

John N. Garner, Senior Counsel  
Commercial Legal Affairs  
Continental  
21440 W. Lake Coke Road  
Deer Park, IL 60010

DEC - 4 2008

Re: Request for Confidential Treatment—EA08-001

Dear Mr. Garner:

This responds to your August 8, 2008, letter requesting confidential treatment for Siemens VDO Automotive (Continental) information provided in response to an information request (IR) directed to BMW of North America (BMW) in the above-referenced investigation. According to your letter, BMW informed Continental that it was enclosing Siemens VDO data in its response. In order to protect the confidentiality of its data, Continental now requests confidential treatment for four one-page test reports being provided by BMW. The test reports were enclosed with your request. You ask that the materials be granted permanent confidential treatment.

Your letter contends the test reports reveal product evaluation techniques and test procedures that are carefully guarded by Continental. In Continental's view, disclosure of the foregoing would reveal Continental's operations strengths to competitors and enable them to develop and refine their own product evaluation and design methodologies without incurring the significant costs associated with independent development of product evaluation and testing protocols. Continental asserts that disclosure also would reveal certain information about design standards for the subject components.

Continental's request was prompted by BMW's submission of the same test data. Under the provisions of 49 CFR Part 512, BMW was required to submit a certification from third party suppliers such as Continental when submitting its original request. BMW did not do so. Instead, it apparently notified Continental that it was providing Continental data to NHTSA. In order to protect the data, Continental filed this request.

Continental should be mindful that the practice of suppliers providing certifications and requests for confidential treatment for materials submitted by vehicle manufacturers is not viewed favorably by NHTSA. The Agency processes a large number of requests for confidential treatment each year. When supplier certifications and/or requests for confidential treatment are submitted separately, it increases both the Agency's workload

and the possibility that confidential materials will be released because of conflicting confidentiality determinations, an inability to correctly identify materials common to multiple submissions, or by mistake. Nonetheless, I have reviewed your submission and am granting your request.

This grant of confidential treatment will remain in effect for an indefinite period of time and is subject to certain conditions. The information may be disclosed under 49 C.F.R. § 512.22 based upon newly discovered or changed facts, and you must inform the agency of any changed circumstances that may affect the protection of the information (49 C.F.R. § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 C.F.R. § 512.22(b)).

Sincerely,

**Original Signed By**

Otto G. Matheke, III  
Senior Attorney

