[Docket 8524 o.]

PART 13—PROHIBITED TRADE PRACTICES

National Macaroni Manufacturers Association et al.

Subpart—Combining or conspiring: § 13.410 *To eliminate competition in conspirators' goods;* § 13.430 *To enhance, maintain or unify prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Macaroni Manufacturers Association (Palatine, Ill.) et al., Docket 8524, Apr. 30, 1964]

In the Matter of National Macaroni Manufacturers Association, a corporation, its Officers, and Members; Emanuele Ronzoni, Jr., President, Albert Ravarino, First Vice President, Fred Spadafora, Second Vice President, Robert I. Cowen, Third Vice President, Robert M. Green, Secretary, as Officers of National Macaroni Manufacturers Association; Ronzoni Macaroni Company, Ravarino & Freschi, Inc., Superior Macaroni Company, as Members of National Macaroni Manufacturers Association and as Representatives of the Entire Membership of National Macaroni Manufacturers Association

Order requiring a nonprofit trade association and its member manufacturers who produced most of the macaroni, spaghetti, and related products consumed in the United States, to cease acting collectively to establish the kinds or proportions of ingredients—durum, semolina and farina—to be used in producing macaroni products, for the purpose of fixing the price of such ingredients, specifically in this case durum.

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

It is ordered, That respondent National Macaroni Manufacturers Association, a corporation, respondents Albert Ravarino, Fred Spadafora, Robert I. Cowen, and Robert M. Green, as officers of said Association; respondents Ronzoni Macaroni Company, Ravarino & Freschi, Inc., and Superior Macaroni Company, corporations, in their capacity as members of the respondent National Macaroni Manufacturers Association and as representative of the entire membership of the National Macaroni Manufacturers Association; said respondents' agents, representatives, employees, successors and assigns; and any and all members of respondent National Macaroni Manufacturers Association, in or in connection with the manufacture, sale, or distribution, in commerce as "commerce" is defined in the Federal Trade Commission Act, of macaroni and related products, do forthwith cease and desist from entering into or carrying out any planned common course of action, understanding, or agreement between any two or more of said respondents or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things: Fix or establish the kinds or proportions of ingredients to be used in producing macaroni and related products, or take any other concerted action, for the purpose of fixing or manipulating the price of such ingredients.

It is further ordered, That respondents 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 the order set forth herein.

Issued: April 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-5417; Filed, June 1, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Required Records and Reports

Correction

In F.R. Doc. 64-5311, appearing at page 7019 of the issue for Thursday, May 28, 1964, the words immediately preceding the proviso of § 130.13(g) should read "or any supplement to it" instead of "of any supplement to it".

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 603—FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206, and 208), the Secretary of Labor by Administrative Order No. 580 (29 F.R. 5763) appointed and convened Review Committee 7 and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under paragraph (C) of Proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (B) of Proviso (1) to employees in the fabric and leather glove industry in Puerto Rico as that industry is defined in 29 CFR 603.1.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by sections 6 and 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending 29 CFR 603.2(a)(1)(i), 603.2(a)(2)(i), 603.2(a)(3)(i), 603.2(a)(4)(i), 603.2(a)(5)(i), and 603.2(a)(6)(i), effective June 2, 1964, to read as follows:

§ 603.2 Wage rates.

* * * * *

(a) *Previously covered classifications.*

* * *

(1) *Hand-sewing on fabric gloves classification.* (i) The minimum wage for this classification is 30 cents an hour.

* * * * *

(2) *Hand-sewing on leather gloves classification.* (i) The minimum wage for this classification is 50 cents an hour.

* * * * *

(3) *Other operations on hand-sewn gloves classification.* (i) The minimum wage for this classification is 80 cents an hour.

* * * * *

(4) *Machine operations and the cutting, laying-off, pressing, sizing, banding, and packaging of machine-sewn leather gloves classification.* (i) The minimum wage for this classification is 97.5 cents an hour.

* * * * *

(5) *Machine operations and the cutting, laying-off, pressing, sizing, banding, and packaging of machine-sewn gloves classification (except leather).* (i) The minimum wage for this classification is 97.5 cents an hour.

* * * * *

(6) *Other operations on machine-sewn gloves classifications.* (i) The minimum wage for this classification is 97.5 cents an hour.

* * * * *

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 1st day of June 1964.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 64-5496; Filed, June 1, 1964; 12:16 p.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1001, 1006, 1007, 1014, 1015]

[Docket Nos. AO–14 A–35, AO–203 A–17, AO–204 A–17, AO–302 A–9, AO–305 A–9]

MILK IN CERTAIN NEW ENGLAND MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Springfield, and Worcester, Massachusetts, Southeastern New England, and Connecticut marketing areas, which was issued April 20, 1964 (29 F.R. 5583 and 5838), is hereby further extended to and including June 15, 1964.

Signed at Washington, D.C., on May 27, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64–5422; Filed, June 1, 1964; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

Proposed Order of Examination of Applications

Notice is hereby given that the United States Patent Office proposes to amend one of its rules relating to patents. The amendment is proposed pursuant to the authority contained in Title 35, U.S.C., section 6.

All persons who desire to submit written data, views, arguments or suggestions for consideration in connection with the proposed amendment, are invited to forward the same to the Commissioner of Patents, Washington 25, D.C., within 60 days of publication in the FEDERAL REGISTER. An oral hearing will not be scheduled.

The text of the proposed amendment is as follows:

Section 1.101 of Title 37 C.F.R. (Patent Rule 101) is proposed to be amended by deleting paragraph (b) thereof and replacing it with new paragraph (b) reading as follows:

§ 1.101 Order of examination.

* * * * *

(b) Applications which have been acted upon by the examiner, and which have been placed by the applicant in condition for further action by the examiner (amended applications) shall be taken up for action in such order as shall be determined by the Commission.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6)

Dated: May 19, 1964.

EDWARD J. BRENNER,
Commissioner of Patents.

Approved:

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 64–5418; Filed, June 1, 1964; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 61 [New]]

[Reg. Docket No. 5099; Notice 64–33]

FAA INSPECTORS OR OTHER AUTHORIZED FLIGHT EXAMINERS

Proposed Clarification Status

The Federal Aviation Agency is considering amending Part 61 [New] of the Federal Aviation Regulations to clarify the status of an FAA inspector or other authorized flight examiner conducting a flight test aboard an aircraft by indicating when he is and when he is not considered to be pilot in command.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before August 3, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 1.1 [New] defines "pilot in command" as the "pilot responsible for the operation and safety of an aircraft during flight time." This definition indicates those individuals upon whom the duties and obligations of a pilot in command, as required by the regulations, are imposed. For example, under the provisions of Part 61 [New] the pilot in command is responsible for certain preflight action, is delegated emergency authority to deviate from prescribed rules, and is required under prescribed circumstances to submit appropriate notices or reports.

Although the application of the definition has been difficult in some cases because of the unusual circumstances involved, it has provided a standard by which the pilot in command can be determined under the various circumstances of aircraft configuration and flight crews. However, at times the definition has been improperly applied to FAA inspectors or other authorized flight examiners performing official flight test duties aboard aircraft. In order to permit application of the definition properly and effectively, the status of an FAA inspector or other authorized flight examiner must be made unmistakably clear to all concerned.

The presence of an FAA inspector or other authorized flight examiner in the cockpit or on the flight deck of an aircraft during flight does not, in itself, make him the pilot in command of the aircraft. The circumstances of each flight determine whether the inspector or other examiner at any given time is acting as pilot in command. In the case of a flight test, the FAA inspector or other authorized flight examiner is aboard the aircraft to observe the applicant's ability to perform specified procedures and maneuvers. He usually does not assume control of the aircraft by taking command of the controls or by exercising authority over the applicant by direct command. Notwithstanding this status of the inspector or other examiner, at times persons consider him to be the pilot in command of the aircraft for the entire flight when he is conducting a flight test of a student pilot. It appears that this conclusion is not reached by a consideration of the duties actually performed aboard the aircraft by the inspector or other examiner, but for other reasons, such as to avoid the passenger carrying prohibition for student pilots. A similar situation arises when an FAA inspector conducting a flight test in a cargo only aircraft or an experimental aircraft is considered pilot in command simply because passengers are not permitted aboard. These applications of the pilot in command rules are unrealistic.

To arrive at a conclusion that the FAA inspector or other authorized flight examiner is pilot in command without regard to whether he is in a position to manipulate the flight controls or to assume responsibility for the manipulation of the flight controls, serves no useful safety purpose. Instead, it results in a circumvention of the duties and responsibilities that should be imposed by

the regulations upon the individual actually serving as pilot in command. Therefore, in order to clarify the status of the FAA inspector or other authorized flight examiner while conducting a flight test aboard an aircraft, it is proposed to add a new section to Part 61 [New] that expressly states that his purpose aboard the aircraft under these circumstances is to observe the applicant's skill and ability in the operation of the aircraft. It will expressly remove him from the passenger limitations of the regulations and exclude him from the application of the definition of pilot in command while so observing the applicant, except when he actually serves as pilot in command.

It is impossible to anticipate and describe every conceivable act and circumstance that would establish the requisite degree of control to call the FAA inspector or other authorized flight examiner the pilot in command of the aircraft. However, the proposed amendment would clarify that he is not the pilot in command when he has no control over the operation of the aircraft and merely acts as an observer. Conversely it would provide that he is considered pilot in command when he actually assumes control of the operation of the aircraft by either taking command of the controls, or by exercising authority over the applicant by direct command.

In consideration of the foregoing, the Agency proposes to amend Part 61 [New] of Chapter I of Title 14 of the Code of Federal Regulations by adding a new § 61.26 to read as follows:

§ 61.26 Flight tests; status of FAA inspectors and other authorized flight examiners.

An FAA inspector or other authorized flight examiner conducts the flight test of an applicant for a pilot certificate or rating for the purpose of observing the applicant's ability to perform satisfactorily the procedures and maneuvers on the flight test. The inspector or other examiner is not pilot in command of the aircraft unless he assumes control of its operation by taking command of the controls or by exercising authority over the applicant by direct command. Notwithstanding the type of aircraft used during a flight test, the applicant and the inspector or other examiner are not, with respect to each other, subject to the requirements or limitations for the carriage of passengers specified in this chapter.

This amendment is proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on May 26, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-5413; Filed, June 1, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 91]

[Docket Nos. 14895, 15233; FCC 64-447]

MICROWAVE STATIONS USED TO RELAY TELEVISION BROADCAST SIGNALS

Order Extending Time for Filing of Reply Comments

In the matters of amendment of Subpart L, Part 11 (now Part 91), to adopt rules and regulations to govern the grant of authorizations in the Business Radio Service for microwave stations to relay television signals to community antenna systems, Docket No. 14895; amendment of Subpart I, Part 21, to adopt rules and regulations to govern the grant of authorizations in the Domestic Public Point-to-Point Microwave Radio Service for microwave stations used to relay television broadcast signals to community antenna television systems, Docket No. 15233.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of May 1964:

The Commission having before it a request by the National Association of Broadcasters (NAB) that the time for filing reply comments in the above-captioned proceeding be extended from June 11 to June 18, 1964; and

It appearing that an extension of one week will not unduly delay Commission action in this proceeding, and that the public interest, convenience, and necessity will be served by extending the date for filing reply comments as requested;

It is ordered, That the time for filing reply comments in the above-captioned proceedings is extended to June 18, 1964.

Released: May 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-5431; Filed June 1, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743-9754, and amended in 28 F.R. 681, 1627, 3021, 10868, 12250 and 29 F.R. 5223, by adding thereto new §§ 107.502 and 107.719 and amending present §§ 107.205, 107.302, 107.704, and 107.713. Prior to the final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of thirty days of the date of this notice in the FEDERAL REGISTER.

Information. Section 107.704(c)(5) of the regulations now provides that a Licensee, without SBA's prior written consent, shall not have an officer or a director who at the same time is either an officer or a director of another Licensee and, further, that 10 or more percent of the stock of a Licensee shall not be owned or controlled, directly or indirectly, by any person which owns or controls, directly or indirectly, 10 or more percent of the stock of any other Licensee. The amendment to § 107.704(c)(5) now under consideration would extend the prohibition against the same party owning or controlling, directly or indirectly, 10 or more percent of the stock of two or more Licensees to include also acquisition rights to such stocks; and would add a proviso authorizing two or more Licensees, with SBA approval, to employ a common general manager who may at the same time serve as an officer of one or more of such Licensees, if (1) their paid-in capital and paid-in surplus from private sources (excluding organizational expenses) does not in the aggregate exceed $750,000 and (2) 50 or more percent of the dollar amount of equity securities acquired and loans made by each such Licensee does not at any time relate to the same concerns in which the other such Licensees have an investment. This latter provision is intended, among other things, to prevent commonly-managed SBIC's from placing a majority of their investments in larger firms by means of participation financing. Permission to operate with common managers would be available to smaller SBIC's in order to provide them an opportunity to increase their operating efficiency but it is not intended as an encouragement to overlook the financing requirements of smaller members of the small business community. The proposed amendment declares that, for the purposes of the regulations, a common general manager shall be deemed an officer of each Licensee company and that his appointment as well as compensation shall be subject to prior SBA approval. Several safeguards are provided to insure fair conduct on his part. The common general manager may not own or control a greater percentage amount of stock (including acquisition rights thereto) in one such Licensee than in any other such Licensee of the group. He may not conclude on behalf of any such Licensee financing arrangements or advisory serv-