

implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Dated: Issued on: January 8, 2004.

Abraham Wong,

Division Administrator, Honolulu.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-16888]

#### Notice of Receipt of Petition for Decision that Nonconforming 2003-2004 Mercedes Benz E Class (211) Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 2003-2004 Mercedes Benz E Class (211) passenger cars are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2003-2004 Mercedes Benz E Class (211) passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is February 17, 2004.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.].

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Automobile Concepts, Inc. of North Miami, Florida ("AMC") (Registered Importer 01-278) has petitioned NHTSA to decide whether 2003-2004 Mercedes Benz E Class (211) passenger cars are eligible for importation into the United States. The vehicles which AMC believes are substantially similar are 2003-2004 Mercedes Benz E Class (211) passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2003-2004 Mercedes Benz E Class (211) passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

AMC submitted information with its petition intended to demonstrate that non-U.S. certified 2003-2004 Mercedes Benz E Class (211) passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are

capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2003-2004 Mercedes Benz E Class (211) passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 135 *Passenger Car Brake Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 225 *Child Restraint Anchorage Systems*, and 302 *Flammability of Interior Materials*.

In addition, the petitioner claims that the vehicles comply with the Bumper Standard found in 49 CFR part 581.

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Inscription of the word "brake" on the instrument cluster in place of the international ECE warning symbol; (b) modification of the speedometer to read in miles per hour by downloading U.S. version information, or replacement of the speedometer with one that reads in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: Installation of U.S.-model headlamps, tail lamps, and front and rear sidemarkers.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: Inscription of the required warning statement on the passenger side rearview mirror's face.

Standard No. 114 *Theft Protection*: Reprogramming of the vehicle's computer to activate the key warning system.

Standard No. 118 *Power Window Systems*: Reprogramming of the vehicle's computer so that the power windows will not operate with the ignition switched off.

Standard No. 208 *Occupant Crash Protection*: (a) Activation of the seat belt warning buzzer by reprogramming the vehicle's instrument cluster; (b) inspection of all vehicles and

replacement of the driver's and passenger's air bags and knee bolsters, and all seat belts with U.S.-model components on vehicles that are not already so equipped. Petitioner states that the vehicles should be equipped in the front and rear outboard seating positions with combination lap and shoulder belts that are self-tensioning and that release by means of a single red pushbutton.

Standard No. 209 *Seat Belt Assemblies*: Inspection of all vehicles and replacement of any noncompliant seat belts with U.S.-model components.

Standard No. 210 *Seat Belt Assembly Anchorages*: Inspection of all vehicles and replacement of any noncompliant seat belt anchorages with U.S.-model components.

Standard No. 301 *Fuel System Integrity*: Replacement of all non-U.S. model fuel system components with U.S.-model components.

Standard No. 401 *Interior Trunk Release*: Installation of a U.S.-model switch that will enable the trunk lid to be released from inside the trunk.

The petitioner states that all vehicles must be inspected to ensure that they are equipped with an anti-theft device that meets the requirements of the Theft Prevention Standard found in 49 CFR part 541, and that such devices will be installed in any vehicles that are not already so equipped.

The petitioner also states that a vehicle identification number plate must be affixed to the vehicles near the left windshield post and a reference and certification label must be affixed in the area of the left front door post to meet the requirements of 49 CFR part 565. In addition, the petitioner states that a certification label must be affixed to the driver's doorjamb to meet the requirements of 49 CFR part 567.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 12, 2004.

**Kenneth N. Weinstein,**  
*Associate Administrator for Enforcement.*  
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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2003-16612]

#### Extension of Comment Period on Whether Nonconforming 2002 Ferrari 360 Spider and Coupe Passenger Cars Manufactured From September 1, 2002 Through December 31, 2002 Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Extension of comment period.

**SUMMARY:** This document announces the extension of the comment period on a petition for NHTSA to decide that 2002 Ferrari 360 Spider and Coupe passenger cars manufactured from September 1, 2002 through December 31, 2002 that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States.

**DATES:** The closing date for comments on the petition is January 26, 2004.

**ADDRESSES:** Comments are to be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.]. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the document (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-787) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

**SUPPLEMENTARY INFORMATION:** On December 11, 2003, NHTSA published a notice (at 68 FR 69125) that it had received a petition to decide that nonconforming 2002 Ferrari 360 Spider and Coupe passenger cars manufactured from September 1, 2002 through December 31, 2002 are eligible for

importation into the United States. The notice solicited public comments on the petition and stated that the closing date for comments is January 12, 2004.

This is to notify the public that NHTSA is extending the comment period until January 26, 2004. This extension is based on a request from Ferrari North America, Inc. (FNA), the U.S. representative of the vehicle's manufacturer, Ferrari, SpA. FNA requested a 30-day extension of the comment period. The company stated that this extension was needed "because a portion of the comment period was lost due to the holidays, and because of the complexity of the technical analysis necessary to evaluate the petition, particularly with regard to [Federal Motor Vehicle Safety Standard] No. 208 conformance." Standard No. 208 establishes minimum performance requirements for motor vehicle systems that provide occupant crash protection. FNA contended that the requested 30-day extension "will not prejudice the parties or unduly delay the proceeding and will afford FNA and Ferrari SpA personnel the opportunity to fully evaluate the petition in order to determine the appropriate scope and content of FNA's comments."

NHTSA has considered FNA's request, and concluded that the full 30-day extension requested by the company is not warranted in this circumstance. The 30-day comment period provided in the notice of petition should have afforded FNA a sufficient opportunity to evaluate the petition and determine the scope and content of its comments. The agency notes, in this regard, that FNA has already had an opportunity to comment on a previous petition seeking import eligibility for 2002 Ferrari 360 passenger cars manufactured before September 1, 2002. The conformity differences between those vehicles and the ones that are the subject of the instant petition should not be so great as to require a 30-day extension in the comment period. However, the agency is willing to provide some extension of the comment period in light of the fact that employee absences over the holiday period may have interfered with FNA's ability to fully evaluate the petition. NHTSA has consequently decided to extend the comment period for an additional two weeks.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered.