(2) If the erroneous payment of pay or allowances was more than $500 in the aggregate:

(i) The Committee on Waivers and Compromises only has authority to deny waiver of collection of the entire amount of the debt.

(ii) Otherwise, the request for waive, after review and necessary development, shall be referred to the VA Controller for transmittal to the General Accounting Office for consideration of full or partial waiver.

* * * * *

(e) There shall be no right of appeal to the Board of Veterans Appeals from a determination made under this section denying a waiver of erroneous payment of pay or allowances. Denial of a waiver of erroneous payment of pay and allowances may be appealed to the General Accounting Office (GAO) in accordance with procedures established by that agency and the Veterans Administration. (38 U.S.C. 210(c)(1))

§ 1.964 [Amended]

7. Section 1.964 is amended by deleting the words "widow (widower)" and "widow or widower" and inserting the words "surviving spouse" in paragraph (c) and inserting the legal citation "(38 U.S.C. 210(c)(1))" at the end of paragraph (f).

§ 1.966 [Amended]

8. By deleting the word "his" and inserting "his/her" in paragraph (a); by deleting the words "field station Committee" and inserting "regional office Committee" in the introductory portion of paragraph (b) and by inserting the legal citation "(38 U.S.C. 210(c)(1))" at the end of paragraph (b)(2)(ii).

9. In § 1.967, paragraph (c) is revised to read as follows:

§ 1.967 Refunds.

* * * * *

(c) Amounts which have been recovered by the U.S. Government prior to the date of receipt by the Veterans Administration of a request for waiver, will not be refunded and will be excluded from waiver. Where recovery is made by offset or recoupment from a check(s) of a running award, the date of recovery is the date of issuance of the check from which the offset is made; or in the case of total recoupment the date of recovery is the date on which the check would have been issued. However, any amounts repaid because of erroneous payment of pay or allowances to employees will be considered for waiver action (regardless of date of request as long as such is timely in accordance with § 1.963a(c)) and, if waived, refund will be made to the employee, provided application for refund is made no later than 2 years following the date of waiver. (38 U.S.C. 210(c)(1))

§ 1.968 [Revoked]

10. Section 1.968 is revoked.

11. Sections 1.969 and 1.970 are revised to read as follows:

§ 1.969 Revision of waiver decisions.

(a) *Jurisdiction.* A decision involving waiver may be reversed or modified on the basis of new and material evidence, fraud, a change in law or interpretation of law specifically stated in a Veterans Administration issue, or clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered by the same or any other regional office Committee.

(b) *Finality of decisions.* Except as provided in paragraph (a) of this section, a decision involving waiver rendered by the Committee having jurisdiction is final, subject to the provisions of:

(1) Sections 3.104(a), 19.153 and 19.154 of this chapter as to finality of decisions;

(2) Section 3.105 (a) and (b) of this chapter as to revision of decisions, except that the Central Office staff may postaudit or make an administrative review of any decision of a regional office Committee;

(3) Sections 3.103, 19.113 and 19.114 of this chapter as to notice of disagreement and the right of appeal;

(4) Section 19.124 of this chapter as to the filing of administrative appeals and the time limits for filing such appeals.

(c) *Difference of opinion.* Where reversal or amendment of a decision involving waiver is authorized under § 3.105(b) of this chapter because of a difference of opinion, the effective date of waiver will be governed by the principle contained in § 3.400(h) of this chapter. (38 U.S.C. 210(c)(1))

§ 1.970 Standards for compromise.

Decisions of the Committee respecting acceptance or rejection of a compromise offer shall be in conformity with the standards in §§ 1.900 through 1.937. In loan guaranty cases the offer of a veteran or other obligor to effect a compromise must relate to an indebtedness established after the liquidation of the security, if any, and shall be reviewed by the Committee. An offer to effect a compromise may be accepted if it is deemed advantageous to the Government. A decision on an offer of compromise may be revised or modified on the basis of any information which would warrant a change in the original decision. (38 U.S.C. 210(c)(1))

[FR Doc. 79-31990 Filed 10-16-79; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 8E2038/R221; FRL 1340-1]

Chlorpyrifos; Tolerances and Exemptions From Tolerances for Pesticide Chemicals

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide chlorpyrifos on radishes and rutabagas at 3 parts per million (ppm). The proposal was submitted by the Interregional Research Project No. 4. This rule establishes maximum permissible levels for residues of the insecticide chlorpyrifos on radishes and rutabagas.

EFFECTIVE DATE: October 17, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, D.C. (202/426-0223).

SUPPLEMENTARY INFORMATION: On August 22, 1979, the EPA published a notice of proposed rulemaking in the **Federal Register** (44 FR 49276) in response to a pesticide petition (PP 8E2038) submitted to the Agency by the Interregional Research Project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Colorado, Hawaii, Idaho, Michigan, New York, Oregon, Utah, Washington, and Wisconsin. This petition proposed that 40 CFR 180.342 be amended by the establishment of tolerances for residues of the insecticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities radishes and rutabagas at 3 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.342 should be adopted without change, and it has been determined that

this regulation will protect the public health.

Any person adversely affected by this regulation may, within 30 days after publication in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA lables these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on the date of publication in the **Federal Register**, Part 180, Subpart C, section 180.342 is amended by alphabetically inserting radishes and rutabagas in the table at 3 ppm as set forth below.

Dated: October, 9, 1979.

Statutory Authority: Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, section 180.342 is amended by alphabetically inserting radishes and rutabagas at 3 ppm in the table to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Radishes	3
Rutabagas	3
* * * * *	

[FR Doc. 79-32044 Filed 10-16-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

45 CFR Part 80

Nondiscrimination in Federally Assisted Programs; Title VI of the Civil Rights Act of 1964; Policy Interpretation

Correction

In FR Doc. 79-31218, published on page 58509, in the issue of Wednesday, October 10, 1979, make the following correction:

On page 58511, in the first column, the heading "§ 80.3 [Amended]. (b)(6) * * *", should have read: "Section 80.3(b)(6)", to reflect the fact that the text following the heading is an "interpretation" not intended to amend the CFR.

FOREIGN CLAIMS SETTLEMENT COMMISSION

45 CFR Part 531

Determination of Claims; Role of Staff Members

AGENCY: Foreign Claims Settlement Commission.

ACTION: Amendment of Regulations.

SUMMARY: The Commission has determined that in the event that only one member of the Commission is available as a result of unfilled vacancies on the Commission, or due to a member's inability to function, a member of the staff may be designated to issue proposed decisions on claims pending before the Commission, effectuating the first step in the adjudication process. Such proposed decisions issued by the staff person shall not be entered as the final decisions without the approval of a quorum of the Commission. The Commission determined that this change in the regulations is important in the management of the business of the Commission to allow its work to continue in an orderly manner in the absence of an appointed quorum. This notice proposes to adopt new paragraphs (b) and (g) of § 531.5 of Part 531 of 45 CFR, consisting of the regulations set forth below, to implement these determinations of the Commission.

DATES: Effective October 22, 1979.

FOR FURTHER INFORMATION CONTACT: Wayland D. McClellan, General Counsel, Foreign Claims Settlement Commission, Room 414, 1111 20th Street, NW., Washington, DC 20579, (202) 653-6166.

The regulations of the Foreign Claims Settlement Commission are amended by revising paragraphs (b) and (g) of § 531.5 of Part 531 of 45 CFR to read as follows:

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

§ 531.5 Procedure for determination of claims.

* * * * *

(b) Without previous hearing, the Commission or a designated member of the staff may issue a Proposed Decision in determination of a claim.

* * * * *

(g) Upon the expiration of 30 days after such service or receipt of notice, if no objection under this section has in the meantime been filed, such proposed staff decision, when approved by the Commission, shall become the Commission's final determination and decision on the claim. A proposed decision approved by the Commission may become final after 30 days without further order or decision by the Commission.

(Sec. 3, 64 Stat. 13, as amended; 22 U.S.C. 1622.)

Dated at Washington, D.C. on October 10, 1979.

Richard W. Yarborough,

Chairman.

Wilfred J. Smith,

Commissioner.

[FR Doc. 79-32056 Filed 10-16-79; 8:45 am]

BILLING CODE 6770-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1013

[Ex Parte No. 332]

Voting Trusts Rules

AGENCY: Interstate Commerce Commission.

ACTION: Final Rules.[1]

SUMMARY: By this notice the Commission is (1) adopting guidelines to assist those preparing voting trust agreements involving securities of regulated carriers; (2) establishing a process for obtaining informal opinions from the Commission regarding the propriety of a proposed agreement; and

[1] The rules originally proposed in this proceeding were to be incorporated into 49 CFR as new Part 1106. That part has since been assigned to another proceeding, and the final rules adopted by this notice are being published as new Part 1013.

(3) requiring that final agreements be filed with the Commission. The rules are intended to correct abuses of voting trust agreements.

EFFECTIVE DATE: December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, (202) 275-7245.

SUPPLEMENTARY INFORMATION: The Commission has recognized that the use of an independent voting trust is an acceptable means of acquiring control of publicly held regulated carriers without prior Commission approval pursuant to 49 U.S.C. 11343. This use of voting trusts has been approved by the Federal courts (see *B. F. Goodrich Co.* v. *Northwest Industries, Inc.*, 303 F. Supp. 53, 61 (D. Del. 1969), aff'd 424 F. 2d 1349 *(3rd Cir. 1970)*, cert. denied, 400 U.S. 822 (1971)).

However, the Commission has encountered a number of instances involving improper use of voting trusts. In three major cases, the Commission has granted approval of the application in spite of violations involving improper usage of voting trusts, because the benefits to the public were found to outweigh the harm resulting from the violations. See *East Texas Motor Frt.-Control-Consolidated*, 109 M.C.C. 213 (1969), *Alleghany Corporation-Control and Purchase*, 109 M.C.C. 333 (1970), and *Eastern Freight Ways, Inc.-Invest. of Control*, 122 M.C.C. 143 (1975).

To attempt to deal with the abuses of voting trusts, proposed regulations were drafted and published for public comment (42 FR 39243). The proposed rules required that certain provisions be included in voting trust agreements; that proposed agreements receive Commission review and approval before taking effect; and that certain reports be submitted to the Commission. After review of the comments on the proposed rules and after further staff study, we determined that the comprehensive regulations originally proposed should not be adopted. We have concluded that we should not burden the transportation industry with complex voting trust regulations to combat abuses by a small number of individuals in very limited circumstances.

As a result, we have eliminated many of the provisions originally proposed in this proceeding. Instead of comprehensive mandatory regulations, we are adopting guidelines governing the provisions of voting trust agreements which concern the independence of the trustee and the irrevocability of the trust. The guidelines are intended to inform the public of the provisions which should be included in a voting trust agreement to insure that it is not used to obtain unauthorized control of a regulated carrier.

We are also establishing a voluntary procedure whereby any person considering establishing a voting trust may obtain an informal opinion from the Commission as to whether the proposed agreement conforms to the Commission's guidelines. The Deputy Director of the Office of Proceedings' Section of Finance will review any proposed agreement submitted to the Commission and will issue an informal opinion stating whether the agreement conforms to the Commission's guidelines.

The only mandatory provisions in the proposed rules are the requirements in § 1013.3 (b) and (c) that voting trust agreements be filed with the Commission and that any person required to file Schedule 13D with the Securities and Exchange Commission also file a copy of that schedule with the Commission. (Schedule 13D is used to report the purchase of 5 percent or more of the registered securities of an ICC regulated carrier or of the listed shares of a company controlling 10 percent or more of the stock of an ICC regulated carrier.)

The adoption of these simplified rules should not be viewed as an invitation to abuse voting trust agreements. The Commission intends to monitor closely the continued use of these devices and to take whatever action is necessary, including forced divestiture of stock, in those instances where a voting trust agreement has been used improperly to obtain unauthorized control of a carrier subject to the Commission's jurisdiction.

These regulations are being adopted at a time when there is great concern about the effects of over-regulation on the transportation industry. The Commission is seeking wherever possible to revise its regulations so that all unnecessary restraints and costs are eliminated. At the same time, where problems exist, or where abuses have been perpetrated, which threaten the health of the national transportation system, we must take action. The approach taken here represents the minimal regulatory approach to the problem presented by abuses of voting trust agreements. Whether it succeeds will depend to a great extent on those within and without the transportation industry who use voting trust agreements to acquire interests in regulated carriers.

It is ordered, that 49 CFR Chapter X is amended by the addition of new Part 1013, set forth below.

Note.—This decision does not significantly affect the quality of the human environment, nor is it a major regulatory action under the Energy Policy and Conservation Act of 1975.

These regulations are issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: October 10, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis.

Agatha L. Mergenovich,

Secretary.

Part 1013 is added to read as follows:

PART 1013—GUIDELINES FOR THE PROPER USE OF VOTING TRUSTS

Sec.

1013.1 The independence of the trustee of a voting trust.
1013.2 The irrevocability of the trust.
1013.3 Review and reporting requirements for regulated carriers.

Authority: 49 U.S.C. 10321 and 5 U.S.C. 553.

§ 1013.1 The independence of the trustee of a voting trust.

(a) In order to avoid an unlawful control violation, the independent voting trust should be established before a controlling block of voting securities is purchased.

(b) In voting the trusteed stock, the trustee should maintain complete independence from the creator of the trust (the settlor).

(c) Neither the trustee, the settlor, nor their respective affiliates should have any officers or board members in common or direct business arrangements, other than the voting trust, that could be construed as creating an indicium of control by the settlor over the trustee.

(d) The trustee should not use the voting power of the trust in any way which would create any dependence or intercorporate relationship between the settlor and the carrier whose corporate securities constitute the corpus of the trust.

(e) The trustee should be entitled to receive cash dividends declared and paid upon the trusteed voting stock and turn them over to the settlor. Dividends other than cash should be received and held by the trustee upon the same terms and conditions as the stock which constitutes the corpus of the trust.

(f) If the trustee becomes disqualified because of a violation of the trust agreement or if the trustee resigns, the settlor should appoint a successor trustee within 15 days.

§ 1012.2 The irrevocability of the trust.

(a) The trust and the nomination of the trustee during the term of the trust should be irrevocable.

(b) The trust should remain in effect until certain events, specified in the trust, occur. For example, the trust might

remain in effect until (1) all the deposited stock is sold to a person not affiliated with the settlor or (2) the trustee receives a Commission decision authorizing the settlor to acquire control of the carrier or authorizing the release of the securities for any reason.

(c) The settlor should not be able to control the events terminating the trust except by filing with this Commission an application to control the carrier whose stock is held in trust.

(d) The trust agreement should contain provisions to ensure that no violations of 49 U.S.C. 11343 will result from termination of the trust.

§ 1013.3 Review and reporting requirements for regulated carriers.

(a) Any carrier choosing to utilize a voting trust may voluntarily submit a copy of the voting trust to the Commission for review. The Commission's staff will give an informal, nonbinding opinion as to whether the voting trust effectively insulates the settlor from any violation of Commission policy against unauthorized acquisition of control of a regulated carrier.

(b) Any person who establishes an independent trust for the receipt of the voting stock of carrier must file a copy of the trust, along with any auxiliary or modifying documents, with the Commission.

(c) Any carrier required to file a Schedule 13D with the Securities and Exchange Commission (17 CFR 240.13d–1) which reports the purchase of 5 percent or more of the registered securities of another I.C.C. regulated carrier (or the listed shares of a company controlling 10 percent or more of the stock of an I.C.C. regulated carrier), must simultaneously file a copy of that schedule with this Commission, along with any supplements to that schedule.

(d) Failure to comply with the reporting requirements in paragraphs (b) or (c) of this section will result in denial of the application in which acquisition of control, through the acquisition of the voting stock of another carrier, is sought, unless the applicant shows, by clear and convincing evidence, and the Commission finds, that the failure to comply was unintentional and that denial of the application will substantially and adversely effect the public interest and the national transportation policy.

[FR Doc. 79-31991 Filed 10-16-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of Bear River Migratory Bird Refuge, Utah; to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The director has determined that the opening to hunting of the Bear River Migratory Bird Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreation opportunity to the public.

DATES: Pheasants, November 3, 1979 through December 2, 1979, inclusive.

FOR FURTHER INFORMATION CONTACT: Ned I. Peabody, P.O. Box 459, Brigham City, Utah 84302, Telephone 801/744–2488.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of pheasants is permitted on the Bear River Migratory Bird Refuge, Utah, only on the area designated by signs as being open to hunting. This area comprising 12,855 acres, are delineated "Area A" and "Area B" on maps available at the refuge headquarters, Brigham City, Utah and from the office of the Area Manager, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah 84138. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special regulations:

(1) *Steel Shot.* The exclusive use of steel shot is required in 12 guage guns on all days in both Hunting Area "A" and Area "B" for the entire season. Lead shot may be used in all other guages. The possession of 12 guage lead shot shells within a refuge hunting area is prohibited, and having lead shot in one's possession will be considered prima facie evidence that the person possessing such shot is engaged in hunting with same.

(2) *Roads.* No hunting is permitted from roadways or within 100 yards of any roadway.

(3) *Hunter Check Station.* Each hunter who enters Area "A" or Area "B" is required to register at the checking station and check out before leaving the refuge.

(4) *Parking.* Hunters may park cars only at designated areas within the refuge.

(5) *Routes of Travel.* Travel to open hunting areas is permitted by foot or bicycle over roads between Units 1 and 2 and Units 2 and 3, and by vehicle without towed boats or trailers to designated parking area on these roads. Travel by boat is permitted from headquarters area boat ramps down canals between Units 1 and 2 and Units 2 and 3, and the main river channel into Unit 2. Vehicles with boats and trailers are permitted to travel dike roads to designated parking and launching sites on the outer dike. Travel by boat to reach lands outside refuge boundary will be permitted only over designated travel lanes through closed areas. Firearms must be unloaded and either cased or broken down when transported by motor vehicle or boat over the above designated travel lanes.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Dated: October 6, 1979.

Ned I. Peabody,

Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

[FR Doc. 79-31996 Filed 10-16-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 33

Opening of Bear River Migratory Bird Refuge, Utah; to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of the Bear River Migratory Bird Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Ned I. Peabody, P.O. Box 459, Brigham City, Utah 84302, Telephone 801/744–2488.