

**§ 892.5650 Manual radionuclide applicator system.**

\* \* \* \* \*

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to § 892.9.

246. Section 892.6500 is amended by revising paragraph (b) to read as follows:

**§ 892.6500 Personnel protective shield.**

\* \* \* \* \*

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to § 892.9.

Dated: October 14, 1998.

**William B. Schultz,**

*Deputy Commissioner for Policy.*

[FR Doc. 98-29855 Filed 11-10-98; 8:45 am]

BILLING CODE 4160-01-F

**DEPARTMENT OF JUSTICE****Drug Enforcement Administration****21 CFR Part 1310**

[DEA NUMBER 137E]

RIN 1117-AA31

**Exemption of Chemical Mixtures**

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Proposed Rule; Extension of Comment Period.

**SUMMARY:** The DEA is extending the comment period on the **Federal Register** notice of proposed rulemaking entitled "Exemption of Chemical Mixtures" published on September 16, 1998 (63 FR 49506).

**DATES:** The period for public comment that was to close on November 16, 1998 will be extended to February 15, 1999.

**SUPPLEMENTARY INFORMATION:** The DEA published a notice of proposed rulemaking (63 FR 49506) to implement those portions of the Domestic Chemical Diversion Control Act of 1993 [Pub. L. 103-200] that exempt from regulation under the Controlled Substances Act certain chemical mixtures that contain regulated chemicals. The proposed regulations identified those mixtures, or categories of mixtures, that will be automatically exempt from regulation and defined an application process that can be used to exempt chemical mixtures that do not meet the criteria for automatic exemption. On October 15, 1998, Hyman, Phelps & McNamara, P.C. submitted a formal request that the comment period be extended. Upon consideration of this request, an

extension is provided that allows ample time for interested persons to evaluate and consider all aspects of this proposal and respond accordingly. Therefore, the comment period for the proposed rule is extended to February 15, 1999. Comments must be received by the DEA on or before this date.

**ADDRESSES:** Comments and objections should be submitted in quintuplicate to the Acting Deputy Administrator, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/CCR.

**FOR FURTHER INFORMATION CONTACT:** Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-7183.

Dated: November 5, 1998.

**Donnie R. Marshall,**

*Acting Deputy Administrator.*

[FR Doc. 98-30283 Filed 11-10-98; 8:45 am]

BILLING CODE 4410-09-M

**DEPARTMENT OF DEFENSE****DEPARTMENT OF TRANSPORTATION****Coast Guard****DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 21**

RIN 2900-AI63

**Eligibility Criteria for the Montgomery GI Bill—Active Duty and Other Miscellaneous Issues**

**AGENCIES:** Department of Defense, Department of Transportation (Coast Guard), and 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). The proposed amendments reflect statutory changes which set forth new eligibility criteria that will allow additional individuals to establish eligibility for educational assistance under the Montgomery GI Bill—Active Duty (MGIB); and also reflect statutory provisions concerning the approval of courses leading to alternative teacher certification. This document also would make changes for the purpose of clarification.

**DATES:** Comments must be received on or before January 11, 1999.

**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-AI63." 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:** William G. Susling, Jr., Education Advisor, Education Service, Veterans Benefits Administration, 202-273-7187.

**SUPPLEMENTARY INFORMATION:** This document proposes to amend subparts D, G, K, and L of 38 CFR part 21, which concern educational assistance under various educational programs administered by VA. The proposed amendments would implement provisions of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201) and various provisions of the Veterans' Benefits Improvements Act of 1996 (Pub. L. 104-275).

Formerly, officers could not participate in the Montgomery GI Bill—Active Duty (MGIB) if they were commissioned after December 31, 1976, under a program of educational assistance under 10 U.S.C. 2107 (Senior Reserve Officer Training Corps (SROTC) Scholarship Program). A provision of Pub. L. 104-201 states that this restriction no longer applies to an individual who enters active duty after September 30, 1996, and received no more than \$2,000 for each year of participation in the SROTC program of educational assistance. The regulations governing eligibility for the MGIB would be revised to reflect the new statutory provision.

Individuals who entered active duty during the period from January 1, 1977, through June 30, 1985, were given the opportunity to participate in the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). Provisions of Pub. L. 104-275 permitted certain VEAP participants on active duty to elect to participate in the MGIB instead. The military pay of an individual who made the election will be reduced by \$1,200, or, if not so reduced, VA will collect the amount from the individual. The regulations governing eligibility for the MGIB would be revised to reflect the new statutory provisions, including our view that the applicable statutory provisions require that an individual who made an election to participate in

the MGIB would not become entitled until he or she has provided the Government the \$1,200.

Certain full-time, Active Guard Reserve (AGR) service and full-time National Guard service by a member of the Army National Guard or the Air National Guard in the member's status as a member of the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard qualifies as active duty for purposes of establishing eligibility to participate in the MGIB. Before the enactment of Pub. L. 104-275, the MGIB statute required that, in order to participate, the individual must have first performed qualifying active duty after November 29, 1989. A provision of Pub. L. 104-275 permitted certain members of the Army National Guard and the Air National Guard to elect to become entitled to the MGIB based on AGR or ADS service first performed after June 30, 1985. The regulations governing eligibility for the MGIB would be revised to reflect the new statutory provision.

Since neither of the groups of individuals may receive benefits until the required \$1,200 is collected, the regulations governing the effective dates of awards of educational assistance would be amended to establish effective dates for benefits based on elections to receive benefits and receipt of the \$1,200 and of any other evidence necessary to establish a valid election.

An individual is prohibited by statute (38 U.S.C. 3033(c)) from using the same period of service to establish eligibility for both the MGIB and the Montgomery GI Bill—Selected Reserve (MGIB-SR). Some of those individuals now eligible to elect to become entitled to the MGIB by having certain AGR and ADS service qualify as active duty, may have previously used that service to establish eligibility for the MGIB-SR. If such an individual received educational assistance under the MGIB-SR and now makes such an election, he or she would have no service to support the educational assistance previously received under the MGIB-SR. Consequently, it is necessary for VA to terminate that assistance retroactively to the first date of training for which the individual received educational assistance. VA is proposing to revise 38 CFR 21.7635 accordingly. The procedures for repayment of amounts paid under the MGIB-SR are set forth at 38 CFR 1.900 through 1.994.

Beginning in November 1994, a pilot program was authorized by statute that required certain entities offering alternative teacher certification courses to be considered to be educational

institutions. Since courses must be offered by educational institutions in order to be approved by State approving agencies for VA training, this provision allowed State approving agencies to approve these courses. This program was scheduled to expire on September 30, 1996. Pub. L. 104-275 made the pilot program permanent. Various regulations that indicated that the pilot program was scheduled to end on September 30, 1996, would be revised accordingly.

This document would make other changes for the purpose of clarity.

The restatements of statute and statutory interpretations contained in this proposed rule would be applied from the effective dates of the statutory provisions. The dates of application for the provisions covered by this document would be as follows:

October 1, 1996: 38 CFR 21.7020(b)(1), new § 21.7042(f)(3) and newly redesignated § 21.7042(f)(4)  
 October 9, 1996: §§ 21.4135(b); 21.5021(d)(3); 21.5058(b); 21.5130(d); 21.7020(b)(29); all changes to § 21.7042 except new § 21.7042(f)(3) and newly redesignated § 21.7042(f)(4); §§ 21.7045; 21.7050; 21.7131; 21.7520(b); and 21.7635

The Department of Defense (DOD) is issuing this proposed rule jointly with VA insofar as it relates to VEAP. This program is funded by DOD and administered by VA. DOD, the Department of Transportation (Coast Guard), and VA are jointly issuing this proposed rule insofar as it relates to the Montgomery GI Bill—Selected Reserve. This program is funded by DOD and the Coast Guard, and is administered by VA. The remainder of this proposed rule is issued solely by VA.

#### **Paperwork Reduction Act**

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), a collection of information is set forth in the proposed 38 CFR 21.7131(l) and (m). Accordingly, under section 3507(d) of the Act, VA has submitted a copy of this rulemaking action to the Office of Management and Budget (OMB) for its review of the proposed collection of information.

OMB assigns a control number to each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Comments on the proposed collection of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the

Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies mailed or hand-delivered to the 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-AI63."

*Title:* Evidence Submitted to Validate an Election to Receive Educational Assistance under the Montgomery GI Bill—Active Duty.

*Summary of collection of information:* The proposed § 21.7131(l) and (m) would provide that a veteran may be required to submit evidence to validate an election to receive educational assistance under the MGIB and that the date of VA's receipt of the evidence may have an effect on the effective date of an award of educational assistance. The type of evidence submitted would be copies of records that most individuals would keep, such as a discharge certificate or a document that shows that \$1,200 was withheld from military pay. There would be no recordkeeping requirement.

*Description of need for information and proposed use of information:* VA and DOD conduct a computer match that allows VA access to data contained in the Defense Manpower Data Center (DMDC) about applicants for the MGIB. Those data are necessary to establish their eligibility for educational assistance. Normally, the information contained in DMDC records would be sufficient for VA to decide if an individual who claims to have become eligible for educational assistance under the proposed § 21.7042(a)(7), 21.7042(b)(10), or 21.7045(d) is, in fact, eligible. However, VA realizes that there may be an occasional error in entering the pertinent data into the computer records, so that it may appear that an individual is ineligible when he or she is actually eligible. The proposed § 21.7131(l) and (m) recognize this by allowing for the possibility that an individual may have to submit additional evidence to show that he or she is eligible for educational assistance. VA will use the evidence submitted to validate an individual's eligibility for educational assistance under the MGIB.

*Description of likely respondents:* Individuals seeking to establish eligibility for educational assistance under the MGIB.

*Estimated number of respondents:* 56 per year.

*Estimated frequency of responses:* Once per respondent.

*Estimated average burden per collection:* 20 minutes. This is VA's estimate of the average time it would take for respondents to find or obtain, if necessary, this additional evidence, and to copy and mail this evidence to VA.

*Estimated total annual reporting and recordkeeping burden:* 19 hours.

The Department considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;

- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;

- Enhancing the quality, usefulness, and clarity of the information to be collected; and

- Minimizing the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**.

Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to submit comments to VA on the proposed rule.

### Regulatory Flexibility Act

The Secretary of Defense, Commandant of the Coast Guard, and the Secretary of Veterans Affairs hereby certify that the adoption of this proposed rule would 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. Adoption of this proposed rule would not cause educational institutions to make changes in their activities and would have minuscule monetary effects, if any. Pursuant to 5 U.S.C. 605(b), this proposed rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

The Catalog of Federal Domestic Assistance numbers for programs affected by this proposed rule are 64.117, 64.120, and 64.124. This proposed rule would also affect the

Montgomery GI Bill—Selected Reserve program, which has no Catalog of Federal Domestic Assistance number.

### 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, Employment, Grant programs—education, Grant programs—veterans, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: June 12, 1998.

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

**Normand G. Lezy,**

*Lieutenant General, USAF*

*Deputy Assistant Secretary (Military Personnel Policy), Department of Defense.*

Approved: July 28, 1998.

**T. J. Barrett, RADM, USCG,**

*Assistant Commandant for Human Resources, Acting.*

For the reasons set forth above, 38 CFR part 21 (subparts D, G, K, and L) is proposed to be amended as set forth below.

## PART 21—VOCATIONAL REHABILITATION AND EDUCATION

### Subpart D—Administration of Educational Assistance Programs

1. The authority citation for part 21, subpart D continues to read as follows:

**Authority:** 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

2. In § 21.4135, paragraph (b) is added to read as follows:

#### § 21.4135 Discontinuance dates.

\* \* \* \* \*

(b) *Election to receive educational assistance under the Montgomery GI Bill—Active Duty.* If a veteran makes a valid election, as provided in § 21.7045(d), to receive educational assistance under the Montgomery GI Bill—Active Duty in lieu of educational assistance under the Post-Vietnam Era Veterans' Educational Assistance Program, the discontinuance date of educational assistance under the Post-Vietnam Era Veterans' Educational Assistance Program shall be the date on which the election was made pursuant to procedures described in § 21.7045(d)(2).

(Authority: 38 U.S.C. 3018C(c)(1))

\* \* \* \* \*

### Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Chapter 32

3. The authority citation for part 21, subpart G continues to read as follows:

**Authority:** 38 U.S.C. 501(a), ch. 32, unless otherwise noted.

#### § 21.5021 [Amended]

4. In § 21.5021, paragraph (d)(3) is amended by removing “during the period beginning on November 2, 1994, and ending on September 30, 1996.”.

5. In § 21.5058, the authority citation for paragraph (b) is revised to read as follows:

#### § 21.5058 Resumption of participation.

\* \* \* \* \*

(b) \* \* \*

(Authority: 38 U.S.C. 3018A, 3018B, 3018C, 3202(l), 3222)

#### § 21.5130 [Amended]

6. In § 21.5130, paragraph (b) is amended by removing “(except paragraph (b))”.

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

7. The authority citation for part 21, subpart K continues to read as follows:

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

8. In § 21.7020, paragraph (b)(29)(iii) is amended by removing “during the period beginning on November 2, 1994, and ending on September 30, 1996,”; the authority citation for paragraph (b)(29) is revised; paragraph (b)(1)(iv) is added immediately after the authority citation for paragraph (b)(1)(iii); and paragraph (b)(44) is added immediately after the authority citation for paragraph (b)(43), to read as follows:

#### § 21.7020 Definitions.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(iv) When referring to individuals who, before June 30, 1985, had never served on active duty (as that term is defined by § 3.6(b) of this chapter) and who made the election described in § 21.7042(a)(7) or (b)(10), the term *active duty* when used in this subpart includes full-time National Guard duty under title 32, U.S. Code first performed after June 30, 1985, by a member of the Army National Guard of the United States or the Air National Guard of the United States for the purpose of organizing, administering, recruiting, instructing, or training the National Guard.

(Authority: 38 U.S.C. 3002(7); sec. 107, Pub. L. 104-275, 110 Stat. 3329-3330)

\* \* \* \* \*

(29) \* \* \*

(Authority: 38 U.S.C. 3002(8), 3452(c))

\* \* \* \* \*

(44) *Date of election.* The term *date of election* means:

(i) For an election that must be made in the form and manner determined by the Secretary of Defense, the date determined by the Secretary of Defense; and

(ii) For an election that must be submitted to VA, the date VA receives the written election.

(Authority: 38 U.S.C. 3018C(a)(5); sec. 107(b), Pub. L. 104-275, 110 Stat. 3329-3330)

9. In § 21.7042, paragraph (f)(3) is redesignated as paragraph (f)(4); newly redesignated paragraph (f)(4) is amended by removing "Paragraph (f)(2) of this section does" and adding, in its place, "Paragraphs (f)(2) and (f)(3) of this section do", by removing "Coast" and adding, in its place, "United States Coast", and by removing "Reserve" and adding, in its place, "Senior Reserve"; paragraph (a)(7) is added immediately after the authority citation for paragraph (a)(6); paragraph (b)(10) is added immediately after the authority citation for paragraph (b)(9); new paragraph (f)(3) and paragraph (g)(5) are added; and paragraphs (f)(2), (g)(1), and (g)(4) are revised to read as follows:

**§ 21.7042 Basic eligibility requirements.**

\* \* \* \* \*

(a) \* \* \*

(7) An individual whose active duty meets the definition of that term found in § 21.7020(b)(1)(iv), and who wishes to become entitled to basic educational assistance, must have elected to do so before July 9, 1997. For an individual electing while on active duty, this election must have been made in the manner prescribed by the Secretary of Defense. For individuals not on active duty, this election must have been submitted in writing to VA.

(Authority: Sec. 107(b), Pub. L. 104-275, 110 Stat. 3329-3330)

\* \* \* \* \*

(b) \* \* \*

(10) An individual whose active duty meets the definition of that term found in § 21.7020(b)(1)(iv), and who wishes to become entitled to basic educational assistance, must have elected to do so before July 9, 1997. For an individual electing while on active duty, this election must have been made in the manner prescribed by the Secretary of Defense. For individuals not on active duty, this election must have been submitted in writing to VA.

(Authority: Sec. 107(b), Pub. L. 104-275, 110 Stat. 3329-3330)

\* \* \* \* \*

(f) \* \* \*

(2) Except as provided in paragraph (f)(4) of this section, an individual is not eligible for educational assistance under 38 U.S.C. chapter 30 if after December 31, 1976, he or she receives a commission as an officer in the Armed Forces upon graduation from:

(i) The United States Military Academy;

(ii) The United States Naval Academy;

(iii) The United States Air Force Academy; or (iv) The United States

Coast Guard Academy.

(3) Except as provided in paragraph (f)(4) of this section, an individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon completion of a program of educational assistance under 10 U.S.C. 2107 is not eligible for educational assistance under 38 U.S.C. chapter 30, if the individual enters on active duty—

(i) Before October 1, 1996; or

(ii) After September 30, 1996, and while participating in that program received more than \$2,000 for each year of participation.

(Authority: 38 U.S.C. 3011(c), 3012(d))

\* \* \* \* \*

(g) *Reduction in basic pay.* (1) Except as elsewhere provided in this paragraph, the basic pay of any individual described in paragraph (a), (b), or (c) of this section shall be reduced by \$100 for each of the first 12 months that the individual is entitled to basic pay. If the individual does not serve 12 months, it shall be reduced by \$100 for each month that the individual is entitled to basic pay.

\* \* \* \* \*

(4) The individual who makes the election described in either paragraph (a)(7) or (b)(10) of this section shall have his or her basic pay reduced by \$1,200 in a manner prescribed by the Secretary of Defense. To the extent that basic pay is not so reduced before the individual's discharge or release from active duty, VA will collect from the individual an amount equal to the difference between \$1,200 and the total amount of the reductions described in this paragraph. If the basic pay of an individual is not reduced and/or VA does not collect from the individual an amount equal to the difference between \$1,200 and the total amount of the pay reductions, that individual is ineligible for educational assistance.

(Authority: Sec. 107(b)(3), Pub. L. 104-275, 110 Stat. 3329-3330)

(5) If through administrative error, or other reason—

(i) The basic pay of an individual described in paragraph (a)(1) through (a)(6), (b)(1) through (b)(9), (c), or (d) of this section is not reduced as provided in paragraph (g)(1) or (g)(2) of this section, the failure to make the reduction will have no effect on his or her eligibility, but will negate or reduce the individual's entitlement to educational assistance under 38 U.S.C. chapter 30 determined as provided in § 21.7073 for an individual described in paragraph (c) of this section;

(ii) The basic pay of an individual, described in paragraph (a)(7) or (b)(10) of this section, is not reduced as described in paragraph (g)(4) of this section and/or VA does not collect from the individual an amount equal to the difference between \$1,200 and the total amount of the pay reductions described in paragraph (g)(4) of this section, that individual is ineligible for educational assistance. If the failure to reduce the individual's basic pay and/or the failure to collect from the individual was due to administrative error on the part of the Federal government or any of its employees, the individual may be considered for equitable relief depending on the facts and circumstances of the case. See § 2.7 of this chapter.

(Authority: 38 U.S.C. 3002, 3011, 3012, 3018)

10. In § 21.7045, the heading and introductory text are revised; and paragraph (d) is added, to read as follows:

**§ 21.7045 Eligibility based on involuntary separation, voluntary separation, or participation in the Post-Vietnam Era Veterans' Educational Assistance Program.**

An individual who fails to meet the eligibility requirements found in § 21.7042 or § 21.7044 nevertheless will be eligible for educational assistance as provided in this subpart if he or she meets the requirements of paragraphs (a) and (b) of this section; paragraphs (a) and (c) of this section; or paragraph (d) of this section.

\* \* \* \* \*

(d) *Alternate eligibility requirements for participants in the Post-Vietnam Era Veterans' Educational Assistance Program.*—(1) *Making an election.* To receive educational assistance under the authority of paragraph (d) of this section, a veteran or servicemember must—

(i) Have elected to do so before October 9, 1997;

(ii) Have been a participant (as that term is defined in § 21.5021(e)) in the Post-Vietnam Era Veterans' Educational Assistance Program on October 9, 1996;

(iii) Have been on active duty on October 9, 1996; and

(iv) Receive an honorable discharge.

(2) *Election.* The election to receive educational assistance payable under this subpart in lieu of educational assistance payable under the Post-Vietnam Era Veterans' Educational Assistance Program is irrevocable. The election must have been made before October 9, 1997, pursuant to procedures provided by the Secretary of the military department concerned in accordance with regulations prescribed by the Secretary of Defense or provided by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

(3) *\$1,200 collection.* An individual who has made the election described in paragraph (d)(2) of this section shall have his or her basic pay reduced by \$1,200 in a manner prescribed by the Secretary of Defense. To the extent that basic pay is not so reduced before the individual's discharge or release from active duty, VA will collect from the individual an amount equal to the difference between \$1,200 and the total amount of the reductions. Reduction in basic pay by \$1,200 or collection of \$1,200 is a precondition to establishing eligibility.

(4) *Educational requirement.* Before applying for benefits that may be payable as the result of making a valid election, an individual must have—

(i) Completed the requirements of a secondary school diploma (or equivalency certificate); or

(ii) Successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree.

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

11. In § 21.7050, paragraph (a)(1) is amended by removing "paragraph (b)" and adding, in its place, "paragraphs (b) and (c)", and by removing "of this part"; paragraphs (c) and (d) are redesignated as paragraphs (d) and (e), respectively; the authority citation for paragraph (b) is revised; and a new paragraph (c) is added to read as follows:

**§ 21.7050 Ending dates of eligibility.**

\* \* \* \* \*

(b) \* \* \*

(Authority: 38 U.S.C. 3031(e))

(c) *Time limit for some members of the Army and Air National Guard.* (1) If a veteran or servicemember establishes eligibility for the educational assistance payable under this subpart by making the election described in § 21.7042(a)(7) or (b)(10), VA will not provide basic educational assistance or supplemental

educational assistance to that veteran or servicemember beyond 10 years from the later of:

(i) The date determined by paragraph (a) or (b) of this section, as appropriate; or

(ii) The effective date of the election described in § 21.7042(a)(7) or (b)(10), as appropriate.

(2) The effective date of election is the date on which the election is made pursuant to the procedures described in § 21.7045(d)(2).

(Authority: Sec. 107(b)(3), Pub. L. 104-275, 110 Stat. 3329-3330)

\* \* \* \* \*

12. In § 21.7131, paragraphs (l) and (m) are added to read as follows:

**§ 21.7131 Commencing dates.**

\* \* \* \* \*

(l) *Eligibility established under § 21.7042(a)(7) or (b)(10).* This paragraph must be used to establish the effective date of an award of educational assistance when the veteran or servicemember has established eligibility under either § 21.7042(a)(7) or (b)(10). The commencing date of an award of educational assistance for such a veteran or servicemember is the latest of the following:

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

(2) The date of election provided that—

(i) The servicemember initiated the \$1,200 reduction in basic pay required by § 21.7042(g)(4) and the full \$1,200 was collected through that pay reduction;

(ii) Within one year of the date of election VA both collected from the veteran \$1,200 or the difference between \$1,200 and the amount collected through a reduction in the veteran's military pay, as provided in § 21.7042(g)(4), and received from the veteran any other evidence necessary to establish a valid election; or

(iii) VA received from the veteran \$1,200 or the difference between \$1,200 and the amount collected through a reduction in the veteran's military pay and any other evidence necessary to establish a valid election within one year of the date VA requested the money and/or the evidence.

(3) If applicable, the date VA collected the difference between \$1,200 and the amount by which the servicemember's military pay was reduced, if the provisions of paragraph (l)(2)(ii) or (l)(2)(iii) of this section are not met; or

(4) If applicable, the date VA collected \$1,200, if the provisions of paragraph (l)(2)(ii) or (l)(2)(iii) of this section are not met.

(Authority: 38 U.S.C. 5113; sec. 107, Pub. L. 104-275, 110 Stat. 3329-3330)

(m) *Eligibility established under § 21.7045(d).* This paragraph must be used to establish the effective date of an award of educational assistance when the veteran or servicemember has established eligibility under § 21.7045(d). The commencing date of an award of educational assistance for such a veteran or servicemember is the latest of the following:

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

(2) The date of election provided that—

(i) The servicemember initiated the \$1,200 reduction in basic pay required by § 21.7045(d)(3) and the full \$1,200 was collected through that pay reduction;

(ii) Within one year of the date of election VA both collected from the veteran \$1,200 or the difference between \$1,200 and the amount collected through a reduction in the veteran's military pay, as provided in § 21.7045(d)(3), and received from the veteran any other evidence necessary to establish a valid election; or

(iii) VA received from the veteran \$1,200 or the difference between \$1,200 and the amount collected through a reduction in the veteran's military pay and any other evidence necessary to establish a valid election within one year of the date VA requested the money and/or the evidence.

(3) If applicable, the date VA collected the difference between \$1,200 and the amount by which the servicemember's military pay was reduced, if the provisions of paragraph (m)(2)(ii) or (m)(2)(iii) of this section are not met;

(4) If applicable, the date VA collected \$1,200, if the provisions of paragraph (m)(2)(ii) or (m)(2)(iii) of this section are not met.

(Authority: 38 U.S.C. 3018C(a), (b), 5113)

\* \* \* \* \*

**Subpart L—Educational Assistance for Members of the Selected Reserve**

13. The authority citation for part 21, subpart L continues to read as follows:

**Authority:** 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35 36, unless otherwise noted.

14. In § 21.7520, paragraph (b)(23)(iv) is amended by removing "during the period beginning on November 2, 1994, and ending on September 30, 1996,"; and the authority citation for paragraph (b)(23) is revised to read as follows:

**§ 21.7520 Definitions.**

\* \* \* \* \*

(b) \* \* \*  
(23) \* \* \*

(Authority: 10 U.S.C. 16131(a), (c); 38 U.S.C. 3002, 3452)

\* \* \* \* \*

15. In § 21.7635, paragraph (y) is redesignated as paragraph (z); and a new paragraph (y) is added, to read as follows:

**§ 21.7635 Discontinuance dates.**

\* \* \* \* \*

(y) *Election to receive educational assistance under 38 U.S.C. chapter 30.* VA shall terminate educational assistance effective the first date for which the reservist received educational assistance when—

(1) The service that formed a basis for establishing eligibility for educational assistance under 10 U.S.C. chapter 1606 included a period of active duty as described in § 21.7020(b)(1)(iv); and

(2) The reservist subsequently made an election, as described in § 21.7042(a)(7) or (b)(10), to become entitled to basic educational assistance under 38 U.S.C. chapter 30.

(Authority: Sec. 107, Pub. L. 104-275, 110 Stat. 3329-3330)

\* \* \* \* \*

[FR Doc. 98-30287 Filed 11-10-98; 8:45 am]

BILLING CODE 8320-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 25

[DA 98-2231; IB Docket No. 98-172; RM-9005, RM-9118]

### Redesignation of the 18 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the Ka-band, and the Allocation of Additional Spectrum for Broadcast Satellite Service Use

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of time.

**SUMMARY:** The Notice of Proposed Rulemaking in this proceeding set due dates for filing comments and reply comments. At the request of several parties to this proceeding, those due dates are hereby extended.

**DATES:** Comments due November 19, 1998; reply comments due December 21, 1998.

**ADDRESSES:** All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW, TW-A325, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Chuck Magnuson, FCC International Bureau, Planning and Negotiations Division, at (202) 418-2159.

**SUPPLEMENTARY INFORMATION:** This proposed rulemaking, 63 FR 54100, October 8, 1998, concerns redesignation of the 17.7-19.7 GHz frequency band, blanket licensing of satellite earth stations in the 17.7-20.2GHz and 27.5-30.0 GHz frequency bands, and the allocation of additional spectrum in the 17.3-17.8 and 24.75-25.25 GHz frequency bands for broadcast satellite service use.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 98-30219 Filed 11-10-98; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA 98-4673; Notice 1]

RIN 2127-AG87

### Federal Motor Vehicle Safety Standards Lamps, Reflective Devices, and Associated Equipment

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend the Federal motor vehicle safety standard on lighting to reorganize the sections relating to headlighting. A notice proposing reorganization of the sections relating to other lamps is planned for later in 1998. This action is taken to remove inconsistencies and to facilitate reference to the standard in an effort to improve its comprehensibility.

**DATES:** Comments are due on the proposal February 10, 1999.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, S.W., Washington, D.C. 20590 (Docket hours are from 10:00 a.m. to 5:00 p.m.)

**FOR FURTHER INFORMATION CONTACT:** Patrick Boyd, Office of Safety Performance Standards (202-366-6346).

#### SUPPLEMENTARY INFORMATION:

##### I. The Reason for This Rulemaking

Federal Motor Vehicle Safety Standard No. 108 specifies performance

requirements for lamps, reflective devices and associated equipment on new motor vehicles, as well as their location. The standard also covers replacement lighting equipment. Its present version represents 31 years of accumulated amendments and the incorporation of numerous industry consensus standards. In many cases, the incorporated versions are no longer in print. Requirements concerning a particular lighting device are sometimes found at different places within the standard or are partially contained in SAE standards which are themselves incorporated by reference. As printed at 49 CFR 571.108, revised as of October 1, 1997, Standard No. 108 occupies 73 pages, by far the longest of the Federal motor vehicle safety standards. The agency responds to approximately 150 letters annually from domestic and foreign manufacturers of vehicles and equipment, state agencies, vehicle owners, and inventors of lighting devices asking for interpretations of Standard No. 108, and even more inquiries by telephone. The agency believes that this heavy demand may be due in part to difficulties that interested parties may have in finding the applicable provisions in the standard and in gaining confidence that they are aware of all requirements.

Therefore, NHTSA has decided to issue two notices proposing amendments intended to make the standard easier to understand. The amendments are not intended to change the requirements of the standard, except in a few minor instances which will be clearly identified in this preamble and the preamble of the second proposal. This NPRM proposes amendments to only those sections of Standard No. 108 applying to headlamp systems. Revised regulatory language for other lamps will be proposed for amendment in a future notice. The principal change in the organization of headlamp requirements is the elimination of the separate section devoted to sealed beam headlamps. They are treated in this proposal as a type of integral beam headlamp which have additional requirements to assure interchangeability.

##### II Drafting Guidelines

The following drafting guidelines have been followed in this proposal and will be followed in the subsequent proposal to the extent possible where the agency believes that adherence to them improves the clarity of the standard: