

**§ 801.7T Examples (temporary).**

(a) The rules of § 801.3T are illustrated by the following examples:

*Example 1.* (i) Each year Division A's Examination and Collection functions develop detailed workplans that set goals for specific activities (e.g., number of audits or accounts closed) and for other quantity measures such as cases started, cycle time, overage cases, and direct examination time. These quantity measure goals are developed nationally and by Area Office based on budget allocations, available resources, historical experience, and planned improvements. These plans also include information on measures of quality, customer satisfaction, and employee satisfaction. Results are updated monthly to reflect how each organizational unit is progressing against its workplan, and this information is shared with all levels of management.

(ii) Although specific workplans are not developed at the Territory level, Headquarters management expects the Area Directors to use the information in the Area plans to guide the activity in their Territories. For 2005, Area Office 1's workplan has a goal to close 1,000 examinations of small business corporations and 120,000 taxpayer delinquent accounts (TDAs), and there are 10 Exam Territories and 12 Collection Territories in Area Office 1. While taking into account the mix and priority of workload, and available staffing and grade levels, the Examination Area Director communicates to the Territory Managers the expectation that, on average, each Territory should plan to close about 100 cases. The Collection Area Director similarly communicates to each Territory the expectation that, on average, they will close about 10,000 TDAs, subject to similar factors of workload mix and staffing.

(iii) Similar communications then occur at the next level of management between Territory Managers and their Group Managers, and between Group Managers and their employees. These communications will emphasize the overall goals of the organization and each employee's role in meeting those goals. The communications will include expectations regarding the average number of case closures that would have to occur to reach those goals, taking into account the fact that each employee's actual closures will vary based upon the facts and circumstances of specific cases.

(iv) Setting these quantity measure goals, and the communication of those goals, is permissible because case closures are a quantity measure. Case closures are an example of outcome-neutral production data that does not specify the outcome of any specific case such as the amount assessed or collected.

*Example 2.* In conducting a performance evaluation, a supervisor is permitted to take into consideration information the supervisor has developed showing that the employee failed to propose an appropriate adjustment to tax liability in one of the cases the employee examined, provided that information is derived from a review of the work done on the case. All information derived from such a review of individual cases handled by the employee, including

time expended, issues raised, and enforcement outcomes reached should be considered and discussed with the employee and used in evaluating the employee.

*Example 3.* When assigning a case, a supervisor is permitted to discuss with the employee the merits, issues, and development of techniques of the case based upon a review of the case file.

*Example 4.* A supervisor is not permitted to establish a goal for proposed adjustments in a future examination.

(b) [Reserved].

**§ 801.8T Effective dates (temporary).**

(a) The provisions of §§ 801.1T through 801.7T apply on or after October 17, 2005.

(b) The applicability of §§ 801.1T through 801.7T expires on or before October 14, 2008.

**Mark E. Matthews,**

*Deputy Commissioner for Services and Enforcement.*

Approved: October 3, 2005.

**Eric Solomon,**

*Acting Deputy Assistant Secretary (Tax Policy).*

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 261****Identification and Listing of Hazardous Waste***CFR Correction*

In Title 40 of the Code of Federal Regulations, Parts 260 to 265, revised as of July 1, 2005, in Appendix IX to Part 261, on pages 129 and 130, in the second column under "Address", transfer entries 2 and 3 to the third column under "Waste description".

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 710**

[OPPT-2003-0075; FRL-7715-2]

**RIN-2070 AC61**

**TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of 1,2,3-Propanetriol**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to amend the Toxic Substances

Control Act (TSCA) section 8(a) Inventory Update Reporting (IUR) regulations by adding 1,2,3-propanetriol (CASRN 56-81-5) to the list of chemical substances in 40 CFR 710.46(b)(2)(iv) which are exempt from reporting processing and use information required by 40 CFR 710.52(c)(4). EPA has determined that the IUR processing and use information for this chemical is of low current interest. Manufacturers and importers of the chemicals listed in 40 CFR 710.46(b)(2)(iv) must continue to report manufacturing information.

**DATES:** This direct final rule is effective on December 16, 2005 without further notice, unless EPA receives adverse comment by November 16, 2005. If, however, EPA receives adverse comment, EPA will publish a **Federal Register** document to withdraw the direct final rule before the effective date.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number OPPT-2005-0001, by one of the following methods:

- *Federal eRulemaking portal:* <http://www.regulations.gov/>. Follow the on-line instructions for submitting comments.

- *Agency website:* <http://www.epa.gov/edocket/>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- *E-mail:* [oppt.ncic@epa.gov](mailto:oppt.ncic@epa.gov).
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Hand delivery:* OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID number OPPT-2003-0075. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

- *Instructions:* Direct your comments to docket ID number OPPT-2005-0001. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.epa.gov/edocket/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information