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March 31, 2022
VIA E-MAIL

The Honorable Steven Cliff
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue S.E.
West Building, Room 41-304
Washington, DC 20590

**Re: Mercedes-Benz Petition for Inconsequential Noncompliance Exemption,
No. 22V-133**

Dear Administrator Cliff:

Pursuant to the Motor Vehicle Safety Act, 49 U.S.C. §§ 30118(d) and 30120(h), 49 C.F.R. 556 and other applicable regulations, Mercedes-Benz AG (“MBAG”) and Mercedes-Benz USA, LLC (“MBUSA”) (collectively referred to for convenience herein as “Mercedes-Benz Vans” or “Petitioner”) submit this Petition for Exemption from certain requirements of 49 U.S.C. §§ 30118-30120 (the “Petition”). Manufacturer MBAG is a joint stock company headquartered in Germany, and MBUSA is a Delaware limited liability company with its principal place of business at One Mercedes-Benz Drive, Sandy Springs, Georgia 30328. Mercedes-Benz Vans requests that the Agency grant this Petition and exempt it from the notice and remedy requirements of the Vehicle Safety Act on the ground that the noncompliance described herein is inconsequential to motor vehicle safety.

MB Vans has determined that the tire and loading information placard affixed to the driver’s side B-pillar in certain MY 2020-2021 VS20 Metris (Platform 447) vehicles does not fully comply with the provisions of Federal Motor Vehicle 110, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less*, S4.3(d). Specifically, the spare tire size indicated on the label (225/55R17C) does not correspond to the size of the spare tire used for certification and installed on the vehicle (205/65R16C). The correct tire size is imprinted on the original spare tire. However, should a vehicle owner purchase a replacement spare tire based solely on the size (225/55R17C) printed on the placard, that tire nonetheless would meet or exceed all loading and performance requirements for a temporary use spare tire on the affected Metris vehicles and could be substituted for the original spare tire without any adverse safety consequences.

I. BACKGROUND

On November 4, 2021, during an internal audit in Mercedes-Benz Vans' Charleston production plant, it was discovered that the spare tire size information printed on the vehicles' tire and loading information placard (the "placard") did not correspond to the actual parameters of the certified spare tire included as original equipment.

Mercedes-Benz Vans' analysis determined that incorrect spare tire information had been printed on placards due to an error documenting the spare tire size in the printing software used to produce the placards. The documentation error only affected Metris vans with size 235/60R16 series tires. The error in the printing software was promptly corrected on November 5, 2021. As reported in Recall ID 22V-133, 700 Model Year 2020 and 2021 Metris VS20 (Platform 447) vehicles are affected by the labelling error.

Following correction of the software, Mercedes-Benz Vans conducted a technical review to determine whether the labeling error could affect vehicle safety or performance. As detailed below, that analysis determined that use of a replacement spare tire of the size printed on the placard would have no effect on vehicle safety or operation. If a customer were to purchase a replacement spare tire based on the size information included on the placard, that tire would meet all loading and performance requirements for a temporary use spare tire on the affected Metris vehicles – the tire specified on the incorrect placard could be substituted for the original spare tire without any adverse safety consequences.

FMVSS No. 110 S4.3(d) provides that the tire and loading information placard must include the following information:

Tire size designation, indicated by the headings "size" or "original tire size" or "original size," and "spare tire" or "spare," for the tires installed at the time of the first purchase for purposes other than resale. . .

The spare tire size on the placard is different from the size of the vans' original equipment spare tire, thus the placard does meet the specific requirement of FMVSS No. 110 S4.3(d). Mercedes-Benz Vans filed a Part 573 non-compliance report (Recall ID 22V-133) after determining that the spare tire size error in the placard resulted in technical non-compliance with FMVSS No. 110. Because that labeling error has no effect on motor vehicle safety, Petitioner seeks exemption from notification and remedy requirements of the Motor Vehicle Safety Act.

II. ANALYSIS

A. Inconsequentiality Exemption Standard

Manufacturers may be exempted from the notification and remedy provisions of the Safety Act if NHTSA determines that the noncompliance is inconsequential to motor vehicle safety. *See* 49 U.S.C. §§ 30118(d), 30120(h). NHTSA’s standard for evaluating an inconsequentiality petition is “whether the occupant who is affected by the noncompliance is likely to be exposed to a significantly greater risk than an occupant in a compliant vehicle.” *See Ruling on Petition for Inconsequential Noncompliance to General Motors* 69 Fed. Reg. 19897, 19900 (April 14, 2004). If the petitioner shows that a non-compliance does not present such a risk, the exemption should be granted. NHTSA has long distinguished between labeling requirements and performance requirements in its consideration of inconsequentiality petitions. As a recent decision summarized, “the burden of establishing the inconsequentiality of a failure to comply with a performance requirement in a standard—as opposed to a *labeling requirement* with no performance implications—is more substantial and difficult to meet.” *Hankook Tire America Corporation, Grant of Petition for Decision of Inconsequential Noncompliance*, 86 FR 49411, 49412 (Sept. 2, 2021) (citing *Gen. Motors Corporation; Ruling on Petition for Determination of Inconsequential Noncompliance*, 69 FR 19897, 19899 (Apr. 14, 2004)).

As demonstrated below, this Petition involves a labeling non-compliance that has no performance implications and even in the worst case would not create a significantly greater risk to motor vehicle safety. Based on that showing, the Agency should find the labeling error inconsequential and grant the Petition.

B. Application of the Standard Shows NHTSA Should Grant the Petition

The tire-size labeling non-compliance is inconsequential to motor vehicle safety for several reasons described in the following sections.

First, the use of a different-sized spare tire based on a placard misprint is very unlikely. The affected Metris vehicles are all equipped with a correctly sized spare tire and rim whose own label and markings clearly state its size. Ordinarily, a spare tire is used only for a short period of time following a failure of one of the vehicle’s series tires. When the series tire is replaced, the original spare is re-stored in the vehicle for possible future use. The possibility of substitution of a different sized tire would arise only in the rare occasion of replacement of the original spare tire. Even then, the spare tire size misprinted on the placard would require a differently sized rim. Thus, use of the placard tire size would only happen in the extremely unlikely case that the owner or workshop replaced the spare tire and rim by relying exclusively on the placard inside the doorjamb of the vehicle and ignoring the correct size plainly displayed on the very tire being replaced.

Second, spare tires on these vehicles generally are used only for a short period of time. The Operator’s Manual in the affected Metris Vehicles warns that the spare tire is only intended for temporary use at low speeds.

Third, and most important, the replacement spare tire size listed on the placard would meet all loading and performance requirements for a spare tire on the affected Metris Vehicles. As demonstrated in the next section, the spare tire specified on the placard could be substituted for the original without any adverse safety consequences.

1. *The Incorrect Spare Tire Listed on the Information Placard Would Still Comply with FMVSS No. 110 by Preventing Vehicle Overloading*

The purpose of FMVSS No. 110 is to ensure that vehicles are equipped with tires appropriate to handle maximum vehicle loads and to prevent overloading. FMVSS No. 110 S1; also e.g., *BMW of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance*, 84 FR 26505, 26507 (June 6, 2019).

The affected Metris vehicles have a GVWR of 6,393 lbs and front and rear GAWR of 3,197 lbs. The sized 205/65R16C 107/105T (103H) spare tire equipped with the vehicles and sized 225/55R17C 104/102H spare tire misprinted on the tire and loading information placard both would enable the vehicles to be operated safely within specified performance and loading limits:

	<i>Load Rating*</i>	<i>Inflation Pressure</i>
<i>Original Spare Tire</i>	2,150 lbs	350 kPa / 51 psi
<i>Misprinted Spare Tire</i>	1,984 lbs	350 kPa / 51 psi

** European Tire and Rim Technical Organization Handbook and Tire & Rim Association Yearbook*

Based on the GAWR (3,197 lbs.) of the affected vehicles, either spare tire is rated to carry loads greater than the 1,599 lbs. (for each tire) necessary to prevent overloading of the Metris vehicles. Accordingly, if a vehicle owner were to use a replacement size 225/55R17C spare tire based on the placard information, that tire is designed to handle the affected vans’ maximum vehicle loads without overloading in accordance with FMVSS No. 110. Further, the placard provides the correct recommended inflation pressure (which is the same as the original spare tire), so there is no risk that the placard would cause a customer to under- or over-inflate either tire.

The size 205/65R16C tire equipped with the affected Metris vehicles is certified as a full-size non-matching spare tire. The size 225/55R17C spare tire misprinted on the information placard is also an appropriate size to be equipped as full-size non-matching spare tire. The electronic stability program (“ESP”) on the affected Metris vehicles is designed to accommodate up to a 6.0% difference in tire circumference without any negative influence concerning the ESP-System. The size 235/60R16 series tires have circumference of 2,098 mm. The size 225/55R17C spare tire misprinted on the information placard has a circumference of 2,060 mm, which is only a 1.8% difference in circumference (or 38 mm). Therefore, that minor difference in tire circumference is less than allowable and would not affect the ESP or other vehicle systems.

If a customer were to use a replacement size 225/55R17C spare tire based on the information placard, the tire would function as safely as the size 205/65R16C spare tire. Accordingly, there would be no safety consequence associated with the labelling error on the affected Metris vehicles. Mercedes-Benz Vans has received no complaints or reports of crashes, injuries, or property damage associated with use of a replacement size 225/55R17C spare tire in the potentially affected vehicles. This further supports the conclusion that the label misprint does not pose an increased risk to vehicle safety.

2.The Spare Tires on the Affected Vehicles are Intended for Temporary Use.

Because the spare tire intended for use on the affected Metris vehicles is a full-size non-matching spare tire, the Operator’s Manual includes the following warnings regarding proper operation of the vehicle with a spare tire:

Wheel and tire dimensions as well as the type of tire can vary between the spare wheel and the wheel to be replaced. . . .

- Only use a spare wheel that differs from the wheel to be replaced from a short time.*
- Have a spare wheel that differs from the wheel that has been changed replaced at the nearest qualified specialist workshop. You must observe the correct wheel and tire dimensions as well as the wheel type.*
- When using a spare wheel of a different size, do not exceed the maximum permissible speed of 50 mph (80 km/h).*

These instructions clearly advise the vehicle owner that a spare tire should only be used for a very short time and at speeds of less than 50 mph. Proper, limited use of the spare tire in accordance with these conditions further limits the risk of use of either the original spare tire and the larger size spare printed on the placard.

3. *The Affected Vehicles Are Equipped with the Correct Spare Tire and the Correct Tire Size is Readily Available on the Tire Itself.*

The likelihood that the labeling error would even affect most vehicles or their owners is very low. The correctly sized spare tire (205/65R16C) is original equipment on all affected Metris vehicles. In most instances in which a vehicle experiences a tire failure, the original spare tire certified with the vehicle is available for use. Further, the spare tire included with the vehicle and the spare tire identified on the information placard have the same recommended inflation pressure. *See supra* at Section II.B.1. Therefore, there is no risk that a customer would improperly inflate either spare tire based on the information placard.

The noncompliance at issue would have no practical effect unless a vehicle owner had reason to replace the seldom-used original spare tire. In that unusual event, potential substitution of the 225/55R17C tire based exclusively on the placard is also unlikely, particularly given that the tire would not fit the original rim and the correct tire size information is displayed on the original spare tire itself. The tire markings on the original spare tire correctly show that it is a size 205/65R16C. The rim markings could also be used to identify the correctly sized spare tire. Therefore, both the owner and any service workshop or tire retailer could immediately identify the correct size of the original spare tire to be replaced.

C. NHTSA Precedents Strongly Support Granting the Petition

NHTSA has consistently held that labeling errors with no adverse safety consequence are inconsequential to motor vehicle safety. In particular, NHTSA has granted multiple petitions for inconsequential noncompliance in circumstances where incorrect tire size information is included on the tire and loading information placard but the tires would still prevent vehicle overloading.

In *Chrysler Group, LLC, Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 38443 (June 26, 2013), the tire and loading information placard on Chrysler Town & Country and Dodge Caravan vehicles incorrectly identified size 235/60R16 tires instead of the size 225/65R16 tires actually equipped on the vehicles. Chrysler determined that both tires were capable of supporting the GVWR of the vehicles and that a 21 mm difference in circumference between the two tire sizes would not adversely affect the vehicle's antilock brake system (ABS) or electronic stability program (ESP). In reviewing the petition, NHTSA emphasized that "the intent of FMVSS No. 110 is to ensure that vehicles are equipped with tires appropriate to handle maximum vehicle loads and prevent overloading." Based on the information provided by Chrysler regarding vehicle maximum loads and functioning of the ABS, ESP and other systems, NHTSA agreed that "the subject noncompliance should not cause any unsafe conditions associated with determination of the correct tire inflation pressures or replacement tire selection for the subject vehicles" and granted the petition accordingly.

As in *Chrysler Group*, the incorrect spare tire listed on the Metris vehicles' placard would achieve the intent of FMVSS No. 110 by preventing vehicle overloading and exceeding the other tire-related performance requirements for a spare tire. Further, the 38 mm difference in circumference between the spare tire listed on the placard and the series tires similarly would not adversely affect the ESP or other systems in the Metris vehicles. In fact, the noncompliance at issue in this Petition would have even less potential effect than that considered in *Chrysler Group* because that petition involved the series tires, not a spare tire intended only for temporary use.

In a recent decision in *BMW of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance*, 84 FR 26505 (June 6, 2019), the tire and loading information placard on affected BMW vehicles stated that they were equipped with 18-inch tires when in fact the vehicles were equipped with 17-inch tires. BMW's petition demonstrated that the load carrying capacity of either the 17-inch or 18-inch tires was sufficient to prevent overloading. Accordingly, NHTSA agreed the difference in tire size indicated on the information placard was inconsequential to motor vehicle safety. In the BMW petition, the two tire sizes at issue also had different recommended inflation pressure, so NHTSA conducted an additional analysis to verify that there was no risk of underinflation. Such an analysis is not necessary in this case because the two spare tire sizes at issue have the *same* inflation pressure specification.

There are numerous other examples of technical noncompliance with FMVSS No. 110 S4.3(d) due to tire size labeling errors that NHTSA determined were inconsequential to motor vehicle safety, so long as the tires equipped on the vehicle and listed on the information placard were sufficient to prevent vehicle overloading. *See, e.g., General Motors, LLC Grant of Petition for Decision of Inconsequential Noncompliance*, 84 FR 25117 (May 30, 2019) (concluding that a labelling error on tire and loading information placard indicating that the affected vehicles had no spare tire and failing to state the size and inflation pressure for the spare tire equipped on the vehicles was inconsequential to safety); *BMW of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance*, 81 FR 62970 (September 13, 2016) (granting exemption based on finding that labelling error on placard indicating that the affected vehicles were equipped with 18-in tires when they were actually equipped with 19-inch tires was inconsequential to safety); *BMW of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 76408 (December 17, 2013) (concluding that a labelling error on the information placard listing the wrong size front and rear tires was inconsequential to safety).

III. CONCLUSION

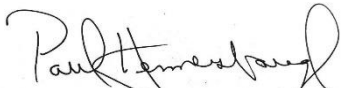
The likelihood that the spare-tire labelling error described in this Petition would ever affect most vehicles or their owners is very low. The correctly sized spare tire is equipped on all affected Metris vehicles. If a replacement is ever needed, both vehicle owners and any service

workshop could immediately identify the correct size spare tire from the original tire or rim equipped with the vehicle. Nonetheless, should a vehicle owner replace the spare tire and rim based solely on the size printed on the information placard, that tire would meet or exceed all loading and performance requirements for a temporary use spare tire on the affected Metris vehicles and could be substituted for the original spare tire without any adverse safety consequences.

For all the above reasons, Mercedes-Benz Vans has demonstrated that the reported noncompliance is inconsequential to safety. Accordingly, Mercedes-Benz Vans requests that the Agency grant this Petition and exempt it from the notification and remedy provisions under the Safety Act. *See* 49 U.S.C. §§ 30118-30120, 49 CFR Parts 573, 577.

If you have any questions regarding this Petition, please contact me via phone (202.799.4590), email (paul.hemmersbaugh@us.dlapiper.com), or by letter to my attention at 500 Eighth Street NW, Washington, DC 20004.

Respectfully submitted,



Paul A. Hemmersbaugh

PAH:

cc: Otto Matheke, NHTSA

attachment



Vehicle Report

NHTSA ID: 22V133 Transaction ID: 22-0022633-27386-11 (Amendment 1)

Required fields indicated with *

Manufacturer: Daimler Vans USA, LLC	
One Mercedes-Benz Drive Sandy Springs GA 30328	Jin Kim Compliance Engineer 8434802825,

This is a Noncompliance Report.

Vehicle Information	
MERCEDES BENZ METRIS 2020 - 2021	
* Model Yr. Start: 2020	* Model Yr. End: 2021
* Make: MERCEDES BENZ	Type:
* Model: METRIS	Body Style:
Production Dates	Powertrain:
Begin: 06/02/2020	Descriptive Information:
End: 10/12/2021	Based on the analysis of production information, the affected population was determined to be Metris vehicles (VS20, Platform 447) produced from June 2, 2020 to October 12, 2021.
VIN Range(s):	
Begin: End:	

Number potentially involved: 700 **Estimated percentage of involved with defect:** 100%

Defect / Noncompliance Description	
For this Defect/Noncompliance:	
* Describe the defect or noncompliance: Mercedes-Benz AG (MBAG), the manufacturer of Mercedes-Benz vans, has determined that on certain Mercedes-Benz VS20 Metris vehicles (platform 447), information regarding the size (225/55R17C) of the spare tire on the tire and on the loading information label does not correspond to the size (205/65R16C) of the approved and existing spare tire. If a noncompliance, provide the applicable FMVSS: 110 - Tire selection and rims If applicable, provide any further FMVSS affected: Describe the cause:	* Describe the safety risk: Should a customer use the tire dimension documented on the tire label (225/55R17C) when purchasing a new spare tire, the tire size would be inconsistent with the approved and existing spare tire (205/65R16C). However, the alternate tire size would not have any negative impact on driving operation. The spare tire size 225/55R17C can be mounted on the affected vehicle without technical restrictions for the intended temporary (emergency) use and fulfils the required performance functions of a spare tire. However, MBAG determined that this issue resulted in a technical non-compliance with FMVSS 110, as information on the label is inconsistent with the information of the approved tire. Identify any warning which can precede or occur:
This Recall affects all vehicles.	
If applicable, identify the manufacturer of the defective or noncompliant component. If the manufacturer of the component is unknown, provide the information for the company that supplied the subject component.	
Component manufacturer	
Company Information	Company Contact Information
Company Name:	First Name:
Country:	Last Name:
Address 1:	Position:
Address 2:	Email:
City:	Phone:
State:	
Zip/Postal Code:	

Involved Components
If the defect or noncompliance involves a specific component(s), identify that component(s) below.

Component Name: TIRE AND LOADING LABEL
Component Description: TIRE AND LOADING LABEL
Component Part Number: A9065846638

Chronology of Defect / Noncompliance Determination

Provide the chronology of events leading up to the defect decision or test data for the noncompliance decision.:

On November 4, 2021, during an internal audit in MB Vans' Charleston production plant, it was discovered that the information concerning the spare tire size on the tire and loading information label (225/55R17C) did not correspond to the size of the mounted and approved spare tire (205/65R16C). MBAG immediately commenced an analysis to determine the root cause of this issue and to evaluate potential technical consequences of the faulty label information on vehicle usage and safety. MBAG determined that the incorrect spare tire information had been printed on labels due to a documentation error in the labelling software used during vehicle production. For vehicles with the 235/60R16 tires, an incorrect tire size was reported for the documentation of the spare tire on the label. The documentation in the software was promptly corrected on November 5, 2021. Following correction of the software, MBAG continued to review the technical relevance of the tire size labelling error on vehicle usage and safety. This assessment determined that the erroneous spare tire size information would not have any effect on vehicle operation. The spare tire information would not affect vehicle usage or safety while the existing spare tire is still being used. If a customer were to purchase a replacement spare tire in the wrong size based on the information label, the size 225/55R17C spare tire could still be mounted and used securely within the performance standards for temporary use spare tire. There would be no difference in safety related performance of a size 205/65R16C or 225/55R17C spare tire on the affected vehicles. Based on this analysis, on March 2, 2022, MBAG determined that the erroneous tire and loading information label has resulted in technical non-compliance with FMVSS 110. However, this technical non-compliance has no effect on safety. Accordingly, MBAG intends to file a petition for exemption for inconsequential noncompliance.

Identify the Remedy

Describe the defect/noncompliance remedy program, including the manufacturer's plan for reimbursement.

Mercedes-Benz USA ("MBUSA"), on behalf of MBAG, intends to file a petition for exemption for inconsequential noncompliance. If NHTSA denies that petition, MBUSA will implement an appropriate remedy. Pursuant to 49 C.F.R. § 577.11(e), MBUSA does not plan to provide notice about pre-notice reimbursement to owners since all involved vehicles remain covered under the new vehicle warranty.

Describe what distinguishes the remedy component from the recalled component.

Identify and describe how and when the recall condition was corrected in production.

On November 5, 2021, the documentation software used to print the affected tire and loading information label was corrected in production.

Identify the Recall Schedule

Describe the recall schedule for notifications.:

Planned Dealer Notification Begin Date:	03/28/2022
Planned Dealer Notification End Date:	03/28/2022
Planned Owner Notification Begin Date:	04/04/2022
Planned Owner Notification End Date:	04/04/2022

Manufacturer's identification code for this recall (if applicable):

VS2RESRAD

Please be reminded that owner notification letters must be mailed no more than 60 days from submission of this report.

Manufacturer Comments to NHTSA Staff

Document Upload

There are 0 documents associated with this report.

Part 573 Safety Recall Report

22V-133

Manufacturer Name : Daimler Vans USA, LLC**Submission Date :** MAR 08, 2022**NHTSA Recall No. :** 22V-133**Manufacturer Recall No. :** VS2RESRAD**Manufacturer Information :**

Manufacturer Name : Daimler Vans USA, LLC

Address : One Mercedes-Benz Drive
Sandy Springs GA 30328

Company phone : 8777628267

Population :

Number of potentially involved : 700

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2020-2021 MERCEDES BENZ METRIS

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Based on the analysis of production information, the affected population was determined to be Metris vehicles (VS20, Platform 447) produced from June 2, 2020 to October 12, 2021.

Production Dates : JUN 02, 2020 - OCT 12, 2021

VIN Range 1 : Begin :

NR

End : NR

 Not sequential**Description of Noncompliance :**

Description of the Noncompliance : Mercedes-Benz AG (MBAG), the manufacturer of Mercedes-Benz vans, has determined that on certain Mercedes-Benz VS20 Metris vehicles (platform 447), information regarding the size (225/55R17C) of the spare tire on the tire and on the loading information label does not correspond to the size (205/65R16C) of the approved and existing spare tire.

FMVSS 1 : 110 - Tire selection and rims

FMVSS 2 : NR

Description of the Safety Risk : Should a customer use the tire dimension documented on the tire label (225/55R17C) when purchasing a new spare tire, the tire size would be inconsistent with the approved and existing spare tire (205/65R16C). However, the alternate tire size would not have any negative impact on driving operation.

The spare tire size 225/55R17C can be mounted on the affected vehicle without technical restrictions for the intended temporary (emergency) use and fulfills the required performance functions of a spare tire.

However, MBAG determined that this issue resulted in a technical non-compliance with FMVSS 110, as information on the label is inconsistent with

the information of the approved tire.

Description of the Cause : NR

Identification of Any Warning
that can Occur : NR

Involved Components :

Component Name 1 : NR

Component Description : NR

Component Part Number : NR

Supplier Identification :

Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

Chronology :

On November 4, 2021, during an internal audit in MB Vans' Charleston production plant, it was discovered that the information concerning the spare tire size on the tire and loading information label (225/55R17C) did not correspond to the size of the mounted and approved spare tire (205/65R16C).

MBAG immediately commenced an analysis to determine the root cause of this issue and to evaluate potential technical consequences of the faulty label information on vehicle usage and safety.

MBAG determined that the incorrect spare tire information had been printed on labels due to a documentation error in the labelling software used during vehicle production. For vehicles with the 235/60R16 tires, an incorrect tire size was reported for the documentation of the spare tire on the label.

The documentation in the software was promptly corrected on November 5, 2021.

Following correction of the software, MBAG continued to review the technical relevance of the tire size labelling error on vehicle usage and safety. This assessment determined that the erroneous spare tire size information would not have any effect on vehicle operation. The spare tire information would not affect vehicle usage or safety while the existing spare tire is still being used. If a customer were to purchase a replacement spare tire in the wrong size based on the information label, the size 225/55R17C spare tire could still be mounted and used securely within the performance standards for temporary use spare tire. There would be no difference in safety related performance of a size 205/65R16C or 225/55R17C spare tire on the affected

vehicles.

Based on this analysis, on March 2, 2022, MBAG determined that the erroneous tire and loading information label has resulted in technical non-compliance with FMVSS 110. However, this technical non-compliance has no effect on safety. Accordingly, MBAG intends to file a petition for exemption for inconsequential noncompliance.

Description of Remedy :

Description of Remedy Program : Mercedes-Benz USA ("MBUSA"), on behalf of MBAG, intends to file a petition for exemption for inconsequential noncompliance. If NHTSA denies that petition, MBUSA will implement an appropriate remedy.

Pursuant to 49 C.F.R. § 577.11(e), MBUSA does not plan to provide notice about pre-notice reimbursement to owners since all involved vehicles remain covered under the new vehicle warranty.

How Remedy Component Differs from Recalled Component : NR

Identify How/When Recall Condition was Corrected in Production : On November 5, 2021, the documentation software used to print the affected tire and loading information label was corrected in production.

Recall Schedule :

Description of Recall Schedule : NR

Planned Dealer Notification Date : MAR 28, 2022 - MAR 28, 2022

Planned Owner Notification Date : APR 04, 2022 - APR 04, 2022

* NR - Not Reported