



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

JUL 14 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Jan Urbahn, General Manager
Safety Engineering and Intelligent Transportation Systems
BMW of North America, LLC.
P.O. Box 1227
Westwood, NJ 07645-1227

NVS-212am
EA09-019

Dear Dr. Urban:

As you are aware the Office of Defects Investigation (ODI) is conducting Engineering Analysis (EA09-019) concerning allegations of Brake/Tail/Turn Signal rear lamp malfunction in model year (MY) 2002-2005 BMW 3 Series Sedans (E46) manufactured by Bayerische Motoren Werke AG (BMW). Based on our analysis of the information received during EA 09-019 thus far, ODI is requesting additional information to further study the electrical failures that result in a loss of the rear turn signal and other lamps on the subject vehicles. This letter requests additional information to assist us in our investigation.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** all MY 2002-2005 BMW 3 Series Sedans manufactured for sale or lease in the United States.
- **Group II vehicles:** all MY 1999-2001 BMW 3 Series Sedans manufactured for sale or lease in the United States.
- **Subject components:** (1) on the harness side of the electrical connection at the lamp assembly, (a) the multi-wire (or multi-pin) connector housing that attaches to the outboard lamp assembly (e.g., part number 12 52 7 519 956, and any others), (b) the ground wire terminal(s) used within the connector housing (e.g., part number 12 52 0 007 171, and any others), and (c) any associated wiring, harnesses, or repair kits/components for the housing (e.g., part number 61 13 1 387 144, 61 13 1 387 150, 61 13 1 393 718, 07 11 9 975 531, and any others) for both the driver side and passenger side outboard rear lamp assemblies; and (2) on the lamp assembly side of the connection, (a) the ground circuit connector (terminal) of the rear lamp assembly, and (b) the entire driver side and passenger side outboard rear lamp assembly.
- **BMW:** Bayerische Motoren Werke AG, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated

enterprises, including but not limited to BMW North America LLC, and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of BMW who are or, in or after 1997, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

- a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** Failure of the left or right rear outboard turn signal to illuminate, and/or improper functioning or performance of the electrical ground circuit for the left or right rear outboard lamp assembly, including but not limited to failures, melting, or discontinuity of the multi-wire (pin) electrical connector, the electrical terminals and/or wiring used at the electrical connector (including the harness side and lamp side terminals), and/or any other electrical connections, harnessing or wiring used in the ground circuit of the subject vehicles and/or Group II vehicles, and/or any overheating including melting or fire in or in the proximity of any electrical connection to the left or right rear outboard lamp assembly.
 - **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall

include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by BMW, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by BMW or not. If a document is not in the English language (for example it is in German), provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166(e), please provide numbered responses to the following information requests. Insofar as BMW has previously provided a document to ODI, BMW may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After BMW's response to each request, identify the source of the information and indicate the last date the information was gathered.

For this EA, please provide the following information. As part of its response, provided that BMW's March 15, 2010 response is complete (bearing in mind that some definitions above have been modified for this IR and that a complete response to this IR is required) BMW may update its March 15, 2010 response to NHTSA's initial IR in EA09-019 with all information not previously provided for the following.

1. State, by model and model year, the number of subject vehicles and Group II vehicles BMW has manufactured for sale or lease in the United States. Separately, for each subject vehicle and Group II vehicle manufactured to date by BMW, state the following:
 - a. Vehicle identification number (VIN);
 - b. Date of manufacture;

- c. Date warranty coverage commenced; and
- d. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2007, or a compatible format, entitled "PRODUCTION DATA."

2. State the number of each of the following received by BMW or of which BMW is otherwise aware that relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Reports involving a fire;
 - e. Property damage claims;
 - f. Third-party arbitration proceedings where BMW is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which BMW is or was a defendant or codefendant.

For subparts "a" through "e" state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "e," provide a summary description of the alleged problem and causal and contributing factors and BMW's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. BMW's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's body style;
 - g. Vehicle's mileage at time of incident;
 - h. Incident date;
 - i. Report or claim date;
 - j. Whether a crash is alleged;
 - k. Whether a fire is alleged;

- l. Whether property damage is alleged;
- m. Number of alleged injuries, if any; and
- n. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2007, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

- 4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method BMW used for organizing the documents.
- 5. State the number of each of the following received by BMW or of which BMW is otherwise aware that relate to, or may relate to, the alleged defect in the Group II vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a Group II vehicle, property damage claims, consumer complaints, or field reports;
 - d. Reports involving a fire;
 - e. Property damage claims;
 - f. Third-party arbitration proceedings where BMW is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which BMW is or was a defendant or codefendant.

For subparts "a" through "e" state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "e," provide a summary description of the alleged problem and causal and contributing factors and BMW's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

- 6. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 5, state the following information:
 - a. BMW's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 5 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's body style;
 - g. Vehicle's mileage at time of incident;

- h. Incident date;
- i. Report or claim date;
- j. Whether a crash is alleged;
- k. Whether a fire is alleged;
- l. Whether property damage is alleged;
- m. Number of alleged injuries, if any; and
- n. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2007, or a compatible format, entitled "REQUEST NUMBER FIVE DATA."

- 7. Produce copies of all documents related to each item within the scope of Request No. 5. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method BMW used for organizing the documents.
- 8. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by BMW to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. BMW's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

BMW's response to this request must include but is not limited to any and all claims related to the technical service bulletin number 63 03 06 (not just the claims where the connector housing was replaced), claims where an outboard lamp assembly was replaced due to a problem with the ground circuit (e.g., overheating damage of the ground terminal), and any other claims that involved other repairs of the ground circuit not related to this bulletin. Provide this information in Microsoft Access 2007, or a compatible format, entitled "SUBJECT VEHICLE WARRANTY DATA."

- 9. Describe in detail the search criteria used by BMW to identify the claims identified in response to Request No. 8, including the labor operations, problem codes, part numbers and any other pertinent parameters used (e.g., keyword searches of condition and repair

statements). Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by BMW on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that BMW offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

10. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by BMW to date that relate to, or may relate to, the alleged defect in the Group II vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. BMW's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

BMW's response to this request must include but is not limited to any and all claims related to the technical service bulletin number 63 03 06 (not just the claims where the connector housing was replaced), claims where an outboard lamp assembly was replaced due to a problem with the ground circuit (e.g., overheating damage of the ground terminal), and any other claims that involved other repairs of the ground circuit not related to this bulletin. Provide this information in Microsoft Access 2007, or a compatible format, entitled "GROUP II VEHICLE WARRANTY DATA."

11. Describe in detail the search criteria used by BMW to identify the claims identified in response to Request No. 10, including the labor operations, problem codes, part numbers and any other pertinent parameters used (e.g., keyword searches of condition and repair statements). Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the Group II vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by BMW on the Group II vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that BMW offered for the Group II vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

12. With regard to BMW 3 series sedans manufactured for sale or lease in the United States, separately for each model year between 1999 and 2005, state the BMW part number (as manufactured and for service) of the driver side and the passenger side rear outboard lamp assembly and of the wiring harness connector(s) for those assemblies. For any and all model years, if there were different rear lamp assemblies for different body styles, for each lamp assembly state the body style of the vehicles it was installed on by BMW. Describe all similarities and differences in the rear outboard lamp assemblies and associated wiring harness connectors, between those installed on (a) MY 1999-2001 BMW 3 series vehicles (Group II vehicles) as manufactured by BMW and (b) Subject Vehicles.
13. For each rear lamp assembly and wire harness connector identified in your response to number 12, state the supplier's name, address, and person who is the point of contact (name, title, and telephone number).
14. Separately for each subject component manufactured and/or distributed for use on subject vehicles, state the component name, part number (both service and engineering/production), model and model year of the vehicle for which it has been designated for use, month/year of sale (including the cut-off date for sales, if applicable) and the numbers of that subject component that BMW has sold in the United States by month and year.
15. Identify each and every kit and/or service part that has been released or developed by BMW for use in repairs to one or more subject components in the subject vehicles, or to any assembly that contains one or more of the subject components, by kit/service part name, part number (both service and engineering/production), and model and model year of the vehicle for which it has been designated for use. For each such part, state the supplier's name, address, and appropriate point of contact (name, title, and telephone number). For each kit/service part you identify, state the number of kits and service parts that have been sold (including the cut-off date for sales, if applicable), by month and year.
16. Separately for each subject component manufactured and/or distributed for use on Group II vehicles, state the component name, part number (both service and engineering/production), model and model year of the vehicle for which it has been designated for use, month/year of sale (including the cut-off date for sales, if applicable) and the numbers of that subject component that BMW has sold in the United States by month and year.
17. Identify each and every kit and/or service part that has been released or developed by BMW for use in repairs to one or more subject components in Group II vehicles, or to any assembly that contains one or more of the subject components, by kit/service part name, part number (both service and engineering/production), and model and model year of the vehicle in which it has been designated for use. For each such part, state the supplier's name, address, and appropriate point of contact (name, title, and telephone number). For each kit/service part you identify, state the number of kits and service parts that have been sold (including the cut-off date for sales, if applicable), by month and year.

18. By subject component, identify by make, model and model year, any other BMW vehicles that use the same subject components as the subject vehicles, whether installed in production or in service, and state the applicable dates of production or service usage.
19. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations including, but not limited to, product and design development tests (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, BMW. For each such action, provide the following information:
- Action title or identifier;
 - The actual or planned start date;
 - The actual or expected end date;
 - Brief summary of the subject and objective of the action;
 - Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
 - A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

20. With regard to BMW 3 series sedans manufactured for sale or lease in the United States from (and including) MY 2002 to (and including) MY 2006, describe all similarities and differences in the rear outboard lamp assembly electricity conduits (e.g., metal, wires, ground conductors) and connections including wiring harness connectors, between those installed on (a) Subject Vehicles and (b) MY 2006 BMW 3 series vehicles. State the BMW part numbers (as manufactured and for service) of the driver side and the passenger side rear outboard lamp assemblies in MY 2006 BMW 3 series vehicles.
21. Describe all modifications or changes made by, or on behalf of, BMW in the design, material composition, manufacture, quality control, supply, or installation of the subject components during model years 2002 through 2005, which relate to or may relate to the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
- The date or approximate date on which the modification or change was incorporated into vehicle production;
 - A detailed description of the modification or change;
 - The reason(s) for the modification or change;
 - The part number(s) (service and engineering) of the original component;
 - The part number(s) (service and engineering) of the modified component;
 - Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - When the modified component was made available as a service component; and
 - Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that BMW is aware of which may be incorporated into vehicle production within the next 120 days.

22. Separately identify each and every internal BMW document (including drafts and including emails) relating to the alleged defect in the subject vehicles, including but not limited to those that discuss the alleged defect, the cause of or contributing factors to the alleged defect, field performance and/or durability of the rear lamp assemblies, possible or actual methods of repair to correct the alleged defect, and potential or actual changes to the lamp assembly, its connector or the ground system. Provide a chronological summary of the communications.
23. Produce in chronological order each and every BMW document (including drafts and including emails) relating to the alleged defect in the subject vehicles, including but not limited to those that discuss the alleged defect, the cause of or contributing factors to the alleged defect, field performance and/or durability of the rear lamp assemblies, possible or actual methods of repair to correct the alleged defect, and potential or actual changes to the lamp assembly, its connector or the ground system.
24. Separately identify each and every document (including emails) transmitted between BMW and one or more of its suppliers (both BMW to supplier(s), and supplier to BMW (including where BMW received a copy) relating to the alleged defect in the subject vehicles, including but not limited to those that discuss the alleged defect, the cause of or contributing factors to the alleged defect, field performance and/or durability of the rear lamp assemblies, possible or actual methods of repair to correct the alleged defect, and potential or actual changes to the lamp assembly, its connector or the ground system. Provide a chronological summary of the communications.
25. Produce in chronological order each and every document (including emails) transmitted between BMW and one or more of its suppliers (both BMW to supplier(s), and supplier to BMW (including where BMW received a copy) relating to the alleged defect in the subject vehicles, including but not limited to those that discuss the alleged defect, the cause of or contributing factors to the alleged defect, field performance and/or durability of the rear lamp assemblies, possible or actual methods of repair to correct the alleged defect, and potential or actual changes to the lamp assembly, its connector or the ground system.
26. In consideration of any additional information accumulated and evaluated in preparation of BMW's response to this letter, furnish an update to BMW's assessment of the alleged defect in the subject vehicles and Group II vehicles, provided in BMW's March 15, 2010 response to the original EA IR, including:
 - a. The causal or contributory factor(s);
 - b. The failure mechanism(s);
 - c. The failure mode(s);
 - d. The risk to motor vehicle safety that it poses; and,
 - e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning.

This letter is being sent to BMW pursuant to 49 U.S.C. § 30166(a), (e), which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to require a manufacturer to make reports to enable NHTSA to decide whether the manufacturer has complied with or is complying with 49 USC Chapter 301 and regulations thereunder. It constitutes a new request for information. BMW's failure to respond promptly and fully to this letter could subject BMW to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$6,000 per day, with a maximum of \$17,350,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by 75 Fed. Reg. 79978 (Dec. 21, 2010)). This includes failing to respond to ODI information requests.

If BMW cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, BMW does not submit one or more requested documents or items of information in response to this information request, BMW must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

BMW's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **September 2nd 2011**. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition do not submit any business confidential information in the body of the letter submitted to this office. Please refer to EA09-019 in BMW's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If BMW finds that it is unable to provide all of the information requested within the time allotted, BMW must request an extension from me at (202) 366-8089 no later than five business days before the response due date. If BMW is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information BMW then has available, even if an extension has been granted.

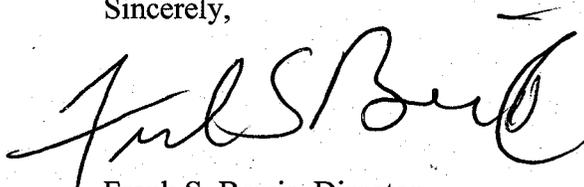
If BMW claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, BMW must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512 to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-326, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. BMW is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** Please remember that the word "CONFIDENTIAL BUSINESS INFORMATION" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6. If you submit a request for

confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.6(c)). See Federal Register, volume 72, page 59434 (October 19, 2007).

Please send email notification to Scott Yon (scott.yon@dot.gov) and to ODI_IRresponse@dot.gov when BMW sends its response to this office and indicate whether there is confidential information as part of BMW's response.

If you have any technical questions concerning this matter, please call Scott Yon of my staff at (202) 366-0139.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank S. Borris". The signature is fluid and cursive, with a prominent initial "F" and a stylized "B".

Frank S. Borris, Director
Office of Defects Investigation
Enforcement