

amount of educational assistance which may be provided in any academic year under the Educational Assistance Test Program, and the amount of subsistence allowance authorized under that program. The adjustment is to be based upon the twelve-month increase in the average actual cost of attendance at public institutions of higher education. As required by law, the Department of Defense has consulted with the Department of Education. The Department of Defense has concluded that these costs increased by 5% in the 1997-98 academic year. Accordingly, this final rule changes 38 CFR 21.5820 and 21.5822 to reflect a 5% increase in the rates payable in the 1998-99 academic year. These changes to § 21.5820 include removing provisions for adjustments to compensate for rounding, which were not applicable because this year the resulting numerical values did not involve rounding. Other nonsubstantive changes are made for the purpose of clarification.

**Administrative Procedure Act**

Pursuant to 5 U.S.C. 553 there is good cause for finding that notice and public procedure are impractical, unnecessary and contrary to the public interest and there is good cause for dispensing with a 30-day delay of the effective date. The rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program are determined based on a statutory formula and, in essence, the calculation of rates merely constitutes a non-discretionary ministerial act. The other changes made by this document are merely nonsubstantive changes for the purpose of clarification.

**Regulatory Flexibility Act**

The Secretary of Veterans Affairs and the Secretary of Defense hereby certify that this final 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. This final rule directly affects only individuals. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

There is no Catalog of Federal Domestic Assistance number for the program affected by this final rule.

**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, Health programs, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 10, 1999.

**Togo D. West, Jr.,**  
*Secretary of Veterans Affairs.*

Approved: May 19, 1999.

**Curtis B. Taylor,**  
*Colonel U.S. Army, Principal Director, (Military Personnel Policy), Department of Defense.*

For the reasons set out above, 38 CFR part 21 (subpart H) is amended as set forth below.

**PART 21—VOCATIONAL REHABILITATION AND EDUCATION**

**Subpart H—Educational Assistance Test Program**

1. The authority citation for part 21, subpart H, is revised to read as follows:

**Authority:** 10 U.S.C. ch. 107; 38 U.S.C. 501(a), 3695, 5101, 5113, 5303A; 42 U.S.C. 2000; sec. 901, Pub. L. 96-342, 94 Stat. 1111-1114, unless otherwise noted.

2. In § 21.5820, paragraph (b)(1) is amended by removing "1997-98" and adding, in its place, "1998-99" and by removing "\$3,103" and adding, in its place, "\$3,258"; paragraph (b)(2)(ii) introductory text is amended by removing "1997-98" and adding, in its place, "1998-99"; paragraph (b)(2)(ii)(A) is amended by removing "\$344.78" and adding, in its place, "\$362" and by removing "\$172.39" and adding, in its place, "\$181"; paragraph (b)(2)(ii)(B) is amended by removing "\$11.49" and adding, in its place, "\$12.07" and by removing "\$5.75" and adding, in its place, "\$6.03"; paragraph (b)(3)(ii) introductory text is amended by removing "1997-98" and adding, in its place, "1998-99"; paragraph (b)(3)(ii)(A) is amended by removing "\$344.78" and adding, in its place, "\$362" and by removing "\$172.39" and adding, in its place, "\$181"; paragraph (b)(3)(ii)(B) is amended by removing "\$11.49" and adding, in its place, "\$12.07" and by removing "\$5.75" and adding, in its place, "\$6.03"; and paragraphs (b)(2)(ii)(C) and (b)(3)(ii)(C) are revised to read as follows:

**§ 21.5820 Educational assistance.**

- \* \* \* \* \*
- (b) \* \* \*
- (2) \* \* \*

- (ii) \* \* \*
- (C) Adding the two results.
- (3) \* \* \*
- (ii) \* \* \*
- (C) Adding the two results; and
- \* \* \* \* \*

**§ 21.5822 [Amended]**

3. In § 21.5822, paragraph (a) introductory text is amended by removing "payable to" and adding, in its place, "payable to"; paragraph (b)(1)(i) is amended by removing "\$773" and adding, in its place, "\$812", by removing "1997-98" and adding, in its place, "1998-99", and by removing "year," and adding, in its place; "year."; paragraph (b)(1)(ii) is amended by removing "\$386.50" and adding, in its place, "\$406", by removing "1997-98" and adding, in its place, "1998-99", and by removing "year," and adding, in its place, "year."; paragraph (b)(2)(i) is amended by removing "1997-98" and adding, in its place, "1998-99", by removing "\$773" and adding, in its place, "\$812", and by removing "day:" and adding, in its place, "day."; and paragraph (b)(2)(ii) is amended by removing "1997-98" and adding, in its place, "1998-99", by removing "\$386.50" and adding, in its place, "\$406", and by removing "day;" and adding, in its place, "day.".

[FR Doc. 99-21248 Filed 8-16-99; 8:45 am] BILLING CODE 8320-01-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 981014259-8312-02; I.D. 081099A]

**Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Commercial quota harvest.

**SUMMARY:** NMFS announces that the summer flounder commercial quota available to the Commonwealth of Massachusetts has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Massachusetts for the remainder of calendar year 1999, unless additional quota becomes available through a transfer. Regulations

governing the summer flounder fishery require publication of this notification to advise the Commonwealth of Massachusetts that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing summer flounder in Massachusetts.

**DATES:** Effective from 0001 hours, August 16, 1999, through 2400 hours, December 31, 1999.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, (978) 281-9273.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100.

The initial total commercial quota for summer flounder for the 1999 calendar year was set equal to 11,110,300 lb (5,039,547 kg) (64 FR 5196, February 3,

1999, corrected at 64 FR 9088, February 24, 1999). The percent allocated to vessels landing summer flounder in Massachusetts is 6.82046 percent, or 757,842 lb (343,751 kg).

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor state commercial quotas and to determine when a state's commercial quota is harvested. The Regional Administrator is further required to publish notification in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that the Commonwealth of Massachusetts has attained its quota for 1999.

The regulations at § 648.4(b) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota

available. Therefore, effective 0001 hours August 16, 1999, further landings of summer flounder in Massachusetts by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1999 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective the same date, federally permitted dealers are also advised that they may not purchase summer flounder from federally permitted vessels that land in Massachusetts for the remainder of the calendar year, or until additional quota becomes available through a transfer.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: August 12, 1999.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 99-21299 Filed 8-12-99; 3:18 pm]

**BILLING CODE 3510-22-F**