

71.1. The Class E2 airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

*Paragraph 6002 Class E Airspace Designated as Surface Areas*

\* \* \* \* \*

#### ASO GA E2 Atlanta Dekalb-Peachtree Airport, GA [New]

Atlanta Dekalb-Peachtree Airport  
(Lat 33°52'30" N, long. 84°18'08" W)

Within a 4-mile radius of the Dekalb-Peachtree Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will

thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in College Park, Georgia, on September 30, 1998.

**Wade Carpenter,**

*Acting Manager, Air Traffic Division,  
Southern Region.*

[FR Doc. 98–27720 Filed 10–14–98; 8:45 am]

BILLING CODE 4910–13–M

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

##### 26 CFR Part 1

[REG–116608–97]

RIN–1545–AV61

#### EIC Eligibility Requirements; Hearing Cancellation

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed regulations.

**SUMMARY:** This document provides notice of cancellation of a public hearing on proposed regulations pertaining to the eligibility requirements for certain taxpayers denied the earned income credit (EIC) as a result of the deficiency procedures.

**DATES:** The public hearing originally scheduled for Wednesday, October 21, 1998, beginning at 10 a.m. is cancelled.

**FOR FURTHER INFORMATION CONTACT:** LaNita Van Dyke of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–7190, (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations under § 1.32–3 of the Income Tax Regulations. A notice of proposed rulemaking and notice of public hearing appearing in the **Federal Register** on Thursday, June 25, 1998 (63 FR 34615), announced that the public hearing on proposed regulations under § 1.32–3 of the Income Tax Regulations would be held on Wednesday, October 21, 1998, beginning at 10 a.m., in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington DC.

The public hearing scheduled for Wednesday, October 21, 1998, is cancelled.

**Cynthia E. Grigsby,**

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 98–27711 Filed 10–14–98; 8:45 am]

BILLING CODE 4830–01–U

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[I.D. 100598D]

#### Mid-Atlantic Fishery Management Council and New England Fishery Management Council; Public Hearings

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

**ACTION:** Public hearings, request for comments.

**SUMMARY:** The Mid-Atlantic and the New England Fishery Management Councils (Councils) will hold public hearings to allow for input on development of the Spiny Dogfish Fishery Management Plan (FMP).

**DATES:** Written comments on the FMP will be accepted until November 23, 1998. The public hearings are scheduled to be held from October 26 to November 4, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** Send comments to Christopher M. Moore, Ph.D., Acting Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904 or Paul Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1036.

The hearings will be held in Maine, New Hampshire, Massachusetts, New York, New Jersey, Maryland, Virginia, and North Carolina. See **SUPPLEMENTARY INFORMATION** for locations of the hearings.

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Acting Executive Director, Mid-Atlantic Fishery Management Council, 302–674–2331, or Paul Howard, Executive Director, New England Fishery Management Council, 781–231–0422.

#### SUPPLEMENTARY INFORMATION:

##### Background

The purpose of the proposed action is to initiate management of spiny dogfish (*Squalus acanthias*), pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) of 1976 as amended by the Sustainable Fisheries Act (SFA). For most of the first two decades of extended jurisdiction under the Magnuson-Stevens Act, the spiny dogfish was considered to be an

"underutilized" species of relatively minor value to the domestic fisheries of the U.S. East Coast. With the decline of more traditional groundfish resources in recent years, an increase in directed fishing for spiny dogfish has resulted in a nearly sixfold increase in landings in the last 7 years. Recent rapid expansion of the fishery has resulted in a dramatic increase in fishing mortality. Particularly troublesome is the fact that the fishery targets mature females because of their large size. The recent fishery expansion, in combination with the removal of a large portion of the adult female stock, has resulted in the species being designated as overfished by NMFS. The SFA requires remedial action by the Councils for stocks designated as overfished and requires that a management program be developed within 1 year of the date of notification that a species is overfished. The lack of any regulations pertaining to the harvest of spiny dogfish in the exclusive economic zone, combined with the recent rapid expansion of the domestic fishery, led the Councils to jointly develop a management plan for the species.

The management unit for this FMP is defined as the entire spiny dogfish population along the Atlantic coast of the United States. The overall goal of this FMP is to conserve spiny dogfish in order to achieve optimum yield from this resource in the western Atlantic Ocean.

To meet the overall goal, the following objectives have been adopted:

1. Reduce fishing mortality to ensure that overfishing does not occur;
2. Promote compatible management regulations between state and Council jurisdictions and the United States and Canada;
3. Promote uniform and effective enforcement of regulations;
4. Minimize regulations while achieving the management objectives stated above; and
5. Manage the spiny dogfish fishery so as to minimize the impact of the regulations on the prosecution of other fisheries, to the extent practicable.

The fishing year for spiny dogfish is the 12-month period beginning May 1.

#### Management Strategy

The SFA, which reauthorized and amended the Magnuson-Stevens Act, made a number of changes to the existing national standards. With respect to national standard 1, the SFA imposed new requirements concerning definitions of overfishing in fishery management plans. To comply with national standard 1, the SFA requires that each Council FMP define

overfishing as a rate or level of fishing mortality that jeopardizes a fishery's capacity to produce maximum sustainable yield (MSY) on a continuing basis.

Each FMP must specify objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the FMP are overfished. To fulfill the requirements of the SFA, status determination criteria for spiny dogfish comprise two components: (1) A maximum fishing mortality threshold and (2) a minimum stock size threshold. The maximum F threshold for spiny dogfish is specified as  $F_{MSY}$ . The minimum biomass threshold is specified as one-half  $B_{MSY}$ . For spiny dogfish, the stock size that would maximize average recruitment is known as the  $SSB_{max}$  and is recommended as a proxy value for  $B_{MSY}$ . This target value is currently estimated to be 440 million lb (200,000 mt).

An additional requirement of the SFA is that stocks that are identified as overfished (i.e., stock biomass is less than minimum biomass threshold) must be rebuilt to the level that will produce maximum sustainable yield ( $B_{MSY}$ ). The SFA guidelines advise that, in most cases, the stock rebuilding period may not exceed 10 years. The most recent stock assessment data indicate that total adult spiny dogfish stock biomass is currently about 280 million lb (127,000 mt), which is well below the stock biomass target of 440 million lb (200,000 mt). As a result, the Councils propose to rebuild the spiny dogfish stock to the  $B_{MSY}$  level (as represented by the proxy of  $SSB_{max}$ ) over a 10-year rebuilding period through the implementation of this FMP.

The preferred alternative will eliminate overfishing and rebuild the spiny dogfish stock through a two-step reduction in the fishing mortality rate. The first step allows for a 1-year exit fishery of 22 million lb (10,000 mt) to allow a phaseout of the directed fishery. This approach was chosen to minimize the impact of the rebuilding program on both the harvest and processing sectors of the industry. For the first year of the rebuilding plan (1999–2000), F will be reduced to 0.2 and then will be reduced to  $F = 0.03$  in the remaining 9 years of the rebuilding plan (2000–2009). This schedule allows for stock rebuilding to the level that will support harvests at or near the  $SSB_{max}$  level in the year 2009.

The Councils are seeking public comment on the following management program adopted by the Councils for public hearings:

#### Preferred Management Measures

The Councils are proposing a number of preferred management measures to meet the objectives of the FMP. These preferred alternatives are as follows:

1. Permit and reporting requirements for commercial vessels, operators, and dealers.
2. The establishment of a Spiny Dogfish FMP Monitoring Committee.
3. The implementation of a framework adjustment process.
4. A 10-year stock rebuilding schedule.
5. A commercial quota.
6. Seasonal (semi-annual) allocation of the quota.
7. A prohibition on finning.
8. A limit of 80 nets (50 fathoms each) in the spiny dogfish gillnet fishery.

#### Alternatives to the Preferred Management Actions

A number of alternatives to the proposed management measures have been identified by the Councils for consideration by the public. These non-preferred alternatives include:

1. A no-action at this time.
2. Alternative rebuilding schedules.
3. A commercial quota with trip limits.
4. A commercial quota with alternative seasonal allocations.
5. A commercial quota with alternative size limits including a slot size limit.
6. A limited entry program for the spiny dogfish commercial fishery.
7. A target commercial quota.

#### Public Hearings

The hearings will begin at 7 p.m., with the exception of the New York hearing, which begins at 7:30 p.m. The dates and locations are as follows:

1. October 26, 1998—Seaport Inn and Marina, 110 Middle Street, Fairhaven, MA;
2. October 27, 1998—Four Points Sheraton Hyannis, Route 132, Hyannis, MA;
3. October 27, 1998—Hampton Inn, 402 Halstead Boulevard, Elizabeth City, NC;
4. October 28, 1998—Ramada East End, 1830 Route 25, Riverhead, NY;
5. October 28, 1998—Virginia Marine Resources Commission, 2600 Washington Avenue, Newport News, VA;
6. November 2, 1998—Cape May County Extension Office, Dennisville Road, Route 657, Cape May Courthouse, NJ;
7. November 3, 1998—Dunes Manor, 2800 Baltimore Avenue, Ocean City, MD;
8. November 3, 1998—Holiday Inn by the Bay, 88 Spring Street, Portland, ME; and

9. November 4, 1998—Sheraton, 250 Market Street, Portsmouth, NH.

The hearings will be tape recorded with the tapes filed as the official transcript of the hearings.

#### Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Mid-Atlantic Council office at least 5 days prior to the hearing date.

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

Dated: October 7, 1998.

**Gary C. Matlock,**

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

[FR Doc. 98-27582 Filed 10-14-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 100698B]

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold a 2-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone. The full Council meeting will begin at 1:30 p.m., following a meeting of the Council's Herring Committee on October 28.

**DATES:** The meeting will be held on Wednesday, October 28, 1998, at 9:30 a.m. and on Thursday, October 29, 1998, at 8:30 a.m.

**ADDRESSES:** The meeting will be held at the Holiday Inn Hotel and Convention Center, 88 Spring Street, Portland, ME 04101; telephone (207) 775-2311. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036; telephone: (781) 231-0422.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council, (781) 231-0422.

**SUPPLEMENTARY INFORMATION:**

#### Wednesday, October 28, 1998

At 9:30 a.m., the Council will convene a meeting of its Herring Committee to continue discussions and select final management measures for the Fishery Management Plan (FMP) for the Atlantic Herring Fishery. Management measures under discussion will include, but not be limited to, restrictions for large domestic processing vessels (such as size limits or sector allocations) and vessel tracking system (VTS) requirements. The full Council meeting will begin in the afternoon at 1:30 p.m. when Council Executive Director Paul Howard presents the details of an annual FMP review and adjustment process for each Council plan and public participation procedures. The Herring Committee Report will follow, during which the committee chairman will ask the Council for approval of the outstanding Herring FMP management measures (including recommended measures for large domestic processing vessels and VTS requirements) after a review of public comments and committee and advisory panel recommendations. The Council is also expected to review and approve FMP documents (description of measures, draft regulatory text and summary of impacts).

#### Thursday, October 29, 1998

The meeting will begin with reports on recent activities from the Council Chairman, Executive Director, the NMFS Acting Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, and representatives of the Coast Guard, the Atlantic States Marine Fisheries Commission, and the U.S. Fish and Wildlife Service. The Whiting Committee will ask for approval of measures for Amendment 12 (whiting) to the Northeast Multispecies FMP after a review of the public and advisory panel comments and committee recommendations. Major elements of the management program include new overfishing definitions and the specification of optimum yield as required by the Sustainable Fisheries Act, a moratorium on commercial whiting permits, a Cultivator Shoal season change, management alternatives for the northern, southern, and Cultivator Shoal management areas including minimum mesh sizes and possession limits, restrictions on the transfer of whiting and red hake at sea, and a final essential fish habitat designation for offshore hake. The Groundfish Committee will seek approval of initial action on a framework adjustment to the Northeast

Multispecies FMP (Framework 26) that calls for measures to protect cod prior to May 1, the start of the 1999 fishing year. Measures under consideration include expanding the existing Gulf of Maine groundfish closures in time and area and, possibly, expanding them to waters east of Cape Cod; prohibiting the use of "crucifiers," a device used in the hook fishery to sort fish by size; and prohibiting the landing of overages of the Gulf of Maine cod trip limit (eliminating the "running clock"). The meeting will conclude with a presentation of the Draft Highly Migratory Species FMP. NMFS staff from the Highly Migratory Species Division will summarize the proposed FMP and take questions and comments. Any other outstanding Council business also will be discussed at this time.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this document.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: October 8, 1998.

**Bruce C. Morehead,**

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

[FR Doc. 98-27581 Filed 10-14-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 648 and 649

[I.D. 100798B]

RIN 0648-AL36

#### Fisheries of the Northeastern United States; American Lobster Fishery; Fishery Management Plan (FMP) Amendments to Achieve Regulatory Consistency on Permit Related Provisions for Vessels Issued Limited Access Federal Fishery Permits

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and