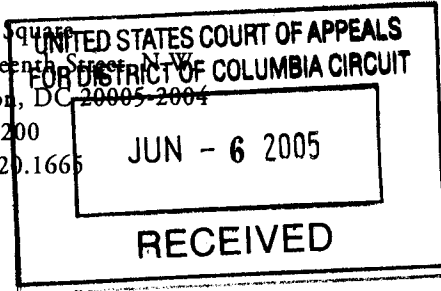


**Pepper Hamilton LLP**  
Attorneys at Law

HAMILTON SQUARE  
600 Fourteenth Street, N.W.  
Washington, DC 20005-2004  
202.220.1200  
Fax 202.220.1665



June 6, 2005

Marc D. Machlin  
Direct dial: 202.220.1149  
machlinm@pepperlaw.com

Via Hand Delivery

Mark Langer, Esq.  
Clerk  
U.S. Court of Appeals for the D.C. Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, N.W., Room #5423  
Washington, D.C. 20001

Re: Public Citizen, Inc., The Goodyear Tire & Rubber Company, et al.  
v. Norman Y. Mineta and U.S. Department of Transportation

Dear Mr. Langer:

Enclosed for filing are an original and five copies of the Petition for Review of Public Citizen, Inc., The Goodyear Tire & Rubber Company, Bridgestone/Firestone North American Tire, LLC, Cooper Tire & Rubber Company, Pirelli Tire LLC, and the Tire Industry Association. Also enclosed are an original and five copies of the Petitioners' Corporate Disclosure Statements under as required Rule 26.1 of the Federal Rules of Appellate Procedure and under D.C. Circuit Rule 26.1. Lastly, enclosed is a check in the amount of \$250 to cover the docketing fee.

We have enclosed one additional copy of the Petition for Review and the Corporate Disclosure Statements. Please date-stamp these extra copies and return them to our messenger.

Please contact me if you have any questions or comments concerning this matter.  
Thank you for your assistance.

Sincerely,

Marc D. Machlin

Enclosures

cc: Counsel of record

Philadelphia

Washington, D.C.

Detroit

New York

Pittsburgh

Berwyn

Harrisburg

Princeton

Wilmington

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT  
JUN - 6 2005  
RECEIVED

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT  
FILED JUN - 6 2005  
CLERK

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

\_\_\_\_\_  
PUBLIC CITIZEN, INC.,  
THE GOODYEAR TIRE & RUBBER COMPANY,  
BRIDGESTONE/FIRESTONE NORTH  
AMERICAN TIRE, LLC,  
COOPER TIRE & RUBBER COMPANY,  
PIRELLI TIRE LLC, and  
TIRE INDUSTRY ASSOCIATION,

*Petitioners,*

v.

\_\_\_\_\_  
NORMAN Y. MINETA, in his official capacity as  
Secretary of the U.S. Department of Transportation;  
DR. JEFFREY W. RUNGE, in his official capacity  
as Administrator of the National Highway Traffic  
Safety Administration;  
U.S. DEPARTMENT OF TRANSPORTATION; and  
NATIONAL HIGHWAY TRAFFIC SAFETY  
ADMINISTRATION  
400 Seventh Street, S.W.  
Washington, DC 20590,

*Respondents.*

No. 05-1188

**PETITION FOR REVIEW**

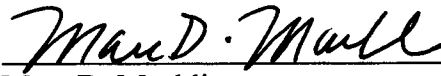
Pursuant to 49 U.S.C. § 30161, and in accordance with Rule 15 of the Federal Rules of Appellate Procedure, Public Citizen, Inc., The Goodyear Tire & Rubber Company, Bridgestone/Firestone North American Tire, Inc., Cooper Tire & Rubber Company, Pirelli Tire LLC, and the Tire Industry Association hereby petition this Court for review of the final rule

issued by the National Highway Traffic Safety Administration (“NHTSA”), an agency within the U.S. Department of Transportation, in *Federal Motor Vehicle Safety Standards; Tire Pressure Monitoring Systems; Controls and Displays*, 67 Fed. Reg. 18136 (April 8, 2005). A copy of NHTSA’s decision, which includes the final rule, is attached to this Petition.

In the proceeding below, NHTSA adopted Federal Motor Vehicle Safety Standard No. 138, which will be codified at 49 C.F.R. § 571.138. NHTSA’s final rule purports to implement Section 13 of the Transportation Recall Enhancement, Accountability, and Document Act, Pub. L. No. 106-414, § 13, 114 Stat. 1800, 1806 (2000), reprinted in 49 U.S.C. § 30123 note (“TREAD Act”). Section 13 requires the agency to adopt a regulation “require[ing] a warning system in new motor vehicles to indicate to the operator when a tire is significantly under inflated.” *Id.*

NHTSA’s rule is inconsistent with statutory requirements, and the agency’s decision adopting this rule was arbitrary and capricious. NHTSA’s decision and its new rule should be invalidated or set aside by this Court.

Respectfully submitted,



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202.588.1000

*Attorneys for Public Citizen, Inc.*

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615.937.1000

*Attorney for Bridgestone/Firestone North  
American Tire, LLC*

James E. Kline  
Vice President, General Counsel & Secretary  
Jack Jay McCracken  
Assistant Secretary  
COOPER TIRE & RUBBER COMPANY  
701 Lima Avenue  
Findlay, Ohio 45840  
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419.424.4333

*Attorneys for Cooper Tire & Rubber Company*

Dated: June 6, 2005

Deborah A. Okey  
Associate General Counsel – Litigation  
THE GOODYEAR TIRE & RUBBER  
COMPANY  
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330.796.4827

*Attorneys for The Goodyear Tire & Rubber Co.*

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706.368.5814

*Attorney for Pirelli Tire LLC*

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Baltimore, Maryland 21202  
410.783.3542  
pgunst@agtlawyers.com

*Attorney for Tire Industry Association*

CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of June, 2005, copies of the foregoing Petition

for Review were served by first-class mail on the following persons:

Dr. Jeffrey William Runge  
Administrator  
National Highway Traffic Safety Admin.  
Room 5220  
400 Seventh Street, S.W.  
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General Counsel  
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Assistant Attorney General – Antitrust  
U.S. Department of Justice  
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Chief Counsel  
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Washington, D.C. 20590

Norman Y. Mineta  
Secretary  
U.S. Department of Transportation  
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Washington, D.C. 20590

Peter D. Keisler, Esq.  
Assistant Attorney General – Civil Division  
U.S. Department of Justice  
Room 3141  
Tenth & Constitution Avenue, N.W.  
Washington, D.C. 20530

  
\_\_\_\_\_  
Marc D. Machlin

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

JUN - 6 2005

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PUBLIC CITIZEN, INC., )  
THE GOODYEAR TIRE & RUBBER COMPANY, )  
BRIDGESTONE/FIRESTONE NORTH )  
AMERICAN TIRE, LLC, )  
COOPER TIRE & RUBBER COMPANY, )  
PIRELLI TIRE LLC, and )  
TIRE INDUSTRY ASSOCIATION, )

*Petitioners,* )

v. )

NORMAN Y. MINETA, in his official capacity as )  
Secretary of the U.S. Department of Transportation; )  
DR. JEFFREY W. RUNGE, in his official capacity )  
as Administrator of the National Highway Traffic )  
Safety Administration; )  
U.S. DEPARTMENT OF TRANSPORTATION; and )  
NATIONAL HIGHWAY TRAFFIC SAFETY )  
ADMINISTRATION )  
400 Seventh Street, S.W. )  
Washington, DC 20590, )

*Respondents.* )

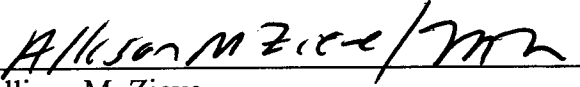
05-1188

No. \_\_\_\_\_

**DISCLOSURE STATEMENT OF PUBLIC CITIZEN, INC.**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Local Rule 26.1, Petitioner Public Citizen, Inc. is a non-profit corporation that has no parents, subsidiaries, or affiliates that have issued shares or debt securities to the public.

Respectfully submitted,



Allison M. Zieve

Brian Wolfman

PUBLIC CITIZEN, INC.

1600 Twentieth Street, N.W.

Washington, D.C. 20009

202.588.1000

Dated: June 6, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of June, 2005, copies of the foregoing

Disclosure Statement of Public Citizen, Inc. were served by first-class mail on the following persons:

Dr. Jeffrey William Runge  
Administrator  
National Highway Traffic Safety Admin.  
Room 5220  
400 Seventh Street, S.W.  
Washington, DC 20590

Alberto R. Gonzales, Esq.  
Attorney General  
U.S. Department of Justice  
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General Counsel  
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Chief Counsel  
National Highway Traffic Safety Admin.  
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Norman Y. Mineta  
Secretary  
U.S. Department of Transportation  
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Assistant Attorney General – Civil Division  
U.S. Department of Justice  
Room 3141  
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Washington, D.C. 20530

  
\_\_\_\_\_  
Marc D. Machlin



UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

JUN - 6 2005

IN THE  
**RECEIVED** UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PUBLIC CITIZEN, INC.,  
THE GOODYEAR TIRE & RUBBER COMPANY,  
BRIDGESTONE/FIRESTONE NORTH  
AMERICAN TIRE, LLC,  
COOPER TIRE & RUBBER COMPANY,  
PIRELLI TIRE LLC, and  
TIRE INDUSTRY ASSOCIATION,

*Petitioners,*

v.

NORMAN Y. MINETA, in his official capacity as  
Secretary of the U.S. Department of Transportation;  
DR. JEFFREY W. RUNGE, in his official capacity  
as Administrator of the National Highway Traffic  
Safety Administration;  
U.S. DEPARTMENT OF TRANSPORTATION; and  
NATIONAL HIGHWAY TRAFFIC SAFETY  
ADMINISTRATION  
400 Seventh Street, S.W.  
Washington, DC 20590,


*Respondents.*

No. 05-1188

**DISCLOSURE STATEMENT OF  
THE GOODYEAR TIRE & RUBBER COMPANY**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Local Rule 26.1, the undersigned counsel represents that The Goodyear Tire & Rubber Company (“Goodyear”) is a publicly held corporation traded on the New York Stock Exchange. Goodyear has no parent corporation. No publicly held corporation owns 10 percent or more of Goodyear’s common stock; however, Brandes Investment Partners, Inc. owns 10 percent or more of Goodyear’s stock.

Respectfully submitted,



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Washington, D.C. 20005-2004  
machlinm@pepperlaw.com  
walshw@pepperlaw.com  
202.220.1200

Deborah A. Okey  
Associate General Counsel – Litigation  
THE GOODYEAR TIRE & RUBBER COMPANY  
1144 East Market Street  
Akron, Ohio 44316  
deborah.okey@goodyear.com  
330.796.4827

Dated: June 6, 2005

*Attorneys for The Goodyear Tire & Rubber Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of June, 2005, copies of the foregoing

Disclosure Statement of The Goodyear Tire & Rubber Company were served by first-class mail  
on the following persons:

Dr. Jeffrey William Runge  
Administrator  
National Highway Traffic Safety Admin.  
Room 5220  
400 Seventh Street, S.W.  
Washington, DC 20590

Alberto R. Gonzales, Esq.  
Attorney General  
U.S. Department of Justice  
Room 5137  
Tenth & Constitution Avenue, N.W.  
Washington, D.C. 20530

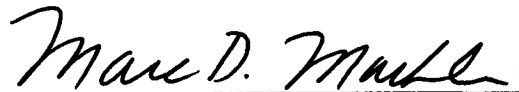
Jeffrey A. Rosen, Esq.  
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Assistant Attorney General – Antitrust  
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Peter D. Keisler, Esq.  
Assistant Attorney General – Civil Division  
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Room 3141  
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Washington, D.C. 20530



Marc D. Machlin

UNITED STATES COURT OF APPEALS  
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\_\_\_\_\_  
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 PUBLIC CITIZEN, INC., )  
 THE GOODYEAR TIRE & RUBBER COMPANY, )  
 BRIDGESTONE/FIRESTONE NORTH )  
 AMERICAN TIRE, LLC, )  
 COOPER TIRE & RUBBER COMPANY, )  
 PIRELLI TIRE LLC, and )  
 TIRE INDUSTRY ASSOCIATION, )

*Petitioners,*

v.

No. 05-1188

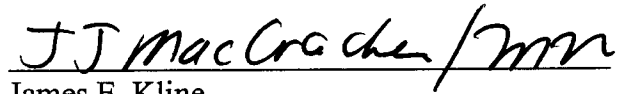
)  
 )  
 NORMAN Y. MINETA, in his official capacity as )  
 Secretary of the U.S. Department of Transportation; )  
 DR. JEFFREY W. RUNGE, in his official capacity )  
 as Administrator of the National Highway Traffic )  
 Safety Administration; )  
 U.S. DEPARTMENT OF TRANSPORTATION; and )  
 NATIONAL HIGHWAY TRAFFIC SAFETY )  
 ADMINISTRATION )  
 400 Seventh Street, S.W. )  
 Washington, DC 20590, )

*Respondents.*

**DISCLOSURE STATEMENT OF  
 COOPER TIRE & RUBBER COMPANY**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Local Rule 26.1, the undersigned counsel represents that Cooper Tire & Rubber Company (“Cooper”) is a publicly held corporation. Cooper may have one shareholder that is publicly traded and that owns 10 percent or more of Cooper’s stock. This shareholder is AXA, and/or its affiliates, such as the AXA Group and/or AXA Financial, Inc. and/or AXA Equitable Life Insurance Company.

Respectfully submitted,

Handwritten signature of James E. Kline in black ink, written over a horizontal line.

James E. Kline  
Vice President, General Counsel & Secretary  
Jack Jay McCracken  
Assistant Secretary  
COOPER TIRE & RUBBER COMPANY  
701 Lima Avenue  
Findlay, Ohio 45840  
419.427.7757  
419.424.4333

*Attorneys for Cooper Tire & Rubber Co.*

Dated: June 6, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of June, 2005, copies of the foregoing

Disclosure Statement of Cooper Tire & Rubber Company were served by first-class mail on the following persons:

Dr. Jeffrey William Runge  
Administrator  
National Highway Traffic Safety Admin.  
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400 Seventh Street, S.W.  
Washington, DC 20590

Alberto R. Gonzales, Esq.  
Attorney General  
U.S. Department of Justice  
Room 5137  
Tenth & Constitution Avenue, N.W.  
Washington, D.C. 20530

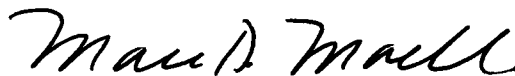
Jeffrey A. Rosen, Esq.  
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U.S. Department of Transportation  
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Washington, DC 20590

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Assistant Attorney General – Antitrust  
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Norman Y. Mineta  
Secretary  
U.S. Department of Transportation  
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U.S. Department of Justice  
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Washington, D.C. 20530

  
\_\_\_\_\_  
Marc D. Machlin

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IN THE  
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FOR THE DISTRICT OF COLUMBIA CIRCUIT

PUBLIC CITIZEN, INC.,  
THE GOODYEAR TIRE & RUBBER COMPANY,  
BRIDGESTONE/FIRESTONE NORTH  
AMERICAN TIRE, LLC,  
COOPER TIRE & RUBBER COMPANY,  
PIRELLI TIRE LLC, and  
TIRE INDUSTRY ASSOCIATION,

*Petitioners,*

v.

NORMAN Y. MINETA, in his official capacity as  
Secretary of the U.S. Department of Transportation;  
DR. JEFFREY W. RUNGE, in his official capacity  
as Administrator of the National Highway Traffic  
Safety Administration;  
U.S. DEPARTMENT OF TRANSPORTATION; and  
NATIONAL HIGHWAY TRAFFIC SAFETY  
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400 Seventh Street, S.W.  
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*Respondents.*

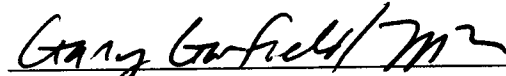
No. 05-1188

**DISCLOSURE STATEMENT OF  
BRIDGESTONE/FIRESTONE NORTH AMERICAN TIRE, LLC**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Local  
Rule 26.1, the undersigned counsel represents that Bridgestone/Firestone North American Tire,  
LLC is a Delaware limited liability company. It is a wholly owned subsidiary of Bridgestone  
Americas Holding, Inc., a Nevada corporation, which is not traded in the U.S. Bridgestone

Americas Holding, Inc. is a subsidiary of Bridgestone Corporation (Tokyo, Japan), which is publicly traded in Japan.

Respectfully submitted,



---

Gary A. Garfield  
Vice President, General Counsel & Secretary  
BRIDGESTONE/FIRESTONE NORTH  
AMERICAN TIRE, LLC  
535 Marriott Drive  
Nashville, Tennessee 37214  
615.937.1000

*Attorney for Bridgestone/Firestone North  
American Tire, LLC*

Dated: June 6, 2005



CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of June, 2005, copies of the foregoing

Disclosure Statement of Bridgestone/Firestone North American Tire, LLC were served by first-class mail on the following persons:

Dr. Jeffrey William Runge  
Administrator  
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Marc D. Machlin

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

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PUBLIC CITIZEN, INC.,  
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AMERICAN TIRE, LLC,  
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PIRELLI TIRE LLC, and  
TIRE INDUSTRY ASSOCIATION,

*Petitioners,*

v.

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Secretary of the U.S. Department of Transportation;  
DR. JEFFREY W. RUNGE, in his official capacity  
as Administrator of the National Highway Traffic  
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U.S. DEPARTMENT OF TRANSPORTATION; and  
NATIONAL HIGHWAY TRAFFIC SAFETY  
ADMINISTRATION  
400 Seventh Street, S.W.  
Washington, DC 20590,

*Respondents.*

No. 05-1188

**DISCLOSURE STATEMENT OF  
TIRE INDUSTRY ASSOCIATION**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Local Rule 26.1, the undersigned counsel represents that the Tire Industry Association (“TIA”) is a non-profit organization with approximately 5,000 members. The TIA is not publicly traded, and it has no corporate parent or shareholders.

Respectfully submitted,

  
\_\_\_\_\_

Peter H. Gunst

ASTRACHAN GUNST & THOMAS, P.C.

217 East Redwood Street, Suite 2100

Baltimore, Maryland 21202

410.783.3542

pgunst@agtlawyers.com

*Attorney for Tire Industry Association*

Dated: June 6, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of June, 2005, copies of the foregoing Disclosure Statement of the Tire Industry Association were served by first-class mail on the following persons:

Dr. Jeffrey William Runge  
Administrator  
National Highway Traffic Safety Admin.  
Room 5220  
400 Seventh Street, S.W.  
Washington, DC 20590

Alberto R. Gonzales, Esq.  
Attorney General  
U.S. Department of Justice  
Room 5137  
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Washington, D.C. 20530

Jeffrey A. Rosen, Esq.  
General Counsel  
U.S. Department of Transportation  
Room 10428  
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Washington, DC 20590

R. Hewitt Pate, Esq.  
Assistant Attorney General – Antitrust  
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Jacqueline Glassman, Esq.  
Chief Counsel  
National Highway Traffic Safety Admin.  
Room 5219  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Norman Y. Mineta  
Secretary  
U.S. Department of Transportation  
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Washington, D.C. 20590

Peter D. Keisler, Esq.  
Assistant Attorney General – Civil Division  
U.S. Department of Justice  
Room 3141  
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Washington, D.C. 20530

  
\_\_\_\_\_  
Marc D. Machlin

UNITED STATES COURT OF APPEALS  
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JUN - 6 2005

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 PIRELLI TIRE LLC, and )  
 TIRE INDUSTRY ASSOCIATION, )

*Petitioners,* )

v. )

NORMAN Y. MINETA, in his official capacity as )  
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 DR. JEFFREY W. RUNGE, in his official capacity )  
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 U.S. DEPARTMENT OF TRANSPORTATION; and )  
 NATIONAL HIGHWAY TRAFFIC SAFETY )  
 ADMINISTRATION )  
 400 Seventh Street, S.W. )  
 Washington, DC 20590, )

*Respondents.* )

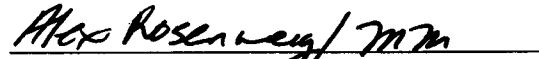
No. 05-1188

**DISCLOSURE STATEMENT OF  
PIRELLI TIRE LLC**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Local Rule 26.1, the undersigned counsel represents that Pirelli Tire LLC is a Delaware limited liability corporation. It is not publicly traded. Its direct parent is Pirelli North America, Inc. ("PNA"). PNA's series A shares are owned by Pirelli Tyre Holding N.V., based in Holland, which is itself

100 percent owned by Pirelli C.S.p.A., an entity that is publicly traded on the Milan Stock Exchange.

Respectfully submitted,



Alexander Rosenzweig  
Vice President & Chief Legal Officer  
PIRELLI TIRE LLC  
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Rome, Georgia 30161  
706.368.5814

Dated: June 6, 2005

*Attorney for Pirelli Tire LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of June, 2005, copies of the foregoing

Disclosure Statement of Pirelli Tire LLC were served by first-class mail on the following

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