the proceeding for hearing.

10. Part 349 is added to Subchapter P to read as follows:

#### **PART 349—DISPOSITION OF CONTESTED AUDIT FINDINGS AND PROPOSED REMEDIES**

Sec.

- 349.1 Notice to audited person.
- 349.2 Response to notification.
- 349.3 Shortened procedure.
- 349.4 Form and style.
- 349.5 Verification.
- 349.6 Determination.
- 349.7 Assignment for oral hearing.

**Authority:** 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

##### **§ 349.1 Notice to audited person.**

An audit conducted by the Commission or its staff under authority of the Interstate Commerce Act may result in a notice of deficiency or audit report or similar document containing a finding or findings that the audited person has not complied with a requirement of the Commission with respect to, but not limited to, the following: A filed tariff or tariffs, contracts, data, records, accounts, books, communications or papers relevant to the audit of the audited person; matters under the Standards of Conduct or the Code of Conduct; and the activities or operations of the audited person. The notice of deficiency, audit report or similar document may also contain one or more proposed remedies that address findings of noncompliance. Where such findings, with or without proposed remedies, appear in a notice of deficiency, audit report or similar document, such document shall be provided to the audited person, and the finding or findings, and any proposed remedies, shall be noted and explained. The audited person shall timely indicate in a written response any and all findings, including any and all proposed remedies, with which the audited person disagrees. Any initial order that the Commission subsequently may issue with respect to the notice of deficiency, audit report or similar document shall

note, but not address on the merits, the finding or findings and any proposed remedies with which the audited person disagreed. The Commission shall provide the audited person a specified number of days to respond with respect to the finding or findings and any proposed remedies with which it disagreed.

##### **§ 349.2 Response to notification.**

Upon issuance of a Commission order that notes a finding or findings, with or without proposed remedies, with which the audited person has disagreed, the audited person may: Acquiesce in the findings and proposed remedies by not timely responding to the Commission order, in which case the Commission may issue an order approving them or taking other action; or challenge the finding or findings and any proposed remedies with which it disagreed by timely notifying the Commission in writing that it requests Commission review by means of a shortened procedure, or, if there are material facts in dispute which require cross-examination, a trial-type hearing.

##### **§ 349.3 Shortened procedure.**

If the audited person subject to a Commission order described in § 349.1 above notifies the Commission that it seeks to challenge one or more audit findings, with or without proposed remedies, by the shortened procedure, the Commission shall thereupon issue a notice setting a schedule for the filing of memoranda. The person electing the use of the shortened procedure, and any other interested entities, including the Commission staff, shall file, by the date specified by the Commission in the notice, an initial memorandum that addresses the relevant facts and applicable law that support the position or positions taken regarding the matters at issue. In the notice, the Commission shall also set a date for the filing of reply memoranda, which may be filed only by participants that filed initial memoranda. Subpart T of Part 385 of the Commission's regulations shall apply to all filings. A person that consents to the matter being handled pursuant to the shortened procedure has waived any right to subsequently request a hearing pursuant to § 349.7 and may not later request such a hearing.

##### **§ 349.4 Form and style.**

Each copy of such memorandum must be complete in itself. All pertinent data should be set forth fully, and each memorandum should set out the facts and argument as prescribed for briefs in § 385.706 of this chapter.

##### **§ 349.5 Verification.**

The facts stated in the memorandum must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Except under unusual circumstances, such persons should be those who would appear as witnesses if hearing were had to testify as to the facts stated in the memorandum.

##### **§ 349.6 Determination.**

If no formal hearing is had the matter in issue will be determined by the Commission on the basis of the facts and arguments submitted.

##### **§ 349.7 Assignment for oral hearing.**

Except when there are no material facts in dispute, when a person does not consent to the shortened procedure, the Commission will assign the proceeding for hearing as provided by subpart E of part 385 of this chapter. Notwithstanding a person's not giving consent to the shortened procedure, and instead seeking assignment for hearing as provided for by subpart E of part 385 of this chapter, the Commission will not assign the proceeding for a hearing when no material facts are in dispute. The Commission may also, in its discretion, at any stage in the proceeding, set the proceeding for hearing.

[FR Doc. 05–21422 Filed 10–31–05; 8:45 am]

BILLING CODE 6717–01–P

## **SOCIAL SECURITY ADMINISTRATION**

### **20 CFR Part 411**

#### **Additional Town Hall Meetings on the Notice of Proposed Rulemaking for the Ticket to Work and Self-Sufficiency Program**

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice of public town hall meetings.

**SUMMARY:** We will be holding a series of town hall meetings to maximize the opportunities for individuals and organizations to give us input on our Notice of Proposed Rulemaking (NPRM) to amend our regulations for the Ticket to Work and Self-Sufficiency Program (Ticket to Work program). We invite the public, including beneficiaries and other individuals with disabilities, their advocates, service providers, employers and other interested parties to attend these public meetings and to give us input on our proposed changes to the rules for the Ticket to Work program.

We are announcing the scheduling of three additional town hall meetings.

**DATES:** We will hold three additional public town hall meetings on November 16, 2005 in Miami, Florida, December 6, 2005 in Hartford, Connecticut and December 14, 2005 in Des Moines, Iowa at 9 a.m. and ending at 12 p.m.

**ADDRESSES:** The locations of the town hall meetings are:

*November 16, 2005.* Sheraton Miami Mart Hotel, 711 NW 72nd Avenue, Miami, Florida 33126, Telephone: (305) 261-3800, Fax: (305) 261-7665, Web Site: [http://www.starwoodhotels.com/sheraton/search/hotel\\_detail.html?propertyID=1532](http://www.starwoodhotels.com/sheraton/search/hotel_detail.html?propertyID=1532).

*December 6, 2005.* Hilton Garden Inn, Hartford North/Bradley International Airport, 555 Corporate Drive, Windsor, Connecticut 06095, Telephone: (860) 688-6400, Fax: (860) 688-5700, Web Site: <http://www.windsor.gardeninn.com>.

*December 14, 2005.* Des Moines Marriott Downtown, 700 Grand Avenue, Des Moines, Iowa 50309, Telephone: 1-515-245-5500, Fax: 1-515-245-5567, Toll Free Telephone: 1-800-514-4681, Web Site: <http://marriott.com/property/propertytype/DSMIA>.

**FOR FURTHER INFORMATION CONTACT:** For information about these town hall meetings contact, Paul Kryglik by telephone (410) 965-3735 or TTY (410) 966-5609, or by e-mail to [paul.kryglik@ssa.gov](mailto:paul.kryglik@ssa.gov). You may also mail inquiries about these meetings to Paul Kryglik, Outreach Coordinator, ODISP, Office of Regulations, Social Security Administration, 107 Altmeyer, 6401 Security Boulevard, Baltimore, MD 21235-6401.

For information on eligibility or filing for benefits, call our national toll-free number 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On September 30, 2005, we published an NPRM in the **Federal Register** (70 FR 57222) to amend our current rules for the Ticket to Work program to improve the overall effectiveness of the program in assisting beneficiaries to maximize their economic self-sufficiency through work opportunities. We provided a 90-day period for interested parties to comment. The 90-day comment period ends December 29, 2005. For information on how to give us written comments on the NPRM or read the comments we receive, see **ADDRESSES** section of the NPRM, or "How do I

provide comments if I do not go to a town hall meeting?" section later in this notice. You may also give us comments orally or in writing at any of the town hall meetings, as explained in this notice.

You may read the NPRM for the Ticket to Work program online. The NPRM is available on the Internet site for the Government Printing Office at <http://www.gpoaccess.gov/fr/index.html>. The NPRM is also available on the Internet site for SSA (*i.e.*, Social Security Online) at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>.

##### **What Is the Purpose of the Town Hall Meetings?**

As contemplated in the NPRM for the Ticket to Work program, we are conducting a series of town hall meetings open to the public in order to obtain additional input on our proposed changes to the current rules for the program. We are holding these town hall meetings to maximize public awareness of our proposed rules for the Ticket to Work program and to maximize the opportunity for beneficiaries and other individuals with disabilities, their advocates, service providers, employers and other interested parties to provide us input on our proposed changes to the program. We invite you and other interested persons to come to any of the town hall meetings to give us oral and/or written comments on the NPRM for the Ticket to Work program.

##### **What Are the Agenda and Format for the Town Hall Meetings?**

The full agenda for the meetings, as soon as available, will be posted on the Internet on the "Work Site" of SSA's Office of Employment Support Programs, at <http://www.socialsecurity.gov/work>. In general, the agenda and format for the meetings will be as follows:

There will be a brief introductory opening during which SSA officials and/or other personnel, including a facilitator, will introduce themselves and describe the purpose and format of the meeting, including the ground rules for providing oral and/or written comments at the meeting.

We will ask for public comments on our proposed rules after a presentation of an overview of SSA's Comprehensive Work Opportunity Initiative. This discussion will be followed by a brief overview of the Ticket NPRM followed by an opportunity to offer comment on the following areas: (1) State participation and beneficiary choice; (2) employment network payment systems; (3) ticket eligibility for beneficiaries

whose conditions may improve; (4) eligibility for more than one ticket per period of eligibility; (5) the definition of "using a ticket" and timely progress; (6) the evidence requirements for employment network payment; and (7) availability of phase 1 milestone payments in conjunction with vocational rehabilitation reimbursement.

The third and final phase of the meeting will start with an overview of SSA's Demonstration Projects and will be followed by an opportunity to comment on any of the Demonstration Projects or SSA Work Incentives.

For each issue and as time allows, we will give each individual the opportunity to provide oral comments within a specified amount of time (*e.g.*, approximately two minutes). Microphones will be stationed at convenient points in the meeting room. We will ask individuals wanting to provide comments to us to form a line behind each microphone and approach the microphone in turn. We will ask that each speaker, before delivering his or her remarks, identify themselves by full name, address, and telephone number. For those individuals representing organizations, we will request that they identify themselves by full name, state the name of the organization and the capacity in which they represent the organization, and give the organization's address and telephone number. Each individual will then state his/her comments regarding the area/issue open for comment. Each individual's remarks will be recorded and later transcribed and entered into the rulemaking record as written comments.

We anticipate allotting a period of time to receive oral comments on each area/issue, with a short break between each such period. At times announced during the meeting, and at the end of each meeting, we will accept written comments from individuals wishing to give us comments in writing.

##### **What Will SSA Do With the Comments It Receives on the NPRM?**

The transcript of the oral comments on the NPRM given to us at the town hall meetings and any written comments we receive at the meetings, together with the written comments that we receive in the manner prescribed in the NPRM during the 90-day comment period, will become a part of the rulemaking record for making changes to the regulations for the Ticket to Work program. The 90-day comment period ends on December 29, 2005. We will consider all of these comments in developing the final rules for the Ticket

to Work program. We will summarize the public comments we received on the NPRM and respond to the major comments in the preamble to our final regulations.

We will post the written comments we receive during the 90-day comment period, including the transcript of the oral comments presented at the town hall meetings, on our Internet site at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>. You may also make arrangements to inspect the comments as explained in the "How do I provide comments on the NPRM if I do not go to a town hall meeting?" section of this notice.

#### How Do I Provide Comments on the NPRM if I Do Not Go to a Town Hall Meeting?

You may give us your written comments by: using our Internet site facility (*i.e.*, Social Security Online) at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs> or the Federal eRulemaking Portal at <http://www.regulations.gov>; e-mail to [regulations@ssa.gov](mailto:regulations@ssa.gov); telefax to (410) 966-2830; or letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235-7703. You may also deliver them to the Office of Regulations, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, between the hours of 8 a.m. and 4:30 p.m. on regular business days. To be sure your comments are considered, we must receive them by December 29, 2005.

We post the comments on our Internet site at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>. You may also inspect the comments on regular business days by making arrangements with the following contact person: Greg Zwitch, SSA Regulations Officer, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, e-mail [regulations@ssa.gov](mailto:regulations@ssa.gov), or telephone (410) 965-1887 or TTY (410) 966-5609.

**Authority:** Sec. 1148 of the Social Security Act (42 U.S.C. 1320b-19); sec. 101(e), Pub. L. 106-170, 113 Stat. 1860, 1877 (42 U.S.C. 1320b-19 note).

Dated: October 27, 2005.

**Martin H. Gerry,**

*Deputy Commissioner for Disability and Income Security Programs.*

[FR Doc. 05-21819 Filed 10-31-05; 8:45 am]

**BILLING CODE 4191-02-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[R04-OAR-2005-TN-0006-200519(b); FRL-7990-4]

#### Approval and Promulgation of Implementation Plans; Tennessee: Nashville Area Second 10-Year Maintenance Plan for the 1-Hour Ozone National Ambient Air Quality Standard

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve a revision to the Tennessee State Implementation Plan (SIP) submitted in final form on August 10, 2005. The SIP revision provides the second 10-year maintenance plan for the Nashville (Middle Tennessee) 1-hour ozone maintenance area (Nashville Area, which is composed of the following five counties: Davidson, Rutherford, Sumner, Williamson, and Wilson. The Nashville Area is still required to fulfill obligations under the 1-hour ozone national ambient air quality standard (NAAQS), because EPA has deferred the effective date of the designation for the Nashville Area under the newer 8-hour ozone NAAQS due to participation in an Early Action Compact. EPA is proposing to approve this SIP revision because it satisfies the requirement of the Clean Air Act for the second 10-year maintenance plan for the Nashville Area.

In addition, in this rulemaking, EPA is providing information on its transportation conformity adequacy determination for new motor vehicle emission budgets (MVEBs) for the year 2016 that are contained in the second 10-year 1-hour ozone maintenance plan for the Nashville Area. EPA determined that the 2016 MVEBs are adequate in a previous action. EPA is also proposing to approve the 2016 MVEBs in this action.

In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this

proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before December 1, 2005.

**ADDRESSES:** Comments may be submitted by mail to: Anne Marie Hoffman Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, **ADDRESSES** section which is published in the Rules section of this **Federal Register**.

#### FOR FURTHER INFORMATION CONTACT:

Anne Marie Hoffman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9074. Ms. Hoffman can also be reached via electronic mail at [hoffman.annemarie@epa.gov](mailto:hoffman.annemarie@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: October 17, 2005.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 05-21529 Filed 10-31-05; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 60 and 63

[OAR-2003-0074; FRL-7991-2]

RIN 2060-AG21

#### Performance Specification 16 for Predictive Emission Monitoring Systems and Amendments to Testing and Monitoring Provisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** This action reopens the public comment period for the action entitled "Performance Specification 16 for Predictive Emission Monitoring Systems and Amendments to Testing