

ten at the top of each page. The testimony may be written on legal-size or letter-size paper, with a wide margin on the left-hand side of the page, and with the writing on one side only of the sheet. The questions propounded to each witness must be consecutively numbered and each question must be followed by its answer.

§ 401.30 *Depositions must be filed.* All depositions which are taken must be duly filed promptly with the Secretary of the Board. On failure to file within 5 days after completion of the testimony the Board in its discretion will not further hear or consider the contestant with whom the failure lies; and the Board may, in its discretion, receive and consider a copy of the withheld deposition, attested by such evidence as is procurable or disregard the deposition completely.

§ 401.31 *Effect of errors and irregularities in depositions.* Notice will not be taken of merely formal or technical objections which shall not appear to have wrought a substantial injury to the party raising them; and in case of such injury it must be made to appear that, as soon as the party became aware of the ground of objection, he gave notice thereof.

(a) *As to notice.* All errors and irregularities in the notice for taking a deposition are waived unless objection is promptly made and served in writing upon the party giving the notice.

(b) *As to disqualification of officer.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(c) *As to taking of deposition.* (1) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(d) *As to completion and return of deposition.* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

TERMINATION OF PROCEEDINGS

§ 401.32 *Prior to finding.* At any stage of the proceeding prior to the mak-

ing of a finding by the Board, upon the submission, by either the applicant or the Director, of a copy of an order issued by the Director annulling or revising the order which the applicant is seeking review by the Board, an order dismissing the application may be entered by the Board in its discretion without further proceedings.

§ 401.33 *After hearing.* Unless terminated as provided in § 401.32, at the conclusion of the hearing or as soon thereafter as is practicable the Board will make an order affirming, revising, or annulling the order under review.

§ 401.34 *Finding and order; form and content.* Each finding and order shall be in writing, shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. A true copy of the findings and order in each case shall be sent to all parties or to their attorneys of record and shall be published by the Board in such manner as it deems advisable. Each finding and order shall be entered upon the official record of the Board together with any written opinion prepared by any member in support of, or dissenting from such finding or order.

APPEAL TO THE UNITED STATES COURTS OF APPEALS

§ 401.35 *Appeal to the Court.* (a) Any party dissatisfied with a final order issued by the Board may appeal to the United States Court of Appeals for the circuit in which the mine affected is located.

(b) The appeal is initiated by the filing in the appropriate appellate court of a notice of appeal within thirty days from the date of the making of the order.

(c) A copy of such notice of appeal must be sent forthwith to the other party and to the Board.

§ 401.36 *Record on appeal.* (a) Upon receipt of the copy of the notice of appeal, the Secretary of the Board will prepare and file in the designated appellate court, a certified complete transcript of the record of the proceedings before the Board.

(b) The party making the appeal must pay the costs of the complete transcript of the record before it is filed with the court.

GENERAL

§ 401.37 *Amendments or additions; effective date.* All amendments or additions to this part will be published in the FEDERAL REGISTER and, unless otherwise specified, shall become effective as of the date of adoption by the Board.

§ 401.38 *Hearings and records.* Hearings of the Board and the official records pertaining to proceedings under section 207 of the act shall be open to the public.

Adopted by the Federal Coal Mine Safety Board of Review at its office in Washington, D. C., on the 19th day of May 1953.

TROY L. BACK,
Secretary of the Board.

[F. R. Doc. 53-4585; Filed, May 25, 1953; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 5 and Directions 1 and 2—Revocation]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES, INSTALLATION, AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN

REVOCATION

CMP Regulation No. 5, as amended June 25, 1952 (17 F. R. 5726), and as further amended by Amendment 1 of January 22, 1953 (18 F. R. 511), and Directions 1 (17 F. R. 2658), and 2 (16 F. R. 10263) to said regulation, are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under CMP Regulation No. 5 and Directions 1 and 2 thereto as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said regulation and directions prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: May 25, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-4657; Filed, May 25, 1953; 11:04 a. m.]

[CMP Regulation No. 7—Revocation]

CMP REG. 7—REPAIR PARTS AND MATERIALS FOR REPAIRMEN UNDER THE CONTROLLED MATERIALS PLAN

REVOCATION

CMP Regulation No. 7, as amended December 20, 1951 (16 F. R. 12827), and as further amended by Amendment 1 of February 7, 1952 (17 F. R. 1216), is hereby revoked effective July 1, 1953: *Provided, however,* That section 7 of CMP Regulation No. 7 is hereby revoked effective May 25, 1953.

This revocation does not relieve any person of any obligation or liability incurred under CMP Regulation No. 7 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said regulation prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued: May 25, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-4655; Filed, May 25, 1953; 11:04 a. m.]

[NPA Order M-78—Revocation]

M-78—MAINTENANCE, REPAIR, OPERATING SUPPLIES, AND CAPITAL ADDITIONS FOR MINING INDUSTRY

REVOCATION

NPA Order M-78 (17 F. R. 5392) is hereby revoked effective July 1, 1953: *Provided, however,* That section 11 of NPA Order M-78 is hereby revoked effective May 25, 1953.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-78, as originally issued or as thereafter amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective dates of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued: May 25, 1953.

NATIONAL PRODUCTION AUTHORITY,

By **GEORGE W. AUXIER,**
Executive Secretary.

[F. R. Doc. 53-4656; Filed, May 25, 1953; 11:04 a. m.]

[NPA Order M-87—Revocation]

M-87—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES, AND CAPITAL ADDITIONS FOR THE SOLID FUELS INDUSTRIES UNDER THE CONTROLLED MATERIALS PLAN

REVOCATION

NPA Order M-87 (16 F. R. 10853) is hereby revoked effective July 1, 1953: *Provided, however,* That section 10 of NPA Order M-87 is hereby revoked effective May 25, 1953.

This revocation does not relieve any person of obligation or liability incurred under NPA Order M-87, nor deprive any person of any rights received or accrued under said order prior to the effective dates of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued: May 25, 1953.

NATIONAL PRODUCTION AUTHORITY,

By **GEORGE W. AUXIER,**
Executive Secretary.

[F. R. Doc. 53-4658; Filed, May 25, 1953; 11:04 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

ADJUDICATION OF APPLICATIONS OF EMPLOYEE-CLAIMANTS; JURISDICTION OF CLAIMS DIVISION, CENTRAL OFFICE

1. Section 3.12 is revised to read as follows:

§ 3.12 *Adjudication of applications of employee-claimants.* Applications for disability compensation or pension, presented by veterans in the employ of the Veterans' Administration, will be ad-

judicated in the claims division, veterans claims service, central office. Accordingly, all such applications will be transferred by field offices to central office when an employee-claimant in either the competitive or excepted service has been continuously employed for 90 days, provided that no adjudication is necessary during such period. If any adjudication is necessary in the case of an employee-claimant during the 90-day period, such claim will be transferred to central office immediately. (See § 3.1025 (b).)

2. In § 3.1025, paragraph (b) is amended to read as follows:

§ 3.1025 *Jurisdiction of the claims division, central office.* * * *

(b) Where the veteran is an employee in either the competitive or excepted service who has been continuously employed for 90 days in the Veterans' Administration. (See § 3.12.) This provision is not applicable to member-employees.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective May 26, 1953.

[SEAL] **H. V. STERLING,**
Deputy Administrator.

[F. R. Doc. 53-4603; Filed, May 25, 1953; 8:52 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

INDONESIA

In § 127.278a *Indonesia (Alor Is., Amboina, Aru Is., Babar, Bali, Banda, Banka, Batjan, Bawean, Bengkalis, Billiton, Bintan, Borneo (Kalimantan), Bura, Buton, Celebes (Sulawesi), Ceram, Flores, Geser, Halmahaira, Java (Djawa), Kai Is., Kalimantan (Borneo), Kangean, Karimunj, Kisar, Kundur, Laut, Lombok, Madura, Morotai, Muna, Roti, Salajar, Salibabu, Sambu, Sanjir Is., Saparua, Sapudi, Siantan, Siau, Singkep, Sula Is., Sulawesi (Celebes), Sumatra, Sumba, Sumbawa, Tanimbar Is., Tarakan, Tebingtinggi, Ternate, Timor (formerly Netherlands Timor), and Weh)* (18 F. R. 1042) amend subparagraphs (5) and (6) of paragraph (b) to read as follows:

(5) *Observations.* (i) Service is restricted to gift parcels. Before parcels are accepted for mailing, the senders shall be required to mark them to show they are gifts.

(ii) The customs declarations must show both the gross weight of the whole parcel and the net weight of each item.

Gift parcels are generally free of duty, provided that (a) the value does not exceed 20 gold francs (\$6.67); (b) the wrapper and customs declaration are marked "Gift Parcel—For the personal use of the addressee"; and (c) the parcel does not contain more than 200 cigars,

rettes, 50 cigars, 1 pound 1½ ounces of chopped tobacco, or the same weight of assorted tobacco products.

(iii) Addressees are required to obtain import licenses for all gift parcels exceeding 300 rupiahs (about \$25) in value, and for those containing any articles which may be considered by the Indonesian authorities as luxury items.

(iv) Special authorization is required for the importation of the following: Arms and parts thereof; dry white lead which must be for scientific or medical use; motion-picture films which must be inspected and approved by an official commission at Djakarta; antibiotic drugs.

(6) *Prohibitions.*—(a) *For the protection of plants.* (a) See "Postal Union Mails" for conditions of importation of parasites and predators of harmful insects.

(b) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ii) *For other reasons.* (a) Publications advocating unlawful or treasonable activities. Amulets.

(b) Counterfeit money. Articles violating the trademark laws.

(c) Sarongs and all manufactured articles bearing batik designs.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] **ROSS RIZLEY,**
Solicitor.

[F. R. Doc. 53-4579; Filed, May 25, 1953; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 894]

ALASKA

TRANSFERRING PORTION OF LANDS RESERVED BY EXECUTIVE ORDER 8872 TO JURISDICTION OF DEPARTMENT OF THE AIR FORCE; WITHDRAWING ADDITIONAL LANDS; AND PARTIALLY REVOKING EXECUTIVE ORDER NO. 8872

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

All public lands, except those hereinafter described as Tracts Nos. 2 and 3, reserved for the use of the War Department by Executive Order No. 8872 of August 27, 1941, as amended by Executive Order No. 9526 of February 28, 1945, are hereby reserved for and transferred to the jurisdiction of the Department of the Air Force as an aerial gunnery and bombing range.

Subject to valid existing rights, the public lands in Tract No. 1, described be-

low, which are contiguous to the public lands reserved and transferred as provided above, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force as a part of the said aerial gunnery and bombing range;

TRACT No. 1

Beginning at the southwest corner of area withdrawn by E. O. 8872 of August 27, 1941, which corner is located at the highest point on Redoubt Volcano, latitude 60°29'08.04" N., longitude 152°44'29.29" W.; thence

Northerly 61.4 miles approximately, to intersection of latitude 61°20' N., longitude 152°20' W.

Northeasterly 18.7 miles approximately, to northwest corner of area withdrawn by E. O. 8872, latitude 61°24'30" N., longitude 151°48'00" W.

S. 63° 05' 00.10" W., 16.77 miles along west boundary of area withdrawn by E. O. 8872 to Mt. Spurr.

S. 16° 10' 04.84" W., 58.74 miles along west boundary of area withdrawn by E. O. 8872 to point of beginning.

The tract described contains approximately 86,085 acres.

It is intended that all the public lands reserved as provided in this order shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

The said Executive Order No. 8872, as amended, is hereby revoked as to the public lands in the areas hereinafter described as Tracts No. 2 and No. 3:

TRACT No. 2

Beginning at U. S. C. & G. S. Station "Harry", located on Harriet Point at the south end of Redoubt Bay, Cook Inlet, latitude 60°23'48.28" N., longitude 152°14'06.24" W.; thence;

N. 70° 14' 13.32" W., 4.2 miles;

Northeasterly 23.0 miles parallel to and 1 mile from the line of mean high tide of Cook Inlet, to the north shore of Katnu River.

N. 42° E., 7.5 miles; N. 33° E., 4.7 miles; N. 21° W., 1.2 miles; N. 33° E., 6.5 miles; N. 44° E., 10.5 miles; N. 53° 30' E., 6.3 miles to west boundary of Mokuawle Indian Reservation, withdrawn by E. O. 2141 of February 27, 1915.

South along west boundary of said reserve to line of mean high tide of Cook Inlet.

Southwesterly 66.0 miles approximately along line of mean high tide of Cook Inlet to a point S. 70° 14' 13.32" E. of initial point.

N. 70° 14' 13.32" W., 25 feet to point of beginning.

The tract described contains approximately 62,180 acres.

TRACT No. 3

Beginning at a point on the line of mean high tide Cook Inlet from which U. S. C. & G. S. Station "Beluga" bears N. 66° 12' 03.30" E., 150 feet; Station "Beluga" being located approximately 1¼ miles northeast of the mouth of the Beluga River, in latitude 61°12'43.26" N., longitude 150°53'29.12" W., thence

N. 66° 12' 03.30" W., 1.0 mile;

S. 63° W., 5.7 miles;

S. 16° 30' W., 1.3 miles;

S. 63° W., 7.5 miles to center of Chuitna River.

Easterly 7.0 miles approximately along center of Chuitna River to its mouth at Cook Inlet.

Northeasterly 12.0 miles approximately along line of mean high tide Cook Inlet to point of beginning.

The tract described contains approximately 12,350 acres.

The public lands in the areas described as Tracts No. 2 and No. 3 shall, at 10:00 a. m. on the 35th day after the date of this order, subject to valid existing rights and the provisions of existing withdrawals, be opened to settlement under the homestead laws and the home site act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461) only, and to those forms of appropriation only by qualified veterans of World War II for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

Applications for these lands, which shall be filed in the Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the home site or homestead laws shall be governed by the regulations contained in Parts 64 to 66, inclusive, of Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

DOUGLAS MCKAY,
Secretary of the Interior.

MAY 19, 1953.

[F. R. Doc. 53-4571; Filed, May 25, 1953; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. MC-43¹]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of May A. D. 1953.

The matter of rules and regulations governing the lease and interchange of vehicles by motor carriers prescribed by order dated May 8, 1951, being under consideration; and

It appearing, that the said rules and regulations have not yet been made effective; and

It further appearing, that pursuant to a consideration of a number of petitions filed in the above-entitled proceeding and replies thereto, and upon the record

¹16 F. R. 4804.

as made, some modification and clarification of §§ 207.3, 207.4, and 207.5 is warranted; and good cause appearing therefor:

It is ordered, That the following sections of the said rules and regulations be amended as hereafter indicated:

1. In § 207.3 modify the preliminary statement so that it will read as follows:

§ 207.3 *Exemptions.* Other than § 207.4 (c) and (d), relative to inspection and identification of equipment, and § 207.6, relative to rental of equipment, these rules shall not apply:

2. In § 207.3 (e) modify the present paragraph so that it will read as follows:

(e) To the lease of equipment without drivers by an authorized carrier from an individual, copartnership or corporation, whose principal business is the leasing of equipment without drivers for compensation.

3. In § 207.3 following paragraph (e) of this section add paragraph (f) as follows:

(f) To equipment other than a power unit, provided that such equipment is not drawn by a power unit leased from the lessor of such equipment.

4. In § 207.4 (a) (4) (i) modify the present subdivision so that it will read as follows:

(i) For the duration of said contract, lease or other arrangement, except that provision may be made therein for considering the lessee as the owner for the purpose of subleasing under this part to other authorized carriers during such duration;

5. In § 207.4 (a) (4) (ii) modify the present subdivision so that it will read as follows:

(ii) When entered into by authorized carriers of household goods, for the transportation of household goods, as defined by the Commission, during the period the equipment is operated by or for the authorized carrier, lessee;

6. In § 207.4 (c) substitute a period for the colon following the last sentence of this paragraph which precedes the "Report of Vehicle Inspection" and add the following sentence: "When equipment other than a power unit is leased, a form of report applicable to such equipment may be used."

7. In § 207.5 (c) modify the present paragraph (c) so that it will read as follows:

(c) *Driver of interchanged equipment.* Except as provided in subparagraph (1) of this paragraph, each carrier must assign its own driver to operate the equipment that is proposed to be operated from and to the point or points of interchange and over the routes or within the territory authorized in the participating carriers' respective certificates of public convenience and necessity.

(1) Authorized common carriers, holding certificates of public convenience and necessity from this Commission authorizing the transportation, in interstate or foreign commerce, over irregular