

INTERNATIONAL TRADE COMMISSION

[Investigation No. AA1921-129 (Second Review)]

Polychloroprene Rubber from Japan

Determination

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping finding on polychloroprene rubber from Japan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.^{2 3}

Background

The Commission instituted this review on July 1, 2004 (69 FR 39961) and determined on October 4, 2004 that it would conduct a full review (69 FR 61403, October 18, 2004). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on December 30, 2004 (69 FR 78474). The hearing was held in Washington, DC, on May 3, 2005, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on June 27, 2005. The views of the Commission are contained in USITC Publication 3786 (June 2005), entitled Polychloroprene Rubber from Japan: Investigation No. AA1921-129 (Second Review).

Issued: July 15, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

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DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: Office of Federal Contract Compliance Programs Recordkeeping and Reporting Requirements, Supply and Service. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before September 19, 2005.

ADDRESSES: Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, *e-mail* bell.hazel@dol.gov. Please use only one method of transmission for comments (mail, fax, or e-mail).

SUPPLEMENTARY INFORMATION:

I. *Background:* The Office of Federal Contract Compliance Programs (OFCCP) is responsible for the administration of three equal opportunity programs prohibiting employment discrimination and requiring affirmative action. The OFCCP administers Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA), 38 U.S.C. 4212. The regulations implementing the Executive Order program are found at 41 CFR parts 60-1, 60-2, 60-3, 60-4, 60-20, 60-30, 60-40, and 60-50. The regulations implementing Section 503 are published

at 41 CFR part 60-741. The regulations implementing VEVRAA are found at 41 CFR part 60-250. The regulations require contractors to develop and maintain Affirmative Action Programs (AAP). OFCCP reviews these AAPs through its compliance evaluation process. The Supply and Service Scheduling Letter provides the contractor notice of its selection for a compliance evaluation and requests the submission of its Affirmative Action Programs and supporting documentation. The supporting documentation includes compensation data (Itemized Listing question number 11). OFCCP uses the Item 11 data purely to determine whether OFCCP should investigate a contractor's compensation practices further, as a means of targeting and allocating the agency's investigative resources. OFCCP is not using Item 11 data to make any kind of determination of whether a violation has occurred. OFCCP only determines that a violation has occurred based on careful investigation of a contractor's 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.

Further, OFCCP implemented new Active Case Management (ACM) procedures that are used in connection with Desk Audit Reviews and Closures. The goal of ACM is to concentrate agency resources on identifying and remedying cases of systemic discrimination and to quickly and

¹ The record is defined in section 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

² Vice Chairman Okun and Commissioner Hillman dissenting.