



December 16, 2021

VIA E-MAIL

Dr. Steven Cliff
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington D.C. 20590

Re: Petition for Inconsequential Noncompliance, Hercules Tire & Rubber Company
NHTSA Recall 21T-020/ Transaction ID: 21-003090-26974-11 (Amendment 1) to
Transaction No. 21-003090-26974-10.

Dear Mr. Cliff:

Pursuant to 49 U.S.C. § 30118(d) and 49 C.F.R. Part 556, please find a Petition for Inconsequential Noncompliance submitted by Hercules Tire & Rubber Company ("Hercules") related to NHTSA Recall 21T-020 Transaction ID: 21-003090-26974-11 (Amendment 1) to Transaction No. 21-003090-26974-10. Hercules is a Connecticut corporation located at 16380 East U.S. Route 224, Findlay, Ohio 45840.

The subject of the noncompliance identified by Hercules relates to a discrepancy with the Tire Identification Number ("TIN") marking on a small number of specialty trailer tires. Specifically, the date code for the week and year of manufacture that is molded onto the tires inadvertently transposed two digits. Despite this condition, the noncompliance does not pose a risk to motor vehicle safety and Hercules requests that the agency grant this petition and relieve the company from the notice and remedy provisions of the Vehicle Safety Act.

Should you have any questions or request further information, please contact me at DTischer@ATD-US.com.

Sincerely,

Dirk Tischer

Dirk Tischer
Vice-President & Associate General Counsel

Enclosures

1995 Tiffin Avenue, Suite 205 • Findlay, Ohio 45840 • Office: 419.425.6400 • Fax: 419.425.6404

www.herculestire.com

Background

On December 9, 2021, Hercules Tire & Rubber Co. (“Hercules”) submitted a Noncompliance Information Report pursuant to 49 U.S.C. § 30118(c) and 49 C.F.R. § 573.6 (the “573 Report”). In the 573 Report Hercules described that it had determined a noncompliance existed with the date code portion of the Tire Identification Number (“TIN”), affecting a total of 67 Hercules Power ST2 radial trailer tires.

The requirements of NHTSA’s regulation governing the TIN is contained at 49 C.F.R. 574. With regard to the date code portion of the TIN, the regulation states, in relevant part, “the date code, consisting of four numerical symbols, is the final group. The date code must identify the week and year of manufacture.” 49 C.F.R. 574.5(b)(3).¹

The limited number of tires affected by this issue, two digits in the date code portion of the TIN were inadvertently transposed. The correct week and year of manufacture should have been designated as “4820,” indicating the tires were manufactured in calendar week 48 of calendar year 2020. However, on the subject tires, the date code incorrectly states “4280.”



All other content within the TIN is accurate and the tires otherwise conform to the performance requirements applicable to specialty trailer tires. The date code discrepancy affects only the single week of tire production and the condition has been corrected in production.

Request for Determination of Inconsequential Noncompliance

Consumers Will Not Be Misled by the Transposed Digits in the Date Code

NHTSA has regularly granted requests for inconsequential noncompliance involving mislabeled or inaccurate TIN date codes upon finding that the labeling discrepancy does not either confuse or mislead the consumer. Consistent with those prior decisions, despite the transposed digits in the date code, there is no increased risk to motor vehicle safety with the Hercules tires. On the subject tires, the date code is listed as “4280” when it should have listed “4820.” While this

¹ Hercules’ Noncompliance Information Report originally indicated that the noncompliance affecting the subject tires related to FMVSS 110, S4.4.2(e) which is the date marking requirement for wheel rims. The relevant regulation is FMVSS 139 which refers to 49 C.F.R. § 574.5. Hercules has amended its Noncompliance Information Report to update this information.

date code suggests that the tires were produced during calendar week 42, there is no readily discernable year that correlates with the digits “80.” The only years that a year code of 80 could potentially relate to are 1980, over 40 years ago, or 2080, which is so far into the future to be implausible.

NHTSA’s primary concern related to mislabeled or inaccurate TINs is the potential for adverse safety consequences due to consumers using aged tires that are beyond the manufacturer’s recommended service life and regardless of the service condition of the tire. *See Cooper Tire & Rubber Company*, 86 Fed. Reg. 47726 (August 26, 2021). However, in this instance, even following the guidance provided on NHTSA’s website that in general, tires should be replaced within six to 10 years regardless of treadwear, a consumer following the date code actually listed on the subject tires is not exposed to an enhanced safety risk.² A consumer reviewing the date code portion of the TIN on the subject tires would decode a year of production as being either 1980 or 2080. In either instance, this outcome should cause a rational consumer to question the accuracy of the year of manufacture and would not provide a reasonable basis upon which a consumer could be misled into believing that the tire has a substantial service life ahead of it. The date code portion of the TIN cannot be confused with any other reasonably related date code. Here, the year code of “80” is not plausible as it suggests a date that is either decades in the past or decades in the future. As such, a consumer would not simply assume that the year code listed on the tire is in fact the correct date and be misled. In addition, because the year code of “80” is implausible, even if a dealer were to store the subject tires for several years before selling them, there is no risk of misleading the consumer about the age of the tire.

The facts here are akin to other situations involving discrepancies with the TIN where the agency concluded that there was no risk of misleading consumers with the misstated date code. *Bridgestone/Firestone, Inc., Grant of Petition*, 71 Fed. Reg. 4396 (January 26, 2006) (missing date code on TIN), *Bridgestone/Firestone, Inc., Grant of Petition*, 66 Fed. Reg. 45076 (August 27, 2001) (date code indicating manufacture date one year in the future). Given the span of time, a date code of “80” is not a plausible indicator of the year of manufacture of the tire and does not create a risk of a consumer using a tire beyond the recommended maximum service life.

Hercules is Able to Identify the Subject Tires and Notify Consumers in the Event of a Recall

NHTSA has similarly granted TIN labeling inconsequentiality petitions upon finding that the manufacturer had the ability to identify the affected tires in the event of a future product recall. “The purpose of the date code is to identify the tire so that, if necessary, the appropriate action can be taken in the interest of public safety – such as, a safety recall notice.” *Bridgestone/Firestone Grant of Inconsequentiality Petition*, 64 Fed. Reg. 20,090 (May 28, 1999),

² <https://www.nhtsa.gov/equipment/tires>

Cooper Tire & Rubber Co., Grant of Inconsequentiality Petition, 68 Fed. Reg. 16,115 (April 2, 2003).

In this instance, Hercules has taken steps to ensure that the subject tires can be readily and accurately identified in the event of a product recall. The subject tires are documented in the company's internal database and given the implausible date code, provide a unique identifier. Consumers attempting to register the subject tires on the Hercules website or via a product registration card are required to input the TIN located on the sidewall of the tire. Once the tires are registered, Hercules will continue to be able to isolate and identify the affected tires in its internal systems as having been produced in calendar week 48, calendar year 2020. Further, because the subject tires have a unique date code, they cannot be confused with any other TIN or batch of tires. Hercules remains able to contact consumers in the event of a recall of the subject tires and, if necessary, any consumer communication could include the TIN as it is listed on the tire sidewall so that consumers could check the recall notification against the tire sidewall for verification purposes. *See Bridgestone/Firestone North America, LLC, Grant of Inconsequentiality Petition*, 71 Fed. Reg. 4396 (January 26, 2006) (granting petition where no date code was provided but manufacturer was able to notify affected consumers using the TIN with missing date code).

Conclusion

Based on the foregoing, Hercules requests that the agency grant this petition and relieve it from the notification and remedy provisions of the Vehicle Safety Act.



Tire Report

NHTSA ID: 21T020 Transaction ID: 21-003090-26974-11 (Amendment 1)

Required fields indicated with *

Manufacturer: Hercules Tire & Rubber Company

16380 EAST U.S. ROUTE 224
FINDLAY OH 45840

[Dirk Tischer](#) VP & AGC
704-650-9742,

This is a Noncompliance Report. Filing a petition pursuant to [49 CFR 556](#)

Tire Information

Hercules Power ST2 ST205/75R15

- * **Tire Brand:** Hercules
- * **Tire Line:** Power ST2
- * **Tire Size:** ST205/75R15

Descriptive Information:

The Hercules Power ST2 Radial Trailer tire with the size of ST205/75R15.

Production Dates Begin: 11/23/2020
 End: 11/29/2020

Tire Identification Number (TIN)

* Plant ID code:	* Size code:	Optional code:	* Beg. Date Code:	* End. Date Code:	
TU	CPAA	4280	4280		16M

Number potentially involved: 67 Estimated percentage of involved with defect: 100%

Defect / Noncompliance Description

For this Defect/Noncompliance:

*** Describe the defect or noncompliance:**

The subject tires date code portion of the Tire Identification Number (TIN) transposed two digits and incorrectly states the week and year of manufacture on the intended outboard side: correct week and year of manufacture is 4820 and the subject tires are incorrectly marked 4280. As such, the tires do not meet the requirements of FMVSS 110, S4.4.2(e).

*** Describe the safety risk:**

There is no safety risk because the two transposed digits in the date code provide a unique number that would not be confused with any other date code and Hercules will continued to be able to identify the tires in the event of a recall.

If a noncompliance, provide the applicable FMVSS:

139 - New pneumatic radial tires for light vehicles

Identify any warning which can precede or occur:

None

If applicable, provide any further FMVSS affected:

Describe the cause:

In preparation for the 48th week production in 2020, the Fabricating Manufacturer transposed the second and third digit of the date code.

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 Name: VEE TYRE AND RUBBER CO., LTD.
Country: Thailand
Address 1: 14/5 MOO 2, SAMUTSAKORN-BAN PAEWD ROAD
Address 2: TAMBOL CHAIMONGKOL, AMPHUR MUANG
City: SAMUTSAKORN
State: FOREIGN STATES
Zip/Postal Code:

Company Contact Information

First Name:
Last Name:
Position:
Email:
Phone:

Involved Components

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

Component Name: Hercules Power ST2 ST205/75R15
Component Description: Trailer Tire
Component Part Number: Hercules Power ST2 ST205/75R15

Purchaser Information

Chronology of Defect / Noncompliance Determination

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

On October 26, 2021, an adjustment claim for one of the subject tires was submitted to Hercules' exclusive distributor in which it was reported that the date code imprinted on the tire contained a typographical error. A photograph of the subject tire was available for this adjustment claim which indicated that two of the numbers in the date code had apparently been transposed. Hercules initiated an investigation in which it was found that tires produced during week 48 of year 2020 had been molded with an incorrect date code. From November 15, 2021 to December 8, 2021, Hercules was involved in ongoing communications with various members of NHTSA staff so that the agency could update Hercules' NHTSA portal account access to allow it to submit a noncompliance report. On December 9, 2021, Hercules counsel was notified that access was granted to file a noncompliance information report and company's noncompliance report was submitted the same day.

Identify the Remedy

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

Hercules will be submitting a Notice of Inconsequential Noncompliance under 49 C.F.R. 556.

Describe what distinguishes the remedy component from the recalled component.

If Hercules is required to conduct a recall campaign following the processing of its inconsequentiality petition, the remedy tires will contain a compliant date code portion of the TIN.

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

According to the Fabricating Manufacturer, Vee Tyre and Rubber Co., Ltd., the mold with the incorrect ordering of the serial week and year "4280" was removed from production at the beginning of the 49th week on November 29, 2020 at the completion of the prior week's production run.

Identify the Recall Schedule

Describe the recall schedule for notifications.:

Planned Dealer Notification Begin Date:

Planned Dealer Notification End Date:

Planned Owner Notification Begin Date:

Planned Owner Notification End Date:

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

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.



March 9, 2022

VIA E-MAIL

Dr. Steven Cliff
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington D.C. 20590

Re: Amended Petition for Inconsequential Noncompliance
Hercules Tire & Rubber Company
NHTSA Recall 21T-020

Dear Dr. Cliff:

Pursuant to 49 U.S.C. § 30118(d) and 49 C.F.R. Part 556, please find an amended Petition for Inconsequential Noncompliance submitted by Hercules Tire & Rubber Company (“Hercules”) related to NHTSA Recall 21T-020. This amendment, submitted at the agency’s request, updates the reference to the applicable Federal Motor Vehicle Safety Standard (“FMVSS”) to indicate that the subject noncompliance pertains to FMVSS 119. All other substantive information remains unchanged.

The subject of the noncompliance identified by Hercules relates to a discrepancy with the Tire Identification Number (“TIN”) marking on a small number of specialty trailer tires. Specifically, the date code for the week and year of manufacture that is molded onto the tires inadvertently transposed two digits. Despite this condition, the noncompliance does not pose a risk to motor vehicle safety and Hercules requests that the agency grant this petition and relieve the company from the notice and remedy provisions of the Vehicle Safety Act.

As required under Part 556, Hercules is a Connecticut corporation located at 16380 East U.S. Route 224, Findlay, Ohio 45840.

1995 Tiffin Avenue, Suite 205 • Findlay, Ohio 45840 • Office: 419.425.6400 • Fax: 419.425.6404

www.herculestire.com

Should you have any questions or request further information, please contact me at RToms@ATD-US.com.

Sincerely,

DocuSigned by:

Robert Toms

656B5378DCD1407
Robert C. Toms, IV

Director, Assistant General Counsel

Enclosures

1995 Tiffin Avenue, Suite 205 • Findlay, Ohio 45840 • Office: 419.425.6400 • Fax: 419.425.6404

www.herculestire.com

Background

On December 9, 2021, Hercules Tire & Rubber Co. (“Hercules”) submitted a Noncompliance Information Report pursuant to 49 U.S.C. § 30118(c) and 49 C.F.R. § 573.6 (the “573 Report”). In the 573 Report Hercules described that it had determined a noncompliance existed with the date code portion of the Tire Identification Number (“TIN”), affecting a total of 67 Hercules Power ST2 radial trailer tires.

The requirements of NHTSA’s regulation governing the TIN is contained at 49 C.F.R. 574 and apply to specialty trailer tires via FMVSS 119, S6.5(b). With regard to the date code portion of the TIN, the regulation states, in relevant part, “the date code, consisting of four numerical symbols, is the final group. The date code must identify the week and year of manufacture.” 49 C.F.R. 574.5(b)(3).¹

The limited number of tires affected by this issue, two digits in the date code portion of the TIN were inadvertently transposed. The correct week and year of manufacture should have been designated as “4820,” indicating the tires were manufactured in calendar week 48 of calendar year 2020. However, on the subject tires, the date code incorrectly states “4280.”



All other content within the TIN is accurate and the tires otherwise conform to the performance requirements applicable to specialty trailer tires. The date code discrepancy affects only the single week of tire production and the condition has been corrected in production.

Request for Determination of Inconsequential Noncompliance

Consumers Will Not Be Misled by the Transposed Digits in the Date Code

NHTSA has regularly granted requests for inconsequential noncompliance involving mislabeled or inaccurate TIN date codes upon finding that the labeling discrepancy does not either confuse

¹ Hercules’ Noncompliance Information Report originally indicated that the noncompliance affecting the subject tires related to FMVSS 110, S4.4.2(e) which is the date marking requirement for wheel rims. At the agency’s request of December 10, 2021, Hercules amended its Noncompliance Information Report to indicate the relevant FMVSS was instead FMVSS 139 and submitted its original inconsequentiality petition thereafter. This amendment is submitted in response to a March 1, 2022 request from the agency to update the relevant safety standard to indicate that the noncompliance pertains to FMVSS 119.

or mislead the consumer. Consistent with those prior decisions, despite the transposed digits in the date code, there is no increased risk to motor vehicle safety with the Hercules tires. On the subject tires, the date code is listed as “4280” when it should have listed “4820.” While this date code suggests that the tires were produced during calendar week 42, there is no readily discernable year that correlates with the digits “80.” The only years that a year code of 80 could potentially relate to are 1980, over 40 years ago, or 2080, which is so far into the future to be implausible.

NHTSA’s primary concern related to mislabeled or inaccurate TINs is the potential for adverse safety consequences due to consumers using aged tires that are beyond the manufacturer’s recommended service life and regardless of the service condition of the tire. *See Cooper Tire & Rubber Company*, 86 Fed. Reg. 47726 (August 26, 2021). However, in this instance, even following the guidance provided on NHTSA’s website that in general, tires should be replaced within six to 10 years regardless of treadwear, a consumer following the date code actually listed on the subject tires is not exposed to an enhanced safety risk.² A consumer reviewing the date code portion of the TIN on the subject tires would decode a year of production as being either 1980 or 2080. In either instance, this outcome should cause a rational consumer to question the accuracy of the year of manufacture and would not provide a reasonable basis upon which a consumer could be misled into believing that the tire has a substantial service life ahead of it. The date code portion of the TIN cannot be confused with any other reasonably related date code. Here, the year code of “80” is not plausible as it suggests a date that is either decades in the past or decades in the future. As such, a consumer would not simply assume that the year code listed on the tire is in fact the correct date and be misled. In addition, because the year code of “80” is implausible, even if a dealer were to store the subject tires for several years before selling them, there is no risk of misleading the consumer about the age of the tire.

The facts here are akin to other situations involving discrepancies with the TIN where the agency concluded that there was no risk of misleading consumers with the misstated date code. *Bridgestone/Firestone, Inc., Grant of Petition*, 71 Fed. Reg. 4396 (January 26, 2006) (missing date code on TIN), *Bridgestone/Firestone, Inc., Grant of Petition*, 66 Fed. Reg. 45076 (August 27, 2001) (date code indicating manufacture date one year in the future). Given the span of time, a date code of “80” is not a plausible indicator of the year of manufacture of the tire and does not create a risk of a consumer using a tire beyond the recommended maximum service life.

Hercules is Able to Identify the Subject Tires and Notify Consumers in the Event of a Recall

NHTSA has similarly granted TIN labeling inconsequentiality petitions upon finding that the manufacturer had the ability to identify the affected tires in the event of a future product recall. “The purpose of the date code is to identify the tire so that, if necessary, the appropriate

² <https://www.nhtsa.gov/equipment/tires>

action can be taken in the interest of public safety – such as, a safety recall notice.” *Bridgestone/Firestone Grant of Inconsequentiality Petition*, 64 Fed. Reg. 20,090 (May 28, 1999), *Cooper Tire & Rubber Co., Grant of Inconsequentiality Petition*, 68 Fed. Reg. 16,115 (April 2, 2003).

In this instance, Hercules has taken steps to ensure that the subject tires can be readily and accurately identified in the event of a product recall. The subject tires are documented in the company's internal database and given the implausible date code, provide a unique identifier. Consumers attempting to register the subject tires on the Hercules website or via a product registration card are required to input the TIN located on the sidewall of the tire. Once the tires are registered, Hercules will continue to be able to isolate and identify the affected tires in its internal systems as having been produced in calendar week 48, calendar year 2020. Further, because the subject tires have a unique date code, they cannot be confused with any other TIN or batch of tires. Hercules remains able to contact consumers in the event of a recall of the subject tires and, if necessary, any consumer communication could include the TIN as it is listed on the tire sidewall so that consumers could check the recall notification against the tire sidewall for verification purposes. *See Bridgestone/Firestone North America, LLC, Grant of Inconsequentiality Petition*, 71 Fed. Reg. 4396 (January 26, 2006) (granting petition where no date code was provided but manufacturer was able to notify affected consumers using the TIN with missing date code).

Conclusion

Based on the foregoing, Hercules requests that the agency grant this petition and relieve it from the notification and remedy provisions of the Vehicle Safety Act.

Part 573 Safety Recall Report

21T-020

Manufacturer Name : Hercules Tire & Rubber Company**Submission Date :** DEC 09, 2021**NHTSA Recall No. :** 21T-020**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : Hercules Tire & Rubber Company

Address : 16380 EAST U.S. ROUTE 224

SUITE 200 FINDLAY OH 45840

Company phone : 419-425-6400

Population :

Number of potentially involved : 67

Estimated percentage with defect : NR

Tire Information :

Tire Brand 1 : Hercules

Tire Line : Power ST2

Tire Size : ST205/75R15

Descriptive Information : The Hercules Power ST2 Radial Trailer tire with the size of ST205/75R15.

Production Dates : NOV 23, 2020 - NOV 29, 2020

TIN (Tire Identification Number)

Plant ID	Size code	Optional Code	Begin M Code	End M Code
16M	TU	CPAA	4280	4280

Description of Noncompliance :

Description of the Noncompliance : The subject tires date code portion of the Tire Identification Number (TIN) transposed two digits and incorrectly states the week and year of manufacture on the intended outboard side: correct week and year of manufacture is 4820 and the subject tires are incorrectly marked 4280. As such, the tires do not meet the requirements of FMVSS 110, S4.4.2(e).

FMVSS 1 : 110 - Tire selection and rims

FMVSS 2 : NR

Description of the Safety Risk : There is no safety risk because the two transposed digits in the date code provide a unique number that would not be confused with any other date code and Hercules will continued to be able to identify the tires in the event of a recall.

Description of the Cause : In preparation for the 48th week production in 2020, the Fabricating Manufacturer transposed the second and third digit of the date code.

Identification of Any Warning that can Occur : None

Involved Components :

Component Name : Hercules Power ST2 ST205/75R15

Component Description : Trailer Tire

Component Part Number : Hercules Power ST2 ST205/75R15

Supplier Identification :**Component Manufacturer**

Name : VEE TYRE AND RUBBER CO., LTD.

Address : 14/5 MOO 2, SAMUTSAKORN-BAN PAEW ROAD

TAMBOL CHAIMONGKOL, AMPHUR MUANG SAMUTSAKORN Foreign States

Country : Thailand

Chronology :

On October 26, 2021, an adjustment claim for one of the subject tires was submitted to Hercules' exclusive distributor in which it was reported that the date code imprinted on the tire contained a typographical error. A photograph of the subject tire was available for this adjustment claim which indicated that two of the numbers in the date code had apparently been transposed. Hercules initiated an investigation in which it was found that tires produced during week 48 of year 2020 had been molded with an incorrect date code. From November 15, 2021 to December 8, 2021, Hercules was involved in ongoing communications with various members of NHTSA staff so that the agency could update Hercules' NHTSA portal account access to allow it to submit a noncompliance report. On December 9, 2021, Hercules counsel was notified that access was granted to file a noncompliance information report and company's noncompliance report was submitted the same day.

Description of Remedy :

Description of Remedy Program : Hercules will be submitting a Notice of Inconsequential Noncompliance under 49 C.F.R. 556.

How Remedy Component Differs from Recalled Component : If Hercules is required to conduct a recall campaign following the processing of its inconsequentiality petition, the remedy tires will contain a compliant date code portion of the TIN.

Identify How/When Recall Condition was Corrected in Production : According to the Fabricating Manufacturer, Vee Tyre and Rubber Co., Ltd., the mold with the incorrect ordering of the serial week and year "4280" was removed from production at the beginning of the 49th week on November 29, 2020 at the completion of the prior week's production run.

Recall Schedule :

Description of Recall Schedule : NR

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

Purchaser Information :

The following manufacturers purchased this defective/noncompliant equipment for possible use or installation in new motor vehicles or new items of motor vehicle equipment:

Name : NR

Address : NR

NR

Country : NR

Company Phone : NR

* NR - Not Reported

Part 573 Safety Recall Report

21T-020

Manufacturer Name : Hercules Tire & Rubber Company**Submission Date :** DEC 14, 2021**NHTSA Recall No. :** 21T-020**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : Hercules Tire & Rubber Company

Address : 16380 EAST U.S. ROUTE 224

SUITE 200 FINDLAY OH 45840

Company phone : 419-425-6400

Population :

Number of potentially involved : 67

Estimated percentage with defect : 100 %

Tire Information :

Tire Brand 1 : Hercules

Tire Line : Power ST2

Tire Size : ST205/75R15

Descriptive Information : The Hercules Power ST2 Radial Trailer tire with the size of ST205/75R15.

Production Dates : NOV 23, 2020 - NOV 29, 2020

TIN (Tire Identification Number)

Plant ID	Size code	Optional Code	Begin M Code	End M Code
16M	TU	CPAA	4280	4280

Description of Noncompliance :

Description of the Noncompliance : The subject tires date code portion of the Tire Identification Number (TIN) transposed two digits and incorrectly states the week and year of manufacture on the intended outboard side: correct week and year of manufacture is 4820 and the subject tires are incorrectly marked 4280. As such, the tires do not meet the requirements of FMVSS 110, S4.4.2(e).

FMVSS 1 : 139 - New pneumatic radial tires for light vehicles

FMVSS 2 : NR

Description of the Safety Risk : There is no safety risk because the two transposed digits in the date code provide a unique number that would not be confused with any other date code and Hercules will continued to be able to identify the tires in the event of a recall.

Description of the Cause : In preparation for the 48th week production in 2020, the Fabricating Manufacturer transposed the second and third digit of the date code.

Identification of Any Warning that can Occur : None

Involved Components :

Component Name : Hercules Power ST2 ST205/75R15

Component Description : Trailer Tire

Component Part Number : Hercules Power ST2 ST205/75R15

Supplier Identification :**Component Manufacturer**

Name : VEE TYRE AND RUBBER CO., LTD.

Address : 14/5 MOO 2, SAMUTSAKORN-BAN PAEW ROAD

TAMBOL CHAIMONGKOL, AMPHUR MUANG SAMUTSAKORN Foreign States

Country : Thailand

Chronology :

On October 26, 2021, an adjustment claim for one of the subject tires was submitted to Hercules' exclusive distributor in which it was reported that the date code imprinted on the tire contained a typographical error. A photograph of the subject tire was available for this adjustment claim which indicated that two of the numbers in the date code had apparently been transposed. Hercules initiated an investigation in which it was found that tires produced during week 48 of year 2020 had been molded with an incorrect date code. From November 15, 2021 to December 8, 2021, Hercules was involved in ongoing communications with various members of NHTSA staff so that the agency could update Hercules' NHTSA portal account access to allow it to submit a noncompliance report. On December 9, 2021, Hercules counsel was notified that access was granted to file a noncompliance information report and company's noncompliance report was submitted the same day.

Description of Remedy :

Description of Remedy Program : Hercules will be submitting a Notice of Inconsequential Noncompliance under 49 C.F.R. 556.

How Remedy Component Differs from Recalled Component : If Hercules is required to conduct a recall campaign following the processing of its inconsequentiality petition, the remedy tires will contain a compliant date code portion of the TIN.

Identify How/When Recall Condition was Corrected in Production : According to the Fabricating Manufacturer, Vee Tyre and Rubber Co., Ltd., the mold with the incorrect ordering of the serial week and year "4280" was removed from production at the beginning of the 49th week on November 29, 2020 at the completion of the prior week's production run.

Recall Schedule :

Description of Recall Schedule : NR

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

Purchaser Information :

The following manufacturers purchased this defective/noncompliant equipment for possible use or installation in new motor vehicles or new items of motor vehicle equipment:

Name : NR

Address : NR

NR

Country : NR

Company Phone : NR

* NR - Not Reported

Part 573 Safety Recall Report

21T-020

Manufacturer Name : Hercules Tire & Rubber Company**Submission Date :** MAR 09, 2022**NHTSA Recall No. :** 21T-020**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : Hercules Tire & Rubber Company

Address : 16380 EAST U.S. ROUTE 224

SUITE 200 FINDLAY OH 45840

Company phone : 419-425-6400

Population :

Number of potentially involved : 67

Estimated percentage with defect : 100 %

Tire Information :

Tire Brand 1 : Hercules

Tire Line : Power ST2

Tire Size : ST205/75R15

Descriptive Information : The Hercules Power ST2 Radial Trailer tire with the size of ST205/75R15.

Production Dates : NOV 23, 2020 - NOV 29, 2020

TIN (Tire Identification Number)

Plant ID	Size code	Optional Code	Begin M Code	End M Code
16M	TU	CPAA	4280	4280

Description of Noncompliance :

Description of the Noncompliance : The subject tires date code portion of the Tire Identification Number (TIN) transposed two digits and incorrectly states the week and year of manufacture on the intended outboard side: correct week and year of manufacture is 4820 and the subject tires are incorrectly marked 4280. As such, the tires do not meet the requirements of FMVSS 110, S4.4.2(e).

FMVSS 1 : 119 - New pneumatic tires- other than passenger cars

FMVSS 2 : NR

Description of the Safety Risk : There is no safety risk because the two transposed digits in the date code provide a unique number that would not be confused with any other date code and Hercules will continued to be able to identify the tires in the event of a recall.

Description of the Cause : In preparation for the 48th week production in 2020, the Fabricating Manufacturer transposed the second and third digit of the date code.

Identification of Any Warning that can Occur : None

Involved Components :

Component Name : Hercules Power ST2 ST205/75R15

Component Description : Trailer Tire

Component Part Number : Hercules Power ST2 ST205/75R15

Supplier Identification :**Component Manufacturer**

Name : VEE TYRE AND RUBBER CO., LTD.

Address : 14/5 MOO 2, SAMUTSAKORN-BAN PAEW ROAD

TAMBOL CHAIMONGKOL, AMPHUR MUANG SAMUTSAKORN Foreign States

Country : Thailand

Chronology :

On October 26, 2021, an adjustment claim for one of the subject tires was submitted to Hercules' exclusive distributor in which it was reported that the date code imprinted on the tire contained a typographical error. A photograph of the subject tire was available for this adjustment claim which indicated that two of the numbers in the date code had apparently been transposed. Hercules initiated an investigation in which it was found that tires produced during week 48 of year 2020 had been molded with an incorrect date code. From November 15, 2021 to December 8, 2021, Hercules was involved in ongoing communications with various members of NHTSA staff so that the agency could update Hercules' NHTSA portal account access to allow it to submit a noncompliance report. On December 9, 2021, Hercules counsel was notified that access was granted to file a noncompliance information report and company's noncompliance report was submitted the same day. Following a request from the agency on December 10, 2021, Hercules amended its Noncompliance Information Report to indicate the relevant FMVSS was FMVSS 139 and Hercules submitted its original inconsequentiality petition thereafter. Following a subsequent request from the agency on March 1, 2022, Hercules again updated the reference to the relevant FMVSS to indicate that the noncompliance pertains to FMVSS 119. An updated inconsequentiality petition was also provided to NHTSA.

Description of Remedy :

Description of Remedy Program : Hercules will be submitting a Notice of Inconsequential Noncompliance under 49 C.F.R. 556.

How Remedy Component Differs from Recalled Component : If Hercules is required to conduct a recall campaign following the processing of its inconsequentiality petition, the remedy tires will contain a compliant date code portion of the TIN.

Identify How/When Recall Condition was Corrected in Production : According to the Fabricating Manufacturer, Vee Tyre and Rubber Co., Ltd., the mold with the incorrect ordering of the serial week and year "4280" was removed from production at the beginning of the 49th week on November 29, 2020 at the completion of the prior week's production run.

Recall Schedule :

Description of Recall Schedule : NR
Planned Dealer Notification Date : NR - NR
Planned Owner Notification Date : NR - NR

Purchaser Information :

The following manufacturers purchased this defective/noncompliant equipment for possible use or installation in new motor vehicles or new items of motor vehicle equipment:

Name : NR
Address : NR
NR
Country : NR
Company Phone : NR

* NR - Not Reported