

d. The grantee warrants that it has not paid and agrees not to pay any bonus, commission or fee for the purpose of obtaining approval of its application for the financial assistance agreement.

e. The grantee assures that it shall comply with all applicable provisions of Federal, State and local law. Nothing in this agreement shall require the grantee to observe or enforce compliance with any provision hereof, perform any other act or do any other thing in contravention of applicable State or territorial law; provided that if any of provisions of the agreement would require the grantee to violate any applicable State or territorial law, the grantee will at once notify the CO in writing in order that appropriate modifications may be made to the agreement to remedy the violation.

All limits and standards set forth in this agreement are minimum requirements, and shall not affect the application of more stringent State or local standards, provided however, that in its procurement actions under this agreement, the grantee shall not give any preference to or discriminate against goods and services produced or manufactured in any country, State or other geographical area, except as provided in paragraph f below.

f. The grantee assures and certifies that all manufactured products, steel, and cement used in carrying out this agreement are produced in the United States, in accordance with Section 165 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424; 96 Stat. 2097) unless the Secretary of DOT has determined under Section 165 that it is appropriate to waive this requirement.

10. *Order of Precedence.*

In the event of any inconsistency between any provisions of this agreement, the following order of precedence shall apply:

- a. Statement of Purpose (excluding the grantee's proposal, if incorporated).
- b. Special provisions contained in the assistance agreement.
- c. General Provisions, whether referenced or stated in full text, contained herein.
- d. The grantee's proposal (if incorporated).

[FR Doc. 04-26986 Filed 12-7-04; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-19738]

Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

SUMMARY: This document announces decisions by NHTSA that certain motor vehicles not originally manufactured to

comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and/or sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards.

DATES: These decisions became effective on the dates specified in Annex A.

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**.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No substantive comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA has decided that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

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.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

Annex A—Nonconforming Motor Vehicles Decided To Be Eligible for Importation

1. *Docket No. NHTSA-2004-17647*

Nonconforming Vehicles: 2001-2002 Mercedes Benz C-320 (203) Passenger Cars.

Substantially Similar U.S.-Certified Vehicles: 2001-2002 Mercedes Benz C-320 (203) Passenger Cars.

Notice of Petition Published at: 69 FR 24705 (May 4, 2004).

Vehicle Eligibility Number: VSP-441 (effective date June 15, 2004).

2. *Docket No. NHTSA-2004-17766*

Nonconforming Vehicles: 2002-2004 Mercedes Benz S-Class (220) Passenger Cars.

Substantially Similar U.S.-Certified Vehicles: 2002-2004 Mercedes Benz S-Class (220) Passenger Cars.

Notice of Petition Published at: 69 FR 29164 (May 20, 2004).

Vehicle Eligibility Number: VSP-442 (effective date June 28, 2004).

3. *Docket No. NHTSA-2004-18610*

Nonconforming Vehicles: 1999 Cagiva Gran Canyon 900 Motorcycles.

Substantially Similar U.S.-Certified Vehicles: 1999 Cagiva Gran Canyon 900 Motorcycles.

Notice of Petition Published at: 69 FR 45110 (July 28, 2004).

Vehicle Eligibility Number: VSP-444 (effective date September 2, 2004).

4. *Docket No. NHTSA-2004-18647*

Nonconforming Vehicles: 2004 Ferrari 360 Series Passenger Cars.

Substantially Similar U.S.-Certified Vehicles: 2004 360 Ferrari Series Passenger Cars.
Notice of Petition Published at: 69 FR 51143 (August 17, 2004).
Vehicle Eligibility Number: VSP-446 (effective date September 24, 2004).

5. *Docket No. NHTSA-2004-18782*

Nonconforming Vehicles: 2002 Honda CR-V Multipurpose Passenger Vehicles.
Substantially Similar U.S.-Certified Vehicles: 2002 Honda CR-V Multipurpose Passenger Vehicles.
Notice of Petition Published at: 69 FR 52744 (August 27, 2004).
Vehicle Eligibility Number: VSP-447 (effective date October 5, 2004).

6. *Docket No. NHTSA-2004-18945*

Nonconforming Vehicles: 2000 Cadillac Deville Passenger Cars (Manufactured 8/1/1999-12/31/2000).
Substantially Similar U.S.-Certified Vehicles: 2000 Cadillac Deville Passenger Cars (Manufactured 8/1/1999-12/31/2000).
Notice of Petition Published at: 69 FR 54342 (September 8, 2004).
Vehicle Eligibility Number: VSP-448 (effective date October 14, 2004).

7. *Docket No. NHTSA-2004-18946*

Nonconforming Vehicles: 1998 Toyota 4-Runner Multipurpose Passenger Vehicles.
Substantially Similar U.S.-Certified Vehicles: 1998 Toyota 4-Runner Multipurpose Passenger Vehicles.
Notice of Petition Published at: 69 FR 54344 (September 8, 2004).
Vehicle Eligibility Number: VSP-449 (effective date October 14, 2004).

8. *Docket No. NHTSA-2004-18947*

Nonconforming Vehicles: 2003-2004 BMW 5 Series Passenger Vehicles.
Substantially Similar U.S.-Certified Vehicles: 2003-2004 BMW 5 Series Passenger Vehicles.
Notice of Petition Published at: 69 FR 54717 (September 9, 2004).
Vehicle Eligibility Number: VSP-450 (effective date October 14, 2004).

9. *Docket No. NHTSA-2004-18849*

Nonconforming Vehicles: 1994-1997 Honda Accord, Sedan & Wagon, right hand drive (RHD) Passenger Cars.
Substantially Similar U.S.-Certified Vehicles: 1994-1997 Honda Accord, Sedan & Wagon, left hand drive (LHD) Passenger Cars.
Notice of Petition Published at: 69 FR 49944 (August 12, 2004).
Vehicle Eligibility Number: VSP-451 (effective date October 29, 2004).

10. *Docket No. NHTSA-2004-19120*

Nonconforming Vehicles: 2001 Ducati 900 Motorcycles.
Substantially Similar U.S.-Certified Vehicles: 2001 Ducati 900 Motorcycles.
Notice of Petition Published at: 69 FR 57132 (September 23, 2004).
Vehicle Eligibility Number: VSP-452 (effective date October 29, 2004).

11. *Docket No. NHTSA-2004-19121*

Nonconforming Vehicles: 2000 BMW R1150 GS Motorcycles.

Substantially Similar U.S.-Certified Vehicles: 2000 BMW R1150 GS Motorcycles.
Notice of Petition Published at: 69 FR 57133 (September 23, 2004).
Vehicle Eligibility Number: VSP-453 (effective date October 29, 2004).

12. *Docket No. NHTSA-2004-19291*

Nonconforming Vehicles: 1993 Mercedes Benz 190E Passenger Cars.
Substantially Similar U.S.-Certified Vehicles: 1993 Mercedes Benz 190E Passenger Cars.
Notice of Petition Published at: 69 FR 60931 (October 13, 2004).
Vehicle Eligibility Number: VSP-454 (effective date November 15, 2004).

13. *Docket No. NHTSA-2004-19290*

Nonconforming Vehicles: 2004 Rolls Royce Phantom Passenger Cars.
Substantially Similar U.S.-Certified Vehicles: 2004 Rolls Royce Phantom Passenger Cars.
Notice of Petition Published at: 69 FR 60932 (October 13, 2004).
Vehicle Eligibility Number: VSP-455 (effective date November 17, 2004).

[FR Doc. 04-26984 Filed 12-7-04; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-19122]

Re-Opening of Comment Period on Whether Nonconforming 2004 Lamborghini Gallardo Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.
ACTION: Re-opening of comment period.

SUMMARY: This document announces the reopening of the comment period on a petition for NHTSA to decide that 2004 Lamborghini Gallardo 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.

DATES: The closing date for comments on the petition is December 13, 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 October 13, 2004, NHTSA published a notice (at 69 FR 60933) that it had received a petition to decide that nonconforming 2004 Lamborghini Gallardo passenger cars 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 November 12, 2004.

This is to notify the public that NHTSA is reopening the comment period on this petition, and allowing it to run until December 13, 2004. This reopening is based on a request dated November 4, 2004, from Michael J. Grossman, the designated North American agent for Automobili Lamborghini, S.p.A. ("Lamborghini"), the vehicle's manufacturer. Mr. Grossman stated that an extension of the comment period was needed because prior business commitments precluded him from completing his analysis of the petition and preparing comments thereon by the November 12 deadline. Characterizing the petition as raising potentially complex technical and regulatory issues, and citing the unavailability of other company personnel who could prepare comments on the petition, Mr. Grossman asserted that Lamborghini would be unable to submit its comments before the closing date specified in the notice of petition.

NHTSA has decided to grant Lamborghini's request.

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)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.
 [FR Doc. 04-26985 Filed 12-7-04; 8:45 am]

BILLING CODE 4910-59-P