

compensation practices, which would require examination of much more detailed compensation and personnel data. With respect to assessing whether the contractor has engaged in systemic discrimination (*i.e.*, pattern or practice discrimination under a disparate treatment and/or disparate impact theory), OFCCP conducts multiple regression analyses and/or examines cohorts to assess whether there is a pattern of compensation disparities. In assessing whether to make a finding of systemic compensation discrimination, OFCCP looks not only at statistically-significant compensation disparities, but also at evidence of how the statistical pattern of pay disparities affects individual employees within the contractor's workplace, and other anecdotal evidence. OFCCP has found this approach effective in determining whether systemic compensation discrimination exists, convincing a contractor to conciliate based on OFCCP's findings, and creating a credible threat of enforcement litigation.

In light of this limited use of the Item 11 data, OFCCP concludes that the data, while clearly not sufficient to make a determination of a violation, is and has been effective in allowing OFCCP to allocate the agency's investigative resources. OFCCP's Division of Program Operations (DPO) conducted an internal study of compliance reviews closed at the desk audit stage. The DPO study found that indicators obtained from review of the Item 11 data were sufficient to target OFCCP's resources on cases in which additional data was required. The DPO study also found that OFCCP's review of the additional data in many cases warranted OFCCP's determination that an on-site review was unnecessary. For example, before deciding to pursue further investigation during an evaluation, OFCCP asked for more data in just over 50% of the cases. However, in a significant number of cases, nearly 50%, OFCCP determined that further review of compensation data was unwarranted based only on the Item 11 submission. OFCCP asked for more compensation data only if an examination of the Item 11 data indicated a potential problem that could be assessed through analysis of further data.

In addition to the internal DPO study, OFCCP developed and sent out a Compensation Questionnaire in response to the Office of Management and Budget's (OMB) previous Terms of Clearance. These Compensation Questionnaires were sent to Supply and Service contractors scheduled for compliance evaluations between July and September 2003. The Compensation

Questionnaire solicited information about the burden hours associated with submitting compensation data to OFCCP during the initial desk audit stage of a compliance review. The Compensation Questionnaires were voluntary, and contractors were afforded 60 days to complete the questionnaire.

On October 31, 2003, OFCCP requested and received a 3-month extension from OMB on its Supply and Service authorization to allow for continued submission of the questionnaires and for OFCCP to analyze the responses. While OFCCP sent out 1,977 questionnaires, the agency received only 99 responses and 4 letters of non-response, for a response rate of approximately 5%, a somewhat disappointing result. Nonetheless, OFCCP's attempt to solicit comments directly from covered contractors obtained the following information:

1. On average, contractors took 28.35 staff hours to prepare and submit information to OFCCP in response to the Supply and Service Scheduling Letter.

2. Of those 28.35 staff hours, on average, contractors took 5.23 staff hours to submit compensation information to OFCCP.

3. 94.94% of respondents who stated a preference, preferred to submit compensation information as part of the desk audit rather than as part of the on-site review.

4. 86.46% of respondents maintain compensation data in electronic format; while 29.17% of respondents maintain compensation data manually (some contractors indicated both forms of data maintenance).

OFCCP has revised its burden hour estimates based on the comments received from the compensation questionnaire.

*II. Review Focus:* The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

*III. Current Actions:* OFCCP seeks a three-year extension to the approval of the Supply and Service Scheduling Letter. There is no change in the substance or method of collection since the last OMB approval. OFCCP has revised the burden hour estimates associated with the Supply and Service Scheduling letter based on the responses to the Compensation Questionnaire.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* OFCCP Recordkeeping and Reporting Requirements, Supply and Service—Scheduling Letter.

*OMB Number:* 1215-0072.

*Affected Public:* Business or other for-profit, Not-for-profit institutions.

*Total Annual responses:* 6,092 (FY03 data).

*Frequency:* Annually.

*Average Time per response:* 28.35 hours.

*Estimated Total Burden Hours:* 172,708.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$60,798.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 18, 2004.

**Bruce Bohanon,**

*Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

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## NATIONAL MEDIATION BOARD

### Notice of Proposed Information Collection Requests

**AGENCY:** National Mediation Board.

**SUMMARY:** The Chief Information Officer, Finance and Administration Department, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before May 26, 2004.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of

1995 (U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Chief Information Officer, Finance and Administration Department, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection contains the following: (1) Type of review requested, *e.g.* new, revision extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Record keeping burden. OMB invites public comment.

Currently, the National Mediation Board is soliciting comments concerning the new collection of information in the form of an Application for Alternative Dispute Resolution (ADR) Services and is interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use of information technology.

**June D.W. King,**

*Chief Information Officer, Finance and Administration Department, National Mediation Board.*

#### **A. Application for ADR Services**

*Type of Review:* New Collection.

*Title:* Application for ADR Services.

*Frequency:* On occasion.

*Affected Public:* Union Officials and Officials of Railroads and Airlines.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* Estimate about 45 annually.

*Burden Hours:* 9.

*Abstract:* The Railway Labor Act, 45 U.S.C., 151 a. General Purposes, provides that the purposes of the Act are

(1) to avoid any interruption to commerce or to the operation of any carrier engaged therein. \* \* \* (4) to provide for the prompt and orderly settlement of all disputes concerning rates of pay, rules, or working conditions, and (5) to provide for the prompt and orderly settlement of all disputes growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions.

In fulfilling its role to administer the Act, the National Mediation Board offers the parties to disputes mediation and arbitration services. On a voluntary basis, training programs in Alternative Dispute Resolution (ADR) and facilitation services are also available. These ADR programs are designed to enhance the bargaining and grievance handling skill level of the disputants and to assist the parties in the resolution of disputes. The impact of these ADR programs is that mediation and arbitration can be avoided entirely or the scope and number of issues brought to mediation or arbitration is significantly reduced.

This collection is necessary to confirm the voluntary participation of the parties in the ADR process. The information provided by the parties is used by the NMB to schedule the parties for ADR training and facilitation. Based on a recent survey of those who participated in the NMB's ADR Programs, 94.6% said they were satisfied with the ADR Programs and said they recommend the program for all negotiators. Collecting the brief information on the Application for ADR Services form allows the parties to voluntarily engage the services of the NMB in the orderly settlement of all disputes and fulfill the purposes of the Act.

Requests for copies of the proposed information collection request may be requested by sending an email to [leach@nmb.gov](mailto:leach@nmb.gov) or should be addressed to Grace Ann Leach, Sr. Project Manager, National Mediation Board, 1301 K Street NW., Suite 250 E, Washington, DC 20005, or faxed to 202-692-5081. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to June D.W. King, Chief Information Officer, National Mediation Board, 1301 K Street NW., Suite 250 East, Washington DC 20005, or at 202-692-5010 or via email address [king@nmb.gov](mailto:king@nmb.gov). Individuals who use a telecommunications device for the deaf (TDD/TDY) may call the Federal

Information Relay Service (FIRS) at 1-800-877-8330.

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## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on the Medical Uses of Isotopes; Renewal Notice**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** This notice is to announce the renewal of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) for a period of two years.

**SUPPLEMENTARY INFORMATION:** The U.S. Nuclear Regulatory Commission (NRC) has determined that the renewal of the charter for the Advisory Committee on the Medical Uses of Isotopes for the two year period commencing on March 18, 2004 is in the public interest, in connection with duties imposed on the Commission by law. This action is being taken in accordance with the Federal Advisory Committee Act, after consultation with the Committee Management Secretariat, General Services Administration.

The purpose of the ACMUI is to provide advice to NRC on policy and technical issues that arise in regulating the medical use of byproduct material for diagnosis and therapy. Responsibilities include providing guidance and comments on current and proposed NRC regulations and regulatory guidance concerning medical use; evaluating certain non-routine uses of byproduct material for medical use; and evaluating training and experience of proposed authorized users. The members are involved in preliminary discussions of major issues in determining the need for changes in NRC policy and regulation to ensure the continued safe use of byproduct material. Each member provides technical assistance in his/her specific area(s) of expertise, particularly with respect to emerging technologies. Members also provide guidance as to NRC's role in relation to the responsibilities of other Federal agencies as well as of various professional organizations and boards.

Members of this Committee have demonstrated professional qualifications and expertise in both scientific and non-scientific disciplines including nuclear medicine; nuclear cardiology; radiation therapy; medical physics; radiopharmacy; State medical regulation; patient's rights and care;