



August 8, 2008

Mr. Anthony M. Cooke
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
West Building W41-227
Washington, DC 20590

Re: EA08-001
BMW OC3

NHTSA
WASHINGTON, DC 20590
2008 AUG 11 A 9:34
OFFICE OF CHIEF
COUNSEL

Dear Mr. Cooke:

Continental has been advised that BMW has recently submitted a response to an Information Request in the above-referenced proceeding. Continental has also been advised that BMW's submission includes four confidential test reports prepared in 2006 by Siemens VDO.

Effective December 1, 2007, Continental AG purchased all of Siemens AG's automotive operations generally known then as Siemens VDO Automotive. After the acquisition by Continental AG, Siemens VDO Automotive changed its name to VDO Automotive AG, and has recently changed again to Continental Automotive GmbH.

Because these reports reveal highly confidential proprietary information about Continental Automotive's test and product evaluation procedures as well as information from which the certain product design standards can be inferred, Continental is submitting this request for confidential treatment of the test reports and the certificate required by your regulations. As set forth below, we request that this information be withheld from public disclosure on an indefinite basis.

The documents for which confidential treatment is being sought today are similar in content and format to certain documents submitted on March 31, 2008 by Continental in connection with this same proceeding. On July 3, 2008, you granted Continental's request for confidential treatment for these documents. For your reference, the documents for which confidential treatment is being sought today closely resemble the documents beginning with Bates-numbers 2422, 2460 and 2488.

Continental
21440 W. Lake Cook Road
Deer Park, IL 60010

www.continental-corporation.com

A. Description of the Information (49 C.F.R. § 512.8(a))

The information for which confidential treatment is being requested consists of four test reports on seats equipped with sensor mats.

B. Confidentiality Standard (49 C.F.R. § 512.8(b))

This submission is subject to the substantial-competitive-harm standard set forth in 49 C.F.R. § 512.15(b) for information that a submitter is required to provide to the agency.

C. Justification for Confidential Treatment (49 C.F.R. § 512.8(c))

Part 512 and FOIA Exemption 4 protect the confidentiality of information that is likely to cause substantial competitive harm to the submitter if disclosed.

The information for which Continental Automotive is seeking confidential treatment is exempt from disclosure under this standard. The test reports reveal product evaluation tests and test procedures that are carefully guarded by Continental Automotive. The disclosure of such information could reveal Continental Automotive's operations strengths to competitors and would enable them to develop and refine their own product evaluation and testing methodologies without incurring the significant costs associated with independent development of product evaluation and testing protocols. Thus, this information would enable Continental Automotive's competitors to compete more effectively against Continental Automotive. It also would reveal certain information about design standards for the subject components.

D. Class Determination (49 C.F.R. § 512.8(d))

The information is not subject to a class determination.

E. Duration For Which Confidential Treatment Is Sought (49 C.F.R. § 512.8(e))

Because the information will retain its competitive value indefinitely, Continental Automotive requests that the information be accorded confidential treatment indefinitely.

F. Contact Information (49 C.F.R. § 512.8(f))

Please direct all inquiries and responses to the undersigned.

* * *

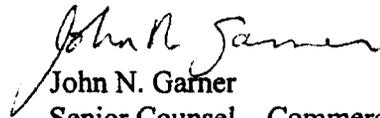
A certificate attesting to the confidentiality of the information is enclosed, in accordance with your regulations.

If you receive a request for disclosure of the information for which confidential treatment is being sought before you have completed your review of our request, Continental Automotive

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respectfully requests notification of the request(s) and an opportunity to provide further justification for the confidential treatment of this information, if warranted.

Sincerely,

A handwritten signature in cursive script that reads "John N. Garner". The signature is written in dark ink and is positioned above the printed name.

John N. Garner
Senior Counsel – Commercial Legal Affairs

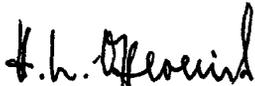
Enclosures

Certificate in Support of Request for Confidentiality

I, Henderikus L. Offereins pursuant to the provisions of 49 C.F.R. Part 512, state as follows:

- (1) I am Director Engineering and I am authorized by Continental Automotive GmbH to execute documents on its behalf;
- (2) I certify that the information contained in the attached documents is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4);
- (3) I hereby request that the information contained in the indicated documents be protected on a permanent basis;
- (4) This certification is based on the information provided by the responsible Continental Automotive GmbH personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Continental Automotive GmbH;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Continental Automotive GmbH has claimed confidential treatment has never been released or become available outside Continental Automotive GmbH, except for disclosures to manufacturers who are customers of Continental Automotive GmbH and who were provided the information with the understanding that such information must be maintained in strict confidence;
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside Continental Automotive GmbH because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and
- (7) I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 5th day of August 2008



Henderikus L. Offereins
Director Engineering
Occupant Classification
Continental Automotive GmbH