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November 6, 2009

John Donaldson, Esq.  
Assistant Chief Counsel,  
Legislation and General Law  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE.  
Washington, DC 20590

Dear Mr. Donaldson:

I am writing to inform you of a discrepancy in a version of an agency sponsored publication *The Pneumatic Tire* that is being sold and widely distributed by the American Chemical Society's Rubber Division.

As you may know, NHTSA contracted Drs. Walter Jones and Alan Gent of the University of Akron to serve as assembling editors for what was supposed to be a substantial updating of the book's first edition. The final version, DOT HS 810-516 *The Pneumatic Tire* contains a disclaimer separating the views expressed in the book from those of the agency. It can be found on the first page, after the title page. The ACS version, however, is missing this disclaimer.

As this book was largely written by individuals within the tire industry, this disclaimer is an important caveat to the views expressed in the book. Secondly, we understand that the agency passed a light hand over this work, and that large portions of the first edition were taken wholesale from the old version, without updating of the data; even small errors from the first edition were transferred into the current work. In light of these facts, the missing disclaimer from the ACS version is a critical omission. It alters the public perception of the work, and, we presume, the agency included it for good reason. It is in both the public and agency interest that the publication is accurately represented, and I request that you address the omission of the disclaimer.

Our second concern about this publication involves access. We were unable to readily obtain a copy of the book through the agency. We understand from a conversation with George Soodoo that NHTSA recognizes this problem and intends to

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provide public access to the publication in the very near future. However, we question how the ACS has been permitted to sell a taxpayer-funded and government-sponsored book, in apparent violation of the contract, which stated that NHTSA would be responsible for its dissemination. The agency's response to our Freedom of Information Act request for all documentation regarding the production of *The Pneumatic Tire* did not contain any references to an arrangement between NHTSA and the ACS for the book's sale through the society. We would like to see the contract which allows the ACS to offer the downloadable book for \$10 to non-members. This rate is far below those set by the National Technical Information Service, where consumers are charged \$55 for an electronic format, \$70 for a CD or \$137 for a full-color hardcopy form.

I look forward to receiving your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean E. Kane", written in a cursive style.

Sean E. Kane