



Daniel T. Campbell  
(202) 624-2544  
dcampbell@crowell.com

13T-002  
(8 pages) Amended

**RECEIVED**

By Recall Management Division at 3:18 pm, Feb 22, 2013

February 19, 2013

Via e-mail (rmd.odi@dot.gov) and certified mail

Ms. Nancy Lewis  
Associate Administrator for Enforcement  
National Highway Traffic Safety Administration  
Attn: Recall Management Division (NVS-215)  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590

RE: **Revised Part 573 Defect Information Report**

Dear Ms. Lewis:

This letter revises the February 8, 2013 letter sent by Hercules Tire & Rubber Company (“Hercules Tire”) pursuant to 49 C.F.R. Part 573 to advise the Recall Management Division of a safety-related defect that may exist in certain tires imported by Hercules Tire and manufactured in China by Shandong Yongsheng Rubber Group Co., Ltd. (“Yongsheng”). Specifically, this letter corrects the DOT serial numbers originally provided under Parts 573.6(c)(2), and additionally address Parts 573.6(c)(3) and (4). It also clarifies that the affected tires are sold primarily for commercial use. Also, enclosed for the agency’s review and approval is a revised customer notification letter that supersedes the customer notification letter previously submitted.

**573.6(c)(1): Manufacturer’s Name**

- A. Fabricating Manufacturer: Shandong Yongsheng Rubber Group Co., Ltd., Dawang Industrial Park, Shandong. Phone: 0546-6920702.
- B. Importer/Brand Name: Hercules Tire & Rubber Company, 16380 East U.S. Route 224, Suite 200, Findlay, Ohio 45840. Fax: 419-425-6404.

**573.6(c)(2): Identification of Units Impacted**

The potentially affected tires are 10-ply Load Range E tires in the All Trac A/T tire line. They are sold primarily for commercial use on light duty trucks. The tires were manufactured in China by Yongsheng. Hercules Tire imports the tires and then sells them to various independent distributors or through its own distributors, who in turn sell the tires to end-users for use on their vehicles.

There are seven tire sizes that may be affected:

Product Name	Size	DOT Serial Number	Owner
Hercules ALL TRAC A/T	LT215/85R16 115/112S E	JEHMECL0909-4010	Hercules
Hercules ALL TRAC A/T	LT235/85R16 120/116S E	JEKMECL0409-4010	Hercules
Hercules ALL TRAC A/T	LT245/75R16 120/116S E	JEJKECL5008-4010	Hercules
Hercules ALL TRAC A/T	LT265/75R16 123/120S E	JENKECL0509-4010	Hercules
Hercules ALL TRAC A/T	LT265/70R17 121/118S E	JENJFCL0909-4010	Hercules
Hercules ALL TRAC A/T	LT245/75R17 121/118S E	JELKFCL1009-4010	Hercules
Hercules ALL TRAC A/T	LT225/75R16 115/112S E	JEJKECL0909-4010	Hercules

The inclusive dates of manufacturing are identified by the final eight digits of the DOT serial number for each affected tire size.

The affected tires are manufactured both with a black wall and with white font on the black wall. The affected tires are the only 10-ply Load Range E tires manufactured by Yongsheng, and can be differentiated from other tires on that basis.

**573.6(c)(3), (4): Total Number of Tire Potentially Containing the Defect, Percentage of Tires Estimated to Contain the Defect**

Hercules Tire is still in the process of determining the total number of tires in the recall population, and will provide that information to NHTSA when it becomes available.

**573.6(c)(5): Description of the Defect**

Due to a design and/or manufacturing issue – the tires were designed and manufactured by Yongsheng – the potentially affected tires may experience in-service belt and tread separations. These separations typically begin to occur after a tire has been in service for approximately one to two years. These separations are more likely to occur during use in warmer climates. As a result of this failure, it is theoretically possible, but not yet confirmed, that vehicle operators could without warning experience reduced control of their vehicles.

**573.6(c)(6): Chronology of Principal Events**

On or about September 10, 2012, Hercules Tire was served with a lawsuit alleging, among other things, that a defect manifested in an unspecified tire manufactured<sup>1</sup> by Hercules Tire, causing a collision. Hercules Tire obtained images of the tire, and determined that the tire was most likely manufactured in the All Trac line of tires.

<sup>1</sup> The lawsuit inaccurately alleges that Hercules Tire manufactured the at-issue tire. Hercules Tire distributed and branded the potentially affected tires identified above.

Hercules Tire promptly initiated an internal investigation to determine what occurred. As part of its investigation, Hercules Tire examined its own records and gathered information from the tire manufacturer, Yongsheng regarding the tire population.<sup>2</sup> The investigation revealed a higher than usual adjustment rate for the affected tire population identified above.<sup>3</sup> It was determined that out of an abundance of caution a 573 report was necessary.

### **573.6(c)(8) & (9): Remedy**

Hercules Tire is prepared to conduct a voluntary recall campaign for the potentially-affected tires identified above. Through the recall campaign, Hercules Tire will verify first that a tire falls within the potentially affected population, and then for tires that do, Hercules Tire will replace the tire, mount the new tire, and balance the new tire on the vehicle, if needed. Tires not yet mounted to vehicles will be replaced and destroyed as described below.

Hercules Tire expects owner notification to begin in February 2013.

Hercules Tire expects replacement tires to be immediately available. Hercules Tire will replace potentially affected tires at no cost to the owner if presented for the remedy within sixty (60) days of either: (a) receipt of the owner notification letter; or (b) notice that a replacement tire is available, if not available at the time of inspection. Further, customers who incurred costs repairing or replacing potentially affected tires prior to this notification may be eligible for a reimbursement.

To ensure that potentially affected tires still in inventory are not sold, Hercules Tire has quarantined all of those tires.

Hercules Tire's notification to dealers and distributors will explain that it is unlawful to sell new or used tires potentially affected, and that product sellers and those responsible for replacing potentially affected tires are obligated to notify NHTSA in the event of a prohibited sale or replacement using an affected tire. The notification will further explain how potentially affected tires should be permanently altered so they may not be sold, and that Hercules Tire must receive notification for all tires not so altered. All potentially affected tires are to be sent to designated locations for their destruction or other disposal, and Hercules Tire must receive notification in the event potentially affected tires are not so sent within 30 days.

Hercules Tire is in the process of developing a plan for the destruction of recalled tires in accordance with 49 C.F.R. § 573.6(9)(iii)(D). The terms of this plan will be sent to NHTSA in a supplemental report.

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<sup>2</sup> It was not until November 2012 that Hercules Tire received confirmation of the tire line. Also in November 2012, Hercules Tire first learned the size of the tire at-issue in that lawsuit.

<sup>3</sup> Hercules Tire provided this warranty data to NHTSA, as required under 49 C.F.R. § 579.28.

**573.6(c)(10): Representative copies of all notices, bulletins and other communications that relate directly to the defect**

A revised copy of the proposed customer notification letter is enclosed for the agency's review and approval. This version supersedes the notification previously submitted.

Hercules Tire has also revised the dealer notification letter it previously submitted to the agency. This prior version was not sent to any dealers. Hercules Tire will submit copies of any notices and communications sent to more than one manufacturer, distributor, dealer or purchaser when available.

**573.6(c)(11): Brander's Campaign Identification Number**

The Hercules Tire campaign identification number is 01-2013.

If appropriate, Hercules Tire will provide supplemental reports to NHTSA regarding the implementation of the recall, as required by applicable regulations.

\* \* \* \*

If you have any questions, please do not hesitate to contact Daniel Campbell at (202) 624-2544 or [dcampbell@crowell.com](mailto:dcampbell@crowell.com), or Rebecca Baden at (202) 624-2772 or [rbaden@crowell.com](mailto:rbaden@crowell.com).

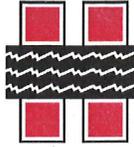
Sincerely,



Daniel T. Campbell  
Rebecca C. Baden

Enclosure

cc: Hercules Tire & Rubber Company



# HERCULES TIRE USA

16380 East U.S. Route 224, Suite 200 • Findlay, OH 45840 • Office: 419.425.6400 • Fax: 419.425.6404 • www.herculestire.com

February \_\_, 2013

Re: Hercules Tire Recall #01-2013

Dear Customer,

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

Hercules Tire, upon consultation with the tire manufacturer, Shandong Yongsheng Rubber Group Co., Ltd., has decided that a defect which relates to motor vehicle safety exists in light truck tires identified as follows:

Product Name	Size	DOT Serial Number	Owner
Hercules ALL TRAC A/T	LT215/85R16 115/112S E	JEHMECL0909-4010	Hercules
Hercules ALL TRAC A/T	LT235/85R16 120/116S E	JEKMECL0409-4010	Hercules
Hercules ALL TRAC A/T	LT245/75R16 120/116S E	JEJKECL5008-4010	Hercules
Hercules ALL TRAC A/T	LT265/75R16 123/120S E	JENKECL0509-4010	Hercules
Hercules ALL TRAC A/T	LT265/70R17 121/118S E	JENJFCL0909-4010	Hercules
Hercules ALL TRAC A/T	LT245/75R17 121/118S E	JELKFCL1009-4010	Hercules
Hercules ALL TRAC A/T	LT225/75R16 115/112S E	JEJKECL0909-4010	Hercules

Hercules Tire has determined that the tires described above, if affected by the issue, can experience in-service belt and tread separations. Should a separation occur in your vehicle, you could lose control of the vehicle without warning, which could possibly result in a vehicle crash.

As a result, Hercules Tire & Rubber Company is voluntarily recalling all tires within the size and serial number ranges shown above. To ensure your safety and satisfaction with our product, we request that you return any recalled tires and this letter to your Hercules Tires dealer as soon as possible. If the dealer's inspection verifies that you have a tire or tires within the affected range, the tire or tires will be replaced, mounted and, if needed, balanced at no charge to you, as long as you have presented them for remedy within sixty (60) days after (i) receipt of this letter or (ii) notice that a replacement tire is available (if not available at the time of inspection). It is expected that replacement tires will be available at the time of the inspection. However, if the tires are not available at the time of inspection, they should be replaced by another comparable tire brand using the same size and load rating as required by the vehicle

manufacturer. After expiration of the sixty (60) day period, tires will be replaced at a pro-rated value determined by remaining tread depth.

It will take just a few minutes to determine if your tire(s) is subject to the recall and approximately thirty (30) minutes per tire if replacement is required. The replacement will be performed at no cost to you.

Should any questions or problems arise while your tires are being inspected or replaced, please call Hercules Tire & Rubber Company at 1-888-965-5795. We will attempt to be of service to you. In the event you believe we have failed to or are unable to replace your tire(s) without charge to you within the sixty (60) day period described above, you may so notify the Secretary of Transportation at the following address: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590, or phone NHTSA's Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153; or go to <http://www.safercar.gov>).

If you had your tires replaced before you received this letter due to the issues described above, you may be eligible to receive reimbursement for the reasonable cost of obtaining a pre-notification remedy of the problem associated with this recall. For more information, contact Hercules Tire & Rubber Company at 1-888-965-5795.

We regret this inconvenience. We at Hercules are committed to the highest standards of safety and product quality, and our interest is in your safety and satisfaction with your tires. Please bring this letter to your dealer immediately for free replacement of any recalled tires. Thank you.

Sincerely,

Glenn Taylor  
Quality Assurance Manager  
Hercules Tire & Rubber Company

## TO BE COMPLETED BY DEALER

\_\_\_\_\_ tires inspected and replaced \_\_\_\_\_  
number of \_\_\_\_\_ date

\_\_\_\_\_  
Dealer stamp or name and address

**Attention Dealer:** The customer received this notification letter in connection with a recall Hercules Tire is currently conducting for the following 10-ply Load Range E sizes of the Hercules All Trac A/T line:

Product Name	Size	DOT Serial Number	Owner
Hercules ALL TRAC A/T	LT215/85R16 115/112S E	JEHMECL0909-4010	Hercules
Hercules ALL TRAC A/T	LT235/85R16 120/116S E	JEKMECL0409-4010	Hercules
Hercules ALL TRAC A/T	LT245/75R16 120/116S E	JEJKECL5008-4010	Hercules
Hercules ALL TRAC A/T	LT265/75R16 123/120S E	JENKECL0509-4010	Hercules
Hercules ALL TRAC A/T	LT265/70R17 121/118S E	JENJFCL0909-4010	Hercules
Hercules ALL TRAC A/T	LT245/75R17 121/118S E	JELKFCL1009-4010	Hercules
Hercules ALL TRAC A/T	LT225/75R16 115/112S E	JEJKECL0909-4010	Hercules

When a consumer presents a recalled tire to you for replacement, you must first visually inspect each tire to confirm that it is covered by the recall. If the consumer's tire(s) is covered by this recall, you should replace the tire(s), mount the new tire(s) and, if needed, balance the tire(s). Recalled tires should be replaced with a comparable Hercules brand tire using the same size and load rating as required by the vehicle manufacturer. If Hercules brand tires are not available at the time of the inspection, recalled tires should be replaced with a comparable tire brand. Hercules Tire will authorize a labor allowance of \$15.00 per tire.

Recalled tires should be replaced at no cost to the consumer if they are presented for remedy within sixty (60) days after (i) receipt of a recall notification letter or (ii) notice that a replacement tire is available, if not available at the time of inspection. After 60 days, tires will be replaced at a pro-rated value determined by remaining tread depth. If a consumer wishes to purchase a higher-priced replacement tire, he or she may pay the difference in cost between the consumer's desired tire and the replacement tire offered.

Recalled tires must be disabled by making a 3-inch-long cut in each sidewall of the tire.

For additional information about the recall, including how to receive a credit for tire and labor costs associated with replacing the customer's tire, please call Hercules Tire at 1-888-965-5795.