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Bureau of Entomology and Plant Quarantine.

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Effective March 1, 1937

WHITE-PINE BLISTER-RUST QUARANTINE No. 63

REVISION OF REGULATIONS

Introductory Note

The following revision of the white-pine blister-rust quarantine regulations adds Maryland, Ohio, Pennsylvania, and Wisconsin to the list of States which have established blister-rust control areas wherein both the planting and possession of current and gooseberry plants are prohibited under State authority.

The conditions under which Federal pine-shipment permits may be issued are modified so that permits may be granted to authorize the interstate movement of 5-leaved pines which have not been raised from seed under Ribes-free conditions when in the judgment of the Bureau of Entomology and Plant Quarantine there is little or no risk of such pines being involved in blister-rust infection.

The regulations pertaining to 5-leaved pines are also revised to prohibit their interstate movement when visibly infected with the white-pine blister-rust unless such trees are shipped in a preservative or are authorized and labeled under the provisions of regulation 7.

Summary

The infected States and District are designated as Connecticut, Idaho, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. [Regulation 1 (g).]

Pine Shipments

These regulations require a Federal pine-shipment permit (see regulation 2, sec. A) for the shipment or transportation of 5-leaved pines from any infected State or District, except that in the case of shipments to or between the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, a control-area permit secured from the proper officer of the State of destination may, until further notice, be substituted for the Federal pine-shipment permit.

Pine-shipment permits are issued for pines grown from seed in a nursery which is protected from blister-rust infection by a Ribes-free zone around the premises. (See regulation 2, sec. B.)

Valid State nursery inspection certificates are also required as to all interstate movement of 5-leaved pines in the United States.

Currant and Gooseberry Shipments

The interstate movement of European black-currant plants (and plants of the wild native western species known as *Ribes*

bracteosum and *R. petiolare*) is prohibited except to and between the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. (See regulation 3-a.)

Currant and gooseberry plants shipped from any infected State or District must be either dormant and defoliated or else dipped in lime-sulphur solution (4.5° B.) *immediately before shipment*. (See regulation 3-b.)

The control-area provision is continued and is extended to Maryland, Ohio, Pennsylvania, and Wisconsin. Under that requirement a control-area permit must be secured from the State of destination for shipments of currant and gooseberry plants into those States which have legally established areas in which the growing of currant and gooseberry plants is prohibited. Such States are Connecticut, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin. (See regulation 3-c.)

LEE A. STRONG,

Chief, Bureau of Entomology and Plant Quarantine.

NOTICE OF QUARANTINE No. 63

APPROVED AUGUST 27, 1926; EFFECTIVE OCTOBER 1, 1926, SUPERSEDES QUARANTINE NO. 26 AS AMENDED, AND QUARANTINE NO. 54 AS EXTENDED

I, C. F. Marvin, Acting Secretary of Agriculture, have determined that it is necessary to quarantine every State of the continental United States and the District of Columbia, in order to prevent the spread of the white-pine blister rust (*Cronartium ribicola* Fischer), a dangerous plant disease not heretofore widely prevalent or distributed within and throughout the United States.

Now, therefore, under authority conferred by the plant quarantine act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine every State in the continental United States and the District of Columbia, effective on and after October 1, 1926. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid, no 5-leaved pines (*Pinus*) or current and gooseberry plants (*Ribes* and *Crossularia*, including cultivated or wild or ornamental sorts) shall be moved or allowed to be moved from any such State or from the District of Columbia into or through any other State in the continental United States or the District of Columbia, except in manner or method or under conditions prescribed in the rules and regulations supplemental hereto and in amendments thereof: *Provided*, That the restrictions of this quarantine and the rules and regulations supplemental hereto may be limited to the areas in a quarantined State now or hereafter designated by the Secretary of Agriculture as infected when said State shall have provided for and enforced such control measures with respect to such designated areas as, in the judgment of



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the Secretary of Agriculture, shall be deemed adequate to effect the control and prevent the spread of the white-pine blister rust: *Provided further*, That, for the enforcement of the restrictions under this quarantine on the interstate movement of 5-leafed pines and current and gooseberry plants, all interstate shipments of nursery stock or other plants shall be subject to inspection at place of shipment or destination or at any point en route, by duly authorized inspectors of the United States Department of Agriculture.

Done at the city of Washington this 27th day of August 1926.

Witness my hand and the seal of the United States Department of Agriculture.

C. F. MARVIN,
Acting Secretary of Agriculture.

REVISED RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE No. 63

APPROVED FEBRUARY 16, 1937; EFFECTIVE MARCH 1, 1937

Regulation 1. Definitions

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *White-pine blister rust, or blister rust*.—The fungous disease caused by *Cronartium ribicola* Fischer.

(b) *Five-leafed pines*.—Entire plants with roots, of the following species belonging to the genus *Pinus*:

American species:

- Ayacahuite pine (*P. ayacahuite* Ehrenb.).
- Bristle-cone pine (*P. aristata* Engelm.).
- Foxtail pine (*P. balfouriana* Murr.).
- Limber pine (*P. flexilis* James).

American species—Continued.

Mexican white pine (*P. strobiformis* Engelm.).

Sugar pine (*P. lambertiana* Dougl.).

Western white or silver pine (*P. monticola* D. Don).

White-bark pine (*P. albicaulis* Engelm.).

White pine (northern) (*P. strobus* L.).

Foreign species:

Balkan pine (*P. peuce* Griseb.).

Chinese white pine (*P. armandi* Franch.).

Himalayan or Bhotan pine (*P. excelsa* Wall.).

Japanese white pine (*P. parviflora* Sieb. and Zucc.).

Korean pine (*P. koraiensis* Sieb. and Zucc.).

Swiss stone pine (*P. cembra* L.).

(c) *Currant and gooseberry plants*.—Plants, cuttings, or scions, belonging to the genera *Ribes* L. and *Crossularia* (Tourn.) Mill., including cultivated or wild or ornamental sorts.

(d) *European black-currant plants*.—Plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of *Ribes nigrum* L.

(e) *Inspector*.—An inspector of the United States Department of Agriculture.

(f) *Dormant*.—In a nonvegetative state, with inactive buds.

(g) *Infected States and District*.—States and District designated by the Secretary of Agriculture as infected with white-pine blister rust, as follows: Connecticut, Idaho, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

(h) *Legally established blister-rust control-area*.—An area established under State authority wherein both the planting and possession of currant and gooseberry plants are prohibited for the purpose of protecting the 5-leafed pines on such area from damage by white-pine blister rust.

(i) *Moved or allowed to be moved interstate*.—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or District of the United States into or through any other State or District.

Regulation 2. Shipments of 5-Leafed Pines

SECTION A. CONTROL OF MOVEMENT

(1) Five-leafed pines shall not be moved or allowed to be moved interstate from an infected State or District to any point outside thereof, unless a Federal pine-shipping permit has been issued therefor and is attached to the outside of the container, except that, in the case of shipments to or between the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, a control-area permit secured from the proper officer of the State of destination (see Appendix) may, until further notice be substituted for the Federal pine-shipping permit. The pine-shipping permit may specify a destination point or a limited destination area for the shipment, and in that event the pines covered thereby shall not be moved or allowed to be moved interstate, directly or indirectly, either in the original container or otherwise, to destinations other than those authorized in such permit.

(2) Five-leafed pines shall not be moved or allowed to be moved interstate from any State or District unless there is attached to the outside of the container thereof a valid State or District nursery inspection certificate of the State or District from which the shipment is made.

(3) Branches and other parts of 5-leafed pines without roots may be shipped interstate from any State or District without restriction under these regulations, except that if such articles are visibly infected with the white-pine blister rust, they must either be shipped in a preservative or be authorized and labeled under the provisions of regulation 7.

(4) Five-leafed pines with roots, when visibly infected with the white-pine blister rust, shall not be moved or

allowed to be moved interstate from any State or District unless such pines are shipped in a preservative or are authorized and labeled under the provisions of regulation 7.

SECTION B. CONDITIONS GOVERNING THE ISSUANCE OF PERMITS

(5) Federal pine-shipping permits may be issued upon compliance with the following conditions:

(a) That the 5-leafed pines to be moved shall be grown from seed in a location within 1 mile of which there have existed since the time of planting said seed no European black currant plants and within at least 1,500 feet of which there have existed since the time of planting said seed no current or gooseberry plants of any size or variety which in the judgment of the inspector would involve risk of spread of the white-pine blister rust. A *Ribes*-free zone greater than 1,500 feet in width may be required when necessary in the judgment of the inspector to ensure freedom from infection. The requirement that the *Ribes*-free conditions described must have been maintained since the time of planting the seed may be waived in the case of premises which represent in the judgment of the Bureau of Entomology and Plant Quarantine little or no risk of being involved in blister-rust infection.

(b) That the owner of the nursery shall submit a signed application for a pine-shipping permit to the Bureau of Entomology and Plant Quarantine, giving the location of the premises upon which said pines will be grown and agreeing that no 5-leafed pines shall be grown in or distributed by any nursery or nurseries owned or controlled by the applicant except such as are maintained in compliance with the previous paragraph: *Provided*, That in the case of nursery properties under single ownership and management but represented by units widely separate, such units may be considered as independent nurseries and pine-shipping permits may be issued for one or more such individual units based on the certification requirements stated below when in the judgment of the inspector no risk of spread of white-pine blister rust is involved. The application required herein should preferably be filed before the seed are planted (in order to avoid disappointment and loss in case the premises are later found not to comply fully with the requirements of paragraph (a) above).

(c) That before shipment of said pines certification shall be made to the Bureau of Entomology and Plant Quarantine by an inspector showing that the nursery stock has been found to be free from white-pine blister rust and that the premises and the environs have been inspected annually and maintained as specified in paragraph (a) above.

(d) Permits for the reshipment of such pines certified under the conditions prescribed by paragraph (c) above may be issued to purchasers of such stock who do not grow 5-leafed pines upon receipt of an application and a signed agreement by the applicant agreeing to observe these regulations and the conditions under which the permit is issued.

Regulation 3. Control of Movement of Currant and Gooseberry Plants

(a) No European black currant plants (*Ribes nigrum*) and no plants of the wild native western species known as *R. bracteosum* and *R. petiolare* shall be moved or allowed to be moved interstate in the continental United States except into or within the area comprised in the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

(b) No current or gooseberry plants of any species or variety shall be moved or allowed to be moved interstate from an infected State or District unless they have either been dipped (except the roots) immediately prior to shipment in lime-sulphur solution of a strength of 4.5° B.¹ or are

shipped in a dormant and defoliated condition. Such lime-sulphur dip shall be plainly visible on said plants and be easily detectable by odor, the judgment of the inspector to be final as to adequacy of the dip and as to the condition of the plants as to dormancy and defoliation.

(c) No current or gooseberry plants of any species or variety shall be moved or allowed to be moved interstate into any of the States of Connecticut, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, or Wisconsin, unless the container shall bear on the outside thereof a control-area permit issued by an inspector designated to act for the Bureau of Entomology and Plant Quarantine in such State. (See Appendix.) Such permits may be issued on condition that the plants are destined for points outside the legally established blister rust control areas of the States concerned.

(d) Except as provided in paragraphs (a) and (c) hereof, currant and gooseberry plants may be shipped from noninfected States to any destination without restriction under these regulations.

Regulation 4. Marking Requirements

(a) Every car, box, bale, or other container of articles for which certificates or permits are required by these regulations shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall bear attached to the outside thereof the proper certificate or permit issued in compliance with regulation 2 or 3 hereof.

(b) The certificates or permits in the case of carload and other bulk shipments shall accompany the waybills, conductors' manifests, memoranda, or bills of lading pertaining to such shipments.

Regulation 5. Provision for Inspection of Nursery Stock and Other Plants in Transit

Any car, vehicle, box, bale, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by an inspector at any time or place.

Regulation 6. Cancellation of Permits

Permits issued under these regulations may be withdrawn or canceled and further permits refused, either upon determination of blister-rust infection on the premises on which the articles concerned are or have been located or for any failure of compliance with the conditions of these regulations or violation of them or of the permittee's agreement, or whenever in the judgment of the Bureau of Entomology and Plant Quarantine the further use of such permits might result in the dissemination of the white-pine blister rust. After any such permit is withdrawn or cancelled the further use of any permit tags issued thereunder is prohibited.

Regulation 7. Shipments by the United States Department of Agriculture

Articles subject to restriction in these regulations may be moved interstate by the United States Department of Agriculture for experimental, educational, or scientific purposes on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved, except when shipped to or in care of the Inspection House, Bureau of Entomology and Plant Quarantine, Washington, D. C., shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

These revised rules and regulations shall be effective on and after March 1, 1937, and shall on that date supersede the rules and regulations promulgated September 10, 1932, as amended.

Done at the city of Washington this 16th day of February 1937.

¹ Prepare this solution by diluting 1 part of commercial concentrated lime-sulphur solution of 32° B. with 8 parts of water.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL.]

H. A. WALLACE,
Secretary of Agriculture.

PENALTIES

The plant quarantine act of August 20, 1912 (37 Stat. 315), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding \$500 or by imprisonment, not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

APPENDIX

STATES WHICH HAVE LEGALLY ESTABLISHED BLISTER-RUST CONTROL AREAS

The following States have legally established blister-rust control areas in which the planting and possession of currant and gooseberry plants is prohibited by State law or regulation. Before currant or gooseberry plants may be shipped into the States listed each shipment must bear a control-area permit (Form 415) from the officer named. Applications for such permits should state the kind of plants to be shipped and the names and addresses of the consignor and consignee. Permits will not be issued for the movement of prohibited plants into blister-rust control areas.

In the case of shipments of 5-leaved pines from infected States to or between the New England States and New York, regulation 2, A (1), provides that "a control-area permit secured from the proper officer of the State of destination may, until further notice, be substituted for the Federal pine-shipment permit" required as to all other interstate shipments from infected States. This provision is made to enable the State concerned to record the locations of pine planted therein in order that provision may be made for the protection of the pine by Ribes eradication around the areas in which such planting is done.

Federal inspector designated to act in the State into which shipment is to be made

<i>State</i>	
Connecticut.....	State Entomologist, Agricultural Experiment Station, New Haven, Conn.
Idaho.....	Director, Bureau of Plant Industry, Boise, Idaho.
Maine.....	State Horticulturist, Augusta, Maine.
Maryland.....	State Plant Pathologist, College Park, Md.
Massachusetts.....	Director, Division of Plant Pest Control, State House, Boston, Mass.
Michigan.....	Inspector in Charge, Orchard and Nursery Inspection, Department of Agriculture, Lansing, Mich.
Minnesota.....	Commissioner of Conservation, State Office Building, St. Paul, Minn.
New Hampshire.....	State Nursery Inspector, Durham, N. H.
New York.....	Director, Bureau of Plant Industry, Albany, N. Y.
Ohio.....	Chief, Division of Plant Industry, Columbus, Ohio.
Pennsylvania.....	Chief, Division of Forest Protection, Harrisburg, Pa.

State

Rhode Island.....	State Entomologist, 310 State House, Providence, R. I.
Vermont.....	Forest Commissioner, Montpelier, Vt.
Wisconsin.....	State Entomologist, Madison, Wis.

[F. R. Doc. 37-470; Filed, February 16, 1937; 9:51 a. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 13th day of February A. D. 1937.

[Ex Parte No. MC 5]

IN THE MATTER OF SECURITY FOR THE PROTECTION OF THE PUBLIC AS PROVIDED IN THE MOTOR CARRIER ACT, 1935, AND OF RULES AND REGULATIONS GOVERNING THE FILING AND APPROVAL OF SURETY BONDS, POLICIES OF INSURANCE, QUALIFICATIONS AS A SELF-INSURER OR OTHER SECURITIES AND AGREEMENTS BY MOTOR CARRIERS AND BROKERS SUBJECT TO THE MOTOR CARRIER ACT, 1935

Rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed by an order dated August 3, 1936,¹ and relating to the matter of security for the protection of the public, being under consideration;

It is ordered, That said order of August 3, 1936, be and it is hereby, modified so that until the further order of the Commission certificates of insurance issued in connection with policies of insurance written as new business for a period of not more than one year, and effective between the first day of January 1937 and the thirty-first day of March 1937 may be filed for approval, and will be deemed to be in conformity with Rule VIII of the rules and regulations in said order providing:

(1) The insurance company issuing such policies is legally authorized to transact business in at least one state in which the insured operates, and has complied with all of the requirements of the order of the Commission dated August 3, as heretofore modified, other than Rule VIII, including those relating to the appointment of attorneys-in-fact for acceptance of service of process in states in which the insured operates but in which such company is not legally authorized to transact business, and provided, further, that each such company shall submit to the Commission not later than the twenty-eighth day of February 1937 evidence satisfactory to the Commission that subsequent to the first day of October 1936 and prior to the twelfth day of February 1937 it had on file with the Insurance Department (or other state authority having appropriate jurisdiction) of such states in which it is not authorized to write such insurance, an application to become licensed to transact, as the case may be, automobile bodily injury liability, property damage liability, or cargo liability classes of insurance business, on which it is awaiting the action of such State authority, or instead of such application it has entered into negotiations with other insurance companies licensed in each such state, or surety companies approved by the United States Treasury Department for the filing of policies (or certificates of insurance in lieu thereof) or surety bonds on behalf of its insureds covering such insureds' operations in such states when, in the judgment of the Commission, the evidence is such as to warrant the expectation, on its part, that the negotiations entered into with respect to such licensing or filing arrangements will be successfully consummated on or before the thirty-first day of March 1937.

(2) That renewals of policies on which the effective date of such policies is on or before the first day of October, 1936, and the expiration date is not later than the thirty-first

¹ 1 F. R. 1342.

2. The proposed Executive order or proclamation shall first be submitted to the Director of the Bureau of the Budget. If the Director of the Bureau of the Budget approves it, he shall transmit it to the Attorney General for his consideration as to both form and legality. If the Attorney General approves it, he shall transmit it to the Director of the Division of the Federal Register, the National Archives. If it conforms to the requirements of paragraph 1 hereof, the Director of the Division of the Federal Register shall transmit it and three copies thereof to the President. If it is disapproved by the Director of the Bureau of the Budget or the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by the statement of the reasons for such disapproval.

3. If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Division of the Federal Register for appropriate action in conformity with the provisions of the Federal Register Act: *Provided, however,* That the seal of the United States shall be affixed to the originals of all proclamations prior to such forwarding. The Division of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations the following notation, to be signed by the Director or by some person authorized by him: "Certified to be a true copy of the original." The Division of the Federal Register shall number and shall

supervise the promulgation, publication, and distribution of all Executive orders and proclamations.

4. The Division of the Federal Register shall cause a limited number of copies of the Executive orders and proclamations not required or authorized to be filed and published under the provisions of the Federal Register Act to be made available in slip form to the appropriate agencies of the Government.

5. The Division of the Federal Register shall file in the National Archives the originals of all Executive orders and proclamations.

6. The signed originals and copies of all Executive orders and proclamations heretofore promulgated and now in the custody of the Department of State shall be transferred to the National Archives.

7. Nothing in this order shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

8. This order shall become effective on March 12, 1936, and shall thereupon supersede Executive Order No. 6247, of August 10, 1933.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 18, 1936.

[No. 7298]