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Title 38, Part 3

*Adjudication*

**Veterans Benefits Administration**

Supplement No. 86

Covering period of *Federal Register* issues  
through June 2, 2009

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# GENERAL INSTRUCTIONS

Custom Federal Regulations Service™

## Supplemental Materials for *Book B*

Code of Federal Regulations

Title 38, Part 3

*Adjudication*

## Veterans Benefits Administration

Supplement No. 86

5 June 2009

Covering the period of Federal Register issues  
through June 2, 2009

When **Book B** was originally prepared, it was current through final regulations published in the *Federal Register* of 9 August 1991. These supplemental materials are designed to keep your regulations up to date. You should file the attached pages immediately, and record the fact that you did so on the *Supplement Filing Record* which begins on page B-5 of Book B, *Adjudication*.

**To ensure accuracy and timeliness of your materials,  
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1. Always file your supplemental materials immediately upon receipt.
2. Before filing, always check the Supplement Filing Record (page B-5) to be sure that all prior supplements have been filed. If you are missing any supplements, contact the Veterans Benefits Administration at the address listed on page B-4.
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**FILING INSTRUCTIONS**

**Book B, Supplement No. 86  
June 5, 2009**

<i>Remove these <u>old pages</u></i>	<i>Add these <u>new pages</u></i>	<i>Section(s) <u>Affected</u></i>
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**Do not file this supplement until you confirm that  
all prior supplements have been filed**

3.309-1 to 3.309-8	3.309-1 to 3.309-8	§3.309
3.1602-1 to 3.1604-3	3.1602-1 to 3.1604-3	§3.1604

**Be sure to complete the  
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## HIGHLIGHTS

### Book B, Supplement No. 86 June 5, 2009

**Note:** Where substantive changes are made in the text of regulations, the paragraphs of *Highlights* sections are cited at the end of the relevant section of text. Thus, if you are reading §3.263, you will see a note at the end of that section which reads: “Supplement *Highlights* references—6(2).” This means that paragraph 2 of the *Highlights* section in Supplement No. 6 contains information about the changes made in §3.263. By keeping and filing the *Highlights* sections, you will have a reference source explaining all substantive changes in the text of the regulations.

**Supplement frequency:** This Book B (*Adjudication*) was originally supplemented four times a year, in February, May, August, and November. Beginning 1 August 1995, supplements will be issued *every month* during which a final rule addition or modification is made to the parts of Title 38 covered by this book. Supplements will be numbered consecutively as issued.

### **Modifications in this supplement include the following:**

1. On 7 May 2009, the VA published a final rule, effective that same date, to amend the adjudication regulations concerning presumptive service connection for a certain disease based on the most recent National Academy of Sciences Institute of Medicine committee report, *Veterans and Agent Orange: Update 2006*; the amendment is necessary to implement a decision of the Secretary of Veterans Affairs that there is a positive association between exposure to herbicides used in the Republic of Vietnam during the Vietnam era and the subsequent development of AL amyloidosis. Change:

- In §3.309(e), added *AL amyloidosis* to the list of diseases associated with exposure to certain herbicide agents.

2. On 12 May 2009, the VA published a final rule, effective that same date, to amend the adjudication regulations concerning burial benefits in order to incorporate a change made by the *Dr. James Allen Veteran Vision Equity Act of 2007* that eliminated a 2-year time limitation for States to file claims for reimbursement of interment costs with VA. Change:

- In §3.1604, removed the second and third sentences of paragraph (d)(2).



**§3.309 Disease subject to presumptive service connection.**

(a) *Chronic diseases.* The following diseases shall be granted service connection although not otherwise established as incurred in or aggravated by 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 January 1, 1947, provided the rebuttable presumption provisions of §3.307 are also satisfied.

Anemia, primary.  
Arteriosclerosis.  
Arthritis.  
Atrophy, Progressive muscular.  
Brain hemorrhage.  
Brain thrombosis.  
Bronchiectasis.  
Calculi of the kidney, bladder, or gallbladder.  
Cardiovascular-renal disease, including hypertension. (This term applies to combination involvement of the type of arteriosclerosis, nephritis, and organic heart disease, and since hypertension is an early symptom long preceding the development of those diseases in their more obvious forms, a disabling hypertension within the 1-year period will be given the same benefit of service connection as any of the chronic diseases listed.)  
Cirrhosis of the liver.  
Coccidioidomycosis.  
Diabetes mellitus.  
Encephalitis lethargica residuals.  
Endocarditis. (This term covers all forms of valvular heart disease.)  
Endocrinopathies.  
Epilepsies.  
Hansen's disease.  
Hodgkin's disease.  
Leukemia.  
Lupus erythematosus, systemic.  
Myasthenia gravis.  
Myelitis.  
Myocarditis.  
Nephritis.  
Other organic diseases of the nervous system.  
Osteitis deformans (Paget's disease).  
Osteomalacia.  
Palsy, bulbar.  
Paralysis agitans.  
Psychoses.  
Purpura idiopathic, hemorrhagic.  
Raynaud's disease.  
Sarcoidosis.  
Scleroderma.

Sclerosis, amyotrophic lateral.

Sclerosis, multiple.

Syringomyelia.

Thromboangiitis obliterans (Buerger's disease).

Tuberculosis, active.

Tumors, malignant, or of the brain or spinal cord or peripheral nerves.

Ulcers, peptic (gastric or duodenal) (A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.

(b) *Tropical diseases.* The following diseases shall be granted 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 limits under §3.307 or §3.308 following service in a period of war or following peacetime service provided the rebuttable presumption provisions of §3.307 are also satisfied.

Amebiasis.

Blackwater fever.

Cholera.

Dracontiasis.

Dysentery.

Filariasis.

Leishmaniasis, including kala-azar.

Loiasis.

Malaria.

Onchocerciasis.

Oroya fever.

Pinta.

Plague.

Schistosomiasis.

Yaws.

Yellow fever.

Resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof.

(c) *Diseases specific as to former prisoners of war.*

(1) If a veteran is a former prisoner of war, the following diseases shall be service connected if manifest to a degree of disability of 10 percent or more at any time after discharge or release from active military, naval, or air service even though there is no record of such disease during service, provided the rebuttable presumption provisions of §3.307 are also satisfied.



Psychosis.

Any of the anxiety states.

Dysthymic disorder (or depressive neurosis).

Organic residuals of frostbite, if it is determined that the veteran was interned in climatic conditions consistent with the occurrence of frostbite.

Post-traumatic osteoarthritis.

Atherosclerotic heart disease or hypertensive vascular disease (including hypertensive heart disease) and their complications (including myocardial infarction, congestive heart failure, arrhythmia).

Stroke and its complications.

(2) If the veteran:

(i) Is a former prisoner of war and;

(ii) Was interned or detained for not less than 30 days, the following diseases shall be service connected if manifest to a degree of 10 percent or more at any time after discharge or release from active military, naval, or air service even though there is no record of such disease during service, provided the rebuttable presumption provisions of §3.307 are also satisfied.

Avitaminosis.

Beriberi (including beriberi heart disease).

Chronic dysentery.

Helminthiasis.

Malnutrition (including optic atrophy associated with malnutrition).

Pellagra.

Any other nutritional deficiency.

Irritable bowel syndrome.

Peptic ulcer disease.

Peripheral neuropathy except where directly related to infectious causes.

Cirrhosis of the liver.

**Authority:** 38 U.S.C. 1112(b).

(d) *Diseases specific to radiation-exposed veterans.*

(1) The diseases listed in paragraph (d)(2) of this section shall be service-connected if they become manifest in a radiation-exposed veteran as defined in paragraph (d)(3)

of this section, provided the rebuttable presumption provisions of §3.307 of this part are also satisfied.

- (2) The diseases referred to in paragraph (d)(1) of this section are the following:
- (i) Leukemia (other than chronic lymphocytic leukemia).
  - (ii) Cancer of the thyroid.
  - (iii) Cancer of the breast.
  - (iv) Cancer of the pharynx.
  - (v) Cancer of the esophagus.
  - (vi) Cancer of the stomach.
  - (vii) Cancer of the small intestine.
  - (viii) Cancer of the pancreas.
  - (ix) Multiple myeloma.
  - (x) Lymphomas (except Hodgkin's disease).
  - (xi) Cancer of the bile ducts.
  - (xii) Cancer of the gall bladder.
  - (xiii) Primary liver cancer (except if cirrhosis or hepatitis B is indicated).
  - (xiv) Cancer of the salivary gland.
  - (xv) Cancer of the urinary tract.
  - (xvi) Bronchiolo-alveolar carcinoma.
  - (xvii) Cancer of the bone.
  - (xviii) Cancer of the brain.
  - (xix) Cancer of the colon.
  - (xx) Cancer of the lung.
  - (xxi) Cancer of the ovary.

**Note:** For the purposes of this section, the term *urinary tract* means the kidneys, renal pelves, ureters, urinary bladder, and urethra. (Authority: 38 U.S.C. 1112(c)(2))

(3) For purposes of this section:

(i) The term *radiation-exposed veteran* means either a veteran who, while serving on active duty, or an individual who while a member of a reserve component of the Armed Forces during a period of active duty for training or inactive duty training, participated in a radiation-risk activity.

(ii) The term *radiation-risk activity* means:

(A) Onsite participation in a test involving the atmospheric detonation of a nuclear device.

(B) The occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945, and ending on July 1, 1946.

(C) Internment as a prisoner of war in Japan (or service on active duty in Japan immediately following such internment) during World War II which resulted in an

opportunity for exposure to ionizing radiation comparable to that of the United States occupation forces in Hiroshima or Nagasaki, Japan, during the period beginning on August 6, 1945, and ending on July 1, 1946.

(D) (1) Service in which the service member was, as part of his or her official military duties, present during a total of at least 250 days before February 1, 1992, on the grounds of a gaseous diffusion plant located in Paducah, Kentucky, Portsmouth, Ohio, or the area identified as K25 at Oak Ridge, Tennessee, if, during such service the veteran:

(i) Was monitored for each of the 250 days of such service through the use of dosimetry badges for exposure at the plant of the external parts of veteran's body to radiation; or

(ii) Served for each of the 250 days of such service in a position that had exposures comparable to a job that is or was monitored through the use of dosimetry badges; or

(2) Service before January 1, 1974, on Amchitka Island, Alaska, if, during such service, the veteran was exposed to ionizing radiation in the performance of duty related to the Long Shot, Milrow, or Cannikin underground nuclear tests.

(3) For purposes of paragraph (d)(3)(ii)(D)(1) of this section, the term "day" refers to all or any portion of a calendar day.

(E) Service in a capacity which, if performed as an employee of the Department of Energy, would qualify the individual for inclusion as a member of the Special Exposure Cohort under section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)).

(iii) The term *atmospheric detonation* includes underwater nuclear detonations.

(iv) The term *onsite participation* means:

(A) During the official operational period of an atmospheric nuclear test, presence at the test site, or performance of official military duties in connection with ships, aircraft or other equipment used in direct support of the nuclear test.

(B) During the six month period following the official operational period of an atmospheric nuclear test, presence at the test site or other test staging area to perform official military duties in connection with completion of projects related to the nuclear test including decontamination of equipment used during the nuclear test.

(C) Service as a member of the garrison or maintenance forces on Eniwetok during the periods June 21, 1951, through July 1, 1952, August 7, 1956, through August 7, 1957, or November 1, 1958, through April 30, 1959.

(D) Assignment to official military duties at Naval Shipyards involving the decontamination of ships that participated in Operation Crossroads.

(v) For tests conducted by the United States, the term *operational period* means:

- (A) For Operation *TRINITY* the period July 16, 1945 through August 6, 1945.
- (B) For Operation *CROSSROADS* the period July 1, 1946 through August 31, 1946.
- (C) For Operation *SANDSTONE* the period April 15, 1948 through May 20, 1948.
- (D) For Operation *RANGER* the period January 27, 1951 through February 6, 1951.
- (E) For Operation *GREENHOUSE* the period April 8, 1951 through June 20, 1951.
- (F) For Operation *BUSTER-JANGLE* the period October 22, 1951 through December 20, 1951
- (G) For Operation *TUMBLER-SNAPPER* the period April 1, 1952 through June 20, 1952.
- (H) For Operation *IVY* the period November 1, 1952 through December 31, 1952.
- (I) For Operation *UPSHOT-KNOTHOLE* the period March 17, 1953 through June 20, 1953.
- (J) For Operation *CASTLE* the period March 1, 1954 through May 31, 1954.
- (K) For Operation *TEAPOT* the period February 18, 1955 through June 10, 1955.
- (L) For Operation *WIGWAM* the period May 14, 1955 through May 15, 1955.
- (M) For Operation *REDWING* the period May 5, 1956 through August 6, 1956.
- (N) For Operation *PLUMBBOB* the period May 28, 1957 through October 22, 1957.
- (O) For Operation *HARDTACK I* the period April 28, 1958 through October 31, 1958.
- (P) For Operation *ARGUS* the period August 27, 1958 through September 10, 1958.
- (Q) For Operation *HARDTACK II* the period September 19, 1958 through October 31, 1958.
- (R) For Operation *DOMINIC I* the period April 25, 1962 through December 31, 1962.
- (S) For Operation *DOMINIC II/ PLOWSHARE* the period July 6, 1962 through August 15, 1962.

(vi) The term *occupation of Hiroshima or Nagasaki, Japan, by United States forces* means official military duties within 10 miles of the city limits of either Hiroshima or Nagasaki, Japan, which were required to perform or support military occupation functions such as occupation of territory, control of the population, stabilization of the government, demilitarization of the Japanese military, rehabilitation of the infrastructure or deactivation and conversion of war plants or materials.

(vii) Former prisoners of war who had an opportunity for exposure to ionizing radiation comparable to that of veterans who participated in the occupation of Hiroshima or Nagasaki, Japan, by United States forces shall include those who, at any time during the period August 6, 1945, through July 1, 1946:

- (A) Were interned within 75 miles of the city limits of Hiroshima or within 150 miles of the city limits of Nagasaki, or
- (B) Can affirmatively show they worked within the areas set forth in paragraph (d)(3)(vii)(A) of this section although not interned within those areas, or

(C) Served immediately following internment in a capacity which satisfies the definition in paragraph (d)(3)(vi) of this section, or

(D) Were repatriated through the port of Nagasaki. (Authority: 38 U.S.C. 1110, 1112, 1131)

(e) *Disease associated with exposure to certain herbicide agents.* If a veteran was exposed to an herbicide agent during active military, naval, or air service, the following diseases shall be service-connected if the requirements of §3.307(a)(6) are met even though there is no record of such disease during service, provided further that the rebuttable presumption provisions of §3.307(d) are also satisfied.

AL amyloidosis  
 Chloracne or other acneform disease consistent with chloracne  
 Type 2 diabetes (also known as Type II diabetes mellitus or adult-onset diabetes)  
 Hodgkin's disease  
 Chronic lymphocytic leukemia  
 Multiple myeloma  
 Non-Hodgkin's lymphoma  
 Acute and subacute peripheral neuropathy  
 Porphyria cutanea tarda  
 Prostate cancer  
 Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea)  
 Soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma)

**Note 1:** The term *soft-tissue sarcoma* includes the following:

Adult fibrosarcoma  
 Dermatofibrosarcoma protuberans  
 Malignant fibrous histiocytoma  
 Liposarcoma  
 Leiomyosarcoma  
 Epithelioid leiomyosarcoma (malignant leiomyoblastoma)  
 Rhabdomyosarcoma  
 Ectomesenchymoma  
 Angiosarcoma (hemangiosarcoma and lymphangiosarcoma)  
 Proliferating (systemic) angioendotheliomatosis  
 Malignant glomus tumor  
 Malignant hemangiopericytoma  
 Synovial sarcoma (malignant synovioma)  
 Malignant giant cell tumor of tendon sheath  
 Malignant schwannoma, including malignant schwannoma with rhabdomyoblastic differentiation (malignant Triton tumor), glandular and epithelioid malignant schwannomas

Malignant mesenchymoma  
Malignant granular cell tumor  
Alveolar soft part sarcoma  
Epithelioid sarcoma  
Clear cell sarcoma of tendons and aponeuroses  
Extraskeletal Ewing's sarcoma  
Congenital and infantile fibrosarcoma  
Malignant ganglioneuroma

**Note 2:** For purposes of this section, the term acute and subacute peripheral neuropathy means transient peripheral neuropathy that appears within weeks or months of exposure to an herbicide agent and resolves within two years of the date of onset.

[41 FR 55873, Dec. 23, 1976 and 47 FR 11656, Mar. 18, 1982, as amended at 47 FR 54436, Dec. 3, 1982; 49 FR 47003, Nov. 30, 1984; 53 FR 23236, June 21, 1988; 54 FR 26029, June 21, 1989; 57 FR 10426, Mar. 26, 1992; 58 FR 25564, Apr. 27, 1993; 58 FR 29109, May 19, 1993; 58 FR 41636, Aug. 5, 1993; 59 FR 5107, Feb. 3, 1994; 59 FR 25329, May 16, 1994; 59 FR 29724, June 9, 1994; 59 FR 35465, July 12, 1994; 60 FR 31252, June 14, 1995; 61 FR 57589, Nov. 7, 1996; 65 FR 43700, July 14, 2000; 66 FR 23168, May 8, 2001; 67 FR 3615, Jan. 25, 2002; 67 FR 67793, Nov. 7, 2002; 68 FR 42603, July 18, 2003; 68 FR 59542, Oct. 16, 2003; 69 FR 31882, June 8, 2004; 69 FR 60089, Oct. 7, 2004; 70 FR 37040, June 28, 2005; 71 FR 44918, Aug. 8, 2006; 73 FR 30485, May 28, 2008; 73 FR 31753, June 4, 2008; 74 FR 21260, May 7, 2009]

**Supplement *Highlights* references:** 7(6, 8), 10(1), 11(1), 12(1,5), 16(3), 24(3), 43(1), 46(2), 50(1), 56(2), 58(1), 60(2), 62(1), 64(1), 67(1), 72(2), 79(2), 80(1), 86(1).

**§3.1602 Special conditions governing payments.**

(a) *Two or more persons expended funds.* If two or more persons have paid from their personal funds toward the burial, funeral, plot, interment and transportation expenses, the burial and plot or interment allowance will be divided among such persons in accordance with the proportionate share paid by each, unless waiver is executed in favor of one of such persons by the other person or persons involved. The person in whose favor payment is waived will not be allowed a sum greater than that which was paid by such person. (See §3.1601(a)(3).)

(b) *Person who performed services.* A person who performed burial, funeral and transportation services or furnished the burial plot will have priority over claims of persons whose personal funds were expended.

(c) *Partial payment.* Where partial payment of the expenses of the burial funeral and transportation of the body are made from funds of the veteran's estate and the balance from the personal funds of another person, the claim of the other person has priority.

(d) *Escheat.* No payment of burial allowance or plot or interment allowance will be made where it would escheat.

[26 FR 1621, Feb. 24, 1961, as amended at 38 FR 30107, Nov. 1, 1973; 41 FR 38771, Sept. 13, 1976]

**§3.1603 Authority for burial of certain unclaimed bodies.**

If the body of a deceased veteran is unclaimed, there being no relatives or friends to claim the body, and there is burial allowance entitlement which is not based on §3.1600(b)(3), the amount provided for burial and plot or interment allowance will be available for the burial upon receipt of a claim accompanied by a statement showing what efforts were made to locate relatives or friends. The question of escheat of any part of such deceased veteran's estate is not a factor in such a claim. Burial allowance may be authorized for cost of disinterment and reburial of unclaimed remains originally accorded pauper burial but not for initial expenses of a burial in a potter's field. Burial in a prison cemetery is not considered a pauper burial.

[48 FR 41162, Sept. 14, 1983]

**§3.1604 Payments from non-VA sources.**

(a) *Contributions or payments by public or private organizations.* When contributions or payments on the burial expenses have been made by a state, any agency or political subdivision of the United States or of a State or the employer of the deceased veteran only the difference between the entire burial expenses and the amount paid thereon by any of these agencies or organizations, not to exceed the applicable statutory burial allowance, will be authorized. Contributions or payments by any other public or private organization such as a lodge, union, fraternal or beneficial organization, society, burial association or insurance company, will bar payment of the burial allowance if such allowance would revert to the funds of such organization or would discharge such organization's obligation without payment. (Authority: 38 U.S.C. 2302; 2307)

(1) A contract or policy which provides for payment at death of a specified amount to a designated beneficiary other than the person rendering burial and funeral services will not bar payment of the burial allowance to the beneficiary even though the organization issuing the contract or policy retains an option to make payment direct to the person rendering burial and funeral services.

(2) The provisions of this paragraph do not apply to contributions or payments on the burial and funeral expenses which are made for humanitarian reasons if the organization making the contribution or payment is under no legal obligation to do so.

(b) *Payment by Federal agency.*

(1) Where a veteran dies while in employment covered by the United States Employees' Compensation Act, as amended, or other similar laws specifically providing for payment of the expenses of funeral, transportation, and interment out of Federal funds, burial allowance will not be authorized by the Department of Veterans Affairs.

(2) A provision in any Federal law or regulation permitting the application of funds due or accrued to the credit of the deceased toward the expenses of funeral, transportation and interment (such as Social Security benefits), as distinguished from a provision specifically prescribing a definite allowance for such purpose, will not bar payment of the burial allowance. In such cases only the difference between the total burial expense and the amount paid thereon under such provision, not to exceed the amount specified in 38 U.S.C. 2302, will be authorized. (Authority: 38 U.S.C. 2302(b))

(3) Burial allowance is not payable for deaths in active service, or during the duty periods set forth in §3.6, or for other deaths where the cost of burial and transportation is paid by the service department.

(c) *Payment of plot or interment allowance by public or private organization except as provided for by §3.1604(d).* Where any part of the plot or interment expenses has been paid or assumed by a state, any agency or political subdivision of a State, or the employer of the deceased veteran, only the difference between the total amount of such expenses and the amount



paid or assumed by any of these agencies or organizations, not to exceed the statutory plot or interment allowance, will be authorized. (Authority: 38 U.S.C. 2303(b)(1))

(d) *Payment of the plot or interment allowance to a State or political subdivision thereof:*

(1) *Conditions warranting payment.* All of the following conditions must be met:

(i) The plot or interment allowance is payable based on the deceased veteran's eligibility for burial in a national cemetery (or, in claims filed prior to December 16, 2003, the deceased veteran's service). See §38.620 of this chapter.

(ii) The deceased veteran is buried in a cemetery or a section thereof which is used solely for the interment of persons who are eligible for burial in a national cemetery or who, with respect to persons dying on or after November 1, 2000, were at the time of death members of a reserve component of the Armed Forces not otherwise eligible for such burial or were former members of such a reserve component not otherwise eligible for such burial who were discharged or released from service under conditions other than dishonorable.

(iii) The cemetery or the section thereof where the veteran is buried is owned by the State, or an agency or political subdivision of the State claiming the plot or interment allowance.

(iv) No charge is made by the State, or an agency or political subdivision of the State for the cost of the plot or interment.

(v) The veteran was buried on or after October 1, 1978.

(2) *Claims.* A claim for payment under this paragraph shall be executed by a State, or an agency or political subdivision of a state on a claim form prescribed by the Department of Veterans Affairs.

(3) *Amount of the allowance.* A State or an agency or political subdivision of a state entitled to payment under this paragraph shall be paid the maximum statutory amount as a plot or interment allowance without regard to the actual cost of the plot or interment. (Authority: 38 U.S.C. 2303(b))

(4) *Priority of payment.* A claim filed under this paragraph shall take precedence in payment of the plot or interment allowance over any claim filed for the plot or interment allowance under §3.1601(a)(2). (Authority: 38 U.S.C. 2303(b))

(5) A plot or interment allowance may be paid to a state in addition to a burial allowance under §3.1600(a) for claims filed on or after December 16, 2003.

[26 FR 1621 Feb. 24, 1961, as amended at 29 FR 9537, July 14, 1964; 38 FR 30107, Nov. 1, 1973; 44 FR 22722, Apr. 17, 1979; 44 FR 58710; Oct. 11, 1979; 52 FR 34909, Sept. 16, 1987; 66 FR 48561, Sept. 21, 2001; 71 FR 44920, Aug. 8, 2006; 74 FR 22104, May 12, 2009]

**Supplement *Highlights* references:** 47(2), 72(2), 86(2).