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F TRANSPORTATION
DOCKETS

SEP 10 2004 P 3:53

NHTSA-04-19486-1

September 10, 2004
Registered Importer No. R-03-321

**Petition for Import Eligibility Determination
49 CFR593.6 (A)**

Administrator
U.S. Dept. of Transportation
National Highway Traffic & Safety Admin.
Room 6115
400 7th Street S.W.
Washington D.C. 20590

ATTN: NEF-32 Import Eligibility Determinations

Attention: George Stevens

RE: 2001 - 2002 Mercedes Benz C Class (203)

Petitioner: US SPECS (R-03-321)
1301 Loflin Rd. BLDG.H
Aberdeen, MD. 21001

Part 593.6(A) (1)

This vehicle for which a determination is sought is 2001-2002 Mercedes Benz C Class (203). We have examined the recall campaigns and we have found that there were no listings for these vehicles. All vehicle reports will have a recall campaign search included with them at the time of submission.

Part 593.6 (A) (2)

The vehicle which is substantially similar to the petition vehicle is the US model.

Part 593.6 (A) (3)

The vehicle which we believe to be substantially similar is manufactured for sale in the US and it was certified to meet all applicable FMVSS in effect at the time of

NHTSA-2004-19486

manufacture. The non-conforming model was not listed on the accepted DOT list in 55 FR219, pp219, 47418ff, or the updates that have been published. The differences between the USA model and the non-certified model are very minor and have been outlined in this petition.

Part 593.6 (A) (4)

Since a US model exists, we seek your determination that our petition vehicle is substantially similar to the US model and therefore is eligible for importation and modification in the "substantially similar" category. We have examined the parts list for a 2001-2002 Mercedes Benz C Class (203) from the dealers in both the US and Europe and also a European 2001 Mercedes Benz C Class (203). We determined both what differences exist and what parts will be necessary to bring our non-conforming model into conformance with all applicable FMVSS in effect at the time of manufacture. These differences and changes have been outlined in the following examination of each applicable FMVSS.

Part 593.6 (A) (5)

The following outline will show that our non-conforming vehicle was originally manufactured to conform to the FMVSS in many areas in the same manner as its US model; many of the concerned parts have the same parts numbers as the US model. In all areas that have to be modified the parts will be supplied by the manufacturer. The modifications to this vehicle do not concern the basic structure; only easily removable and available parts.

FMVSS 101

Except as shown below, all controls and displays meet this FMVSS in the same manner.

1. The speedometer must be changed from Kilometers to MPH.
2. The word "BRAKE" Must be added to the instrument cluster in place of the ECE warning symbol.
3. The cruise control lever must be changed with the U.S, part.

FMVSS 102

The markings, starter interlock, shifting pattern, and brake effect are identical to those in the US model.

FMVSS 103

The windshield defogging and defrosting systems are identical to those in the US model.

FMVSS 104

The windshield wiping and washing systems are identical to those in the US model.

FMVSS 105

The hydraulic brake system and the parking brake system are identical to those in the US model.

FMVSS 106

The brake hoses are identical to those in the US model.

FMVSS 108

The following modifications must be made to fully meet this FMVSS:

- a. Install US model headlamps, and front side marker lights if not already equipped.
- b. Install US model tail lamp assemblies which incorporate rear side marker lights if not already equipped.
- c. Install the US model high-mounted stop light assembly if not already equipped.
- d. Install front and rear side reflex reflectors if not already equipped.

FMVSS 109

This vehicle came equipped with tires that bear the DOT symbol.

FMVSS 110

A tire placard must be installed to meet this FMVSS requirement.

FMVSS 111

The drivers inside and outside rearview mirrors meet this FMVSS. However, the passenger's rearview outside mirror must be changed to the US part or etched to meet the requirements.

FMVSS 113

The hood latch system meets this FMVSS.

FMVSS 114

The vehicle must have the warning buzzer added or reprogrammed to meet this FMVSS if not already equipped.

FMVSS 116

The vehicle came equipped with DOT brake fluid and the top of the master cylinder is labeled with the DOT information.

FMVSS 118

The vehicle power window system meets this FMVSS. Each vehicle will be inspected to meet this requirement. They would be programmed or rewired to meet this FMVSS if not already equipped.

FMVSS 124

The accelerator control system is identical to the US model.

FMVSS 135

The hydraulic brake system and the parking brake are identical to those found on the US model.

FMVSS 201

This vehicle was identified to NHTSA as conforming to the 201 upper interior head impact requirements. The components subject to this FMVSS will be inspected and replaced as necessary to insure that they are identical to those in the US model.

FMVSS 202

This vehicle came equipped with head restraints that are identical to those on the US model.

FMVSS 203

N/A when FMVSS 208 is met. Conforms to S5.1 of FMVSS 208 (impact for steering controls systems).

FMVSS 204

The steering shaft on this vehicle is energy absorbing and is identical to that used on the US model.

FMVSS 205

The glass and glazing materials used on this vehicle are identical to those used on the US model. They are clearly labeled with DOT.

FMVSS 206

The doors lock and retention components on all vehicles must be inspected to insure they meet this FMVSS. The US parts will be installed if not already equipped.

FMVSS 207

The seating system in this vehicle is identical to that used in the US model...

FMVSS 208

This vehicle is equipped with a seat belt warning lamp that is identical to that used on the US companion model. However an audible warning buzzer must be added and wired to the seatbelt latch to make this system meet this FMVSS. The passive restraint system used in these vehicles consists of dual front airbags and knee bolsters. They also have combination lap and shoulder belts at the outboard front seating positions as well as at the rear outboard seating positions. These manual systems are automatic self-tensioning and are released by means of a single red push-button.

All vehicles entering the USA must be inspected to confirm that the systems bear the US part# on the airbags, control unit, sensors, seatbelts, and that the knee bolsters have been installed.

FMVSS 209

All seat belts have to be inspected and if necessary all non-compliant parts have to be replaced with U.S. parts.

FMVSS 210

The seatbelt anchorages are identical to those of the US model.

FMVSS 212

The windshield mounting components and engineering required to meet this FMVSS are identical to the US model.

FMVSS 214

Door bars in this vehicle are identical to those of the US model.

FMVSS 216

The body of these vehicles is identical to that of the US model.

FMVSS 219

The windshield intrusion and the parts or components thereof, are identical to those of the US model.

FMVSS 225

Each vehicle will be inspected to ensure they meet this requirement and the US restraint anchorage system will be installed as necessary.

FMVSS 301

The fuel system in this vehicle must have the US parts installed to meet USEPA requirements if not already equipped. These vehicles come equipped with the required rollover valve for DOT.

FMVSS 302

This vehicle is equipped with interior materials that are identical to those used on the US model.

FMVSS 401

The vehicle must have the US parts installed if not already equipped to meet this requirement.

CFR 541

This vehicle is equipped with antitheft devices and is exempt from parts-marking requirements of this standard pursuant to 49 CFR Part 543.

CFR 565

A 'Vehicle Identification Plate' must be added in the left windscreen post area to meet this FMVSS if not already present. Copies of all labels will be included in the final report.

49 CFR 567

In order to comply with the requirements of Part 567, a certification label will be affixed to the drivers side door jam with the certification information required by part 567.

49 CFR 581

The bumpers and the support structure for the bumpers on these vehicles are identical to the US model. Each vehicle must be checked for compliance on a case-by-case basis.

Thank you for your attention,



Carl Brinegar, Owner
US Specs

DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
Docket No. NHTSA-2004-19486

DEPARTMENT OF TRANSPORTATION
DOCKETS
2004 OCT 28 P 12:11

Notice of Receipt of Petition for Decision that
Nonconforming 2001-2002 Mercedes Benz C Class (203) Passenger
Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Notice of receipt of petition for decision that nonconforming 2001-2002 Mercedes Benz C Class (203) 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 2001-2002 Mercedes Benz C Class (203) 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.

DATE: The closing date for comments on the petition is [30 days after publication in the Federal Register].

ADDRESS: 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.

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.

US SPECS of Aberdeen, Maryland (Registered Importer 03-321) has petitioned NHTSA to decide whether nonconforming 2001-2002 Mercedes Benz C Class (203) passenger cars are eligible for importation into the United States. The vehicles which US SPECS believes are substantially similar are 2001-2002 Mercedes Benz C Class (203) 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 2001-2002 Mercedes Benz C Class (203) 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.

US SPECS submitted information with its petition intended to demonstrate that non-U.S. certified 2001-2002 Mercedes Benz C Class (203) 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 2001-2002 Mercedes Benz C Class (203) passenger cars are identical to their U.S. certified counterparts with respect to compliance 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, 109 New Pneumatic Tires, 113 Hood Latch System, 116 Motor Vehicle Brake Fluids, 124 Accelerator Control Systems, 135 Passenger Car Brake Systems, 202 Head Restraints, 204 Steering Control Rearward Displacement, 205 Glazing Materials, 207 Seating Systems, 210 Seat Belt Assembly Anchorages, 212 Windshield Mounting, 214 Side Impact Protection, 216 Roof Crush Resistance, 219 Windshield Zone Intrusion, 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) substitution of a lens marked "Brake" for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) recalibration of the

speedometer/odometer from kilometers to miles per hour; and (c) installation of U.S.-model cruise control lever.

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: inspection of all vehicles and installation, on vehicles that are not already so equipped, of U.S.-model headlamps, front side marker lamps, taillamp assemblies that incorporate rear side marker lamps, a high-mounted stoplamp assembly, and front and rear side reflex reflectors.

Standard No. 110 Tire Selection and Rims: tire placard must be installed to ensure compliance with the standard.

Standard No. 111 Rearview Mirrors: installation of U.S.-model passenger side rearview mirror, or inscription of the required warning statement on the face of the passenger side rearview mirror.

Standard No. 114 Theft Protection: installation of U.S.- version software, or installation of a supplemental key warning buzzer system to meet the requirements of this standard.

Standard No. 118 Power-Operated Window, Partition, and Roof Panel Systems: inspection of all vehicles, and reprogramming and rewiring the systems, as required, to meet the requirements of this standard.

Standard No. 201 Occupant Protection in Interior Impact: inspection of all vehicles and installation, on vehicles that are not already so equipped, of U.S.-model interior trim

components that are necessary to comply with the standard's upper interior impact requirements.

Standard No. 206 Door Locks and Door Retention Components: inspection of all vehicles and installation, on vehicles that are not already so equipped, of U.S.-model components as necessary, to meet the requirements of this standard.

Standard No. 208 Occupant Crash Protection: (a) inspection of all vehicles and replacement of any non U.S.-model seat belts, air bag control units, air bags, sensors, and knee bolsters with U.S.-model components on vehicles that are not already so equipped; and (b) installation of a supplemental warning buzzer which is wired to the seat belt latch to ensure that the seat belt warning system activates in the proper manner.

The petitioner states that the restraint system used in these vehicles consists of dual front airbags and knee bolsters, and that the vehicles have combination lap and shoulder belts at the outboard front seating positions as well as at the rear outboard seating positions. These manual systems are automatic, self-tensioning, and are released by means of a single red push-button.

Standard No. 209 Seat Belt Assemblies: inspection of all vehicles and replacement of non U.S.-model seat belt assemblies with U.S.-model components on vehicles that are not already so equipped.

Standard No. 225 Child Restraint Anchorage Systems: inspection of all vehicles and installation of U.S.-model components, on vehicles that are not already so equipped, to ensure compliance with the standard.

Standard No. 301 Fuel System Integrity: inspection of all vehicles and installation of U.S.-model components, on vehicles that are not already so equipped, to ensure compliance with the standard.

Standard No. 401 Interior Trunk Release: inspection of all vehicles and installation of U.S.-model components, on vehicles that are not already so equipped, to ensure compliance with the standard.

The petitioner also states that a vehicle identification plate must be affixed to the vehicles near the left windshield 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.

Issued on:



Claude H. Harris
Director, Office of Vehicle
Safety Compliance

Billing Code: 4910-59-P