

Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622.

### Background and Need for Correction

Amendment 2 to the FMP, among other things, requires the use of certified BRDs in all penaeid shrimp trawls in the exclusive economic zone in the South Atlantic. The final rule to implement Amendment 2 contained as an appendix the Testing Protocol for BRD Certification. The Statistical Approach section of that appendix

contained errors, primarily in the formulas for computing whether the BRD tested achieves the minimum required reduction rate for weakfish and Spanish mackerel.

For clarity and ease of use, this correction restates the entire corrected Statistical Approach section of the Testing Protocol for BRD Certification.

### Correction of Publication

In FR Doc. 97-9816 published on April 16, 1997 (62 FR 18536), make the following correction. On page 18542, in the appendix to the document, which will not appear in the Code of Federal

Regulations, remove the text beginning five lines from the bottom of the first column with the heading "Statistical Approach" and ending with the text on line 11 of the third column and replace it with the following:

### Statistical Approach

You should start with the assumption that the BRD to be tested does not achieve the minimum required reduction rate, say  $R_0$ . This assumption will be rejected if the data provide sufficient evidence to do so. Hence, the hypotheses to be tested are as follows:

$H_0$ : BRD does not achieve the minimum required reduction rate,

$$R = \frac{\mu_c - \mu_b}{\mu_c} \leq R_0, \text{ i.e. } (1 - R_0) \mu_c - \mu_b \leq 0.$$

$H_a$ : BRD does achieve the minimum required reduction rate,

$$R = \frac{\mu_c - \mu_b}{\mu_c} > R_0, \text{ i.e. } (1 - R_0) \mu_c - \mu_b > 0.$$

Here  $R$  denotes the actual reduction rate (unknown),  $R_0$  denotes the minimum required reduction rate,  $\mu_c$  denotes the actual mean CPUE with the control, and  $\mu_b$  denotes the actual mean CPUE with the BRD.

With any hypothesis testing, there are two risks involved, known as type I error (rejecting the true  $H_0$ ) and type II error (accepting a false  $H_0$ ). The probabilities of committing these errors are denoted by alpha and beta, respectively, and those are inversely related to each other. As alpha increases, beta decreases, and vice versa. The above test will be conducted with an alpha to be specified by the RA. The above hypotheses should be tested using a "modified" paired t-test.

The CPUE values for the control and BRD nets for each successful tow should be computed first and these will be used in the following computations. The test statistic to be used is given by:

$$t = \frac{(1 - R_0) \bar{x} - \bar{y}}{s_{d0} / \sqrt{n}},$$

Where:

$\bar{x}$  is the observed mean CPUE for the control,  $\bar{y}$  is the observed mean CPUE for the BRD,  $s_{d0}$  is the standard deviation of

$d_i = \{(1 - R_0)x_i - y_i\}$  values,  $n$  is the number of successful tows used in the analysis, and  $i = 1, 2, \dots, n$ .

The  $H_0$  will be rejected if  $t > t_{\alpha, n-1}$ , where  $t_{\alpha, n-1}$  denotes the  $(1 - \alpha)$  100th percentile score in the  $t$  distribution with  $(n - 1)$  degrees of freedom.

The computation of beta (for various assumed reduction rates,  $R_1 > R_0$ ) is somewhat involved and requires the knowledge of unknown parameters (or at least good

estimates) of  $\mu_c$  and  $\sigma_{d0}^2$ . Note that  $\sigma_{d0}^2$  is dependent on the  $R_0$  specified (under  $H_0$ ) and equals:

$$(1 - R_0)^2 \sigma_{x_i}^2 + \sigma_{y_i}^2 - 2(1 - R_0) \rho \cdot \sigma_{x_i} \cdot \sigma_{y_i},$$

where  $\rho$  is the population correlation coefficient between  $x_i$  and  $y_i$  values. The computation of beta in advance (in the absence of any preliminary data, i.e., without good parameter estimates) is almost impossible. More work in this direction is still needed. However, it is clear that beta could be reduced by increasing alpha or  $n$  or both.

A  $(1 - \alpha)$  100% two-sided confidence interval on  $R$  consists of all values of  $R_0$  for which

$H_0: R = R_0$  (versus  $H_a: R \neq R_0$ ) cannot be rejected at the level of significance of alpha. One-sided confidence intervals on  $R$  could also be computed appropriately.

Dated: August 27, 1997.

**David L. Evans,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 970613138-7138-01; I.D. 082897C]

### Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in Registration Area O

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the scallop fishery in Registration Area O (Dutch Harbor). This action is necessary to prevent exceeding the *C. bairdi* crab bycatch limit (CBL) in this area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), August 28, 1997, until 2400 hrs, A.l.t., June 30, 1998.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The scallop fishery in the exclusive economic zone off Alaska is managed by NMFS according to the Fishery Management Plan for the Scallop Fishery off Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery

Conservation and Management Act. Fishing for scallops is governed by regulations appearing at subpart F of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.62(b) the 1997 *C. bairdi* CBL for Registration Area O was established by the Final 1997–98 Harvest Specifications of Scallops (62 FR 34182, June 25, 1997) as 10,700 crabs.

The Administrator, Alaska Region, NMFS, has determined, in accordance with 679.62(c), that the *C. bairdi* CBL for Registration Area O has been reached. Therefore, NMFS is prohibiting the taking and retention of scallops in Registration Area O.

#### Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1997 *C. bairdi* CBL specified for Registration Area O. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to public interest. The fleet has taken the *C. bairdi* CBL for Registration Area O. Further delay would only result in overharvest of the CBL. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

#### Classification

This action is required by § 679.62 and is exempt from review under E.O. 12866.

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

Dated: August 28, 1997.

**Gary C. Matlock,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 970613138–7138–01; I.D. 082897B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in Registration Area H

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the scallop fishery in Registration Area H (Cook Inlet). This action is necessary to prevent exceeding the scallop total allowable catch (TAC) in this area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), August 29, until 2400 hrs, A.l.t., June 30, 1998.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** The scallop fishery in the exclusive economic zone off Alaska is managed by NMFS according to the Fishery Management Plan for the Scallop Fishery off Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing for scallops is governed by

regulations appearing at subpart F of 50 CFR part 600 and 50 CFR part 679. In accordance with § 679.62(b) the 1997 scallop TAC for Registration Area H (Cook Inlet) was established by the Final 1997–98 Harvest Specifications of Scallops (62 FR 34182, June 25, 1997) as 28,000 lb (12,701 kg) shucked meat.

The Administrator, Alaska Region, NMFS, has determined, in accordance with 679.62(c), that the scallop TAC for Registration Area H (Cook Inlet) has been reached. Therefore, NMFS is prohibiting the taking and retention of scallops in Registration Area H (Cook Inlet).

#### Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1997 TAC for Registration Area H (Cook Inlet). Providing prior notice and an opportunity for public comment is impracticable and contrary to public interest. The fleet has taken the 1997 TAC for Registration Area H (Cook Inlet). Further delay would only result in overharvest of the 1997 TAC. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.62 and is exempt from review under E.O. 12866.

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

Dated: August 28, 1997.

**Gary C. Matlock,**

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

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