HERCULES TIRE
12200 Herbert Wayne Court, Suite 150, • Huntersville, NC 28078 • Office: 704-992-2000 • Fax: 704-947-1919 • www.herculestire.com

April 30, 2015

VIA EMAIL

Ms. Jennifer Timian, Chief
Recall Management Division
Office of Defects Investigation
U.S. Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Re: EQ15-001

Dear Ms. Timian:

By letter dated March 12, 2015 (the "Information Request"), the National Highway Traffic Safety Administration informed Hercules Tire & Rubber Company ("Hercules") that it had opened an Equipment Query (EQ15-001) regarding certain Hercules All Trac A/T tires manufactured by Shandong Yongsheg Rubber Co., Ltd. ("Yongsheng"), which are "substantially similar in design, construction, and performance as tires ITG Voma recalled due to a safety defect." In the letter, NHTSA requested certain information concerning these tires. Hercules states at the outset that it has not determined, nor is it in a position to determine, whether any tires Hercules imports or distributes are "substantially similar" to the tires recalled by ITG Voma in October 2014, such that they are "Subject Tires" as defined in the Information Request. This includes the eight tires identified in the December 17, 2014 letter from Michael Cowen, Esq. that is attached to the Information Request, all of which are SUV tires.

Subject to the foregoing, Hercules responds to NHTSA's requests as follows:

1. Has Hercules manufactured (defined to include importation) or distributed or sold or introduced into United States commerce any Subject Tires? If so, list by tire line (e.g., tire brand(s) and/or model name(s)), range of tire identification numbers (TIN), size, load range, type/construction code, inclusive dates of manufacture, and any other information necessary to describe or identify, any Subject Tires.

Hercules will respond to this request on or before May 29, 2015.

2. For each tire line you identified in response to question 1, state the number of those tires Hercules sold or distributed within the United States.

Hercules will respond to this request on or before May 29, 2015.

3. For each Subject Tire line you identified in response to question 1, furnish a cured tire specification history and design history. This specification should include, but not be limited to, material compositions and relevant dimensions pertaining to all major tire components including:

a. Inner liner;
b. Body plies;
c. Beads;
d. Tread or belt plies;
e. Belt wedges or "gum strips"; and
f. Nylon overlay.

Hercules' business does not include designing tires. Accordingly, Hercules is not in possession of the requested information concerning the cured tire specification history, design history, and internal composition of its SUV tires manufactured by Yongsheng. Attached is a chart containing the specification data that Hercules does have concerning its SUV tires manufactured by Yongsheng.

4. Please explain how Hercules determined which tires to recall as part of its 2013 safety recall (safety recall 13T-002). Please also explain why Hercules did not include any Subject Tires in that recall. Describe any field data and provide copies of any technical data or information that explains or supports why Hercules did not.

After being served with a lawsuit concerning an alleged defect in one of its All Trac A/T Load Range E light truck tires, Hercules commenced an investigation. As part of the investigation, Hercules examined its own records, including the warranty data for all of its tires manufactured by Yongsheng, which had been provided to NHTSA as required under 49 C.F.R. § 579.28, and gathered information from Yongsheng. The investigation revealed a higher than usual adjustment rate for some of its All Trac A/T Load Range E tires. Out of an abundance of caution, Hercules voluntarily recalled all of its Load Range E tires. Because the adjustment data for its All Trac A/T SUV tires did not indicate a higher than usual adjustment rate, Hercules did not recall those tires.

5. To the extent Hercules did manufacture or distribute in the Unites States tires Hercules understands have, or may have, the same specifications as the tires ITG Voma recalled in 14T-013, explain why Hercules has not yet made a defect decision and/or decided to conduct a recall of those tires. Describe any field data and provide copies of any technical data or information that explains or supports why Hercules has not made that decision.

After being advised of the ITG Voma recall, Hercules again reviewed the warranty data for its SUV tires, which has been provided to NHTSA as required under 49 C.F.R. § 579.28. Because the adjustment data did not indicate higher than usual adjustment rates for its SUV tires, or any unusual spikes in the adjustment rates for those tires, Hercules did not recall those tires.

6. The attached December 17, 2014, letter from The Cowen Law Group asserts that Shandong's representative testified in a lawsuit that the subject tires share the same "green tire specifications" as the ITG Voma recalled tires, and provides a list of the tire sizes and models. Does Hercules agree with this assessment that the subject tires share the same green tire specifications? Why or why not? Please provide all technical information or data to support your explanation.

Hercules does not possess sufficient information to determine whether the tires listed in the letter from Michael Cowen, Esq. have the exact same green tire specifications as the recalled ITG Voma tires. After receiving the Information Request, Hercules reached out to ITG Voma and obtained the attached document containing certain specifications for the SUV tires recalled by ITG Voma in October 2014. Hercules notes that there are several differences between the specifications for its SUV tires and the specifications for the ITG Voma SUV tires, even between tires of the same size. For example, comparing the All Trac A/T 265/75R16 116T with the Precision Trac II 265/75R16 116T, the All Trac's weight is 37.20 lbs and the Precision Trac's weight is 38.32 lbs.; the All Trac's overall diameter is 31.7 inches and the Precision Trac's overall diameter is 32.0 inches; and the All Trac's section width is 10.51 inches and the Precision Trac's section width is 11 inches.

7. In Hercules's opinion and experience, does the fact that tires share the same green tire specification equate with expected or actual field performance and/or durability? Why or why not?

Hercules does not possess the expertise to opine on this question. Please note that Hercules does not employ engineers.

8. To the extent Hercules has knowledge; identify other tire populations that Shandong Yongsheng Rubber Co. manufactured for importation or sale in the United States that share the same basic construction or "common greens" with the ITG Voma recalled tires and/or the Hercules All Trac A/T tires. For any other tire populations identified, include tire line, size, manufacturing plant, construction code, and year of manufacture. List any tire line, model, or brand names not already identified herein under which these tires may have been sold.

Hercules does not have sufficient knowledge to identify any such tires.

9. Is Hercules related in any way to ITG Voma? If so, please explain the relationship between the companies and identify whether Hercules has access to or shares field or adjustment data or information with ITG Voma.

Hercules is not related in any way to ITG Voma, as a parent, subsidiary, or affiliate. Hercules' parent company, American Tire Distributors, Inc., distributes tires imported by ITG Voma, under the Capitol® brand. Hercules does not have access to and does not share field or adjustment data or information with ITG Voma.

Please feel free to contact me if you have any questions.

Very truly yours,

Joshua Simpson
Senior Vice President

cc: Eric L. Unis, Esq.
J. Michael Gaither