

[Docket C-1238]

PART 13—PROHIBITED TRADE PRACTICES**Rock River Woolen Mills et al.**

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Rock River Woolen Mills et al., Brownwood, Tex., Docket C-1238, June 30, 1967]

In the Matter of Rock River Woolen Mills, a Corporation, and James B. Tait and Robert J. Tait, Individually and as Officers of Said Corporation

Consent order requiring a Brownwood, Tex., clothing manufacturer to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Rock River Woolen Mills, a corporation, and its officers, and James B. Tait and Robert J. Tait, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the common generic name of fibers in the required information on stamps, tags, labels, or other means of identification attached to wool products.

It is further ordered, That respondents Rock River Woolen Mills, a corporation, and its officers, and James B. Tait, and Robert J. Tait, individually and as officers of said corporation, and respondents' representatives, agents, and employees,

directory or through any corporate or other device, in connection with the offering for sale, sale, or distribution of fabrics or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products, on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL]

JOSEPH W. SHEA,

Secretary.

[F.R. Doc. 67-8361; Filed, July 19, 1967; 8:46 a.m.]

[Docket C-1237]

PART 13—PROHIBITED TRADE PRACTICES**Sani Distributors, Inc., et al.**

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Sani Distributors, Inc., et al., New York, N.Y., Docket C-1237, June 30, 1967.]

In the Matter of Sani Distributors, Inc., a Corporation, and Sham Sani and Lal C. Sani, Individually and as Officers of Said Corporation

Consent order requiring a New York City importer of wool fabrics to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sani Distributors, Inc., a corporation, and its officers, and Sham Sani and Lal C. Sani, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying

such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL]

JOSEPH W. SHEA,

Secretary.

[F.R. Doc. 67-8362; Filed, July 19, 1967; 8:46 a.m.]

[Docket C-1231]

PART 13—PROHIBITED TRADE PRACTICES**Sidney Bitterman, Inc., et al.**

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Sidney Bitterman, Inc., et al., New York, New York, Docket C-1231, June 26, 1967.]

In the Matter of Sidney Bitterman, Inc., a Corporation, and Caroline Bitterman, Leonard Bitterman, and Howard Bitterman, Individually and as Officers of Said Corporation

Consent order requiring a New York City clothing manufacturer to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sidney Bitterman, Inc., a corporation, and its officers, and Caroline Bitterman, Leonard Bitterman, and Howard Bitterman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 26, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 67-8363; Filed, July 19, 1967;
8:46 a.m.]

[Docket C-1236]

PART 13—PROHIBITED TRADE PRACTICES

Variety Dresses et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; 13.1185-90 *Wool Products Labeling Act*; § 13.1212 *Formal regulatory and statutory requirements*; 13.1212-90 *Wool Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-80 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order Variety Dresses trading as Dan-Dee Sportswear, New York, N.Y., Docket C-1236, June 30, 1967]

In the Matter of Variety Dresses, a Partnership, Trading as Dan-Dee Sportswear, and Samuel Rankus, and Moe Weber, Individually and as Copartners Trading as Variety Dresses

Consent order requiring a New York City partnership to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Variety Dresses, a partnership, trading as Dan-Dee Sportswear, or any other name and Samuel Rankus and Moe Weber, individually and as copartners trading as Variety Dresses, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of

1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 67-8364; Filed July 19, 1967;
8:46 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Insurance Carriers

In the May 9, 1967, issue of the FEDERAL REGISTER (32 F.R. 7025), there was published a proposal to amend 29 CFR 40.4 (d). Interested persons were given 30 days in which to file written statements of data, views, or argument in regard to the proposal. None was received. Accordingly, effective August 20, 1967, I have decided to and do hereby adopt the proposal to read as set forth below.

As amended paragraph (d) of § 40.4 reads as follows:

§ 40.4 Application for Certificate of Registration.

(d) (1) No certificate of insurance filed by an insurance carrier in accordance with this section will be accepted, unless said insurance carrier meets the following requirements:

(1) The insurance carrier possesses and maintains surplus funds (policyholders' surplus) of not less than \$500,000, which minimum shall be determined on the basis of the values of assets and liabilities as shown in its financial statements filed with and approved by the insurance department or other insurance regulatory authority of the State of domicile (home State) of such company, except in instances where in the judgment of the Administrator additional evidence with respect to such values is considered necessary; and

(2) The insurance carrier has a general policyholder's rating of B or better in the current issue of "Best's—Insurance

Reports—Fire and Casualty," or a "recommended" rating in the current issue of "Best's—Insurance Reports—Life."

(2) If the insurance carrier is not listed in the current issue of Best's, or, if listed, is not assigned a general policyholder's rating of B or better or "recommended" whichever is applicable, such carrier may request approval for eligibility by submitting to the Administrator its latest financial statement, as filed with the insurance department of its home State, on the Convention form statement, with all exhibits and schedules included, and copies of reports of examination on conditions and affairs, as prepared by State supervisory authorities and such other information as the Administrator may request.

(Sec. 14, 78 Stat. 924; 7 U.S.C. 2053)

Signed at Washington, D.C., this 14th day of July 1967.

ROBERT C. GOODWIN,
Administrator,
Bureau of Employment Security.

[P.R. Doc. 67-8443; Filed, July 19, 1967;
8:52 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Dairy Products Industry

On January 20, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 674) proposing to find that the dairy products industry, as defined, is characterized by marked annually recurring seasonal peaks of operation at the places of first processing or first marketing of perishable agricultural commodities from farms, within the meaning, and under authority, of section 7(d)(1)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(d)(1)(A)) as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89-601).

Interested persons were given 30 days in which to present written data, views, or argument. After consideration of such relevant matter as was presented and pursuant to section 7(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(d)). Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and the procedure set forth in 29 CFR Part 326 (32 F.R. 5775), such finding is hereby made. Accordingly, 29 CFR 526.11 is amended by adding "Dairy products industry" to the list there provided, with the date of this document shown under the heading of "Date of finding," and the volume and page of the FEDERAL REGISTER in which this document appears under the heading "Citation." As this amendment merely grants an exemption, no delay in its effective date is required by 5 U.S.C. 553(d). Such delay would serve no useful

purpose. This amendment shall, therefore, be effective immediately.

For purpose of this finding, the dairy products industry is defined to include all, but only, the following operations:

(a) Transportation of milk and cream from farms.

(b) Handling and preparing milk or cream at receiving stations, fluid milk plants and processing plants, and transporting the milk or cream from one to the other.

(c) First processing of milk, buttermilk, whey, skimmed milk or cream into dairy products, including: Pasteurized, flavored, condensed, evaporated, concentrated, or dried, whole or skimmed milk; sweet, sour, or dried cream; whey, renovated, process or creamery butter; any variety of cheese including natural or processed; condensed, evaporated, or dried buttermilk; wet or dried casein; malted milk powder; crude milk sugar; ice cream, ice milk, and sherbet (except water ices).

(d) Any operations or services necessary or incident to the foregoing performed by employees employed by an employer in an enterprise which is in the industry, including necessary packaging, storage, and shipping at the plant of the dairy products made by the enterprise, plant maintenance, machinery repair, clerical work necessary or incident to the operations described in paragraphs (a) through (c), handling the nondairy ingredients used in the dairy products, aging, cleaning, paraffining, weighing, slicing, and wrapping cheese made by the enterprise, assembling knock-down boxes, and transferring ingredients and supplies from stock to meet the daily needs of processing operations.

(e) Any other operations normally performed in the Dairy Products Industry which do not occupy more than 20 percent of the time worked in any workweek by an employee for whom the exemption is claimed.

Not included in the industry are operations which do not constitute or are not necessary or incident to the operations of an enterprise engaged in activities described in paragraphs (a) through (c) above, and which exceed the amount provided in (e) above, such as storing, slicing, and packaging cheese and printing, wrapping, and storing butter bought in bulk from cheesemakers and buttermakers, further processing of dry casein, regrinding, rescreening, and repacking dried whey, handling and distributing nondairy products, and assembling and distributing dairy products as a wholesaler or other distributor.

(29 U.S.C. 207(d))

Signed at Washington, D.C., this 17th day of July 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour
and Public Contracts Divisions,
United States Department
of Labor.

[F.R. Doc. 67-8442; Filed, July 19, 1967;
8:52 a.m.]

Chapter XIV—Equal Employment Opportunity Commission

PART 1602—RECORDS AND REPORTS

Apprenticeship and Labor Organization Reporting and Recordkeeping Requirements

Pursuant to the authority vested in it by section 709(c) of Title VII of the Civil Rights Act of 1964, 78 Stat. 263, 42 U.S.C.A. section 2000e et seq., and after consideration of the testimony and statements submitted in response to notices of proposed rule making published February 14 (32 F.R. 2852), February 28 (32 F.R. 3364), and May 25, 1967 (32 F.R. 7635), and at public hearings held pursuant thereto on March 21 and June 20, 1967, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Part 1602, of the Code of Federal Regulations by adding thereto Subparts D through H, set forth below. In view of the publicity accorded to the proposed rules and the fact that the rules adopted call for compliance between August 1, and September 30, 1967, and between August 1, and November 30, 1967, the Commission finds no useful purpose would be served by delay in the effective date, and accordingly these rules shall become effective on the date of their publication in the FEDERAL REGISTER.

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—Local Union Equal Employment Opportunity Report

- 1602.22 Requirements for filing and preserving copy of report.
- 1602.23 Penalty for making of willfully false statements on reports.
- 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

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

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

- 1602.29 Applicability of State or local law.

AUTHORITY: The provisions of Subparts D through H issued under secs. 709, 713, 78 Stat. 263, 265; 42 U.S.C. 2000e-8, 2000e-12.

Subpart D—Apprenticeship Information Report

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

On or before September 30, 1967, and annually thereafter, certain joint labor-

management committees subject to Title VII of the Civil Rights Act of 1964 which control apprenticeship programs 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. The committees covered by this regulation are those which (a) have five or more apprentices enrolled in the program at any time during August and September of the reporting year and (b) represent at least one employer sponsor and at least one labor organization sponsor which are themselves subject to Title VII. Every such committee 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 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 U.S. 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 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 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 purpose 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) Every employer, labor organization, and joint labor-management committee subject to Title VII which controls an apprenticeship program (regardless of any joint or individual obligation to file a report) shall, beginning August 1, 1967, maintain a list in chronological order containing the names and addresses of all persons who have applied to participate in the apprenticeship program, including the dates on which such applications were received. (See section 709(c), Title VII, Civil Rights Act of 1964). Such list shall contain a notation of the sex of the applicant and of the applicant's identification as "Negro," "Spanish American," "Oriental," "American Indian," or "Other." The methods of making such identification are set forth in the instructions accompanying Report EEO-2, section 7. The words "applied," "applicant" and "application" as used in this section refer to situations involving actual applications only. An applicant is considered to be a person who files a formal application, or in some informal way indicates a specific intention to be considered for admission to the apprenticeship program. A person who casually appears to make an informal inquiry about the program, or about apprenticeship in general, is not considered to be an applicant. The term "apprenticeship program" as used herein refers to programs described in section 8 of the instructions accompanying Report EEO-2.

(c) In lieu of maintaining the chronological list referred to in § 1602.20(b), persons required to compile the list may maintain on file written applications for participation in the apprenticeship program, provided that the application form contains a notation of the date the form was received, the address of the applicant, and a notation of the sex, and the race, color, or national origin of the applicant as described above.

§ 1602.21 Preservation of records made or kept.

(a) Notwithstanding the provisions of section 1602.14, every person subject to § 1602.20 (b) or (c) shall preserve the list of applicants or application forms, as the case may be, for a period of 2 years from the date the application was received, except that in those instances where an annual report is required by the Commission calling for statistics as to the sex, and the race, color, or national origin of apprentices, the person required to file the report shall preserve the list and forms for a period of 2 years or the period of a successful applicant's apprenticeship, whichever is longer. Persons required to file Report EEO-2, or other reports calling for information about the operation of an apprenticeship program similar to that required on Report EEO-2, shall preserve any

other record made solely for the purpose of completing such reports for a period of 1 year from the due date thereof.

(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—Local Union Equal Employment Opportunity Report

§ 1602.22 Requirements for filing and preserving copy of report.

On or before November 30, 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 an executed copy of Local Union Equal Employment Opportunity Report EEO-3 in conformity with the directions set forth in the form and accompanying instructions, provided that the labor organization has 100 or more members at any time during the 12 months preceding the due date of the report, and is a "local union" (as that term is commonly understood) or an independent or unaffiliated union. Labor organizations required to report are those which perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated. Every local union, or a labor organization acting in its behalf, 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 persons required to file to obtain from the Commission or its delegate necessary supplies of the form.

§ 1602.23 Penalty for making of willfully false statements on reports.

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 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.

Those portions of Report EEO-3 calling for information about union policies and practices and for the compilation of statistics on the race, color, national origin, and sex of members, persons referred, and apprentices, are deemed to be "records" within the meaning of section 709(c), Title VII, Civil Rights Act of 1964. Every local, independent, or unaffiliated union with 100 or more members (or any agent acting in its behalf, if the agent has responsibility for referral of persons for employment) shall make these records or such other 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 or its agent 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 practices law or regulation governing the preservation of records inconsistent with those re-

quirements stated in this part, any labor organization identified as a "referral union" in the instructions accompanying Report EEO-3, or agent thereof, 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 acting until final disposition of the charge or the 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 H—Records and Inquiries as to Race, Color, 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 G, 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, color, 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.

LUTHER HOLCOMB,
Acting Chairman.

JULY 17, 1967.

[P.R. Doc. 67-8386; Filed, July 19, 1967;
8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

St. Marys Falls Canal and Locks, Mich.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.441 prescribing regulations for the security of St. Marys Falls Canal and Locks,

Mich., is hereby amended with respect to paragraph (b), revoking subparagraph (2), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.441 St. Marys Falls Canal and Locks, Mich.; security.

(b) * * *

(2) [Revoked]

[Regs., June 30, 1967, 1507-32 (St. Marys Falls Canal, Mich.)—ENGW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

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Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2229]

PART 3130—COAL LEASES, PERMITS, AND LICENSES

Miscellaneous Amendments

On page 6834 of the FEDERAL REGISTER of May 7, 1966, there were published a notice and text of proposed amendments to 43 CFR Part 3130. The purpose of the amendments was to incorporate into the regulations the acreage limitations and the provisions for development contracts for coal established by the Act of August 31, 1964 (Public Law 88-526; 78 Stat. 710), and to make certain perfecting amendments. Also, it was proposed to add a new section to the regulations governing the protection of nonmineral resources.

Interested persons were given until March 7, 1967, within which to submit written comments, suggestions, or objections to the proposed amendments. Comments were received concerning the proposed new section governing the protection of nonmineral resources and the cooperative conservation provisions. Perfecting language has been made in the subpart for cooperative conservation provisions to make the language consistent with the statute and to clarify § 3131.5-6 to make certain that "own lands" is not construed to include Federal leases "owned" by a common-carrier railroad and contributed to the cooperative arrangement.

A decision has been made not to include in Part 3130 regulations for protection of nonmineral resources, in favor of general regulations that will apply to all leasable minerals.

The regulations as modified are hereby adopted and as adopted are set forth below.

1. Section 3131.1 is amended in its entirety to read as follows:

§ 3131.1 Acreage limitations.

(a) Except where the rule of approximation applies, a permit may not exceed 5,210 acres. The rule of approximation applies to applications for prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 5,120 acres greater than the excess over 5,120 acres resulting from the inclusion of such subdivision. A permit shall include contiguous tracts, or tracts in reasonably compact form.

(b) There is no statutory limitation on the acreage that may be included in any one leasing tract. However, the authorized officer after consultation with the mining supervisor of Geological Survey, will determine the amount of acreage to be included in each leasing tract, taking into consideration the area required for plant facilities and such other data as may be pertinent. A lease shall include contiguous tracts, except in cases where noncontiguous tracts can be efficiently worked as a single mine or unit.

(c) Except as hereinafter stated, no person, association or corporation may hold at one time coal leases or permits exceeding 46,080 acres in any one State, whether directly through the ownership of such leases and permits, or interest therein, and applications therefor, or indirectly as a member of an association or as a stockholder of a corporation holding such leases and permits, or interest therein, and applications therefor. In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or permit shall be such party's proportionate part of the total lease and permit acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be such party's proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holdings of any association or corporation, unless he is the beneficial owner of more than 10 percent of the stock or other instruments of ownership or control of such association or corporation.

(d) A person, association, or corporation may file with the appropriate land office an application or applications for coal lease or permits for acreage in addition to the 46,080 acres, which application or applications shall be in multiples of 40 acres, not exceeding a total of 5,120 additional acres in any one State, and shall contain a statement showing that the granting of a lease or permit for such additional lands is necessary to carry on business economically and is in the public interest.

(e) Upon the filing of an application for additional lands as specified in paragraph (d) of this section, the coal deposits in the lands covered thereby shall be temporarily set aside and withdrawn from all forms of disposal under the Act.