

beneficiary in applying either §§ 4022.81 and 4022.82 or §§ 4022.81 and 4022.83, as applicable.

3. Section 4022.82 is amended by removing the words, "lump sum", in paragraph (a)(3) and adding, in their place, the words, "single payment", and by revising paragraph (a) introductory text and the heading of paragraph (b) to read as follows:

§ 4022.82 Method of recoupment.

(a) *Future benefit reduction.* Unless a participant or beneficiary elects otherwise under paragraph (b) of this section, the PBGC shall recoup overpayments of benefits in accordance with this paragraph. The PBGC shall reduce the amount of each future benefit payment to which the participant or any beneficiary is entitled by the fraction determined under paragraphs (a)(1) and (a)(2) of this section, except that benefit reduction will cease when the amount of the net benefit overpayment is recouped. Notwithstanding the preceding sentence, the PBGC may accept repayment ahead of the recoupment schedule. Recoupment under this section constitutes full repayment of the net benefit overpayment.

* * * * *

(b) *Single payment.* * * *

Issued in Washington, D.C. this 12th day of December, 1997.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-A188

Veterans' Education: Effective Date for Awards of Educational Assistance to Veterans Who Were Voluntarily Discharged

AGENCY: Department of Veterans Affairs.
ACTION: Proposed rule.

SUMMARY: This document proposes to amend the educational-assistance and educational-benefit regulations of the Department of Veterans Affairs (VA). It proposes to establish effective dates of awards of educational assistance to certain voluntarily discharged veterans who are eligible for the Montgomery GI Bill—Active Duty (MGIB). The effective dates are intended to correspond with a statutory mandate for the effective dates.

The proposed rule also clarifies that these veterans may not receive educational assistance for training that occurs before they pay the Federal government \$1,200.

DATES: Comments must be received on or before February 17, 1998.

Applicability Dates: It is proposed that the effective dates be made retroactive from the effective dates of the statutory provisions. For more information concerning the proposed effective dates, see the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-A188." All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, 202-273-7187.

SUPPLEMENTARY INFORMATION: This document clarifies 38 CFR part 21, subpart K, regarding the effective dates for awards of educational assistance to certain voluntarily discharged veterans.

Pub. L. 102-484 (sec. 4404, 38 U.S.C. 3018B) allows a veteran who was voluntarily separated under either 10 U.S.C. 1174a or 1175 before Oct. 23, 1992, to elect to receive educational assistance under the Montgomery GI Bill—Active Duty. The veteran was given until Oct. 23, 1993, to do so. The law also requires such a veteran to submit \$1,200 to VA as a condition of receiving such educational assistance. However, the law does not specify a time limit for submitting the \$1,200 and the proposed rule clarifies that there is no such time limit.

The effective date of an award also is affected by when VA received the \$1,200. VA is required by 38 U.S.C. 5113 to make the effective dates of the award of educational assistance, to the extent feasible, correspond to the effective dates relating to awards of disability compensation. The provisions of 38 U.S.C. 5110 and 5111 contain the rules for determining the effective date of an award of disability compensation. The general intent of 38 U.S.C. 5110 is to allow the effective date of an award of compensation to be the day following the date of discharge if application is

filed within one year after discharge. Otherwise, the earliest date of the award shall be the date of receipt of application. Further, 38 U.S.C. 5103 provides, as to benefit claims generally, that information or evidence necessary to complete the claim must be submitted within one year of the date requested by VA; otherwise, no benefits are payable based on that claim. Accordingly, when payment of the \$1,200 must be made as a condition of receiving benefits, it is proposed to establish effective dates for educational assistance consistent with the provisions of 38 U.S.C. 5103 and 5110.

The Secretary of Veterans Affairs hereby certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The proposed rule will affect individual, not small entities. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance number for the program affected by this proposed rule is 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Educational institutions, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: December 5, 1997.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

For the reasons set out above, 38 CFR part 21, subpart K, is proposed to be amended as set forth below.

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

1. The authority citation for subpart K continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30 and 36, unless otherwise noted.

2. In § 21.7131, paragraph (n) is added to read as follows:

§ 21.7131 Commencing dates.

* * * * *

(n) *Eligibility established under § 21.7045(c).* The effective date of an

award of educational assistance when the veteran has established eligibility under § 21.7045(c) is as follows:

(1) If the veteran is not entitled to receive educational assistance under 38 U.S.C. ch. 32 on the date he or she made a valid election to receive educational assistance under 38 U.S.C. ch. 30, the effective date of the award of educational assistance will be the latest of the following.

(i) The commencing date as determined by paragraphs (a) through (c) and (f) through (j) of this section; or

(ii) October 23, 1992, provided that VA received the \$1,200 required to be collected pursuant to § 21.7045(c)(2) and any other evidence necessary to establish that the election is valid before the later of:

(A) October 23, 1993; or

(B) One year from the date VA requested the \$1,200 or the evidence necessary to establish a valid election; or

(iii) The date VA received the \$1,200 required to be collected pursuant to § 21.7045(c)(2) and all other evidence needed to establish that the election is valid, if the provisions of paragraph (n)(1)(ii) of this section are not met.

(2) If the veteran is entitled to receive educational assistance under 38 U.S.C. ch. 32 on the date he or she made a valid election to receive educational assistance under 38 U.S.C. ch. 30, the effective date of the award of educational assistance will be the latest of the following:

(i) The commencing date as determined by paragraphs (a) through (c) and (f) through (j) of this section; or

(ii) The date on which the veteran made a valid election to receive educational assistance under 38 U.S.C. chapter 30 provided that VA received the \$1,200 required to be collected pursuant to § 21.7045(c)(2) and any other evidence necessary to establish that the election is valid before the later of:

(A) One year from the date VA received the valid election; or

(B) One year from the date VA requested the \$1,200 or the evidence necessary to establish a valid election; or

(iii) The date VA received the \$1,200 required to be collected pursuant to § 21.7045(c)(2) and all other evidence needed to establish that the election is valid, if the provisions of paragraph (n)(2)(ii) of this section are not met.

(Authority 38 U.S.C. 3018B)

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CC Docket No. 96-238; DA 97-2178]

Accelerated Docket Procedures for Formal Complaints Filed Against Common Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On November 25, 1997, the Commission adopted its Report and Order in this docket promulgating new, streamlined rules for handling formal complaints filed with the Commission (the "Complaint R&O"). In the Complaint R&O, the Commission encouraged its staff to explore and use alternative approaches to complaint adjudication designed to ensure the prompt discovery of relevant information and the full and fair resolution of disputes in the most expeditious manner possible. By this Public Notice, additional comment is sought on issues relating to the possible alternative forms of complaint adjudication that, complementing the rules recently announced in the Complaint R&O, ultimately should redound to the benefit of telecommunications consumers by enhancing competition in the relevant markets. Specifically, comment is invited regarding the feasibility of creating an "Accelerated Docket" that would provide for a 60-day complaint adjudication process.

DATES: Written comments are due on or before January 12, 1998.

ADDRESSES: Comments should be sent to the Office of Secretary, Federal Communications Commission, 1919 M Street, N.W., suite 222, Washington, D.C. 20554. In addition, parties are asked to submit two copies each of their comments directly to: (1) The Enforcement Task Force, Office of General Counsel, Federal Communications Commission, Room 650-L, 1919 M Street, N.W., Washington, D.C. 20554 and (2) Enforcement Division, Common Carrier Bureau, Federal Communications Commission, Room 6120, 2025 M Street, N.W., Washington, D.C. 20554. Parties should also file one copy of any documents filed in response to this notice with the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, N.W., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Jeffrey H. Dygert, Common Carrier Bureau, Enforcement Division, (202)

418-0960, or Glenn T. Reynolds, Common Carrier Bureau, (202) 418-1500.

SUPPLEMENTARY INFORMATION: This is a summary of the Common Carrier Bureau's Public Notice in CC Docket No. 96-238, adopted on December 12, 1997 and released December 12, 1997. The full text of the Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. The complete text of the Public Notice may also be purchased from the Commission's duplicating contractor, International Transcription Services, 1231 20th Street, N.W., Washington, D.C. 20036 (202) 857-3800.

Summary of the Public Notice

1. On November 25, 1997, the Commission adopted its Report and Order in this docket promulgating new, streamlined rules for handling formal complaints filed with the Commission (the "Complaint R&O").¹ By this Public Notice, the Competition Enforcement Task Force (the "Task Force") and the Common Carrier Bureau (the "Bureau") seek additional comment on issues relating to the possible alternative, accelerated forms of complaint adjudication that would supplement or provide an alternative to the procedures set out in the Complaint R&O.

2. Specifically, the Task Force and the Bureau currently are evaluating whether the needs of some industry participants better could be met by an "Accelerated Docket" for complaint adjudication that would (1) provide for the presentation of live evidence and argument in a hearing-type proceeding and (2) operate on a 60-day time frame, or on some other schedule that is more compressed than that applicable more generally to complaint proceedings under the new procedures set out in the Complaint R&O.

3. The Accelerated Docket would serve as a hearing-style alternative to the normal process for resolution of formal complaints, administered by the Bureau's Enforcement Division, which relies primarily on the parties' presentation of arguments on paper. To the extent possible, Accelerated Docket proceedings would be governed by the requirements announced in the Complaint R&O. In accordance with the Commission's authority under sections 1, 4, 201-205, 208, 215, 218 and 220 of

¹ See Amendment of Rules Governing Procedures To Be Followed When Formal Complaints Are Filed Against Common Carriers, *Report & Order*, CC Docket No. 96-238, FCC 97-396 (rel. Nov. 25, 1997) (the "Complaint R&O").