

295863

The Goodyear Tire & Rubber Company
Akron, Ohio 44316 - 0001

September 3, 2004

NHTSA-2004-19103-1

Dr. Jeffrey W. Runge
Administrator
National Highway Traffic Safety Administration
400 Seventh St. SW
Washington, DC 20590

Subject: Petition for Exemption – Inconsequential Noncompliance with 49 CFR 571.109 S4.3(e)

Dear Dr. Runge,

The Goodyear Tire and Rubber Company (Goodyear), a corporation of the State of Ohio with principal address at 1144 East Market Street, Akron, Ohio 44316-0001 hereby petitions pursuant to Part 556 of Title 49 Code of Federal Regulations for exemption from the National Traffic and Motor Vehicle Safety Act's notification and remedy requirements with respect to the following identified passenger car tires.

This petition concerns 3,793 235/45R18 tires whose labeling information incorrectly states that there is 1 ply nylon material in the tires when there is actually 2 plies of nylon present. These tires were manufactured during the period from May 18, 2004 to August 15, 2004. The information on these tires is not in compliance with S4.3(e) of FMVSS-109.

Goodyear believes this noncompliance is inconsequential to motor vehicle safety because the tires meet or exceed all applicable Federal Motor Vehicle Safety performance standards. All of the markings related to tire service (load capacity, corresponding inflation pressure, etc) are correct. The mislabeling of these tires creates no unsafe condition.

As required by 49 CFR 556.4(b)(6), copies of the previously filed defects and noncompliance report are also attached.

Sincerely,



D E Stanley
Vice President
Product Quality & Plant Technology

Attachments

Safety Defect and Noncompliance Report Guide for Equipment
PART 573 Defect and Noncompliance Report

On August 15, 2004, The Goodyear Tire & Rubber Company decided that a noncompliance with motor vehicle safety standard 109 existed in items of motor vehicle equipment listed below, and is furnishing notification to the National Highway Traffic Safety Administration in accordance with 49 CFR Part 573 Defect and Noncompliance Reports.

Date this report was prepared: August 19, 2004

Furnish the manufacturer's identification code for this recall (if applicable): N/A

1. Identify the full corporate name of the fabricating manufacturer/brand name/trademark owner of the recalled item of equipment. If the recalled item of equipment is imported, provide the name and mailing address of the designated agent as prescribed by 49 U.S.C. §30164.

The Goodyear Tire & Rubber Company

1144 East Market Street

Akron, OH 44316

Identify the corporate official, by name and title, whom the agency should contact with respect to this recall.

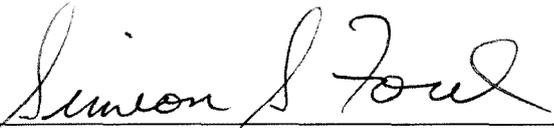
Simeon S. Ford, Manager Government & Customer Compliance

Telephone Number: 330-796-3519 Fax No.: 330-796-6591

Name and Title of Person who prepared this report.

Simeon S. Ford, Manager Government & Customer Compliance

Signed:



I. Identify the Noncompliance Items of Equipment

2. Identify the Items of Equipment Involved in this Noncompliance, for each make and model or applicable item of equipment product line (provide illustrations or photographs as necessary to describe the item of equipment), provide:

Generic name of the item: Tire

Make: Kelly Model: Charger HPT

Make: Essenza Model: 210 Type R

Part Number: NA Size: 235/45R18

Tire Type: Passenger Tire

Other information which characterizes/distinguishes these items of equipment:

DOT Serial Numbers: From: MKFU4DLR2004 To: MKFU4DLR2104 (Kelly Charger HPT)

Production Dates: Beginning: May 18, 2004 Ending: May 27, 2004 “

DOT Serial Numbers: From: MKFU4HLR2804 To: MKFU4HLR3204 (Essenza 210 Type R)

Production Dates: Beginning: July 15, 2004 Ending: August 15, 2004 “

II. Identifying the Population

3. Furnish the total number of items of equipment potentially containing the defect or noncompliance.

<u>Model</u>	<u>Size</u>	<u>Number of Items Potentially Involved</u>
<u>Kelly Charger HPT</u>	<u>235/45R18</u>	<u>1,075</u>
<u>Essenza 210 Type R</u>	<u>235/45R18</u>	<u>2,718</u>

Total Number Potentially Affected: 3,793

4. Furnish the approximate percentage of the total number of items of equipment estimated to actually contain the noncompliance: 100%

Identify and describe how the population was determined--in particular how the models were selected and the basis for the beginning and final dates of manufacture of the items of equipment:

The determination was made after the tire mold was inspected and compared to the actual construction of the tire.

Beginning and final dates of manufacture were determined by the mold service dates.

III. Describe the Defect or Noncompliance

5. Describe the noncompliance. The description should address the nature and physical location of the noncompliance. Illustrations should be provided as appropriate.

The noncompliance is that FMVSS109 requires that tires be marked with the number of plies in the tread area of the tire. In this case, the number of plies molded on the sidewalls of the tires is incorrect. Information molded in these tires lists 1 nylon ply in the tread area when the actual number of nylon plies in the tread is 2.

Describe the cause of the noncompliance condition.

The cause of the noncompliance was an incorrect tire stamping drawing that indicated 1 nylon ply in the tread area.

Describe the consequence(s) of the noncompliance condition.

The consequence of the noncompliance is not safety related. The consequence is a mis-labeled tire.

Identify any warning which can (a) precede or (b) occur.

None.

If the defect or noncompliance is in a component or assembly purchased from a supplier, identify the supplier by corporate name and address.

N/A

Identify the name and title of the chief executive officer or knowledgeable representative of the supplier:

N/A

IV. Provide the Chronology in Determining the Defect/Noncompliance

If the recall is for a defect, complete item 6, otherwise item 7.

6. With respect to a defect, furnish a chronological summary (including dates) of all the principle events that were the basis for the determination of the defect. The summary should include, but not be limited to, the number of reports, accidents, injuries, fatalities, and warranty claims. N/A

7. With respect to a noncompliance, identify and provide the test results or other data (in chronological order and including dates) on which the noncompliance was determined.

On August 15, 2004 it was determined that the mold stamping incorrectly identified the number of tread plies as 1 nylon when it should have been 2 thus resulting in incorrect markings on the tires.

V. Identify the Remedy

8. Furnish a description of the manufacturer's remedy for the noncompliance. Clearly describe the differences between the recall condition and the remedy.

Cause of the noncompliance has been identified and above listed serials cover all of the tires produced. Goodyear will petition for an exemption for inconsequential noncompliance due to the fact that this is mislabeling and not a safety concern (all other markings are correct and the tires pass all required tests).

Clearly describe the distinguishing characteristics of the remedy component/assembly versus the mis-labeled component/assembly.

Not applicable based on the petition for exemption for inconsequential noncompliance.

Identify and describe how and when the condition was corrected in production. If the production remedy was identical to the recall remedy in the field, so state. If the product was discontinued, so state.

This was an isolated instance. However, additional steps have been put in place that will assure that molds are correctly labeled in the future. All of these tires, produced on and after 8/16/04, show the correct number of nylon plies in the tread (2 nylon plies).

VI. Identify the Recall Schedule

Furnish a schedule or agenda (with specific dates) for notification to other manufacturers, dealers/retailers, and purchasers. Please, identify any foreseeable problems with implementing the recall.

Not applicable based on the petition for exemption for inconsequential noncompliance.

VII. Furnish Recall Communications

9. Furnish a final copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and which are sent to more than one manufacturer, distributor, or purchaser. This includes all communications (including both original and follow-up) concerning this recall from the time your company determines the defect or noncompliance condition on, not just the initial notification. *A DRAFT copy of the notification documents should be submitted to this office by Fax (202-366-7882) for review prior to mailing.*

Note: These documents are to be submitted separately from those provided in accordance with Part 573.8 requirements. None.