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BILLING CODE 4910-57-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-19737]

#### Notice of Receipt of Petition for Decision That Nonconforming 2004 Mercedes Benz Type 463 Short Wheel Base (SWB) Gelaendewagen Multipurpose Passenger Vehicles (MPVs) Are Eligible for Importation

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

**ACTION:** Notice of receipt of petition for  
decision that nonconforming 2004  
Mercedes Benz type 463 SWB  
Gelaendewagen MPVs are eligible for  
importation.

**SUMMARY:** This document announces  
receipt by the National Highway Traffic  
Safety Administration (NHTSA) of a  
petition for a decision that 2004  
Mercedes Benz type 463 SWB  
Gelaendewagen MPVs 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 January 5, 2005.

**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 am to  
5 pm]. 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.

Under 49 U.S.C. 30141(a)(1)(B), a  
motor vehicle that was not originally  
manufactured to conform to all  
applicable Federal motor vehicle safety  
standards may also be granted  
admission into the United States, even  
if there is no substantially similar motor  
vehicle of the same model year  
originally manufactured for importation  
into and sale in United States, if the  
safety features of the vehicle comply  
with or are capable of being altered to  
comply with those standards based on  
destructive test information or other  
evidence that NHTSA decides is  
adequate.

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**.

J.K. Motors of Baltimore, Maryland  
("J.K.") (Registered Importer 90-006)  
has petitioned NHTSA to decide  
whether 2004 Type 463 SWB  
Gelaendewagen MPVs are eligible for  
importation into the United States. J.K.  
has identified its petition as pertaining  
to both the Cabriolet and the Three Door  
versions of these vehicles. J.K. believes  
that these vehicles can be made to  
conform to all applicable Federal motor  
vehicle safety standards (FMVSS).

In its petition, J.K. noted that NHTSA  
has granted import eligibility to 2001-  
2003 Mercedes Benz type 463 SWB  
Gelaendewagen MPVs (VCP-25) that  
they claim are identical to the 2004  
Mercedes Benz type 463 SWB

Gelaendewagen MPVs that are the  
subject of this petition. In their petition  
for the 2001-2003 vehicles the  
petitioner stated that over a period of  
ten years, NHTSA has granted import  
eligibility to a number of Mercedes Benz  
Gelaendewagen type 463 vehicles.  
These include the 1990-1996 SWB  
version of the vehicle (assigned vehicle  
eligibility number VCP-14) and the  
1996 through 2001 long wheel base  
(LWB) version of the vehicle (assigned  
vehicle eligibility numbers VCP-11, 15,  
16, 18, and 21). These eligibility  
decisions were based on petitions  
submitted by J.K. and another register  
importer, Europa International, Inc.,  
claiming that the vehicles were capable  
of being altered to comply with all  
applicable FMVSS. Because those  
vehicles were not manufactured for  
importation into and sale in the United  
States, and were not certified by their  
original manufacturer (Daimler Benz), as  
conforming to all applicable FMVSS,  
they cannot be categorized as  
"substantially similar" to the 2004 SWB  
versions for purposes of establishing  
import eligibility under 49 U.S.C.  
30141(a)(1)(A). In addition, while there  
are some similarities between the SWB  
and LWB versions, NHTSA has decided  
that the 2002 through 2005 LWB  
versions of the vehicle that Mercedes  
Benz has manufactured for importation  
into and sale in the United States cannot  
be categorized as substantially similar to  
the SWB versions for the purpose of  
establishing import eligibility under  
section 30141(a)(1)(A). Therefore, we  
will construe J.K.'s petition as a petition  
pursuant to 49 U.S.C. 30141(a)(1)(B).

J.K. submitted information with its  
petition intended to demonstrate that  
2004 Type 463 SWB Gelaendewagen  
MPVs, as originally manufactured,  
comply with many applicable FMVSS  
and are capable of being modified to  
comply with all other applicable  
standards to which they were not  
originally manufactured to conform.

Specifically, the petitioner claims that  
2004 Type 463 SWB Gelaendewagen  
MPVs has safety features that comply  
with Standard Nos. 102 *Transmission  
Shift Lever Sequence, Starter Interlock,  
and Transmission Braking Effect*, 103  
*Windshield Defrosting and Defogging  
Systems*, 104 *Windshield Wiping and  
Washing Systems*, 106 *Brake Hoses*, 113  
*Hood Latch System*, 116 *Motor Vehicle  
Brake Fluid*, 119 *New Pneumatic Tires  
for Vehicles Other than Passenger Cars*,  
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*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorage*, 212 *Windshield Mounting*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicles are capable of being able to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Replacement of the instrument cluster with the U.S.-model component; (b) replacement of the cruise control lever with a U.S.-model component on vehicles that are not so equipped; (c) reprogramming and initialization of the vehicle control system to integrate the new instrument cluster and activate required warning systems.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model headlamps and front sidemarker lights; (b) installation of U.S.-model taillamp assemblies or modification of existing taillamps to conform to the standard; (c) installation of U.S.-model sidemarker lights.

Standard No. 111 *Rearview Mirrors*: replacement of the passenger side rearview mirror with a U.S.-model component or inscription of the required warning statement on the mirror's surface.

Standard No. 114 *Theft Protection*: reprogramming of the vehicle control systems to activate the required driver warning.

Standard No. 118 *Power-Operated Window, Partition, and Roof Panel Systems*: reprogramming of the vehicle control systems to meet the requirements of this standard.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles Other than Passenger Cars*: installation of a tire information placard.

Standard No. 208 *Occupant Crash Protection*: programming of the vehicle control systems to activate the required seat belt warning system. The petitioner states that the vehicles are equipped with driver's and passenger's air bags and knee bolsters, and with combination lap and shoulder belts that are self-tensioning and that release by means of a single red push button at the front and rear outboard seating positions.

Standard No. 225 *Child Restraint Anchorage Systems*: installation of U.S.-model child seat anchorage components.

Standard No. 301 *Fuel System Integrity*: The petitioner states that the

vehicles' fuel systems must be modified with U.S.-model parts to meet U.S. Environmental Protection Agency (EPA) OBDII, Spit Back, and enhanced EVAP requirements. The petitioner claims that as modified, these systems will control all fuel leaks in the case of an impact.

The petitioner also states that a vehicle identification plate must be affixed to the vehicle 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.

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 am to 5 pm.] 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.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 04-26752 Filed 12-3-04; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

November 29, 2004.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**Dates:** Written comments should be received on or before January 5, 2005 to be assured of consideration.

### Financial Crimes Enforcement Network (FinCEN)

**OMB Number:** 1506-0013.

**Form Number:** FinCEN 104 (Formerly Customs Form 4789).

**Type of Review:** Revision.

**Title:** Registration of Money Services Business, 31 CFR 103.41.

**Description:** Money services businesses file Form 107 to register with the Department of the Treasury pursuant to 31 U.S.C. 5330 and 31 CFR 103.41. The information on the form is used by criminal investigators, and taxation and regulatory enforcement authorities, during the course of investigations involving financial crimes.

**Respondents:** Business or other for-profit, Individuals or households, Not-for-profit institutions.

**Estimated Number of Respondents/Recordkeepers:** 17,000.

**Estimated Burden Hours Per**

**Respondent/Recordkeeper:** 45 minutes.

**Frequency of Response:** Other (as required).

**Estimated Total Reporting/Recordkeeping Burden:** 17,600 hours.

**Clearance Officer:** Steve Rudzinski, (703) 905-3845, Financial Crimes Enforcement Network, 2070 Chain Bridge Road, Suite 200, Vienna, VA 22182.

**OMB Reviewer:** Joseph F. Lackey, Jr., (202) 395-7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Treasury PRA Clearance Officer.*

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

November 29, 2004.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750