

Monitoring System Malfunction”  
Telltale in Table 1 of Standard No. 101  
(49 CFR 571.101);

(3) Continues to illuminate the TPMS malfunction telltale under the conditions specified in S4.4(a) for as long as the malfunction exists, whenever the ignition locking system is in the “On” (“Run”) position; and

\* \* \* \* \*

(c) *Combination low tire pressure/TPMS malfunction telltale* \* \* \*

\* \* \* \* \*

(2) When the ignition locking system is activated to the “On” (“Run”) position, flashes for a period of at least 60 seconds but no longer than 90 seconds upon detection of any condition(s) specified in S4.4(a). After this period of prescribed flashing, the telltale must remain continuously illuminated as long as a malfunction exists and the ignition locking system is in the “On” (“Run”) position. This flashing and illumination sequence must be repeated each time the ignition locking system is placed in the “On” (“Run”) position until the situation(s) causing the malfunction(s) has (have) been corrected.

#### S4.5 *Written instructions.*

(a) Beginning on September 1, 2006, the owner’s manual in each vehicle certified as complying with S4 must provide an image of the Low Tire Pressure Telltale symbol (and an image of the TPMS Malfunction Telltale warning (“TPMS”), if a dedicated telltale is utilized for this function) with the following statement in English:

\* \* \*

\* \* \* \* \*

#### S6 *Test procedures.*

\* \* \* \* \*

(e) Stop the vehicle and deflate any combination of one to four tires until the deflated tire(s) is (are) at 7 kPa (1 psi) below the inflation pressure at which the tire pressure monitoring system is required to illuminate the low tire pressure warning telltale.

\* \* \* \* \*

(k) Simulate one or more TPMS malfunction(s) by disconnecting the power source to any TPMS component, disconnecting any electrical connection between TPMS components, or installing a tire or wheel on the vehicle that is incompatible with the TPMS. When simulating a TPMS malfunction, the electrical connections for the telltale lamps are not to be disconnected.

\* \* \* \* \*

## PART 585—PHASE-IN REPORTING REQUIREMENTS

■ 3. The authority citation for Part 585 of Title 49 continues to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

■ 4. Part 585 is amended by revising 585.66(b)(1) and (2) of Subpart G as follows:

### Subpart G—Tire Pressure Monitoring System Phase-in Reporting Requirements

\* \* \* \* \*

#### § 585.66 Reporting requirements.

\* \* \* \* \*

(b) *Report content.* (1) *Basis for statement of compliance.* Each manufacturer must provide the number of passenger cars, multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less, except those vehicles with dual wheels on an axle, manufactured for sale in the United States for each reporting period as follows:

(i) *Period from October 5, 2005 to August 31, 2006.* The number shall be either the manufacturer’s average annual production of vehicles manufactured on or after September 1, 2002, and before October 5, 2005, or, at the manufacturer’s option, it shall be the manufacturer’s production on or after October 5, 2005 and before September 1, 2006. A new manufacturer that has not previously manufactured these vehicles for sale in the United States must report the number of such vehicles manufactured during the production period on or after October 5, 2005 and before September 1, 2006.

(ii) *Period from September 1, 2006 to August 31, 2007.* The number shall be either the manufacturer’s average annual production of vehicles manufactured on or after September 1, 2003, and before September 1, 2006, or, at the manufacturer’s option, it shall be the manufacturer’s production on or after September 1, 2006 and before September 1, 2007. A new manufacturer that has not previously manufactured these vehicles for sale in the United States must report the number of such vehicles manufactured during the production period on or after September 1, 2006 and before September 1, 2007.

(2) *Production.* Each manufacturer must report for the production period for which the report is filed: the total number of passenger cars, multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of

4,536 kilograms (10,000 pounds) or less that meet Standard No. 138 (49 CFR 571.138).

\* \* \* \* \*

Issued: August 31, 2005.

Jeffrey W. Runge,  
Administrator.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 041126332–5039–02; I.D. 082305C]

### Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closures and openings.

**SUMMARY:** NMFS is prohibiting directed fishing for Atka mackerel with gears other than jig in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2005 total allowable catch (TAC) of Atka mackerel in these areas. NMFS is also announcing the opening and closure dates of the first and second directed fisheries within the harvest limit area (HLA) in Statistical Areas 542 and 543. These actions are necessary to prevent exceeding the HLA limits established for the Central (area 542) and Western (area 543) Aleutian Districts pursuant to the 2005 Atka mackerel TAC.

**DATES:** The effective dates are provided in Table 1 under the **SUPPLEMENTARY INFORMATION** section of this temporary action.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by

U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2005 TAC of Atka mackerel specified for other gear in the Eastern Aleutian District and the Bering Sea subarea was established as 6,868 metric tons (mt) by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005). See § 679.20(a)(8)(ii) and (c)(3)(iii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that 350 mt of the 2005 Atka mackerel TAC for other gear in the

Eastern Aleutian District and the Bering Sea subarea will be necessary as incidental catch to support other anticipated groundfish fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of 6,518 mt. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel TAC by vessels using other gear in the Eastern Aleutian District and the Bering Sea subarea.

In accordance with § 679.20(a)(8)(iii)(C), the Regional

Administrator is opening the first directed fisheries for Atka mackerel within the HLA in areas 542 and 543, 48 hours after the closure of the Eastern Aleutian District and the Bering Sea subarea Atka mackerel directed fishery. The Regional Administrator has established the opening date for the second HLA directed fisheries as 48 hours after the last closure of the first HLA fisheries in either 542 or 543. Consequently, NMFS is opening and closing directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the periods listed under Table 1 of this notice.

TABLE 1. EFFECTIVE DATES AND TIMES

Action	Area	Effective Dates*	
		From	To
Closing Atka Mackerel with gears other than jig	Eastern Aleutian District and the Bering Sea subarea	1200 hrs, September 2, 2005	2400 hrs, December 31, 2005
Opening the first directed fishery in the HLA	542	1200 hrs, September 4, 2005	1200 hrs, September 12, 2005
	543	1200 hrs, September 4, 2005	1200 hrs, September 11, 2005
Opening the second directed fishery in the HLA	542	1200 hrs, September 14, 2005	1200 hrs, September 22, 2005
	543	1200 hrs, September 14, 2005	1200 hrs, September 21, 2005

\*Alaska local time

In accordance with § 679.20(a)(8)(iii), vessels using trawl gear for directed fishing for Atka mackerel have previously registered with NMFS to fish in the HLA fisheries in areas 542 and/or 543. NMFS has randomly assigned each vessel to the directed fishery or fisheries for which they have registered. NMFS has notified each vessel owner as to which fishery each vessel has been assigned by NMFS. (70 FR 49197, August 23, 2005).

In accordance with § 679.20(a)(8)(ii)(C)(1), the HLA limits of the 2005 TACs in areas 542 and 543 are 9,851 mt and 5,550 mt, respectively. Based on those limits and the proportion of the number of vessels in each fishery compared to the total number of vessels participating in the HLA directed fishery for area 542 or 543, the harvest limit for each HLA directed fishery in areas 542 and 543 are as follows: for the first directed fishery in area 542, 4,926 mt; for the first directed fishery in area 543, 2,775 mt; for the second directed fishery in area 542, 4,925 mt; and for the second directed fishery in area 543, 2,775 mt. In accordance with § 679.20(a)(8)(iii)(E), the Regional Administrator has

established the closure dates of the Atka mackerel directed fisheries in the HLA for areas 542 and 543 based on the amount of the harvest limit and the estimated fishing capacity of the vessels assigned to the respective fisheries. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the dates and times listed in Table 1 of this notice.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and 50 CFR 679.20(b)(3)(iii)(A) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Atka mackerel fishery in

the Eastern Aleutian District and the Bering Sea subarea and the opening and closures of the fisheries for the HLA limits established for the area 542 and area 543 pursuant to the 2005 Atka mackerel TAC. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 15, 2005. The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: August 31, 2005.

**Emily Menashes,**

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