

member's payments for costs of this transportation were reduced to an average of less than 5 cents for the last 9 months of 1966.

The association has taken steps which should further alleviate the problem by installation of the plant facilities discussed elsewhere in this decision. Such facilities should aid in better allocation of local supplies to Class I needs so that less milk will need be disposed of in Class II uses. It is evident, however, that there will be need for the present provisions to insure orderly marketing through 1967 and the flush production season of 1968. The provisions should therefore be extended through August 31, 1968. They should not, however, be made permanent as suggested by a handler. The order cannot indefinitely contemplate the production of milk for which no economic use can be found for the skim milk component.

4. *Increased rate of deduction for administrative expenses.* Proponent cooperatives proposed that the maximum rate of deduction for administrative expenses should be increased from 4 cents to 5 cents per hundredweight.

It may reasonably be estimated that a maximum deduction of 5 cents per hundredweight of milk will be necessary to provide sufficient funds to continue administrative service of the order, and provide reserves for contingencies. However, if experience shows that a lesser rate will provide adequate revenue to administer the order properly, provision is made that the Secretary may set a rate of less than 5 cents without amending the order.

The maximum rate of 4 cents provided under the present order has been effective since the inception of the order on June 1, 1962.

It is a policy of the Department that the market administrator maintain a 6-month reserve of funds to provide for the necessary liquidation of operations of the office including audits of handler's reports for previous periods if the order should be suspended or terminated. At no time since issuance of the order has an adequate reserve been achieved under the administrative fund. Once this reserve is established it is not expected that any substantial further accumulation for this purpose will be required. Currently, a deficit of \$16,000 is projected for the 1967 annual budget for the administrative fund. To allow this deficit to continue in the reserves would seriously interfere with the accrual of a 6-month reserve of operating funds to provide for liquidation contingencies.

As indicated above, the Rio Grande Valley milk order is unique in that its marketing area encompasses the largest geographic area of any of the Federal milk orders. The 22 handlers operate plants at widely dispersed points throughout the area. Therefore, there is significant cost in carrying out administration of this order.

In view of the number of small handlers expected to continue to be regulated by the amended order, the distances involved, and the cost of adminis-

tering orders with comparable milk volumes, a maximum assessment rate of 5 cents per hundredweight is reasonable to meet the expenses of administration of the proposed amended order. If experience shows at any time in the future that a lesser rate will provide adequate revenue to administer the order, provision is made that the administrative assessment may be reduced at such time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Rio Grande Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be

the same as those contained in the order, as hereby proposed to be amended:

1. The introductory text of § 1138.10 is revised and a new paragraph (c) is added to read as follows:

§ 1138.10 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a), (b), or (c) of this section during the month except the plant of a handler exempted in § 1138.60 or § 1138.61;

(c) Any plant, hereinafter referred to as a "cooperative standby pool plant", which is operated by a cooperative association, and is located within the marketing area, if 50 percent or more of the milk delivered during the month by producers who are members of such association is delivered directly or is transferred by the association to pool plants of other handlers.

§ 1138.51 [Amended]

2. In paragraph (a) of § 1138.51 *Class prices*, the phrase which reads "During the period from the effective date of this order until March 1, 1967," is revoked and the word "the" immediately following such phrase is revised to read "The".

3. The introductory text of § 1138.55 is revised to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through August 1968, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

§ 1138.83 [Amended]

4. In § 1138.83 *Expense of administration* the word "four" is revised to read "five".

Signed at Washington, D.C., on February 9, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[P.R. Doc. 67-1681; Filed, Feb. 13, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Consideration of Ultimate Power Level for Power Reactors

Under 10 CFR Part 50 of the regulations of the Atomic Energy Commission, "Licensing of Production and Utilization Facilities," construction permits for a utilization or production facility may be issued by the Commission upon finding that the proposed facility can be constructed and operated at the proposed site without endangering the health and safety of the public. In recent years, many applications for construction permits for power reactors have set forth

two figures for operating power levels. The lower figure, that guaranteed to the utility by the manufacturer, is the one supported by the specific design data and analysis set forth in the application. The higher figure is the one expected to be achieved ultimately, but for which justification depends upon experience gained and data developed during operations at the lower power level. Some applications contain no supporting data for the higher figure and merely reference it as a projection which would be the subject of an application for license amendment after the initial operation of the facility had demonstrated its capability to operate safely at the higher power. Other applications extrapolate data from the lower design values to form the bases for the design capacity of the engineered safeguards and other components at the higher level. Because of the absence of adequate data to support operation at the higher capacity, the Commission's finding that there is reasonable assurance that the proposed facility can be constructed and operated at the proposed site without endangering public health and safety has necessarily been limited to operation at the lower power level, and that level is specified in the construction permit which is then issued.

In view of the foregoing, the Commission is considering the adoption of an amendment to § 50.34 of Part 50 to require an applicant for a facility construction permit to include, in the preliminary safety analysis report, an analysis and evaluation of the major systems and components of the facility which bear significantly on the acceptability of the site under the site evaluation factors identified in 10 CFR Part 100, assuming that the facility will be operated at the ultimate power level which is contemplated by the applicant. This amendment would permit evaluation of all major systems and components at the construction permit stage, to the extent permitted by available information. The power level specified in the construction permit would depend upon the adequacy of the information which the applicant is then able to provide. The section would also be amended to make clear that the provision for analysis and evaluation of the systems and components of the facility bearing on site acceptability on the assumption of operation at the ultimate power level would be an additional requirement. The applicant is required to submit information regarding not only site acceptability, but other information as prescribed in § 50.34, including a preliminary safety analysis, to support the issuance of a construction permit at the projected initial level of operation.

Under present technology, it is expected that the power level designated initially in a construction permit will normally be the lower figure. The proposed amendment, however, would in no way prejudice future requests for increases in power level, whether because of changes in technology or for other reasons.

The proposed amendment in no way changes the nature of the Commission review of such facility at the operating license stage. This review assures that, irrespective of the power level specified in the provisional construction permit, no license will be issued authorizing operation at that power level, or any other, until the applicant has demonstrated that the final design of the facility provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, notice is hereby given that adoption of the following amendment to 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 60 days after publication of this notice in the *FEDERAL REGISTER*. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Section 50.34(b) (1) of 10 CFR Part 50 is amended to read as follows:

§ 50.34 Contents of applications; technical information safety analysis report.¹

(b) Each application for a construction permit shall include a preliminary safety analysis report. The report shall cover all pertinent subjects specified in paragraph (a) of this section as fully as available information permits. The minimum information to be included shall consist of the following:

(1) A description and safety assessment of the site on which the facility is to be located, with appropriate attention to features affecting facility design. Special attention should be directed to the site evaluation factors identified in Part 100 of this chapter. Such assessment shall contain an analysis and evaluation of the major systems and components of the facility which bear significantly on the acceptability of the site under the site evaluation factors identified in Part 100 of this chapter, assuming that the facility will be operated at the ultimate power level which is contemplated by the applicant. With respect to operation at the projected initial power level, the applicant is required to submit information prescribed in subparagraphs (2) to (6) of this paragraph (b).

¹ Inasmuch as the Commission has under consideration other amendments to § 50.34 (31 F.R. 10891), the amendment proposed herein would be a further revision of § 50.34 (b) (1) previously published for comment in the *FEDERAL REGISTER*.

as well as the information required by this subparagraph, in support of the application for a construction permit.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 3d day of February 1967.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[P.R. Doc. 67-1641; Filed, Feb. 13, 1967; 8:45 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1602]

APPRENTICESHIP AND LABOR ORGANIZATION REPORTING REQUIREMENTS

Notice of Proposed Rule Making

A. Notice of public hearing required by section 709(c) Title VII, Civil Rights Act of 1964. Notice is hereby given that the Equal Employment Opportunity Commission will conduct a public hearing on Tuesday, March 7, 1967, at 10 a.m., e.s.t., in Conference Room B, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D.C., with respect to (1) the proposed information report form which all joint labor-management apprenticeship committees, and employers and labor organizations in the construction industry operating apprenticeship programs other than joint labor-management programs, will be required to file with the Commission or its delegate on or before August 31, 1967, and annually thereafter, provided they are subject to Title VII of the Civil Rights Act of 1964; (2) the proposed information report form which all labor organizations subject to Title VII will be required to file with the Commission or its delegate on or before October 31, 1967, and annually thereafter; and (3) proposed regulations relating to the making, keeping, and preservation of membership, job referral and apprenticeship program records and the filing of reports therefrom, by the joint apprenticeship committees, employers, and labor organizations referred to above.

Interested persons are invited to participate in, and to present evidence, views and arguments with respect to the proposed forms and regulations at the hearing on March 7, 1967. Pertinent statements from interested persons not desiring to participate in the hearing may be submitted in writing to the Director, Office of Research and Reports, Equal Employment Opportunity Commission, Washington, D.C. 20506, at any time prior to 5:30 p.m., e.s.t., March 6, 1967.

Copies of the proposed apprenticeship information report form, tentatively entitled EEO-2, and of the proposed labor organization information report form,

tentatively entitled EEO-3, are available for inspection at the Office of the Federal Register, National Archives Building, Washington, D.C. or at the Office of Research and Reports, Equal Employment Opportunity Commission, 1800 G Street NW., Room 1216, Washington, D.C. 20506.

Description of proposed apprenticeship information report form. Proposed Form EEO-2, "Apprenticeship Information Report", is designed for use by the Equal Employment Opportunity Commission and the Bureau of Apprenticeship and Training, U.S. Department of Labor, which, together with the Office of Federal Contract Compliance and the Plans for Progress program, constitute the Joint Reporting Committee. The report is to be filed on or before August 31, 1967, and annually thereafter by (1) all joint labor-management apprenticeship committees which are subject to Title VII of the Civil Rights Act of 1964 and (2) all Title VII employers and labor organizations in the construction industry which operate apprenticeship programs other than through joint labor-management committees. A separate report must be filed for each trade or craft.

Part A: Items 1-6 of the report consist of identification questions such as the type, name, and mailing address of the organization conducting the apprenticeship program; the Government agency with which this program is registered; the craft and industry involved; the names and addresses of participating members of a joint labor-management committee, if any; the affiliation of the participating labor organization; and the area covered by a joint program.

Part B: Items 1 through 7 contain questions on standards and selection procedures: Whether the apprenticeship standards under which the reported program is operated contain a formal clause prohibiting discrimination on the basis of race or color, religion, sex, or national origin; whether such standards provide for grievance procedures and impartial review of complaints of discrimination on such grounds; whether records of applicants in the chronological order in which such applications have been received have been maintained during the previous year; the extent to which openings in the apprenticeship program during this period have been publicized through local schools, employment agencies and community organizations; whether public statements and notices of apprenticeship openings specifically stated that applications will be received without regard to the race, color, religion, sex, or national origin of applicants, and whether they stated the requirements for admission to the program and the time for filing applications. Detailed information is required on standards of admission to programs, the numerical weight given to various criteria used in the selection procedure, and the names of any formal tests used.

Part C: Items 1 through 3 require statistical information to be gathered during July and August showing the total

number of all apprentices and the number of male and female apprentices by apprenticeship class in each of the following categories: Negro, Spanish American, Oriental, and American Indian. Five methods to obtain information as to race, ethnic group, and sex are authorized: Existing record, visual survey, tally from personal knowledge, self-identification, and, if none of these methods is practical or accurate, direct inquiry under specified conditions.

Part D permits additional remarks in amplification of the questions answered or comments upon the reporting system. Part E requires the signature of and identifying data about the authorized representative who submits the report.

In conjunction with the EEO-2 reporting system, the Commission proposes to require, beginning July 2, 1967, that every EEO-2 respondent operating an apprenticeship program maintain a list of applicants in the chronological order in which applications are received, with notations thereon as to the sex of the applicants, and their identification as "Negro," "Spanish American," "American Indian," "Oriental," or "Other."

Description of proposed labor organization information report form. Proposed form EEO-3, "Equal Employment Opportunity Commission, Labor Organization Information Report", is designated for use by the Commission or its delegate. The report is to be filed annually on or before October 31. The first report is due October 31, 1967. Parts A, B, D, and F must be answered by all labor organizations subject to Title VII.

Part A: Items 1 through 5D of the report consist of identification questions such as the name, mailing address (and the address of the union office if different from the mailing address), type, affiliation, and location of records needed to verify the report of each labor organization reporting unit.

Part B: Items 1 through 6, relate to labor organization practices with respect to constitutional provisions which restrict membership on the basis of race or color, religion, sex, or national origin, or which formally prohibit such discrimination; to segregated union divisions or departments; to procedures for handling claims of discrimination on the bases enumerated hereinabove; and to collective bargaining agreements which formally provide for separate classifications of workers or separate seniority lines on the basis of race or color, religion, sex, or national origin. These questions may be answered "Yes" or "No", and only in the event of a "Yes" answer to Item 1, relating to restrictive membership practices, is a written explanation required.

Part C: Items 1 through 10, are to be answered only by "Referral Unions," that is, those that maintain formal or informal hiring halls or referral arrangements and thereby affect or influence the process by which persons obtain employment opportunities. The information required includes the total members of the reporting labor organization at the time of the report and the number of

members to which referral arrangements apply. Items 3 through 8 are set forth in a chart which requires information to be reported on the basis of all groups (male and female) and minority groups (male and female), specifically Negroes, Spanish Americans, Orientals, and American Indians. Item 3 requires an enumeration of the union's membership in these categories. The other information on the various categories (Items 4-8) is limited to a 3-month period and includes: The number of applicants for membership, the number of applicants accepted, the number of persons registered with the union for employment referral or applying for working permits, the number of persons referred by the union for jobs or working permits issued, and the number of persons in the various categories referred by the union who were accepted for employment—all during the specified 3-month period. The 3-month period is any 3-month period beginning no earlier than May 1 and ending no later than September 30.

Five methods of identification are specified for gathering the information to be listed in Items 3-8: existing record; visual survey; tally based on personal knowledge; self-identification; and if the other methods prove impractical or inaccurate, direct inquiry under specified restrictions.

Item 9 calls for a listing of the number of persons in the referral process who could not be identified under the foregoing methods.

Item 10 requires the identification of any class of persons whose sponsorship or recommendation of an applicant is required as a condition of membership.

Part D: Items 1 through 4 require information on apprenticeship programs—whether the reporting union participates in an apprenticeship program, and if so, identifying information about the program such as the type of participation, the address of the programs, and the craft or crafts involved.

Part E is entitled "Remarks" and permits the reporting labor organization to amplify or explain answers to previous questions or to make comments and suggestions about the reporting system.

Part F requires the signature of and identifying information about the labor organization authorized representative who prepares and submits the report.

APPRENTICESHIP INFORMATION REPORT EEO-2

PROPOSED INSTRUCTIONS

1. Who Must File.

Apprenticeship Information Report EEO-2 must be filed by all joint labor-management apprenticeship committees in all industries, and by employers and labor organizations in the construction industry which operate, singly or in conjunction with others, apprenticeship programs that are not joint labor-management programs. *Provided*, That such joint committees, employers, or labor organizations are subject to Title VII of the Civil Rights Act of 1964. Title VII covers generally (a) all employers with 50 or more employees, (b) all labor organizations with 50 or more members and all labor organizations, regardless of size, that operate a hiring hall or hiring office, and (c) all joint labor-

management apprenticeship committees that represent one or more employers or labor organizations that are covered by Title VII. (More specific definitions are listed in secs. 7b, 7c, and 7e of these instructions.)

If you are an employer or represent a labor organization that participates in a joint apprenticeship program, you should not file for that program. If you receive this form, fill out only Parts A and E of the form, state in Part D the name and address of the joint committee in whose program you participate, and return the form to the Joint Reporting Committee.

2. Filing of Report EEO-2 Is Required by Law.

Apprenticeship Information Report EEO-2 is not a voluntary survey. The filing of the report in accordance with these instructions is required by Federal law. The applicable law is section 709(c), Title VII, of the Civil Rights Act of 1964, 42 U.S.C. section 2000e-8(c), under the authority of which the Equal Employment Opportunity Commission has issued regulations requiring the filing of report. These regulations appear in Title 29, Chapter XIV, Part 1602, Subpart D, Code of Federal Regulations. Section 703(d) of Title VII prohibits discrimination in apprenticeship programs on grounds of race, color, religion, sex, or national origin by any covered employer, labor organization, or joint labor-management committee. The regulations, section 703(d), and pertinent excerpts from section 709(c) are quoted in section 8 of these instructions.

3. Making and Keeping of Records: Inquiries as to Race, etc.

Under the principle of Federal supremacy, the requirements imposed by the Equal Employment Opportunity Commission in its regulations and these instructions supersede any provisions of State or local law which may conflict with them. Any State or local laws prohibiting inquiries and recordkeeping with respect to race, sex, or national origin do not apply to those inquiries and records required to be made by these instructions, and existence of such laws will not be accepted as an excuse for failure to supply the information required on Report EEO-2.

In accordance with section 709(c) each employer, labor organization, or joint labor-management committee subject to Title VII which controls an apprenticeship program and is required to file this report shall, beginning July 2, 1967, maintain a list containing the names and addresses of all persons who have applied to participate in such program, including the date and chronological order in which such applications were received. Such information shall be kept for a period of 5 years from the date such applications are received. If formal application blanks are used, they must also be preserved for a period of 5 years from the date received.

Such list shall contain a notation of the sex of the applicant and of the applicant's minority identification, if any. Specifically, it should note whether the applicant is "Negro," "Spanish American," "American Indian," "Oriental," or "Other," and whether the applicant is "Male" or "Female." The method of making such identification is explained in section 6 of these instructions.

4. Penalties for Failure To File.

Under section 710(b) of the Civil Rights Act of 1964, the Equal Employment Opportunity Commission may obtain an order from a U.S. District Court compelling a covered employer, labor organization, or joint labor-management apprenticeship committee to file this report.

5. When and Where To File.

Three copies of this report form must be filed annually with the Joint Reporting Committee no later than August 31. A separate report must be filed for each trade or craft. All reports shall be forwarded in one mail-

ing. The apprenticeship statistics in Part C of the report form shall represent the employment of apprentices actively participating in the program as of the end of any calendar week or other applicable period during July or August before the due date. Other information on the form shall reflect practices at the time the report is dated and signed.

The completed report, prepared in triplicate shall be mailed to:

Joint Reporting Committee, Federal Depot,
1201 East 10th Street, Jeffersonville, Ind.
47130.

6. How To Prepare Information Report.—a. Part A—Identification.

(1) *Items 1, 2, and 3.* Identify the type of organization conducting the apprenticeship program, its name and address. The address should be stated in full: The street address (or Post Office box number), city, county, State and ZIP code.

(2) *Items 4.* If the program is registered with a Government agency, check the appropriate box: Box a, if the Bureau of Apprenticeship and Training of the U.S. Department of Labor; Box b, if a State apprenticeship agency, and indicate the State in which it is registered; Box c, if registered with any other Government agency, and identify that agency; and Box d, if it is not a registered program.

(3) *Item 5.* Identify the trade or craft reported on this form. A separate form should be filed in triplicate for each trade or craft for which the respondent conducts an apprenticeship program. For additional report forms, write to the Jeffersonville, Ind., address shown in section 5 of these instructions, or obtain them from a local office of the Commission.

(4) *Item 6.* If the program is conducted by a joint committee, identify the participants: trade associations and employers not represented by a trade association in subsection (a); and labor organization in subsection (b). If additional space is required, attach extra sheets and identify the continued item. Describe in subsection (c) the geographic area covered by the program.

b. Part B—Standards and Selection Procedures.

(1) *Item 1.* If the apprenticeship standards under which the program operates, or a governing collective bargaining agreement, contain a nondiscrimination clause, indicate the type of discrimination covered by the clause by checking "Yes" in the appropriate box or boxes. If there is no antidiscrimination clause, check "No" in all boxes.

(2) *Item 3.* The maintenance of a list of applicants as specified in this question is required under the regulations effective July 2, 1967, and reprinted below in section 8. Such lists were not required before that date, however, if a list was maintained before the July 2, 1967 date, answer "Yes".

(3) *Items 4 and 5.* These items request information on the methods by which apprenticeship openings are made known to the public. The questions are intended to assist you in your efforts to make apprenticeship information available to minority group persons as well as to provide information to the Joint Reporting Committee.

(4) *Items 6 and 7.* The standards or selection procedures submitted under Item 6(c) should include the requirements used in rating applicants, e.g., educational requirements, aptitude or other tests, work experience, oral interviews, etc. They or your answer to Item 7 should show in detail, the weight given to each of the criteria used, including any point system of evaluation. If an oral interview is required and graded, the information should include any factors and their weights which are used to grade the applicant.

If the applicant must be sponsored or recommended by anyone as a condition for admission to the program, such as one or more journeymen in the trade, members of a labor organization, etc., answer "Yes" to Item 6(d) and state by whom he must be sponsored.

c. Part C—Apprenticeship Statistics.

Minority Group Identification. As noted above, the existence of State or local laws or regulations prohibiting inquiries and the making of records as to the race, etc., of individuals is not an acceptable excuse for failure to compile and submit the information called for in Part C.

Part C, Item 3 provides for reporting American Indians, Orientals, and Spanish Americans where any of these groups is sufficiently large to constitute an identifiable factor in the local labor market. For purposes of this report, the term Spanish Americans means those of Latin American, Mexican or Puerto Rican origin, and it is to be noted that the following states are among those having large concentrations of Spanish Americans: Arizona, California, Colorado, Florida, New Jersey, New Mexico, New York, and Texas. Large concentrations of Spanish Americans are also found in particular localities in other states.

(1) *Item 1. Methods of obtaining information as to race, ethnic group and sex.* Five methods of obtaining the necessary data as to the race, etc., of apprentices are listed in Item 1. Please note that there is no prohibition in any Federal or State law against the use of the first four of these methods: existing record; visual survey; record or tally made after admission to an apprenticeship program; and self-identification. The fifth method, direct inquiry, while not preferred, may be used only if no other method of identification is feasible. As noted in section 3 of these instructions, the existence of State or local laws or regulations prohibiting inquiries or preselection records as to race, etc., is not an acceptable reason for failure to compile and submit the information called for in Part C.

(a) *Existing Record.* Where there is already a record of the race, etc., of the apprentices in the program, that record should be used.

(b) *Visual Survey.* A visual survey of apprentices may be used for identifying Negro, Spanish American, American Indian, and Oriental apprentices, and male and female apprentices. A visual survey, or "head count", is usually the simplest way to gather information about race, etc., where the apprentices are together in one place; for example, at regular meetings of an apprentice group, or in classrooms. Those who conduct a visual survey for this report can usually tell the difference between individuals by the person's physical appearance, name, and similar indications of the group to which he appears to belong or considers himself to belong.

Where it is impractical to conduct a visual survey because apprentices work at remote and scattered job sites or otherwise do not often gather in one place, the Commission will allow the other methods described below.

(c) *Making a Tally From Personal Knowledge or Observation.* Persons familiar with the apprenticeship program may examine a roster or other records of apprentices and make a tally of the number of Negro, Spanish American, American Indian, and Oriental apprentices, and male and female apprentices. In making the tally, instructors and others involved in the program may use personal knowledge and acquaintanceship or the appearance of the apprentices.

(d) *Self-Identification.* The joint committee, employer or labor organization may circulate to apprentices, by mail or otherwise, a card returnable anonymously, on which

card the apprentice is asked to identify himself or herself as "Negro," "Spanish American," "American Indian," "Oriental," or "Other," and as "Male" or "Female." Such card or circular shall clearly state that the survey is made to comply with the provisions of Title VII of the Civil Rights Act of 1964. This method is acceptable, however, only if the response to the survey equals 90 percent of the total number of apprentices.

(e) *Direct Inquiries.* In those instances where, because of the conditions under which the program operates, all the above methods would prove impractical and burdensome; direct inquiry of the individuals concerned as to their minority group identification may be made.

Under the same circumstances, the making or keeping of a written record identifying an individual by race, etc., is also authorized. However, these procedures are authorized only under the following conditions:

1. The person signing this report states in Part D that none of the other methods described would provide an accurate count;

2. If the other methods were used, less than 90 percent of the total number of apprentices would be covered by the count;

3. The person who is asked about his race, etc., is told that his answer will be kept confidential, will not be used for any purpose other than this report, and that the report is required by Title VII of the Civil Rights Act of 1964; and

4. Records made as a result of the direct inquiry, if preserved, are kept separate from any other record previously made or kept by the program.

(2) *Methods of Noting Race, etc., on List of Applicants.* For the list of applicants described in section 3 of these instructions, it is recommended that the interviewer or other person accepting the application make a note of the applicant's race, etc., on the basis of his personal observation. However, where an application is received by mail or a notation from personal observation is otherwise not practical, the direct inquiry method described in the previous section may be used under the same general conditions and circumstances.

(3) *Item 2. Reporting Period.* The statistics on the number of apprentices may be obtained during any calendar week or other appropriate period in the months of July and August before the due date of this report. Write the dates of the reporting period used to obtain the data shown in Item 3, Part C.

(4) *Item 3. Number of Apprentices in This Trade.* Write the total number of apprentices in the program by year of apprenticeship in column (1) of the table, and the number of male and female apprentices in separately in columns (2) and (3). The remaining columns are to be used to show the numbers of Negro, Spanish American, American Indian, and Oriental apprentices obtained by one or more of the five methods described above. A separate report form is required for each trade or craft.

d. Part D—Remarks.

Use this part to make any explanations called for in the form or in these instructions. If you need more spaces, use extra sheets of paper, and attach them to this form, and identify the continuing item.

e. Part E—Signature and Identification.

Enter the date this report is signed. Print or type the name, title and address of the person who is authorized to make the report and who is responsible for the accuracy of the information. The authorized representative should sign the report.

7. Definitions.

a. "Commission" means the Equal Employment Opportunity Commission established by Title VII of the Civil Rights Act of 1964.

b. "Employer" means employer as defined in section 701(b) of Title VII and generally means any private individual or entity in an industry affecting commerce who has 50 or more employees in each of twenty or more calendar weeks in 1966 or 1967. Based on decisions of the United States Supreme Court, the General Counsel of the Commission has ruled that almost any employer of 50 or more employees is presumed to be engaged in an "industry affecting commerce."

c. "Labor organization" means labor organization as defined in sections 701 (d) and (e) of Title VII and generally means an organization engaged in an industry affecting commerce in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment. A labor organization is deemed to be engaged in an industry affecting commerce if it maintains a hiring hall which procures employees for an employer, or work opportunities for employees; or if it has 50 or more members.

d. "Commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

e. "Industry Affecting Commerce" means any activity, business or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor Management Reporting and Disclosure Act of 1959.

f. "Participating Trade Organization" means an organization representing more than one employer in the operation of an apprenticeship training program, unilaterally or in conjunction with a labor organization or organizations.

g. "Joint Labor-Management Apprenticeship Committee" or "Joint Committee," means a group representative of labor organizations and employers or associations of employers any of whom are subject to Title VII as defined in subsections 2 and 3 above, and who have been appointed by the respective organizations to oversee the operation and administration of apprenticeship programs with a given area and covering the training of apprentices in one or more trades or crafts.

h. "Trade" or "Craft" is defined as an apprenticeship occupation; i.e., one which is customarily learned through work experience, which requires 4,000 or more hours of work experience to learn, which requires related instruction or study to supplement the work experience, which is clearly identified and commonly recognized throughout an industry, and which involves the development of skill and knowledge sufficiently broad to be applicable in like occupations throughout an industry.

i. "Apprentice" means a person, at least 16 years of age, who is under a written agreement to learn a recognized trade or craft in accordance with specified standards of apprenticeship.

j. "Apprenticeship Program" means a system for the training of apprentices in one or more recognized trades or crafts, in which certain provisions are found in the standards of apprenticeship for the program. These provisions include, among others, the criteria for selection of apprentices; the term of the apprenticeship; a schedule of work processes; organized related instruction; a progressively increasing schedule of wages; supervision of the apprentice; a periodic evaluation of the apprentice's progress; and recognition for successful completion of the

apprenticeship. The program may but need not be registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or, if such exists, with the State Apprenticeship Council recognized by that Bureau.

8. Legal Basis for Reporting and Record-keeping Requirements.—a. Section 709(c), Title VII, Civil Rights Act of 1964.

Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder.

The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program.

b. Section 703(d), Title VII, Civil Rights Act of 1964.

It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

c. Section 1602.15, Chapter XIV, Title 29, Code of Federal Regulations.—Requirement for filing and preserving copy of report.

On or before August 31, 1967, and annually thereafter, every joint labor-management committee subject to Title VII of the Civil Rights Act of 1964 which controls an apprenticeship program, and every employer and labor organization subject to Title VII which is engaged in the construction industry and operates an apprenticeship program other than a joint labor-management program, shall file with the Commission or its delegate executed copies of Apprenticeship Information Report EEO-2 in conformity with the directions set forth in the form and accompanying instructions. Every such committee, employer or labor organization shall retain at all times among the records maintained in the ordinary course of its affairs a copy of the most recent report filed, and shall make the same available if requested by an officer, agent or employee of the Commission under the authority of section 710(a) of Title VII. It is the responsibility of all such committees, employers and labor organizations to obtain from the Commission or its delegate necessary supplies of the form.

d. Section 1602.17, Chapter XIV, Title 29, Code of Federal Regulations.—Commission's remedy for failure to file report.

Any person failing or refusing to file Report EEO-2 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission, under authority of section 710(b) of Title VII.

e. Section 1602.20, Chapter XIV, Title 29, Code of Federal Regulations.—Records to be made or kept.

Every person required to file Report EEO-2 shall make or keep such records as are necessary for its completion under the conditions and circumstances set forth in the instructions accompanying the report, which are specifically incorporated herein by reference and have the same force and effect as other sections of this part.

In addition, every person required to file Report EEO-2 shall, beginning July 2, 1967, maintain a list containing the names and addresses of all persons who have applied to participate in an apprenticeship program controlled by it, including the date and chronological order in which such applications were received. Such list shall contain a notation of the sex of the applicant and of the applicant's identification as "Negro," "Spanish American," "American Indian," "Oriental," or "Other." The methods of making such identification are set forth in the instructions accompanying Report EEO-2, section 6(c)(2).

f. Section 1602.21, Chapter XIV, Title 29, Code of Federal Regulations.—Preservation of records made or kept.

Notwithstanding the provisions of section 1602.14, supra, every person required to file Report EEO-2 shall preserve the chronological list of apprenticeship applicants referred to in section 1602.20 for a period of 5 years from the date of the most recent entry thereon; shall preserve any formal applications submitted by applicants for 5 years from their receipt; and shall preserve any other record made solely for the purpose of completing Report EEO-2 for a period of 1 year from the due date of the report for which they were completed.

Other Records. Except to the extent inconsistent with the law or regulation of any State or local fair employment practices agency, or of any other Federal or State agency involved in the enforcement of an anti-discrimination program in apprenticeship, other records relating to apprenticeship made or kept by a person required to file Report EEO-3, including but not necessarily limited to test papers completed by applicants for apprenticeship and records of interviews with applicants, shall be kept for a period of 2 years from the date of the making of the record. Where a charge of discrimination has been filed, or an action brought by the Attorney General, under Title VII, the respondent shall preserve all records relevant to the charge or action until final disposition of the charge or the action. The term "records relevant to the charge", for example, would include application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the charging party applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a charging party may bring an action in a U.S. District Court or, where an action is brought either by a charging party or by the Attorney General, the date on which such litigation is terminated.

9. Applicability of State or Local Fair Employment Practices Law.

The existence of a State or local fair employment practices law does not exempt a covered joint committee, employer, or labor organization from filing Report EEO-2 unless both of these conditions exist: (a) Within a year before the August 31 deadline for filing this report, the joint committee, employer, or labor organization has filed with a State or local fair employment practices agency a report containing the information on standards and selection procedures and the apprenticeship statistics—classified by minority group, sex and year of apprentice-

ship—that are substantially similar to those that are required to be listed on Report EEO-2; and (b) the report was filed under compulsion of State or local law. Compliance with surveys by State or local fair employment agencies in which the response was optional with the respondent does not exempt the organization from filing Report EEO-2. Copies of these reports may be made available to State and local government agencies involved in the field of equal employment opportunity with appropriate safeguards against making the information public.

10. Requests for Information, Special Procedures and Additional Copies of Report EEO-2.

All inquiries about the EEO-2 reporting system and requests for special procedures for compiling and reporting information shall be directed to Chief, Reports Division, Office of Research, Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C. 20506. All requests for additional copies of Report EEO-2 shall be directed to Equal Employment Opportunity Commission, Federal Depot, 1201 East 10th Street, Jeffersonville, Ind. 47130.

LABOR ORGANIZATION INFORMATION REPORT EEO-3

PROPOSED INSTRUCTIONS

1. Filing of Report EEO-3 Is Required by Law.

Labor Organization Information Report EEO-3 is not a voluntary survey. The filing of the report in accordance with these instructions is required under section 709(c), Title VII, Civil Rights Act of 1964, 42 U.S.C.A. section 2000e-8(c). Section 709(c) and the regulations issued by the Equal Employment Opportunity Commission under the authority of that section are reprinted in section 10 of these Instructions. Section 703(c) of Title VII prohibits discrimination by a labor organization on grounds of race, color, religion, sex, or national origin.

2. Making and Keeping of Records: Inquiries as to Race, etc.

Under the principle of Federal supremacy, the requirements imposed by the Equal Employment Opportunity Commission in its regulations and these instructions supersede any provisions of State or local law which may conflict with them. Any State or local laws prohibiting inquiries and record-keeping with respect to race, sex, or national origin do not apply to those inquiries and records required to be made by these instructions, and existence of such laws will not be accepted as an excuse for failure to supply the information required on Report EEO-3.

3. Penalties for Failure To File.

Under section 710(b), Title VII, Civil Rights Act of 1964, the Equal Employment Opportunity Commission may obtain an order from a U.S. District Court compelling a covered labor organization to file this report.

4. Who Must File Report EEO-3.

Parts A, B, D and F must be completed in full and filed by all labor organizations subject to Title VII of the Civil Rights Act of 1964, which generally includes all local unions with 50 or more members, all local unions regardless of size which maintain or operate a hiring hall or hiring office, and organizations serving as the agents of either type of local union. See section 9(b) below for the exact definition set forth in Title VII.

In addition to Parts A, B, D and F, Part C of Report EEO-3 must be completed in full by all labor organizations which are identified below as "referral unions" or by a joint council or other referral agent acting on their behalf. (See sec. 8 below.)

The information on the form, unless the instructions indicate otherwise, shall reflect practices in existence at the time the report is dated and signed.

5. Referral Unions.

A "referral union" is defined as any labor organization subject to Title VII which affects or influences the hiring of an individual.

While the above definition may cover a variety of situations, a labor organization is clearly deemed to be a "referral union" if it has any arrangement, formal or informal, by which an employer is obligated or required to accept for employment, or customarily and regularly accepts for employment, persons referred by that labor organization or any of its officers, agents or employees. The term "customarily and regularly accepts for employment" does not include situations where there are casual and occasional referrals of persons to an employer who relies on nonunion sources for a substantial majority of his new hires; thus, the fact that a shop steward in an industrial plant occasionally recommends new employees at the employer's request would not automatically result in the classification of the steward's union as a "referral union".

The types of arrangements which would qualify a labor organization as a "referral union" include, but are not limited to, the following:

(a) Union Local 1 maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer.

(b) Union Local 2 has a collective bargaining agreement under which an employer must accept for employment only those persons referred by the union.

(c) Union Local 3 has a collective bargaining agreement under which an employer is required to consider for employment all or a specified portion of the persons referred by the union.

(d) Union Local 4 customarily and regularly refers persons for employment, and the employer customarily and regularly hires such persons, though he is not obligated to do so, and hires from nonunion sources as well.

PLEASE NOTE: That the language used in the above definition of a "referral union" is adapted from Item 9 of employer information Report EEO-1, wherein employers were required to submit the name and address of those labor organizations with which they have referral arrangements of the type described.

6. When to File; Definition of "3-Month Period".

This annual report must be filed with the Equal Employment Opportunity Commission no later than October 31. Referral unions required to report information in Part C for a "3-month period" may use any consecutive period of 3 months beginning no earlier than May 1 and ending no later than September 30. For example, the referral union may gather the information required between June 1 and September 1, or June 15 and September 15, but not between April 1 and July 1, or July 15 and October 15.

7. How and Where To Submit Reports.

The completed reports, prepared in duplicate and signed by an officer of the labor organization in Part F, should be mailed to the Equal Employment Opportunity Commission, Federal Depot, 1201 East 10th Street, Jeffersonville, Ind. 47130.

8. How to Prepare Information Report.

Part A, Items 1, 2. Enter the name and complete address of the labor organization for which the report is being prepared.

Part A, Item 5A. The term "labor organization" as defined in Title VII includes other bodies than local unions; for example, joint councils. If the respondent organization is not a local union, mark "Other" in Item 5A and describe fully the nature of the organization.

Part B. All questions in Part B may be answered "Yes" or "No" as the case may be. Only in the event of a "Yes" answer to Item 1A is an explanation required. The explanation given should be a statement of the provision, of whatever kind, which serves to restrict membership on grounds of race, color, religion, sex, or national origin. If this restriction is included in the constitution or bylaws, quote the provision applicable. If the restriction is a result of custom or practice, describe how the practice operates. Use extra sheets if necessary.

Part C. Only labor organizations defined above (sec. 5) as "referral unions" are required to complete Part C. These labor organizations which have a particular class, unit or division which meets the test of a "referral union"—and other classes, units, or divisions which do not meet that test—must supply the information in Part C only for those classes, units or divisions which do meet the test. For example, Local 1 of the Electrician's Union has three classes of membership: Class A members are employed in the building trades, and the local operates a hiring hall through which journeymen and apprentices obtain employment with one or more electrical contractors in the area; Class B members are employed by a public utility company; and Class C members are employed in the manufacture of electrical equipment. Under the union security clause in collective bargaining agreements, persons obtaining employment become members of Classes B and C of the union within a specified period after entering upon employment but are initially hired solely at the discretion of the employer, and without referral by the union. Under these circumstances Local 1 is required to complete Part C only with respect to its Class A membership.

A referral union may operate its hiring hall or other referral arrangements jointly with other referral unions through a joint board or council. In the example cited above, assume that Local 1's hiring hall for Class A members is operated by the Joint Electrical Board for City X, or the Building Trades Council for City X. In these circumstances, Local 1 need not complete Items 6, 7, and 8 of Part C. However, Local 1 and any other referral unions participating in the joint system must cause the central body involved to supply the information required in Items 6, 7, and 8 on a separate Report EEO-3, and each must identify in its own report, Part E, the name and address of the agency administering the joint system. Where employment opportunities for more than one trade or craft are provided through the central hiring hall, a separate report must be filed for each trade or craft and each must be clearly identified on the separate report.

Items 1-5. Membership Information. The word "members" as used in Items 1-5 of Part C means "active members" as of the date the report is signed. In compiling the report, the referral union involved may use those standards for determining the status of "active members" on which it relies in the normal conduct of its affairs; e.g., persons who are members for the purpose of determining liability for payment of dues, voting in union elections, right to hold office, etc., will be considered as members for purposes of Part C. Similarly, the referral union may apply its own standards for determining the scope of "membership" in Items 4 and 5 of Part C.

Items 3-5. Minority Group Identification. As noted above, the existence of State or local laws or regulations prohibiting inquiries and the making of records as to the race, etc., of members of labor organizations is not an acceptable excuse for failure to compile and submit the information called for in Part C.

Part C, Items 3-5 provide for reporting American Indians, Orientals, and Spanish Americans where any of these groups is sufficiently large to constitute an identifiable factor in the local labor market. For purposes of this report, the term Spanish Americans means those of Latin American, Mexican, or Puerto Rican origin, and it is to be noted that the following states are among those having large concentrations of Spanish Americans: Arizona, California, Colorado, Florida, New Jersey, New Mexico, New York, and Texas. Large concentrations of Spanish Americans are also found in particular localities in other states.

Methods of obtaining information as to race, ethnic group and sex. There are five methods of obtaining the necessary data as to the race, etc., of individuals required to be listed in Items 3-5.

(a) **Existing Record.** Where there is already a record of the race, etc., of the persons involved, that record should be used.

(b) **Visual Survey.** A visual survey may be used for identifying Negro, Spanish American, American Indian, and Oriental union members or applicants for referral. A visual survey or "head count", is usually the simplest way to gather information about race, etc., where persons are together in one place; for example, at regular union meetings. Those who conduct a visual survey for this report can usually tell the difference between individuals by the person's physical appearance, name and similar indications of the group to which he appears to belong or considers himself to belong.

Where it is impractical to conduct a visual survey, the Commission will allow the other methods described below.

(c) **Making Record From Personal Knowledge or Visual Survey.** One or more officers or members of the union may examine membership records of any kind and make a tally of the number of Negro, Spanish American, American Indian, and Oriental members, and male and female members, using personal knowledge, and acquaintanceship with or the appearance of the persons listed on the membership roll.

(d) **Self-Identification.** The union may circulate to its members, by mail or otherwise, a card returnable anonymously, on which card the member is asked to identify himself or herself as "Negro," "Spanish American," "American Indian," "Oriental," or "others," and as "Male" or "Female". Such card or circular shall clearly state that the survey is made in order that the union may comply with the provisions of Title VII of the Civil Rights Act of 1964. This method may be used only if the response to the survey equals 90 percent of the total membership shown in Items 2 and 3, Part C.

(e) **Direct Inquiry.** In those instances where because of the conditions under which the union operates, all other methods would prove impractical and burdensome (as, for example, where union members are employed at widely scattered job sites, or where union meetings are not attended by substantially all the members), direct inquiry with respect to race, ethnic group, and sex may be made. Under the same circumstances, the making or keeping of a written record identifying an individual by race, etc., is also authorized. However, these procedures are authorized only under the following conditions:

(1) The person signing the report states in Part E of the report that none of the other methods would provide an accurate count;

(2) If the other methods were used, less than 90 percent of total membership would be covered;

(3) The person who is asked about his race, etc., is told his answer will be kept confidential, will not be used for any purpose other than filing this report, and is

made in compliance with Title VII of the Civil Rights Act of 1964; and

(4) Records made as a result of the inquiry, if preserved, are kept separate from any membership records previously made or kept by the union in the normal conduct of its affairs.

APPLICANTS FOR MEMBERSHIP

Items 4 and 5 call for data to be gathered during any 3-month period beginning no earlier than May 1 and ending no later than September 30. The data required to be supplied include the number, race, ethnic group, and sex of persons formally applying for membership in the union within that 3-month period, and of applicants accepted for membership within the same period. The methods of (a) visual survey, (b) record based on personal knowledge or visual survey, (c) self-identification, and (d) direct inquiry—described above for compiling information with respect to membership—may be used under the same conditions and circumstances for this purpose.

JOB REFERRALS

Items 6-9. Referral Information. These items are designed to obtain information about the number, race, ethnic group, and sex of persons affected by the union's referral procedures during any 3-month period beginning no earlier than May 1 and no later than September 30. Total figures as to referrals are significant: While it is recognized that an individual may seek referral to a job and be referred to an employer more than one time during the period, all such applications, referrals and hires are to be included in these items. The language of item 6, ("Number of persons seeking or registered for job referral, or applying for work permits") includes all situations where an individual, by whatever means, seeks an employment opportunity through a Referral Union, and is not intended to be limited to those situations where there is a physical act of registration or a formal application for a work permit. Nor are Items 6 through 8 concerned only with members of the union seeking employment; information must be gathered and reported with respect to all persons affected by the union's referral process.

Items 6-9. Minority Group Identification. It is recognized that under a variety of referral arrangements in existence throughout the United States, as in the case where referral for employment is accomplished by telephone, it may be impossible for the referral union to compile data as to the race, ethnic group or sex of individuals. However, in those circumstances where through visual survey or other methods authorized, such information is not obtainable, the referral union will be expected to make a regular tally or maintain such other records as will enable it to report, for the 3-month period, the information called for in Items 6 through 8. In many instances, a daily notation of the race, ethnic group, and sex of persons appearing at the union office or hiring hall and of those referred will be sufficient. In other cases, records must be made through self-identification or direct inquiries as suggested above. The conditions and restrictions on these methods set forth in the case of membership statistics likewise apply in the case of referral statistics. In those instances where identifications of some applicants are not made, the union shall list in Item 9 the number of such applicants.

9. Definitions.

(a) "Commission" refers to the Equal Employment Opportunity Commission established under Title VII of the Civil Rights Act of 1964.

(b) As defined in Title VII, sections 701 (d) and (e) "Labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives if the aggregate number of the members of such other labor organization) is 50 or more during the year beginning July 2, 1967, and such labor organization—

(1) Is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) Although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) Has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) Has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) Is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(c) The term "Employer" used in Instructions, sections 1-8, is not restricted to the definition set forth in section 701(b) of Title VII of the Civil Rights Act of 1964, but means any person who has employees with whom a labor organization covered by Title VII deals concerning grievances, labor disputes, wages, rates of pay, or other terms or conditions of employment. When the term "employer" is used in the Instructions, section 9(b), it has the more limited definition appearing in section 701(b) of Title VII.

(d) "Employee" means an individual employed by an employer.

(e) "Commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(f) "Industry Affecting Commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor Management Reporting and Disclosure Act of 1959.

(g) "Referral union": See section 5, 10. *Legal Basis for Reporting Requirements; Recordkeeping Regulations.*

(a) Section 709(c), Title VII, Civil Rights Act of 1964. Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder.

(b) Section 1602.22, Chapter XIV, Title 29, Code of Federal Regulations.

Requirements for Filing and Preserving Copy of Report.

On or before October 31, 1967, and annually thereafter, every labor organization subject to Title VII of the Civil Rights Act of 1964 shall file with the Commission or its delegate executed copies of Labor Organization Information Report EEO-3 in conformity with the directions set forth in the form and accompanying instructions. Every such labor organization shall retain at all times among the records maintained in the ordinary course of its affairs a copy of the most recent report filed, and shall make the same available if requested by an officer, agent or employee of the Commission under the authority of section 710(a) of the Title VII. It is the responsibility of all covered labor organizations to obtain from the Commission or its delegate necessary supplies of the form.

(c) Section 1602.24, Chapter XIV, Title 29, Code of Federal Regulations.

Commission's Remedy for Labor Organization's Failure To File Report.

Any labor organization failing or refusing to file Report EEO-3 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission.

(d) Section 1602.27, Chapter XIV, Title 29, Code of Federal Regulations.

Records To Be Made or Kept.

Every labor organization shall make or keep such records as are necessary for the completion of Report EEO-3 under the circumstances and conditions set forth in the instructions accompanying it, which are specifically incorporated herein by reference and have the same force and effect as other sections of this part.

(e) Section 1602.28, Chapter XIV, Title 29, Code of Federal Regulations.

Preservation of Records Made or Kept.

All records made by a labor organization solely for the purpose of completing Report EEO-3 shall be preserved for a period of 1 year from the due date of the report for which they were compiled. Unless subject to a State or local fair employment practice law or regulation governing the preservation of records inconsistent with those requirements stated in this part, any labor organization identified as a "referral union" in the instructions accompanying Report EEO-3 shall preserve other membership or referral records (including applications for same) made or kept by it for a period of 6 months from the date of the making of the record. Where a charge of discrimination has been filed, or an action brought by the Attorney General, against a labor organization under Title VII, the respondent labor organization shall preserve all records relevant to the charge or action until the final disposition of the charge or action. The date of "final disposition" of the charge or the action means the date of expiration of the statutory period within which a charging party may bring an action in a U.S. District Court, or, where an action is brought against a labor organi-

zation either by a charging party or by the Attorney General, the date on which such litigation is terminated.

Nothing herein shall relieve any labor organization covered by Title VII of the obligations set forth in Subpart E, sections 1602.20 and 1602.21, relating to the establishment and maintenance of a list of applicants wishing to participate in an apprenticeship program controlled by it.

11. *Applicability of State or Local Fair Employment Practices Law.*

The existence of a State or local fair employment practices law does not exempt a covered labor organization from filing Report EEO-3 unless both of these conditions exist: (a) Within a year previous to the October 31 deadline for filing this report, the labor organization has filed with a State or local fair employment practices agency a report containing information substantially similar to that required to be listed on Report EEO-3; and (b) the report was filed under compulsion of State or local law. Compliance with surveys by State or local fair employment agencies in which response was optional with the respondent labor organization does not exempt the organization from filing Report EEO-3. Copies of these reports may be made available to State and local government agencies involved in the field of equal employment opportunity with appropriate safeguards against making the information public.

12. *Requests for Information, Special Procedures and Additional Copies of Report EEO-3.*

All inquiries about the EEO-3 reporting system and requests for special procedures for compiling and reporting information shall be directed to Chief, Reports Division, Office of Research, Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C. All requests for copies of Report EEO-3 shall be directed to Equal Employment Opportunity Commission, Federal Depot, 1201 East 10th Street, Jeffersonville, Ind. 47130.

B. *Notice of Proposed Rule Making.* Pursuant to the authority vested in it by section 709, 78 Stat. 625, the Equal Employment Opportunity Commission proposes that Title 29, Chapter XIV, of the Code of Federal Regulations be amended by adding the following subparts to Part 1602 thereof:

Subpart D—Apprenticeship Information Report

Sec.

1602.15 Requirement for filing and preserving copy of report.

1602.16 Penalty for making of willfully false statements on report.

1602.17 Commission's remedy for failure to file report.

1602.18 Exemption from reporting requirements.

1602.19 Additional reporting requirements.

Subpart E—Apprenticeship Recordkeeping

1602.20 Records to be made or kept.

1602.21 Preservation of records made or kept.

Subpart F—Labor Organization Information Report

1602.22 Requirements for filing and preserving copy of report.

1602.23 Penalty for making of willfully false statements on report.

1602.24 Commission's remedy for failure to file report.

1602.25 Exemption from reporting requirements.

1602.26 Additional reporting requirements.

Subpart G—Recordkeeping by Labor Organizations

- Sec.
1602.27 Records to be made or kept.
1602.28 Preservation of records made or kept.

Subpart I—Records and Inquiries as to Race, National Origin, or Sex

- 1602.29 Applicability of State or local law.

Subpart D—Apprenticeship Information Report

- § 1602.15 Requirement for filing and preserving copy of report.

On or before August 31, 1967, and annually thereafter, every joint labor-management committee subject to Title VII of the Civil Rights Act of 1964 which controls an apprenticeship program, and every employer and labor organization subject to Title VII which is engaged in the construction industry and operates an apprenticeship program other than a joint labor-management program, shall file with the Commission or its delegate executed copies of Apprenticeship Information Report EEO-2 in conformity with the directions set forth in the form and accompanying instructions. Every such committee, employer or labor organization shall retain at all times among the records maintained in the ordinary course of its affairs a copy of the most recent report filed, and shall make the same available if requested by an officer, agent or employee of the Commission under the authority of section 710(a) of Title VII. It is the responsibility of all such committees, employers, and labor organizations to obtain from the Commission or its delegate necessary supplies of the form.

- § 1602.16 Penalty for making of willfully false statements on report.

The making of willfully false statements on Report EEO-2 is a violation of the United States Code, Title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

- § 1602.17 Commission's remedy for failure to file report.

Any person failing or refusing to file Report EEO-2 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission, under authority of section 710(b) of Title VII.

- § 1602.18 Exemption from reporting requirements.

If it is claimed the preparation or filing of Report EEO-2 would create undue hardship, the committee, employer, or labor organization may apply to the Commission for an exemption from the requirements set forth in this part.

- § 1602.19 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as Apprenticeship Information Report EEO-2, about apprenticeship procedures of joint labor-management committees, employers, and labor organizations whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of Title VII.

Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of Title VII and as otherwise prescribed by law.

Subpart E—Apprenticeship Recordkeeping

- § 1602.20 Records to be made or kept.

(a) Every person required to file Report EEO-2 shall make or keep such records as are necessary for its completion under the conditions and circumstances set forth in the instructions accompanying the report, which are specifically incorporated herein by reference and have the same force and effect as other sections of this part.

(b) In addition, every person required to file Report EEO-2 shall, beginning July 2, 1967, maintain a list containing the names and addresses of all persons who have applied to participate in an apprenticeship program controlled by it, including the date and chronological order in which such applications were received. Such list shall contain a notation of the sex of the applicant and of the applicant's identification as "Negro," "Spanish American," "American Indian," "Oriental," or "Other." The methods of making such identification are set forth in the instructions accompanying Report EEO-2, section 6(c) (2).

- § 1602.21 Preservation of records made or kept.

(a) Notwithstanding the provisions of § 1602.14, every person required to file Report EEO-2 shall preserve the chronological list of apprenticeship applicants referred to in § 1602.20 for a period of 5 years from the date of the most recent entry thereon; shall preserve any formal applications submitted by applicants for 5 years from their receipt; and shall preserve any other records made solely for the purpose of completing Report EEO-2 for a period of 1 year from the due date of the report for which they were compiled.

(b) Other Records: Except to the extent inconsistent with the law or regulation of any State or local fair employment practices agency, or of any other Federal or State agency involved in the enforcement of an antidiscrimination program in apprenticeship, other records relating to apprenticeship made or kept by a person required to file Report EEO-2, including but not necessarily limited to test papers completed by applicants for apprenticeship and records of interviews with applicants, shall be kept for a period of 2 years from the date of the making of the record. Where a charge of discrimination has been filed, or an action brought by the Attorney General, under Title VII, the respondent shall preserve all records relevant to the charge or action until final disposition of the charge or the action. The term "records relevant to the charge," for example, would include applications forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the charging party applied and was rejected.

The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a charging party may bring an action in a U.S. District Court or, where an action is brought either by a charging party or by the Attorney General, the date on which such litigation is terminated.

Subpart F—Labor Organization Information Report

- § 1602.22 Requirements for filing and preserving copy of report.

On or before October 31, 1967, and annually thereafter, every labor organization subject to Title VII of the Civil Rights Act of 1964 shall file with the Commission or its delegate executed copies of Labor Organization Information Report EEO-3 in conformity with the directions set forth in the form and accompanying instructions. Every such labor organization shall retain at all times among the records maintained in the ordinary course of its affairs a copy of the most recent report filed, and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710(a) of the Title VII. It is the responsibility of all covered labor organizations to obtain from the Commission or its delegate necessary supplies of the form.

- § 1602.23 Penalty for making of willfully false statements on report.

The making of willfully false statements on Report EEO-3 is a violation of the United States Code, Title 18, section 1001, and is punishable by fine or imprisonment as set forth herein.

- § 1602.24 Commission's remedy for failure to file report.

Any person failing or refusing to file Report EEO-3 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission, under authority of section 710(b) of Title VII.

- § 1602.25 Exemption from reporting requirements.

If it is claimed that the preparation or filing of Report EEO-3 would create undue hardship, the labor organization may apply to the Commission for an exemption from the requirements set forth in this part.

- § 1602.26 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as Labor Organization Information Report EEO-3, about the membership or referral practices or other procedures of labor organizations, whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of Title VII. Any system for requirement of such reports will be established in accordance with the procedures referred to in section 709(c), and as otherwise prescribed by law.

Subpart G—Recordkeeping by Labor Organizations

§ 1602.27 Records to be made or kept.

Every labor organization shall make or keep such records as are necessary for the completion of Report EEO-3 under the circumstances and conditions set forth in the instructions accompanying it, which are specifically incorporated herein by reference and have the same force and effect as other sections of this part.

§ 1602.28 Preservation of records made or kept.

(a) All records made by a labor organization solely for the purpose of completing Report EEO-3 shall be preserved for a period of 1 year from the due date of the report for which they were compiled. Unless subject to a State or local fair employment practice law or regulation governing the preservation of records inconsistent with those requirements stated in this part, any labor organization identified as a "referral union" in the instructions accompanying Report EEO-3 shall preserve other membership or referral records (including applications for same) made or kept by it for a period of 6 months from the date of the making of the record. Where a charge of discrimination has been filed, or an action brought by the Attorney General, against a labor organization under Title VII, the respondent labor organization shall preserve all records relevant to the charge or action until the final disposition of the charge or action. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a charging party may bring an action in a U.S. District Court, or, where an action is brought against a labor organization either by a charging party or by the Attorney General, the date on which such litigation is terminated.

(b) Nothing herein shall relieve any labor organization covered by Title VII of the obligations set forth in Subpart E, §§ 1602.20 and 1602.21, relating to the establishment and maintenance of a list of applicants wishing to participate in an apprenticeship program controlled by it.

Subpart I—Records and Inquiries as to Race, National Origin, or Sex

§ 1602.29 Applicability of State or local law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, Subparts D through H, supersede any provisions of State or local law which may conflict with them. Any State or local laws prohibiting inquiries and recordkeeping with respect to race, national origin, or sex do not apply to inquiries required to be made under these regulations and under the instructions accompanying Reports EEO-2 and EEO-3.

STEPHEN N. SHULMAN,
Chairman.

FEBRUARY 9, 1967.

[P.R. Doc. 67-1667; Filed, Feb. 13, 1967; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67-SW-5]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Houston, Tex., transition area.

The only change proposed within the Houston, Tex., transition area is the inclusion of that additional airspace which will be required to provide airspace protection for aircraft executing prescribed instrument approach/departure procedures proposed at La Porte Municipal Airport, La Porte, Tex.

To avoid a lengthy repetition of the Houston, Tex., transition area, the additional airspace which will be required is inserted within the description of the existing Houston, Tex., transition area and underlined to denote the change which is proposed.

The Houston, Tex., transition area is described as that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°25'00" N., longitude 95°30'00" W., to latitude 29°30'00" N., longitude 95°32'00" W., to latitude 29°27'00" N., longitude 95°27'00" W., to latitude 29°50'00" N., longitude 95°03'00" W., to latitude 29°40'00" N., longitude 94°57'00" W., to latitude 29°32'00" N., longitude 95°00'00" W., to point of beginning, and that airspace extending upward from 700 feet above the surface within a 4-mile radius of Spaceland Airpark (latitude 29°30'30" N., longitude 95°03'01" W.), within 2 miles each side of the 306° bearing (298° magnetic) from the League City RBN (latitude 29°28'00" N., longitude 94°59'08" W.) extending from the 4-mile radius area to the RBN, and within 2 miles each side of the Houston VORTAC 083° radial (075° magnetic) extending from the VORTAC to 28 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°35'00" N., longitude 95°21'00" W., to latitude 30°28'00" N., longitude 94°09'00" W., thence S via longitude 94°09'00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to a point 3 nautical miles from the shoreline at longitude 94°10'00" W., thence SW 3 nautical miles from and parallel to the shoreline to latitude 28°22'00" N., thence W via latitude 28°22'00" N., to longitude 96°30'00" W., thence N via longitude 96°30'00" W., to the N boundary of V-20, thence NE along V-20 to the INT of the N boundary of V-20 and a line through latitude 28°43'40" N., longitude 96°28'00" W., and latitude 28°47'25" N., longitude 96°35'20" W., to latitude 28°47'25" N., longitude 96°35'20" W., to latitude 28°52'50" N., longitude 96°28'30" W., to latitude 29°08'00" N., longitude 97°00'00" W., to latitude 29°30'00" N., longitude 96°39'30" W., to

latitude 29°54'00" N., longitude 96°49'00" W., to latitude 30°26'00" N., longitude 96°58'30" W., to latitude 30°30'30" N., longitude 96°32'00" W., to latitude 31°17'00" N., longitude 96°11'00" W., to latitude 31°19'00" N., longitude 95°58'00" W., to point of beginning, excluding the portion within the Corpus Christi and College Station, Tex., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on February 2, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[P.R. Doc. 67-1644; Filed, Feb. 13, 1967; 8:45 a.m.]

[14 CFR Parts 91, 121]

[Reg. Docket No. 7947; Notice 67-2]

ALTITUDE WARNING DEVICES

Advance Notice of Proposed Rule Making

The Federal Aviation Agency is considering rule making that would require that some type of device to warn of approaches to, and deviations from, preselected altitudes be installed in all large airplanes, and small turbine-powered airplanes, operated in air commerce.

The Agency is announcing its consideration of this rule making action as an advance notice of proposed rule making in keeping with its policy for the early institution of public rule making proceedings. The subject matter under consideration involves one of the situations contemplated by the Agency's policy for an advance notice, in that the Agency believes that it would be