in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this paragraph does not preclude activities:

(1) Conducted by employee organizations among their own members for organizational support or for benefit or welfare funds for their members under policies and procedures approved by the Administrator.

(c) Each employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State or local taxes. For the purpose of this paragraph, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Director of Personnel determines does not, under the circumstances, reflect adversely on the Administration as employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Administration to determine the validity or amount of the disputed debt.

§ 105.735–9 Penalties.

(a) Any employee guilty of violating any of the above provisions may be subject to disciplinary action, including suspension or dismissal from employment with the Administration, in addition to other penalties provided by law.

(b) When, after consideration of the explanation of the employee or special Government employee provided by § 105.735–4–10, the Administrator decides remedial action is required, such remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

§ 105.735–10 Ad Hoc Committee.

An Ad Hoc Committee composed of the General Counsel, serving as Chairman thereof, the Assistant Administrator for Administration and the Director, Office of Public Information, shall advise and aid the Administrator in the promulgation and administration of pertinent conflict of interest agency regulations, and in the determination of specific instances of possible conflicts of interests, including the requirements of §§ 105.735–4–2, 105.735–4–3 and 105.735–4–10. The Director, Office of Audits, shall be an alternate member of the Ad Hoc Committee to serve in the absence or disability of a member of the Committee, or in the event a member of the Committee is otherwise disqualified to act. All requests for determinations, whenever necessary, under these standards of conduct shall be addressed through proper channels to this Committee.

§ 105.735–11 Statutory provisions.

The attention of all employees and special Government employees is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. 312, the "Code of Ethics for Government Service."

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibition against disloyalty and striking (5 U.S.C. 118p, 118r).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 640).

(h) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78c).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 637).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against proscribed political activities, The Hatch Act (5 U.S.C. 118i), and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibitions against (1) embezzling or misapplying funds and securities, (2) making false reports with intent to defraud, (3) receiving money or profit fraudulently through any act of the Administration and (4) making profit out of information about value of securities of companies receiving assistance (15 U.S.C. 635).

Dated: March 11, 1966.

This Part 105 was approved by the Civil Service Commission on February 4, 1966.

Effective date. This Part 105 shall become effective upon publication in the FEDERAL REGISTER.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 66–2917; Filed, Mar. 18, 1966; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 5—FOOD; EXEMPTIONS FROM LABELING REQUIREMENTS

Egg Products Shipped for Pasteurization or Other Treatment To Destroy Salmonella Organisms

There was published in the FEDERAL REGISTER of August 21, 1965 (30 F.R. 10905), a notice proposing to amend the identity standards for whole egg products and yolk products and to establish definitions and standards of identity for liquid, frozen, and dried egg white products. These proposals were for the purpose of requiring egg products to be pasteurized or otherwise treated to destroy all viable *Salmonella* microorganisms. The order ruling on these proposals, which is being separately published in this issue of the FEDERAL REGISTER, does not deal with all the questions raised in the received comments.

The Mayonnaise & Salad Dressing Institute, Corn Products Co., and Kraft Foods Division of the National Dairy Products Corp. in a joint comment filed in response to the cited proposals suggested that eggs broken from the shell and used in dressings in the same plant in which such eggs are broken should not be required to be pasteurized before being used in "acidified dressings." The comment indicated that by "acidified dressings" they meant mayonnaise, salad dressing, french dressing, and nonstandardized dressings, provided that the pH of these foods is not above 4.1 and the acidity of the aqueous phase, expressed as acetic acid, is not less than 1.4 percent. Included also was a request for an exemption from the pasteurization requirement for egg products intended for use in "acidified dressing" when the egg products are obtained from other establishments. Data were submitted to indicate that there is no danger to health, as regards viable *Salmonella* micro-organisms, from using nonpasteurized egg products in "acidified dressings." However, the comment did not furnish evidence to show that pasteurized egg products will not function effectively in these dressings.

The standards for mayonnaise, french dressing, and salad dressing (21 CFR 25.1, 25.2, 25.3) list certain egg ingredients and these are egg products for which standards have been promulgated. The practice of using shell eggs by dressing manufacturers has not been re-

garded as contravening the standards for these dressings. A change of this interpretation is not made necessary by the issuance of the above-referenced order requiring liquid, frozen, and dried egg products to be pasteurized or otherwise treated to destroy viable *Salmonella* micro-organisms.

In regard to the request for an exemption to permit egg breakers to ship unpasteurized egg products to dressing manufacturers for use in "acidified dressings," information is available to the Commissioner of Food and Drugs that properly pasteurized egg products have been extensively used in such dressings by a number of dressing manufacturers without adverse functional effects in the dressing. Accordingly, it is concluded that reasonable grounds have not been furnished to warrant granting such an exemption.

The Institute of American Poultry Industries, 67 East Madison Street, Chicago, Ill., 60602, and many individual egg-processing firms in their comments assumed it would be the policy of the Food and Drug Administration to allow nonpasteurized egg products to be shipped from one plant to another for pasteurization, provided that the egg products retain their identity and, for plants under separate ownership, there would be a written agreement between the shipper and the receiver that the egg products after processing would be in compliance with the standards of identity. It is concluded that the regulations setting forth labeling exemptions for food, Part 5, should be amended as set forth below to provide for such shipments.

Therefore, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 403, 405, 701(a), 52 Stat. 1047, 1049, 1055; 21 U.S.C. 343, 345, 371(a)) and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008); *It is ordered*, That § 5.2 be amended by adding a new paragraph (c), as follows:

§ 5.2 Repacked, reprocessed, and relabeled foods.

* * * * *

(c) The article is an egg product subject to a standard of identity promulgated in Part 42 of this chapter, is to be shipped under the conditions specified in paragraphs (a) or (b) of this section and for the purpose of pasteurization or other treatment as required in such standard, and each container of such egg product bears a conspicuous tag or label reading "Caution—This egg product has not been pasteurized or otherwise treated to destroy viable *Salmonella* micro-organisms."

Notice and public procedure are unnecessary prerequisites to the promulgation of this order, and I so find, since the statute provides for such labeling exemptions under certain conditions.

Effective date. This order shall become effective 60 days after the date of its publication in the FEDERAL REGISTER.

(Secs. 403, 405, 701(a), 52 Stat. 1047, 1049, 1055; 21 U.S.C. 343, 345, 371(a))

Dated: March 11, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-2918; Filed, Mar. 18, 1966; 8:47 a.m.]

PART 42—EGGS AND EGG PRODUCTS

Amendments of Standards for Whole Egg and Yolk Products and Establishment of Standards for Egg White Products

In the matter of amending the standards of identity for whole egg products and yolk products and establishing standards for egg white products:

A. A notice was published in the FEDERAL REGISTER of August 21, 1965 (30 F.R. 10907), proposing that the standard for frozen whole eggs (21 CFR 42.20) be amended to permit adding, with appropriate label declaration, not more than 0.5 percent monosodium phosphate as an optional ingredient to preserve color. The proposal was based on a petition submitted by Standard Brands, Inc., 625 Madison Avenue, New York, N.Y., 10022.

B. Another notice was published in the FEDERAL REGISTER of August 21, 1965 (30 F.R. 10905), in which the Commissioner of Food and Drugs, on his own initiative, proposed that:

1. The identity standards for whole eggs in liquid, frozen, and dried forms and for egg yolks in liquid, frozen, and dried forms (21 CFR 42.10, 42.20, 42.30, 42.40, 42.50, 42.60) be amended to require that these products be pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms.

2. Definitions and standards of identity be established for liquid egg whites, frozen egg whites, and dried egg whites with the requirement that these articles be pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms.

More than 40 comments were received in response to the Commissioner's proposals, 5 of these opposed the requirement that egg products be pasteurized or otherwise treated to destroy *Salmonella* micro-organisms. Some of the suggestions included in the comments have been adopted in the following order and some have not. Some comments raised issues that went beyond the scope of the proposals and cannot be included in this ruling.

In consideration of the comments filed, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standards for egg products substantially as proposed and to establish definitions and standards of identity for liquid egg whites, frozen egg whites, and dried egg whites. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That Part 42 be amended by revising §§ 42.10, 42.20, 42.30(a), 42.40, 42.50, and 42.60(a) and by adding new §§ 42.70, 42.71, and 42.72. The affected portions read as follows:

§ 42.10 Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs; identity.

Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs are eggs of the domestic hen broken from the shells, and with yolks and whites in their natural proportion as so broken. They may be mixed, or mixed and strained, and they are pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms. Pasteurization or such other treatment is deemed to permit the adding of safe and suitable substances (other than chemical preservatives) that are essential to the method of pasteurization or other treatment used. For the purposes of this paragraph, safe and suitable substances are those that perform a useful function in the pasteurization or other treatment to render the liquid eggs free of viable *Salmonella* micro-organisms, and that are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or, if they are food additives, they are used in conformity with regulations established pursuant to section 409 of the act.

§ 42.20 Frozen eggs, frozen whole eggs, frozen mixed eggs; identity.

(a) Frozen eggs, frozen whole eggs, frozen mixed eggs is the food prepared by freezing liquid eggs that conform to § 42.10, with such precautions that the finished food is free of viable *Salmonella* micro-organisms.

(b) Monosodium phosphate may be added either directly or in a water solution, but the amount added does not exceed 0.5 percent of the weight of the frozen eggs. If a water solution is used, it shall contain not less than 50 percent by weight of monosodium phosphate.

(c) When the optional ingredient specified in paragraph (b) of this section is used the label shall bear the statement "Monosodium phosphate added to preserve color," or, in case the optional ingredient is added in a water solution, the statement shall be "Monosodium phosphaet (with _____% water as a carrier) added to preserve color," the blank being filled in to show the percent by weight of water used in proportion to the weight of the finished food. The statement declaring the optional ingredient shall appear on the principal display panel or panels with such prominence and conspicuousness as to render it likely to be read and understood under customary conditions of purchase.

§ 42.30 Dried eggs, dried whole eggs; identity; label statement of optional ingredients.

(a) Dried eggs, dried whole eggs are prepared by drying liquid eggs that conform to § 42.10, with such precautions that the finished food is free of viable

Salmonella micro-organisms. They may be powdered. Before drying, the glucose content of the liquid eggs may be reduced by one of the optional procedures set forth in paragraph (b) of this section. Sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if the optional anticaking ingredient is used, does not exceed 5 percent by weight; however, if the optional anticaking ingredient is not used the moisture content may exceed 5 percent, but it does not exceed 8 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids."

* * * * *

§ 42.40 Egg yolks, liquid egg yolks, yolks, liquid yolks; identity.

Egg yolks, liquid egg yolks, yolks, liquid yolks are yolks of eggs of the domestic hen, so separated from the whites thereof as to contain not less than 43 percent total egg solids, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids." They may be mixed, or mixed and strained, and they are pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms. Pasteurization or such other treatment is deemed to permit the adding of safe and suitable substances (other than chemical preservatives) that are essential to the method of pasteurization or other treatment used. For the purposes of this paragraph, safe and suitable substances are those that perform a useful function in the pasteurization or other treatment to render the egg yolks free of viable *Salmonella* micro-organisms, and that are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or, if they are food additives, they are used in conformity with regulations established pursuant to section 409 of the act.

§ 42.50 Frozen yolks, frozen egg yolks; identity.

Frozen yolks, frozen egg yolks is the food prepared by freezing egg yolks that conform to § 42.40, with such precautions that the finished food is free of viable *Salmonella* micro-organisms.

§ 42.60 Dried egg yolks, dried yolks; identity; label statement of optional ingredients.

(a) Dried egg yolks, dried yolks is the food prepared by drying egg yolks that conform to § 42.40, with such precautions that the finished food is free of viable *Salmonella* micro-organisms. Before drying, the glucose content of the liquid egg yolks may be reduced by one of the optional procedures set forth in paragraph (b) of this section. Sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if the optional anticaking ingredient is used, does not exceed 5 percent by weight; however, if the optional anticaking ingredient is not used the moisture content may exceed 5 percent, but it does not exceed 8 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids."

* * * * *

§ 42.70 Egg whites, liquid egg whites, liquid egg albumen; identity; label statement of optional ingredients.

(a) Egg whites, liquid egg whites, liquid egg albumen is the food obtained from eggs of the domestic hen, broken from the shells and separated from yolks. The food may be mixed, or mixed and strained, and is pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms. Pasteurization or such other treatment is deemed to permit the adding of safe and suitable substances (other than chemical preservatives) that are essential to the method of pasteurization or other treatment used. Safe and suitable substances that aid in protecting or restoring the whipping properties of liquid egg whites may be added. For the purposes of this paragraph, safe and suitable substances are those that perform a useful function as whipping aids or in the pasteurization or other treatment to render liquid egg whites free of viable *Salmonella* micro-organisms and that are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or, if they are food additives, they are used in conformity with regulations established pursuant to section 409 of the act.

(b) Any optional ingredients used as whipping aids, as provided for in paragraph (a) of the section, shall be named on the principal display panel or panels of labels with such prominence and conspicuousness as to render such names likely to be read and understood by ordinary individuals under customary conditions of purchase.

§ 42.71 Frozen egg whites, frozen egg albumen; identity; label statement of optional ingredients.

(a) Frozen egg whites, frozen egg albumen is the food prepared by freezing liquid egg whites that conform to § 42.70, with such precautions that the finished food is free of viable *Salmonella* micro-organisms.

(b) When frozen egg whites are prepared from liquid egg whites containing any optional ingredients added as whipping aids, as provided for in § 42.70(a), the common names of such optional ingredients shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render such names likely to be read and understood by ordinary individuals under customary conditions of purchase.

§ 42.72 Dried egg whites, egg white solids, dried egg albumen, egg albumen solids; identity; label statement of optional ingredients.

(a) The food dried egg whites, egg white solids, dried egg albumen, egg albumen solids is prepared by drying liquid egg whites conforming to the requirements of § 42.70 (or deviating from that section only by not being *Salmonella* free). As a preliminary step to drying, the glucose content of the liquid egg whites is reduced by adjusting the pH, where necessary, with food-grade acid and by following one of the optional procedures set forth in paragraph (b) of this section. If the food is prepared from liquid egg whites conforming in all respects to the requirements of § 42.70, drying shall be done with such precautions that the finished food is free of viable *Salmonella* micro-organisms. If the food is prepared from liquid egg whites that are not *Salmonella* free, the dried product shall be so treated by heat or otherwise as to render the finished food free of viable *Salmonella* micro-organisms. Dried egg whites may be powdered.

(b) The optional glucose-removing procedures are:

(1) *Enzyme procedure.* A glucose-oxidase-catalase preparation and hydrogen peroxide solution are added to liquid egg whites. The quantity used and the time of reaction are sufficient to substantially reduce the glucose content. The glucose-oxidase-catalase preparation used is one that is generally recognized as safe within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act. The hydrogen peroxide solution used shall comply with the specifications of the United States Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain a preservative.

(2) *Controlled fermentation procedures*—(i) *Yeast procedure.* Food-grade baker's yeast (*Saccharomyces cerevisiae*) is added to the liquid egg whites and controlled fermentation is maintained. The quantity of yeast used and the time of reaction are sufficient to substantially reduce the glucose content.

(ii) *Bacterial procedure.* The liquid egg whites are subjeted to the action of a culture of glucose-fermenting bacteria either generally recognized as safe within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act, or the subject of a regulation established pursuant to section 409 of the act, and the culture is used in conformity with such regulation. The quantity of the culture used is sufficient to predominate in the fermentation and the time and temperature of reaction are sufficient to substantially reduce the glucose content.

(c) When the dried egg whites are prepared from liquid egg whites containing any optional ingredients added as whipping aids, as provided for in § 42.70(a), the common names of such optional ingredients shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render the names

likely to be read and understood by ordinary individuals under customary conditions of purchase.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 11, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-2919; Filed Mar. 18, 1966, 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Additional Drugs Subject to Control; Temporary Exemption From Record-Keeping Requirements

By publication in the FEDERAL REGISTER of January 18, 1966 (31 F.R. 565), the Commissioner of Food and Drugs proposed the control, under the Drug Abuse Control Amendments of 1965, of seventeen drugs having a potential for abuse because of their stimulant or depressant effect on the central nervous system or because of their hallucinogenic effect. Interested persons were invited to present their views on the proposal, on additional trade or other names which should be listed, and on combinations of controlled drugs with other drugs which, because of their lack of significant potentiality for abuse, should be considered for exemption.

Having considered the comments and suggestions filed in response to the proposal, the definitions contained in § 166.2 (21 CFR 166.2), the reasons stated in the proposal, and other pertinent information, the Commissioner has concluded that all the listed drugs in the proposal, except phenmetrazine and its salts (Preludin), should be controlled at this time. For the present phenmetrazine and its salts are not included in the list, because it has been determined that the voluminous information and data submitted, in reply to the proposal with reference to this drug and competitive anorexiants, should be given study and consideration by the Commissioner's Advisory Committee. Final determination on listing of phenmetrazine will be announced later.

On the basis of study of Food and Drug Administration files, the Commissioner exempts, by amending § 166.8(b), combinations which include the drugs listed below under § 166.3 (b) and (c)(1) from the recordkeeping requirements of section 511(d)(1) of the Federal Food, Drug, and Cosmetic Act on an interim basis until August 1, 1966, since it is found that such action would present no significant hazard to the public health. In addition, the Commissioner proposes to give prompt attention to the recommendations for exemptions submitted pursuant to the proposal of January 18, 1966.

No exemption from section 511(d)(1) of the act is necessary for hallucinogenic drugs in combination with other drugs, since combinations of the drugs in this group, listed below under § 166.3(c)(3), are legally available only as investigational drugs to be used only by qualified investigators under plans of investigations reported to the Food and Drug Administration under the act.

On the basis of comments received from various branches of the Native American Church, the Commissioner exempts the Church from the registration and recordkeeping requirements of the act for the possession of peyote for bona fide religious ceremonies. However, registration and recordkeeping are required for peyote until such time as it comes into possession of the Church.

Section 166.16(a) is changed to provide for initial inventory of drugs brought under control after February 1, 1966. Such control is necessary to maintain the continuity of records from production to dispensing to the individual drug user.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 166 is amended by adding to § 166.3 new paragraphs (b) and (c) and by revising § 166.8(b) and § 166.16(a) The affected portions read as follows:

§ 166.3 Listing of drugs defined in section 201(v) of the act.

* * * * *

(b) The Commissioner has investigated and designates all drugs, unless exempted by regulations in this part, containing any amount of the following substances as having potential for abuse and habit forming because of their stimulant effect on the central nervous system:

Established name	*Some trade and other names*
d-, dl-Methamphetamine and their salts	*d-, dl*-Desoxyephedrine and their salts.

(c) The Commissioner has investigated and designates all drugs, unless exempted by regulations in this part, containing any amount of the following substances as having a potential for abuse because of their:

(1) Depressant effect on the central nervous system:

Established name	*Some trade and other names*
Chloral hydrate	Chloral.
Chlordiazepoxide and its salts.	Librium.
Diazepam	Valium.
Ethchlorvynol	Placidyl.
Ethinamate	Valmid.
Glutethimide	Doriden.
Meprobamate	Apascil, Atraxin, Biobamat, Calmiren, Cirpon, Cyrpon, Ecuanil, Equanil, Equanil LA, Harmonin, Mepantin, Mepavlon, Meproleaf, Meprosin, Meprospan, Meprotabs, Miltown, Nervonus, Neuramate, Oasil, Pameco, Panediol, Perequil, Perquietil, Pertranquil, Placidon, Probamyl, Quanil, Quilate, Sedabamate, Sedazil, Urbil, Viobamate.
Methyprylon	Noludar.
Paraldehyde	

(2) Stimulant effect on the central nervous system: [Reserved]

(3) Hallucinogenic effect:

Established name	*Some trade and other names*
DMT	Dimethyltryptamine.
LSD-25; LSD	*d*-Lysergic acid diethylamide.
Mescaline and its salts.	
Peyote	
Psilocybin; psilocibin	
Psilocyn; psilocin	

The listing of peyote in this subparagraph does not apply to non-drug use in bona fide religious ceremonies of the Native American Church; however, persons supplying the product to the Church are required to register and maintain appropriate records of receipts and disbursements of the article.

§ 166.8 Combination drugs; temporary exemption from recordkeeping requirements of section 511(d)(1) of the act.

* * * * *

(b) Drugs containing amphetamines or barbiturates or any of the controlled drugs listed in § 166.3 (b) or (c)(1), combined with other drugs, except that this exemption shall not apply to any of these drugs combined with each other.

§ 166.16 Records required to be maintained under section 511(d) of the act.

(a) *Types of records*—(1) *Initial inventory.* Section 511(d)(1) of the act requires every person engaged in manufacturing, compounding, processing, selling, delivering, or otherwise disposing of any depressant or stimulant drug, as defined in section 201(v) of the act, to prepare upon the effective date of the section a complete and accurate record of

all stocks of each such drug on hand and to keep such records for 3 years.

(i) An inventory is required as of February 1, 1966, of each drug containing any amount of barbiturate or amphetamine, unless exempted by regulation in this part.

(ii) An inventory is required of any drug on the effective date of an order issued after February 1, 1966, that designates such drug under section 201(v) of the act as a depressant or stimulant drug subject to control, unless exempted by regulation in this part.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321 (v), 360a, 371)

Dated: March 16, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-2910; Filed, Mar. 18, 1966; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.304, the headnote, paragraph (a), and that portion of paragraph (b) preceding subparagraph (1) are amended to read as follows:

§ 3.304 Direct service connection; wartime and peacetime.

(a) *General.* The basic considerations relating to service connection are stated in § 3.303. The criteria in this section apply only to disabilities which may have resulted from service in a period of war or service rendered on or after February 1, 1955.

(b) *Presumption of soundness.* The veteran will be considered to have been in sound condition when examined, accepted and enrolled for service, except as to defects, infirmities, or disorders noted at entrance into service, or where clear and unmistakable (obvious or manifest) evidence demonstrates that an injury or disease existed prior thereto. Only such conditions as are recorded in examination reports are to be considered as noted (38 U.S.C. 311; Public Law 89-358).

* * * * *

2. In § 3.305, the headnote and paragraph (a) are amended to read as follows:

§ 3.305 Direct service connection; peacetime service before February 1, 1955.

(a) *General.* The basic considerations relating to service connection are stated in § 3.303. The criteria in this section apply only to disabilities which may have resulted from service other than in a period of war before February 1, 1955.

* * * * *

3. In § 3.307, the headnote and paragraph (a) are amended to read as follows:

§ 3.307 Presumptive service connection for chronic or tropical disease; wartime and service on or after February 1, 1955.

(a) *General.* A chronic or tropical disease listed in § 3.309 will be considered to have been incurred in service under the circumstances outlined in this section even though there is no evidence of such disease during the period of service. No condition other than one listed in § 3.309(a) will be considered chronic.

(1) *Service.* The veteran must have served 90 days or more during a war period or after January 31, 1955. The requirement of 90 days service means active, continuous service within or extending into or beyond a war period, or which began before and extended beyond January 31, 1955, or began after that date.

(2) *Separation from service.* For the purpose of subparagraphs (3) and (4) of this paragraph the date of separation from wartime service will be the date of discharge or release during a war period, or if service continued after the war, the end of the war period. In claims based on service on or after February 1, 1955, the date of separation will be the date of discharge or release from the period of service on which the claim is based.

(3) *Chronic disease.* The disease must have become manifest to a degree of 10 percent or more within 1 year (for Hansen's disease (leprosy) and tuberculosis, within 3 years; multiple sclerosis, within 7 years) from the date of separation from service as specified in subparagraph (2) of this paragraph.

(4) *Tropical disease.* The disease must have become manifest to a degree of 10 percent or more within 1 year from date of separation from service as specified in subparagraph (2) of this paragraph, or at a time when standard accepted treatises indicate that the incubation period commenced during such service. The resultant disorders or diseases originating because of therapy administered in connection with a tropical disease or as a preventative may also be service connected (38 U.S.C. 312; Public Law 89-358).

* * * * *

4. Section 3.308 is revised to read as follows:

§ 3.308 Presumptive service connection; peacetime service before February 1, 1955.

(a) *Chronic disease.* There is no provision for presumptive service connection for chronic disease as distinguished from tropical diseases referred to in paragraph (b) of this section based on peacetime service before February 1, 1955.

(b) *Tropical disease.* In claims based on peacetime service before February 1, 1955, a veteran of 6 months or more service who contracts a tropical disease listed in § 3.309(b) or a resultant disorder or disease originating because of therapy administered in connection with a tropical disease or as a preventative will be considered to have incurred such disability in service when it is shown to exist to the degree of 10 percent or more within 1 year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period commenced during active service unless shown by clear and unmistakable evidence not to have been of service origin. The requirement of 6 months or more service means active, continuous service, during one or more enlistment periods (38 U.S.C. 333).

5. In § 3.309, those portions of paragraphs (a) and (b) preceding the list of diseases are amended to read as follows:

§ 3.309 Disease subject to presumptive service connection.

(a) *Chronic diseases.* The following diseases may be considered for service connection although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limits under § 3.307 following service in a period of war or following peacetime service on or after February 1, 1955.

* * * * *

(b) *Tropical diseases.* The following diseases may be considered for service connection as a result of tropical service, although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limit under §§ 3.307 or 3.308 following service in a period of war or following peacetime service.

* * * * *

6. Section 3.314 is revised to read as follows:

§ 3.314 Basic pension determinations.

(a) *Prior to World War I.* While pensions are granted based on service prior

to World War I, the only rating factors in claims therefor are:

(1) Claims based on service of less than 90 days in the Spanish-American War require a rating determination as to whether the veteran was discharged or released from service for a service-connected disability or had at the time of separation from service a service-connected disability, shown by official service records, which in medical judgment would have warranted a discharge for disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration regulations (38 U.S.C. 512).

(2) Veterans entitled to pension on the basis of service in the Indian wars or the Spanish-American War may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. Veterans who have elected pension under Public Law 86-211 (73 Stat. 432) who are not rated as being in need of regular aid and attendance may be entitled to increased pension based on 100-percent permanent disability together with independent disability of 60 percent or more or by reason of being permanently housebound as provided in § 3.351(d) (38 U.S.C. 502 (b), (c), 511, 512).

(b) *World War I and subsequent wars.* Non-service-connected disability and death pensions may be paid based on service in World War I, World War II and the Korean conflict. Rating determinations in such claims will be required in the following situations:

(1) Claims based on service of less than 90 days may require a determination as to whether the veteran was discharged or released from service for a service-connected disability or had at the time of separation from service a service-connected disability, shown by official service records, which in medical judgment would have warranted a discharge for disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration regulations (38 U.S.C. 521 (g)(2)) unless, in the case of death pension, the veteran was, at the time of his death, receiving (or entitled to receive) compensation or retirement pay based upon a wartime service-connected disability (38 U.S.C. 541(a) and 542(a)).

(2) Determinations of permanent total disability for pension purposes will be based on service-connected or non-service-connected disability not the result of willful misconduct or vicious habits.

(3) Veterans entitled to non-service-connected disability pension may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. Veterans entitled to pension under Public Law 86-211 (73 Stat. 432) who are not rated as being in need of regular aid and attendance may be entitled to increased pension based on a 100-percent permanent disability together with independent disability of 60 percent or more or by reason of being permanently housebound as provided in § 3.351(d) (38 U.S.C. 502 (b), (c), 521).

7. Section 3.315 (formerly § 3.314(b) as amended) is added to read as follows:

§ 3.315 Basic eligibility determinations; dependents, loans, education.

(a) *Husband.* Eligibility of a husband of a female veteran to qualify as a "wife" for purposes of benefits under title 38, United States Code (except ch. 19), requires a rating determination that the husband is permanently incapable of self-support due to physical or mental disability (38 U.S.C. 102).

(b) *Widower.* Eligibility of a widower of a female veteran for benefits provided for a "widow" under title 38, United States Code (except ch. 19), requires a rating determination that the widower was permanently incapable of self-support due to physical or mental disability at the time of the veteran's death (38 U.S.C. 102).

(c) *Child over 18 years.* A child of a veteran may be considered a "child" after age 18 for purposes of benefits under title 38, United States Code (except ch. 19 and sec. 5202(b) of ch. 85), if found by a rating determination to have become, prior to age 18, permanently incapable of self-support (38 U.S.C. 101(4)(B)).

(d) *Loans.* Where a World War II veteran or a Korean conflict veteran had less than 90 days service, or a veteran who served on or after February 1, 1955, had less than 181 days of service on active duty as defined in §§ 36.4301(hh) and 36.4501(p), eligibility of the veteran for a home, farm or business loan under 38 U.S.C. ch. 37 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumption of incurrence under § 3.304(b). Determinations based on World War II and Korean conflict service are also subject to the presumption of aggravation under § 3.306(b) while determinations based on service on or after February 1, 1955, are subject to the presumption of aggravation under § 3.306 (a) and (c). The provisions of this paragraph are also applicable regardless of length of service, in determining eligibility to the maximum period of entitlement based on discharge or release for a service-connected disability (38 U.S.C. 1802, 1818; Public Law 89-358).

(e) *Veterans' educational assistance.* Where a veteran who served on or after February 1, 1955, had less than 181 days service on active duty, as defined in § 21.1040, eligibility for educational assistance under 38 U.S.C. ch. 34 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumptions of incurrence under § 3.304 (b) and aggravation under § 3.306 (a) and (c). (38 U.S.C. 1652(a); Public Law 89-358)

8. In § 3.371, the headnote and paragraph (c) are amended to read as follows:

§ 3.371 Presumptive service connection for tuberculous disease; wartime and service on or after February 1, 1955.

* * * * *

(c) *Tuberculous pleurisy and endobronchial tuberculosis.* Tuberculous pleurisy and endobronchial tuberculosis fall within the category of pulmonary tuberculosis for the purpose of service connection on a presumptive basis. Either will be held incurred in service when initially manifested within 36 months after the veteran's separation from service as determined under § 3.307 (a)(2). If diagnosed as active by approved methods during the fourth year, they will be held to have preexisted the diagnosis 6 months. As to tuberculous pleurisy, the effective date of the extension of presumption 6 months beyond the 3-year period will be September 5, 1958.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective March 3, 1966.

Approved: March 14, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-2895; Filed, Mar. 18, 1966; 8:45 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

WAR ORPHANS' EDUCATIONAL ASSISTANCE

In § 3.707, paragraph (a)(3) is amended to read as follows:

§ 3.707 War orphans' educational assistance.

(a) * * *

(3) Election is final when the payee has negotiated one check for this benefit. See § 21.3023 (38 U.S.C. 1701; 1762; 3104 (b)(2)).

* * * * *

(72 Stat. 1114; 38 U.S.C. 210; Public Law 89-358)

This VA regulation is effective June 1, 1966.

Approved: March 14, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-2894; Filed, Mar. 18, 1966; 8:45 a.m.]