Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared. Specific findings supporting that conclusion were summarized in the preamble to the proposed rule and are not repeated here. No public comments on the certification were received.

Opening the 1997 fall commercial red snapper season on September 2, instead of September 15, would allow the fishery to begin at a time with traditionally better weather, thereby minimizing potential adverse impacts on fishing operations, particularly those of smaller vessels. Allowing commercial harvest only during the first 15 days of each month would extend the length of the annual fishing season and thereby provide market (price) benefits. These benefits depend on the provisions for the earlier opening taking effect no later than September 2, 1997, and on the provisions for the initial monthly closure taking effect no later than September 15, 1997. The Assistant Administrator for Fisheries, NOAA, finds that attaining these benefits constitutes good cause under 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to waive the normal 30-day delay in effectiveness of §§ 622.34(l) and 622.42(a)(1) of this rule.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: August 27, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.34, paragraph (l) is revised, effective September 15, 1997, to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(l) *1997 closures of the commercial fishery for red snapper.* During 1997, the possession of red snapper in or from the Gulf EEZ and on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), without regard to where such red snapper were harvested, is limited to the bag and possession limits, as specified in § 622.39(b)(1)(iii) and (b)(2), respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in § 622.45(c)(1), from noon on September 15 to noon on October 1, and thereafter from noon on the 15th of each month to noon on the first of each succeeding month until the commercial red snapper season is closed in accordance with § 622.43(a)(1). All times are local times.

3. In § 622.42, paragraph (a) introductory text is removed and paragraph (a)(1) is revised, effective September 2, 1997; and paragraph (a)(2) is revised, effective October 6, 1997, to read as follows:

§ 622.42 Quotas.

* * * * *

(a) *Gulf reef fish*—(1) *Commercial quotas.* The following quotas apply to persons who fish under commercial vessel permits for Gulf reef fish, as required under § 622.4(a)(2)(v).

(i) Red snapper—4.65 million lb (2.11 million kg), round weight, apportioned in 1997 as follows:

(A) 3.06 million lb (1.39 million kg) available February 1, 1997.

(B) The remainder available at noon on September 2, 1997, subject to the closure provisions of §§ 622.34(l) and 622.43(a)(1)(i).

(ii) Deep-water groupers (i.e., yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, and speckled hind), and, after the quota for shallow-water grouper is reached, scamp, combined—1.60 million lb (0.73 million kg), round weight.

(iii) Shallow-water groupers (i.e., all groupers other than deep-water groupers, jewfish, and Nassau grouper), including scamp before the quota for shallow-water groupers is reached, combined—9.80 million lb (4.45 million kg), round weight.

(2) *Recreational quota for red snapper.* The following quota applies to persons who harvest red snapper other than under commercial vessel permits for Gulf reef fish and the commercial quota specified in paragraph (a)(1)(i) of this section—4.47 million lb (2.03 million kg), round weight.

* * * * *

4. In § 622.43, paragraph (a)(1) is revised, effective October 6, 1997, to read as follows:

§ 622.43 Closures.

(a) * * *

(1) *Gulf reef fish*—(i) *Commercial quotas.* The bag and possession limits specified in § 622.39(b) apply to all harvest or possession in or from the Gulf EEZ of the indicated species, and the sale or purchase of the indicated species taken from the Gulf EEZ is prohibited. In addition, the bag and possession limits for red snapper apply on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), without regard to where such red snapper were harvested. However, the bag and possession limits for red snapper apply only when the recreational quota for red snapper has not been reached and the bag and possession limit has not been reduced to zero under paragraph (a)(1)(ii) of this section.

(ii) *Recreational quota for red snapper.* The bag and possession limit for red snapper in or from the Gulf EEZ is zero.

* * * * *

[FR Doc. 97–23339 Filed 8-29-97; 3:41 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 961226370–7074–02; I.D. 111896A]

RIN 0648–AI15

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 2; Correction

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

ACTION: Final rule; correction.

SUMMARY: NMFS published in the **Federal Register** of April 16, 1997, the testing protocol for bycatch reduction devices (BRDs). The statistical approach section of that appendix contains errors. This document corrects those errors.

DATES: Effective September 4, 1997.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813–570–5305.

SUPPLEMENTARY INFORMATION: The shrimp fishery off the southern Atlantic states is managed under the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management

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,

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

H_a: BRD does achieve the minimum required reduction rate,

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

Here R denotes the actual reduction rate (unknown), R_0 denotes the minimum required reduction rate, μ_c denotes the actual mean CPUE with the control, and μ_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:

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

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 $d_i = \{(1 - R_0)xi - yi\}$ values, n is the number of successful tows used in the analysis, and i=1, 2, . . . , 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 μ_c and σ^2_{d0}. Note that σ^2_{d0} is dependent on the R_0 specified (under H_0) and equals:

$(1 - R_0)^2\ \sigma^2_{xi} + \sigma^2_{yi} - 2(1 - R_0)\ \rho \bullet \sigma_{xi} \bullet \sigma_{yi}$,

where ρ 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.

[FR Doc. 97–23404 Filed 9–3–97; 8:45 am]

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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